

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH30173-LB-233 (3/12)

Short Title: Open Records Attorneys' Fees.

(Public)

Sponsors: Representative Cleveland.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT A PREVAILING PLAINTIFF IN A SUIT UNDER THE  
3 OPEN MEETINGS LAW IS ENTITLED TO REASONABLE ATTORNEYS' FEES.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** G.S. 132-9(c) reads as rewritten:  
6 "(c) In any action brought pursuant to this section in which a party successfully compels  
7 the disclosure of public records, the court shall allow the prevailing party to recover its  
8 reasonable attorneys' fees if attributed to those public records, ~~unless the court finds the agency~~  
9 ~~acted with substantial justification in denying access to the public records or the court finds~~  
10 ~~circumstances that would make the award of attorneys' fees unjust records.~~  
11 Any attorneys' fees assessed against a public agency under this section shall be charged  
12 against the operating expenses of the agency; provided, however, that the court may order that  
13 all or any portion of any attorneys' fees so assessed be paid personally by any public employee  
14 or public official found by the court to have knowingly or intentionally committed, caused,  
15 permitted, suborned, or participated in a violation of this Article. No order against any public  
16 employee or public official shall issue in any case where the public employee or public official  
17 seeks the advice of an attorney and such advice is followed."  
18 **SECTION 2.** This act becomes effective July 1, 2009.



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