

House Bill 1203(COMMITTEE SUBSTITUTE)

By: Representatives Birdsong of the 123<sup>rd</sup>, Murphy of the 18<sup>th</sup>, Walker of the 141<sup>st</sup>, Skipper of the 137<sup>th</sup>, Smyre of the 136<sup>th</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 15-6-72 of the Official Code of Georgia Annotated, relating to the  
2 recordation and index of military service records, so as to provide that certain military  
3 records recorded in the superior courts shall not be subject to public inspection; to provide  
4 for confidential treatment of such records; to provide for persons who may review and  
5 receive copies of such records; to provide for procedures; to provide for violations and  
6 specify penalties; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 15-6-72 of the Official Code of Georgia Annotated, relating to the recordation  
10 and index of military service records, is amended by inserting at the end thereof the  
11 following:

12 "(c)(1) Any DD 214 record filed pursuant to this Code section shall for a period of 50  
13 years following its filing be exempt from Chapter 18 of Title 50, relating to open records.  
14 During that 50 year period, it shall be unlawful for any person to permit inspection of any  
15 such record, to disclose information contained in any such record, or to issue a copy of  
16 all or any part of such record except as authorized by this subsection or by order of a  
17 court of competent jurisdiction.

18 (2) Upon presentation of proper identification, any of the following persons may  
19 examine a record filed pursuant to this Code section or obtain free of charge a copy or  
20 certified copy of all or part of such record:

21 (A) The person who is the subject of the record;

22 (B) The spouse or next of kin of the person who is the subject of the record;

23 (C) A person named in an appropriate power of attorney executed by the person who  
24 is the subject of the record;

25 (D) The administrator, executor, guardian, or legal representative of the person who  
26 is the subject of the record; or

H. B. 1203 (SUB)

1 (E) An attorney for any person specified in subparagraphs (A) through (D) of this  
2 paragraph.

3 (3) Records kept pursuant to this Code section shall not be reproduced or used in whole  
4 or in part for any commercial or speculative purposes.

5 (4) Any individual, agency, or court which obtains information pursuant to this  
6 subdivision shall not disseminate or disclose such information or any part thereof except  
7 as authorized in this subsection or otherwise by law.

8 (5) Violation of this subsection shall constitute a misdemeanor and shall be punished by  
9 a fine not to exceed \$5,000.00; provided, however, that the clerk of the superior court  
10 shall not be liable and shall be held harmless for any act of any person who copies,  
11 reproduces, or uses records in violation of this subsection."

12 **SECTION 2.**

13 This Act shall become effective upon its approval by the Governor or upon its becoming law  
14 without such approval.

15 **SECTION 3.**

16 All laws and parts of laws in conflict with this Act are repealed.