

170074

RHODE ISLAND
General Laws of Rhode Island
Criminal Proceedure

CHAPTER 1
IDENTIFICATION AND APPREHENSION OF CRIMINALS

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12-1-1. Rewards offered by governor. — Whenever any murder, attempt at murder, robbery, or other high crime, shall be committed in the state, and the perpetrator thereof shall escape detection, or shall escape from custody or imprisonment, either before or after conviction, the governor may issue his proclamation offering a suitable reward, not exceeding one thousand dollars (\$1,000), for the apprehension of the offender.

12-1-2. Appropriations for expenses authorized by governor. — The general assembly shall annually appropriate such sums as it may deem necessary for the payment of such services as may be authorized by the governor in the execution of the laws, the detection of crime and the apprehension of offenders, not including

therein the sum to be paid under § 12-1-1 as a reward for the apprehension of offenders.

12-1-3. Rewards offered by towns and cities. — Every town council of any town, or mayor of any city acting with the advice of the city council thereof, may offer a suitable reward, not exceeding five hundred dollars (\$500) in any one case, for the detention, apprehension and conviction of any offender committing a high crime or misdemeanor within the limits of such town or city, to be paid by the town treasurer or city treasurer upon the order of the town council, or mayor and city council, out of any funds of the town or city not otherwise specifically appropriated.

12-1-4. Division of criminal identification — Chief and assistants. — There shall be a division of criminal identification in the department of the attorney-general to be in charge of a chief who shall be appointed by the attorney-general to serve at the pleasure of the attorney-general, and who shall devote all his time to the duties of his office. The said chief with the approval of the attorney-general may appoint such assistants as he may deem necessary to carry out the work of the division, within the limits of any appropriation made for such purpose, and may with the approval of the attorney-general discontinue the employment of any such assistants at any time. Said chief shall perform the functions required by §§ 12-1-5 to 12-1-12, inclusive. In addition to availability of records to law enforcement agencies and officers, the records shall be made available to any attorney of record in any criminal action, and any officials of businesses which are required by federal or state law or regulation to effectuate a criminal background check of potential or prospective employees. Such information shall be confidential and shall be used only by the employer for the employee's application of employment.

12-1-5. Office space of division. — The division shall have suitable offices in the Providence county courthouse assigned to it by the director of administration.

12-1-6. Appropriations for division. — The general assembly shall annually appropriate such sum as it may deem necessary for the salaries of the chief and his assistants and for the expenses of maintaining the division in accordance with the provisions of this chapter.

12-1-7. Criminal identification records — Stolen property reports. — It shall be the duty of the attorney-general to procure and file for record in the office of his department so far as the same can be procured, fingerprints, plates, photos, outline pictures, descriptions, information and measurements of all persons who shall be or shall have been convicted of felony, or imprisoned for violating any of the military, naval or criminal laws of the United States or of any state, and of all well-known and habitual criminals from wherever procurable. He shall procure and keep on file in the office of said department, so far as the same can be procured, fingerprints, measurements, processes, operations, signalletic cards, plates, photographs, outline pictures, measurements and descriptions of any person who shall have been or shall be confined in any penal institution of this state, taken in accordance with the system of identification in use in any such institution. He shall also keep on file in said office the reports of lost, stolen, found, pledged or pawned property required to be furnished to him under the provisions of § 12-1-10.

12-1-8. Methods of identification. — The department may use any of the following systems of identification: the Bertillon, the fingerprint system and any system of measurement that may be adopted by law in the various penal institutions of the state.

12-1-9. Assistance to state and local police in fingerprint identification — Enforcement powers — Cooperation with federal bureau and other states. — Whenever requested by the superintendent of state police or by any superintendent or chief of police or town sergeant of any city or town, the attorney-general may assist such police officials as a criminal investigator in all criminal investigations involving identification by fingerprints. The attorney-general shall have and may exercise in any part of the state with regard to the enforcement of the criminal laws, all powers of sheriffs, deputy sheriffs, town sergeants, chiefs of police, members of the division of state police, police officers and constables. The attorney-general may send or cause to be sent to any state or national bureau of identification established for the purpose of exchanging information, according to the method of identification by fingerprint, or to any police department, whether within or without the state, the descriptions of any person who may have been fingerprinted in this state.

12-1-10. Duty of police officials to furnish fingerprints and stolen property lists. — It shall be the duty of the superintendent of state police and of the superintendents or chiefs of police or town sergeants of each city or town, hereinafter referred to as police officials, to promptly furnish to the attorney-general fingerprints and descriptions of all persons arrested, who, in the judgment of such police officials, are persons wanted for serious crimes, or who are fugitives from justice, and of all persons in whose possession at the time of arrest are found goods or property reasonably believed by such police officials to have been stolen by such persons; and of all persons in whose possession are found burglar outfits or tools or keys or who have in their possession explosives reasonably believed to have been used or to be used for unlawful purposes, or who are in possession of infernal machines, bombs, or other contrivances in whole or in part and reasonably believed by said police officials to have been used or to be used for unlawful purposes, and of all persons who carry concealed firearms or other deadly weapons reasonably believed to be carried for unlawful purposes or who have in their possession inks, dye, paper or other articles necessary in the making of counterfeit bank notes, or in the alteration of bank notes; or dies, molds or other articles necessary in the making of counterfeit money, and reasonably believed to have been used or to be used by such persons for such unlawful purposes. This section is not intended to include violators of

city or town ordinances or of persons arrested for similar minor offenses. It is also made the duty of said police officials to furnish said department daily copies of the reports received by their respective offices of lost, stolen, found, pledged or pawned property.

12-1-11. Photographs and descriptive information as to persons convicted. — In the case of every offense for which an indictment has been found or an information filed and in which the offender has been found guilty and sentenced, or has pleaded guilty or nolo contendere, the attorney-general shall cause to be taken a photograph, and the name, age, weight, height, and a general description of such offender, and his fingerprints in accordance with the fingerprint system of identification of criminals and a history of the offender as shown upon trial. In the case of all offenses triable in the superior court for the counties of Providence and Bristol the attorney-general shall cause such fingerprints, photograph and other information to be taken by his department and in the case of all offenses triable in any other county he may make such arrangements for the taking of such fingerprints, photographs and information as may to him seem most desirable. In the case of offenses other than those that are indictable, for which an offender is committed under a sentence of imprisonment for a period of six (6) months or more, the warden or keeper of a place of detention or penal institution other than institutions designed primarily for the detention of juveniles, to which an offender is committed, shall cause to be taken, unless the court otherwise orders, a like description, photograph, fingerprints and history of such person. Such description, photographs, fingerprints and history shall be taken by persons in the service of the state appointed by the attorney-general for that purpose. All such descriptions, photographs, fingerprints and identifying matter shall be transmitted forthwith to the attorney-general.

12-1-12. Destruction or sealing of records of persons acquitted or otherwise exonerated. — Any fingerprint, photograph, physical measurements, or other record of identification, heretofore or hereafter taken by or under the direction of the attorney general, the superintendent of state police, the member or members of the police department of any city or town or any other officer authorized by this chapter to take them, of a person under arrest, prior to the final conviction of the person for the offense then charged, shall be destroyed by all offices or departments having the custody or possession within forty-five (45) days after there has been an acquittal, dismissal, no true bill, no information or the person has been otherwise exonerated from the offense with which he or she is charged, and the clerk of court where such exonerated has taken place shall, consistent with § 12-1-12.1, place under seal all records of the person in said case; provided, that the person shall not have been previ-

ously convicted of any felony offense. Any person who shall violate any provision of this section shall be fined not exceeding one hundred dollars (\$100).

The requirements of this section shall also apply to persons detained by police, but not arrested or charged with an offense.

History of Section.

§ 1; P.L. 1988, ch. 638, § 1; P.L. 1996, ch. P.L. 1984, ch. 341, § 2; P.L. 1987, ch. 390, 386, § 1.

12-1-12.1. Motion for sealing of records of persons acquitted or otherwise exonerated. — (a) Any person who is acquitted or otherwise exonerated of all counts in a criminal case, included but not limited to dismissal or filing of a no true bill or no information, may file a motion for the sealing of his or her court records in the case, provided, that no person who has been convicted of a felony shall have his or her court records sealed pursuant to this section.

(b) Any person filing a motion for sealing his or her court records pursuant to this section shall give notice of the hearing date set by the court to the department of the attorney general and the police department which originally brought the charge against the person at least ten (10) days prior to the hearing.

(c) If the court, after the hearing at which all relevant testimony and information shall be considered, finds that the person is entitled to the sealing of the records, it shall order the sealing of the court records of the person in that case.

(d) The clerk of the court shall, within forty-five (45) days of the order of the court granting the motion, place under seal the court records in the case in which the acquittal, dismissal, no true bill, no information or other exoneration has been entered.

CHAPTER 1.3

EXPUNGEMENT OF CRIMINAL RECORDS

SECTION.

12-1.3-1. Definitions.

12-1.3-1. Definitions. — For purposes of this chapter only, the following definitions apply:

(1) "Crime of violence" includes murder, manslaughter, first degree arson, kidnapping with intent to extort, robbery, larceny from the person, first degree sexual assault, second degree sexual assault, first and second degree child molestation, assault with intent to murder, assault with intent to rob, assault with intent to commit first degree sexual assault, burglary, and entering a dwelling house with intent to commit murder, robbery, sexual assault, or larceny.

(2) "Expungement of records and records of conviction" shall mean the sealing and retention of all records of a conviction and/or probation and the removal from active files of all records and information relating to conviction and/or probation.

(3) "First offender" means a person who has been convicted of a felony offense or a misdemeanor offense, and who has not been previously convicted of or placed on probation for a felony or a misdemeanor and against whom there is no criminal proceeding pending in any court.

(4) "Law enforcement agency" means a state police organization of this or any other state, the division of drug control, the enforcement division of the department of environmental management, the office of the state fire marshal, the capitol police, a law enforcement agency of the federal government, and any agency, department, or

bureau of the United States government which has as one of its functions the gathering of intelligence data.

(5) "Records" and "records of conviction and/or probation" shall include all court records, all records in the possession of any state or local police department, the bureau of criminal identification and the probation department, including, but not limited to, any fingerprints, photographs, physical measurements, or other records of identification. The terms "records" and "records of conviction, and/or probation" do not include the records and files of the department of attorney general which are not kept by the bureau of criminal identification in the ordinary course of the bureau's business.

12-1.3-2. Motion for expungement. — (A) Any person who is a first offender may file a motion for the expungement of all records and records of conviction for a felony or misdemeanor by filing a motion in the court in which the conviction took place, provided that no person who has been convicted of a crime of violence shall have his or her records and records of conviction expunged.

(B) Subject to subsection (A), a person may file a motion for the expungement of records relating to a misdemeanor conviction after five (5) years from the date of the completion of his or her sentence.

(C) Subject to subsection (A), a person may file a motion for the expungement of records relating to a felony conviction after ten (10) years from the date of the completion of his or her sentence.

12-1.3-3. Motion for expungement — Notice — Hearing — Criteria for granting. — (A) Any person filing a motion for expungement of the records of his or her conviction pursuant to § 12-1.3-2 shall give notice of the hearing date set by the court to the department of the attorney general and the police department which originally brought the charge against said person at least ten (10) days prior thereto.

(B) The court, after the hearing at which all relevant testimony and information shall be considered, may, in its discretion, order the expungement of the records of conviction of the person filing said motion if it finds:

(1) that in the five (5) years preceding the filing of the motion if the conviction was a misdemeanor, in the ten (10) years preceding the filing of the motion if the conviction was for a felony, the petitioner has not been convicted nor arrested for any felony or misdemeanor, there are no criminal proceedings pending against said person and he or she has exhibited good moral character;

(2) that the petitioner's rehabilitation has been attained to the court's satisfaction and the expungement of the records of his or her conviction is consistent with the public interest.

(C) If the court grants the motion, it shall order all records and records of conviction relating to the conviction expunged and all index and other references to it deleted. A copy of the order of the court shall be sent to any law enforcement agency and other agency known by either the petitioner, the department of the attorney general or the court to have possession of said records. Compliance with said order shall be according to the terms specified by the court.

12-1.3-4. Effect of expungement of records — Access to expunged records — Wrongful disclosure. — (A) Any person having his or her record expunged shall, thereafter, be released from all penalties and disabilities resulting from the crime of which he or she had been convicted except upon conviction of any subsequent crime, such conviction may be considered as a prior conviction in determining the sentence to be imposed.

(B) In any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose conviction of a crime has been expunged pursuant to this chapter, may state that he or she has never been convicted of such crime. Provided, however, that if such person is an applicant for a law enforcement agency position, for admission to the bar of any court, an applicant for a teaching certificate, under § 16-11-1 et seq., a coaching certificate under § 16-11.1-1, or the operator or employee of an early childhood education facility, pursuant to chapter 48.1 of title 16 such person shall disclose the fact of a conviction.

(C) Whenever the records of any conviction and/or probation of an individual for the commission of a crime have been expunged under the provisions of this chapter, any custodian of the records of conviction relating to that crime shall not disclose the existence of such records upon inquiry from any source unless said inquiry be that of the individual whose record was expunged, that of a sentencing court following the conviction of the individual for the commission of a crime, or that of a bar admission, character and fitness or disciplinary committee, board or agency, or court which is considering a bar admission, character and fitness or disciplinary matter, or that of the Commissioner of elementary and secondary education, or that of any law enforcement agency when the nature and character of the offense with which an individual is to be charged would be affected by virtue of such person having been previously convicted of the same offense.

(D) The custodian of any records which have been expunged pursuant to the provisions of this chapter shall only release or allow access to such records for the purposes specified in subsections (B) or (C) of this section or by order of a court. Any agency and/or person who willfully refuses to carry out the expungement of the records of conviction pursuant to § 12-1.3-2, or this section or willfully releases or willfully allows access to records of conviction knowing the same to have been expunged, shall be civilly liable.

TITLE 38
PUBLIC RECORDS

CHAPTER.

2. ACCESS TO PUBLIC RECORDS, §§ 38-2-1 to 38-2-12.

CHAPTER 2
ACCESS TO PUBLIC RECORDS

SECTION.

38-2-1. Purpose.
38-2-2. Definitions.
38-2-3. Records of public bodies.
38-2-4. Costs assessed.
38-2-5. Effect of chapter on broader agency
publication — Existing rights
— Judicial records and
proceedings.

SECTION.

38-2-6. Commercial use of public records
prohibited.
38-2-7. Denial of access.
38-2-8. Administrative appeals.
38-2-9. Jurisdiction of state courts.
38-2-10. Burden of proof.
38-2-11. Right supplemental.
38-2-12. Severability.

38-2-1. Purpose. — The public's right to access to records pertaining to the policy-making responsibilities of government and the individual's right to dignity and privacy are both recognized to be principles of the utmost importance in a free society. The purpose of this chapter is to facilitate public access to governmental records which pertain to the policy-making functions of public bodies and/or are relevant to the public health, safety, and welfare. It is also the intent of this chapter to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.

38-2-2. Definitions. — As used in this chapter:

(a) "Agency" or "public body" shall mean any executive, legislative, judicial, regulatory, administrative body of the state or any political subdivision thereof; including, but not limited to any department, division, agency, commission, board, office, bureau, authority, any school, fire, or water district, or other agency of Rhode Island state or local government which exercises governmental functions, or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

(b) "Public business" means any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(c) "Supervisor of the regulatory body" means the chief or head of a section having enforcement responsibility for a particular statute or set of rules and regulations within a regulatory agency.

(d) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material regardless of physical form or characteristics

made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. For the purposes of this chapter, the following records shall not be deemed public:

(1) All records which are identifiable to an individual applicant for benefits, clients, patient, student, or employee; including, but not limited to, personnel, medical treatment, welfare, employment security, and pupil records and all records relating to a client/attorney relationship and to a doctor/patient relationship and all personal or medical information relating to an individual in any files, including information relating to medical or psychological facts, personal finances, welfare, employment security, student performance, or information in personnel files maintained to hire, evaluate, promote or discipline any employee of a public body; provided, however, with respect to employees, the name, gross salary, salary range, total cost of paid fringe benefits, gross amount received in overtime and other remuneration in addition to salary, job title, job description, dates of employment and positions held with the state or municipality, work location, business telephone number, the city or town of residence, and date of termination shall be public.

Notwithstanding the provisions of this section, or any other provision of the general laws to the contrary, the pension records of all persons who are either current or retired members of the retirement systems established by the general laws as well as all persons who become members of said retirement systems after [June 17, 1991] shall be open for public inspection. "Pension records" as used in this section shall include all records containing information concerning pension and retirement benefits of current and retired members of the retirement systems established in title 8, title 36, title 42 and title 45 and future members of said systems, including all records concerning retirement credits purchased and the ability of any member of the retirement system to purchase retirement credits, but excluding all information regarding the medical condition of any person and all information identifying the member's designated beneficiary or beneficiaries.

(2) Trade secrets and commercial or financial information obtained from a person, firm, or corporation, which is of a privileged or confidential nature.

(3) Child custody and adoption records, records of illegitimate births, and records of juvenile proceedings before the family court.

(4) All records maintained by law enforcement agencies for criminal law enforcement; and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency but only to the extent that the disclosure of such records or information (a) could reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (d) could reasonably be

expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, or the information furnished by such a confidential source, (e) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions or (f) could reasonably be expected to endanger the life or physical safety of any individual; provided, however, records relating to management and direction of a law enforcement agency and records reflecting the initial arrest of an adult and the charge or charges brought against an adult shall be public.

(5) Any records which would not be available by law or rule of court to an opposing party in litigation.

(6) Scientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.

(7) Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to said contribution by the contributor.

(8) Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining.

(9) Reports and statements of strategy or negotiation with respect to the investment or borrowing of public funds, until such time as those transactions are entered into.

(10) Any minutes of a meeting of a public body which are not required to be disclosed pursuant to chapter 46 of title 42.

(11) Preliminary drafts, notes, impressions, memoranda, working papers, and work products.

(12) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or promotion, or academic examinations; provided, however, that a person shall have the right to review the results of his or her examination.

(13) Correspondence of or to elected officials with or relating to those they represent, and correspondence of or to elected officials in their official capacities.

(14) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned; provided the law of eminent domain shall not be affected by this provision.

(15) All tax returns.

(16) All investigatory records of public bodies pertaining to possible violations of statute, rule, or regulation other than records of final actions taken provided that all records prior to formal notification of violations or noncompliance shall not be deemed to be public.

(17) Records of individual test scores on professional certification and licensing examinations; provided, however, that a person shall have the right to review the results of his or her examination.

(18) Requests for advisory opinions until such time as the public body issues its opinion.

(19) Records, reports, opinions, information, and statements required to be kept confidential by federal or state law, rule, rule of court, or regulation or by state statute.

(20) Judicial bodies are included in the definition only in respect to their administrative function provided that, records kept pursuant to the provisions of chapter 16 of title 8 are exempt from the operation of this chapter.

(21) Library records which, by themselves, or when examined with other public records, would reveal the identity of the library user requesting, checking out, or using any library materials.

(22) Printouts from telecommunication devices for the deaf or hearing and speech impaired.

However, any reasonably segregable portion as determined by the chief administrative officer of the public body of a public record excluded by this section shall be available for public inspections after the deletion of the information which is the basis of the exclusion, if disclosure of the segregable portion does not violate the intent of this section.

(e) "Chief administrative officer" means the highest authority of the public body as defined in subsection (a) of this section.

38-2-3. Right to inspect and copy records — Duty to maintain minutes of meetings — Procedures for access. — (a) Except as provided in § 38-2-2(d), all records maintained or kept on file by any public body, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to inspect and/or copy such records at such reasonable time as may be determined by the custodian thereof.

(b) Each public body shall make, keep, and maintain written or recorded minutes of all meetings.

(c) Each public body shall establish procedures regarding access to public records.

(d) If a public record is in active use or in storage and, therefore, not available at the time a person requests access, the custodian shall so inform the person and make an appointment for said citizen to examine such records as expeditiously as they may be made available.

(e) Any public body which maintains its records in a computer storage system shall provide a printout of any data properly identified.

(f) Nothing herein shall be construed as requiring a public body to reorganize, consolidate, or compile data not maintained by the public body in the form requested at the time the request to inspect such public records was made.

38-2-4. Cost. — (a) Subject to the provisions of § 38-2-3, a public body must allow copies to be made or provide copies of public records. The cost per copied page of written public documents shall not exceed fifteen cents (\$.15) per page for documents copyable on common business or legal size paper.

(b) A reasonable charge may be made for the search or retrieval of documents. Hourly costs for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be charged for the first thirty (30) minutes of a search or retrieval.

(c) Copies of documents shall be provided and the search and retrieval of documents accomplished within a reasonable time after a request. A public body shall provide an estimate of the costs of a request for documents prior to providing copies.

38-2-5. Effect of chapter on broader agency publication — Existing rights — Judicial records and proceedings. — Nothing in this chapter shall be:

(a) construed as preventing any public body from opening its records concerning the administration of such body to public inspection; or

(b) construed as limiting the right of access as it existed prior to [July 1, 1979], of an individual who is the subject of a record to the information contained herein; or

(c) deemed in any manner to affect the status of judicial records as they existed prior to [July 1, 1979], nor to affect the rights of litigants in either criminal or civil proceedings, including parties to administrative proceedings, under the laws of discovery of this state.

38-2-6. Commercial use of public records prohibited. — No person or business entity shall use information obtained from public records pursuant to this chapter to solicit for commercial purposes; or to obtain a commercial advantage over the party furnishing that information to the public body. Anyone who, knowingly and willfully, violates the provision of this section shall, in addition to any civil liability, be punished by a fine of not more than five hundred dollars (\$500) and/or imprisonment for no longer than one (1) year.

38-2-7. Denial of access. — (a) Any denial of the right to inspect or copy records provided for under this chapter shall be made to the person requesting the right by the public body official who has custody or control of the public record in writing giving the specific reasons for the denial within ten (10) business days of the request, and indicating the procedures for appealing the denial.

(b) Failure to comply with a request to so inspect or copy the public record within the ten (10) business day period, shall be deemed to be a denial. Except that for good cause, this limit may be extended for a period not to exceed thirty (30) business days.

38-2-8. Administrative appeals. — Any person denied the right to inspect a record of a public body by the custodian of said record may petition the chief administrative officer of that public body for a review of the determinations made by his/her subordinate. The chief administrative officer shall make a final determination whether or not to allow public inspection within ten (10) business days after the submission of the review petition.

If the chief administrative officer determines that the record is not subject to public inspection, the person seeking disclosure may institute proceedings for injunctive or declaratory relief in the superior court of the county where the record is maintained.

38-2-9. Jurisdiction of state courts. — (a) Jurisdiction to hear and determine civil actions brought under this chapter is hereby vested in the superior court.

(b) The court may examine any record which is the subject of a suit in camera to determine whether the record or any part thereof may be withheld from public inspection under the terms of this chapter.

(c) Actions brought under this chapter may be advanced on the calendar upon motion of the petitioner made in accordance with the rules of civil procedure of the superior court.

(d) The court may impose a civil fine not exceeding one thousand dollars (\$1,000) against a public body or official found to have committed a willful violation of this chapter.

38-2-10. Burden of proof. — In all actions brought under this chapter, the burden shall be on the public body to demonstrate that the record in dispute can be properly withheld from public inspection under the terms of this chapter.

38-2-11. Right supplemental. — The right of the public to inspect public records created by this chapter shall be in addition to any other right to inspect records maintained by public bodies.

38-2-12. Severability. — If any provision of this chapter is held unconstitutional, such decision shall not affect the validity of the remainder of this chapter. If the application of this chapter to a particular record is held invalid, such decision shall not affect other applications of this chapter.

38-2-13. Records access continuing. — All records initially deemed to be public records which any person may inspect and/or copy under the provisions of this chapter, shall continue to be so deemed whether or not subsequent court action or investigations are held pertaining to the matters contained in said records.

38-2-14. Financial information relating to settlement of legal claims. — Records reflecting the financial settlement by public bodies of any legal claims against a governmental entity shall be deemed public records.