

# H. B. 2402

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(BY DELEGATES FLEISCHAUER, CAPUTO, MILEY,  
MARSHALL, POORE, WELLS AND TALBOTT)

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[Introduced January 12, 2011; referred to the  
Committee on the Judiciary.]

A BILL to amend and reenact §29B-1-2 of the Code of West  
Virginia, 1931, as amended, relating to redefining the term  
“public record” as it is used in the Freedom of Information Act.

*Be it enacted by the Legislature of West Virginia:*

That §29B-1-2 of the Code of West Virginia, 1931, as  
amended, be amended and reenacted to read as follows:

## **ARTICLE 1. PUBLIC RECORDS.**

### **§29B-1-2. Definitions.**

- 1 As used in this article:
- 2 (1) “Custodian” means the elected or appointed official
- 3 charged with administering a public body.

4           (2) “Person” includes any natural person, corporation,  
5           partnership, firm or association.

6           (3) “Public body” means every state officer, agency,  
7           department, including the executive, legislative and judicial  
8           departments, division, bureau, board and commission; every  
9           county and city governing body, school district, special  
10          district, municipal corporation, and any board, department,  
11          commission council or agency thereof; and any other body  
12          which is created by state or local authority or which is  
13          primarily funded by the state or local authority.

14          (4) “Public record” includes any writing containing  
15          information ~~relating~~ prepared or received by a public body,  
16          the content or context of which, judged either by its content  
17          or context relates to the conduct of the public’s business.  
18          ~~prepared, owned and retained by a public body~~

19          (5) “Writing” includes any books, papers, maps,  
20          photographs, cards, tapes, recordings or other documentary  
21          materials regardless of physical form or characteristics.

NOTE: The purpose of this bill is to redefine the term “public record” as it is used in the Freedom of Information Act.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.