

**State Fines, Penalties and Attorneys' Fees
For Open Records Violations**
Updated Jul 9, 2010

State	Entity	Standard	Civil or criminal	Fines/penalties/Attorneys fees(\$)
ALABAMA				No provision for fines for wrongful failure to disclose \$ <i>Public Records Law does not reference sanctions for noncompliance, but attorneys' fees have been awarded (2001 case)</i>
ALASKA				No sanctions for noncompliance \$ <i>Full attorneys' fees have traditionally been available to the prevailing plaintiff in a public interest suit</i>
ARIZONA	Officer or the public body			If wrongfully denied access to public records, has a cause of action for damages \$ <i>If custodian acted in bad faith or in an arbitrary and capricious manner, superior court may award to petitioner legal costs, including reasonable attorneys' fees</i>
ARKANSAS	A person	Negligent violation	Misdemeanor <hr/> Civil	Fine of up to \$200, imprisonment for up to 30 days or both; alternatively, the defendant may be sentenced to "appropriate public service, education or both" FOIA permits civil suits to enforce \$ <i>Attorneys' fees maybe awarded to a substantially prevailing plaintiff unless the court finds the position of the defendant was substantially justified or that other circumstances make award unjust</i>
CALIFORNIA	Public agency			\$ <i>Court will award costs and reasonable attorneys' fees to prevailing plaintiff</i> \$ <i>Agency can recover attorneys' fees if agency prevails and court finds lawsuit was clearly frivolous</i>

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COLORADO	<hr/> Custodian	Willful and knowing violation <hr/> Arbitrary or capricious	Criminal	Fine of up to \$100, imprisonment of up 90 days, or both <hr/> If criminal justice agency arbitrarily or capriciously withheld a criminal justice record, court may impose a penalty of up to \$25 per day \$ Unless denial was proper, court shall order court costs and reasonable attorneys' fees to prevailing applicant \$ If denial was proper, court will award court costs and reasonable attorneys' fees to the custodian if the action was frivolous, vexatious or groundless
CONNECTICUT				\$ Court costs and attorneys' fees of not more than \$1,000 may be awarded to the prevailing party if the court finds that an appeal of a Freedom of Information Commission decision is frivolous or filed solely for the purpose of delay; court may issue injunction against future actions
DELAWARE				\$ Court may award attorneys' fees and costs to a successful defendant if the action was frivolous or was brought solely for the purpose of harassment
DISTRICT OF COLUMBIA	Any person	Arbitrary and capricious violation	Misdemeanor	Fine of up to \$100
FLORIDA	Public officer <hr/> Agency (\$)	Willing and knowing violation	First degree Misdemeanor	Fine of up to \$1,000, imprisonment of up to one year or both \$ If court finds agency unlawfully refused. Court will assess and award against the agency responsible the reasonable costs of enforcement including reasonable attorneys' fees
GEORGIA	Any person	Knowingly and willfully	Misdemeanor	Fine of up to \$100 \$ Court may award prevailing party reasonable attorneys' fees where it determines that either party acted without substantial justification either in complying with the chapter or in instituting the litigation

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IDAHO	Public official	Deliberately and in bad faith	Civil penalty	Up to \$1,000 \$ Court shall award reasonable costs and attorneys' fees to the prevailing party or parties if it finds that the request or refusal to provide records was frivolously pursued
ILLINOIS		Lacked any rational basis for withholding		\$ If a person seeking the right to inspect or receive a copy of a public record "substantially prevails", the court may award the person reasonable attorneys' fees only if the court finds that the record or records in question were of "clearly significant interest to the general public and that the public body lacked any rational basis in law for withholding the record."
INDIANA				\$ The court will award attorneys' fees, court costs and other reasonable expenses of litigation to the prevailing plaintiff \$ An award of attorneys' fees to a prevailing defendant is discretionary if the court finds the action was frivolous or vexatious.
IOWA			Civil	Court may assess the persons who participated in violation damages of not more than \$500 nor less than \$100 \$ The court will order the payment of all costs and reasonable attorneys fees, including appellate attorneys' fees, to any plaintiff successfully establishing a violation of the Open Records Act.
KANSAS	Agency	Knowingly		Fine up to \$500 for each violation \$ Attorneys' fees are allowable to either party, if the denial or the request was not in good faith and without reasonable basis in fact or law.
KENTUCKY	Official of a public agency	Willful violation	Civil	An amount not to exceed \$25 for each day that the person was denied the right to inspect or copy the public record \$ A court may award costs and attorneys' fees to the requestor if it finds the agency willfully violated the Open Records Act

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LOUISIANA	A person	Violation	Criminal	<ul style="list-style-type: none"> • 1st offense: fine of not less than \$100 and not more than \$1,000, imprisonment for not less than one month and not more than six months or both • Subsequent offense: fine of not less than \$250 and not more than \$2,000, imprisonment for not less than two months and not more than six months or both <p>\$ <i>If a person seeking the right to inspect or to receive a copy of a public record prevails in such a suit, the person will be awarded reasonable attorneys' fees and other costs of litigation. If such person prevails in part, the court may award that person reasonable attorneys' fees or an appropriate portion.</i></p>
MAINE	State government agency or local government entity	Willful	Civil violation	<p>Forfeiture of up to \$500</p> <p>\$ <i>The court may award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff if the court determines that the refusal or illegal action was committed in bad faith. Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.</i></p>
MARYLAND	Governmental unit	Willful and knowing	Misdemeanor	<p>Fine of up to \$1,000, damages</p> <hr/> <p>\$ <i>Court may award actual damages and attorneys' fees to complainant if court finds by clear and convincing evidence that the complainant substantially prevailed</i></p>
MICHIGAN				<p>\$ <i>Reasonable attorneys' fees, costs, and disbursements will be awarded to any person who prevails in an action to compel disclosure. If the complainant prevails in part, the court may use its discretion to award reasonable fees, costs, and disbursements, or an appropriate portion.</i></p>
MISSOURI	Body or member of a public governmental body	Purposeful violation	Civil	<p>Fine of not more that \$5,000 (up to \$1,000 if not purposeful)</p> <p>\$ <i>Court may order a public governmental body or its members to pay all costs and reasonable attorneys' fees to any party successfully establishing a purposeful violation</i></p>

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MONTANA				\$ <i>A plaintiff, who prevails in an action brought in district court to enforce their rights under the Open Records Act, may be awarded costs and reasonable attorneys' fees.</i>
NEBRASKA	Any official	Violation	Class III misdemeanor	<p>Fine of up to \$500, imprisonment of up to three months or both</p> <hr/> <p>Any official who violates the provisions of the public records statutes is subject to removal or impeachment and, in addition, is deemed guilty of a Class III misdemeanor</p> <p>\$ <i>In any case in which the complainant seeking access has substantially prevailed, the court may assess against the public body that had denied access to their records, reasonable attorneys' fees and other litigation costs reasonably incurred by the complainant.</i></p>
NEVADA	Public officer or employee	Acts in good faith		<p>Immune</p> <hr/> <p>\$ <i>If the requester prevails, the requestor is entitled to recover costs and reasonable attorney's fees in the proceeding from the agency whose officer has custody of the book or record.</i></p>
NEW HAMPSHIRE	Public body Public official or employee of public body	Knew or should have known in violation Bad faith		<p>\$ <i>Reasonable attorneys' fees if the court finds that a public body knew or should have known that the conduct engaged in was in violation of the statute</i></p> <p>\$ <i>Fees may be awarded personally against a public official or employee of a public body who acted in bad faith</i></p> <p>\$ <i>Court may award attorneys' fees in favor of public body if the lawsuit was in bad faith, frivolous, unjust, vexatious, wanton or oppressive</i></p>
NEW MEXICO				\$ <i>The court shall order damages, costs and reasonable attorneys' fees to any person whose written request has been denied and is successful in a court action.</i>

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NEW YORK				\$ Court may award reasonable attorneys' fees and other litigation costs reasonably incurred in any case in which the requestor has substantially prevailed, provided, however, that the court finds that: (1) the record involved was, in fact, of clearly significant interest to the general public; and (2) the agency lacked a reasonable basis in law for withholding the record.
NORTH CAROLINA				\$ Requester who prevails may seek attorneys' fees, which is discretionary with the judge
NORTH DAKOTA	Public entity		Intentional or knowing	Court may award costs, disbursements Court may award damages of \$1,000 or actual damages, whichever is greater **Non compliance with an attorney general's opinion can result in personal liability for the person or persons responsible for the noncompliance \$ Court may award attorneys' fees
OHIO				\$ Court has discretion to award attorneys' fees when the person bringing suit obtains a writ of mandamus
OKLAHOMA	A public official	Willful violation	Criminal	Fine of up to \$500, imprisonment of up to one year
OREGON				\$ If requestor prevails entirely and obtains disclosure, the requestor is entitled to reasonable attorneys' fees and litigation costs and disbursements at trial. If the requestor prevails in part, the court may award reasonable attorneys' fees or a portion thereof. If the requestor does not prevail in the litigation, the requestor is not liable for the governmental agency's attorneys' fees. \$ If a state agency does not comply with an Attorney General's order requiring disclosure and fails to provide notice or institute proceedings within seven days after the order, the requestor is entitled to attorneys' fees irrespective of the outcome of subsequent litigation.
PENNSYLVANIA				\$ If the court finds that the requestor or the agency has acted in bad faith in pursuing an appeal or refusing access to records, it can award reasonable attorneys' fees to the prevailing party

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RHODE ISLAND	Public body or official	Knowing and willful	Civil	Fine of not more than \$1,000 \$ <i>The court will award reasonable attorneys' fees and costs to the prevailing plaintiff. If the court finds in favor of the defendant and also finds that the plaintiff's case lacked a grounding in fact or in existing law or in good faith argument for the extension, modification, or reversal of existing law, the court may award attorneys' fees and costs to the prevailing defendant.</i>
SOUTH CAROLINA	Any person or group of persons who violate law	Willfully	Misdemeanor	Fine of not more than \$100 or imprisoned for not more than 30 days for the first offense, fine of not more than \$200 or imprisoned for not more than 60 days for the 2nd offense, fine of \$300 or imprisoned for not more than 90 days for the 3rd or subsequent offense \$ <i>A court may award a successful plaintiff reasonable attorneys' fees and other costs of litigation. If the plaintiff prevails in part, the court may award attorneys' fees or an appropriate portion of the fees</i>
TENNESSEE				\$ <i>Attorneys' fees may be awarded if the refusal to disclose was willful</i>
TEXAS	An officer for public information	With criminal negligence	Misdemeanor	Fine of up to \$1,000, imprisonment of up to six months or both \$ <i>The court shall assess costs of litigation and reasonable attorney's fees incurred by a plaintiff or defendant who substantially prevails. When determining whether or not to award attorneys' fees, the court considers whether the conduct of the officer for public information of the governmental body had a reasonable basis in law and whether the litigation was brought in good faith.</i>
UTAH	Public employee	Intentionally	Class B misdemeanor	Fine of not more than \$1,000, imprisonment of up to six months or both \$ <i>Court may assess against governmental entity reasonable attorneys' fees and other litigation costs reasonably incurred if requestor substantially prevails - but subject to Governmental Immunity Act</i>

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VERMONT				<i>\$ Court may award reasonable attorneys' fees and litigation costs to a substantially prevailing complainant</i>
VIRGINIA	Individual member of public body	Willfully and knowingly	Civil penalty	<ul style="list-style-type: none"> • First offense: fine of not less than \$100 and not more than \$1,000 • Subsequent offense: fine of not less than \$500 and not more than \$2,500 <i>\$ Costs and attorneys' fees will be awarded where the petitioner substantially prevails and where there are no special circumstances making the award unjust</i>
WASHINGTON			Civil	Statutory penalties of not less than \$5 and not more than \$100 per day for each day requestor was denied <i>\$ A requesting party who prevails against the agency is entitled to its costs and attorneys' fees</i>
WEST VIRGINIA	Custodian	Willful	Misdemeanor	Fine of up to \$100 and not more than \$500, imprisonment for not more than 10 days or both <i>\$ Any person who is denied access to public records requested and who successfully brings a suit filed pursuant to the FOIA is entitled to recover his or her attorneys' fees and court costs from the public body that denied him or her access to the records</i>
WISCONSIN	An authority or legal custodian	Arbitrarily and capriciously	Civil	Forfeiture of up to \$1,000 <i>\$ If the requester prevails in whole or in substantial part, the court will award reasonable attorneys' fees</i>
WYOMING		Violation	Misdemeanor	Fine of up to \$750

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