

TITLE 1: GOVERNMENT
DIVISION 9: MISCELLANEOUS PROVISIONS

§ 9916. Violations: Mandamus or Injunction.

(a) Any person may commence an act either by mandamus or injunction for the purpose of stopping violations or preventing threatened violations of this chapter by members of a governing body.

(b) *Accelerated Hearing: Immediate Compliance.*

(1) Whenever an action is filed to enforce the provisions of this section, the court shall set an immediate hearing, giving the case priority over other pending cases.

(2) Whenever a court orders an agency to open its records for inspection in accordance with this section, the agency shall comply with such order within 48 hours, unless otherwise provided by the court issuing such order, or unless the appellate court issues a stay order within such 48 hour period.

(3) A stay order shall not be issued unless the court determines that there is a substantial probability that opening the records for inspection will result in significant damage.

(4) Upon service of a complaint, counterclaim, or cross-claim in a civil action brought to enforce the provisions of this section, the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption or the assertion that the requested record is not a public record subject to inspection and examination under 1 CMC § 9918, until the court directs otherwise. The person who has custody of such public record may, however, at any time permit inspection of the requested record as provided in 1 CMC § 9918 and other provisions of law.

Source: PL 8-41, § 17; amended by PL 10-82, § 2(b).

Commission Comment: PL 10-82 took effect on January 6, 1998. PL 10-82, § 2(b) added a new subsection (b) to this section. According to PL 10-82, § 1:

Section 1. Purpose. The purpose of the Act is to increase the penalty for failure to make public records available upon request and to provide for accelerated court hearings in actions filed under this section.