



**House
Legislative
Analysis
Section**

Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

**FOIA: REVISE PUNITIVE DAMAGES,
APPEALS PROCESS**

House Bill 5497

Sponsor: Rep. Liz Brater

Committee: House Oversight and Ethics

Complete to 2-11-96

A SUMMARY OF HOUSE BILL 5497 AS INTRODUCED 12-14-95

Currently, the Freedom of Information Act (Public Act 442 of 1976) allows the circuit court to award punitive damages of \$500 when it finds that a public body has "arbitrarily and capriciously" violated the act by refusing to disclose or delaying in disclosing or providing copies of a public record. The act also specifies that if a public body denies all or part of a request for a public record, the requesting person may sue in the circuit court to compel disclosure of the public record. Such lawsuits, and appeals from such actions, must be assigned for hearing and trial or for argument "at the earliest practicable date" and "expedited in every way."

The bill would amend the act to increase the amount of punitive damages; the bill would require the circuit court to award not less than \$1,000 or more than \$10,000 in punitive damages in such cases. The bill also would specify that FOIA appeals filed in the court of appeals be decided not later than 180 days after filing.

MCL 15.240

House Bill 5497 (2-11-96)

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.