

The Senate Judiciary Committee offered the following substitute to SB355:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to
2 when public disclosure shall not be required under Article 4 of Chapter 18 of Title 50, so as
3 to exempt autopsy photographs from such disclosure and provide for exceptions; to define
4 a certain term; to authorize a superior court to order the disclosure of such photographs; to
5 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
9 disclosure shall not be required under Article 4 of Chapter 18 of Title 50, is amended by
10 inserting a new paragraph (2.1) immediately following paragraph (2) in subsection (a) to read
11 as follows:
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13 "(2.1) Autopsy photographs; provided, however, that this paragraph shall have no
14 application to the disclosure of such photographs to law enforcement agencies for law
15 enforcement purposes; medical facilities and physicians for medical purposes; individuals
16 who have secured a written release from the deceased's next of kin; or the next of kin.
17 It shall be the responsibility of the next of kin to show proof of the familial relationship.
18 For purposes of this paragraph, the term 'next of kin' means a child, parent, spouse,
19 sibling, grandparent, uncle, aunt, or first cousin of the decedent. A superior court may,
20 in closed criminal investigations, order the disclosure of such photographs upon findings
21 in writing that disclosure is in the public interest and that it outweighs any privacy
22 interest that may be asserted by the deceased's next of kin. In any such action, the court
23 shall review the photographs in question in camera, and may condition any disclosure on
24 such measures as the court may deem necessary to accommodate the interests of the
25 parties before it."

SECTION 2.

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

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SECTION 3.

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All laws and parts of laws in conflict with this Act are repealed.