

Senate Bill 396

By: Senators Gingrey of the 37th, Crotts of the 17th, Tanksley of the 32nd, Harp of the 16th,  
Cheeks of the 23rd and others

**AS PASSED SENATE**

**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 government records which are not required to be disclosed to the public, so as to provide that  
3 disclosure shall not be required for certain records which would compromise the security of  
4 government facilities against terrorist or other attack; to provide for related matters; to  
5 provide an effective date; to repeal conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to government  
9 records which are not required to be disclosed to the public, is amended in subsection (a) by  
10 striking the word "or" at the end of paragraph (13.1); by replacing the period at the end of  
11 paragraph (14) with the symbol and word "; or"; and by adding a new paragraph (15) to  
12 describe records for which disclosure is not required and to read as follows:

13 "(15) Records which would compromise the security against terrorist attack of one or  
14 more government facilities by revealing any of the following:

15 (A) The elements of a plan for protection against terrorist or other attack, which plan  
16 elements depend for their effectiveness in whole or in part upon a lack of general public  
17 knowledge of such elements;

18 (B) The existence, nature, location, or function of security devices designed to protect  
19 against terrorist or other attack, which devices depend for their effectiveness in whole  
20 or in part upon a lack of general public knowledge of such devices; or

21 (C) Plans, blueprints, or other materials which would reveal information about the  
22 structure or function of a government facility, which information is not already general  
23 public knowledge and which information if made publicly available could facilitate the  
24 planning of a terrorist or other attack against or by means of the facility. By way of  
25 illustration and not limitation, information protected under this subparagraph (C) may  
26 include information concerning such things as: the location and function of nonpublic

1 points of entry to and exit from government facilities, the location and function of  
2 government facility ventilation and utility systems; the location and function of  
3 government facility computers; and the location and function of generation, processing,  
4 and transmission facilities used in water, gas, electric, and other utility systems and  
5 plants operated by any agency.

6 (D) In the event of litigation challenging nondisclosure by an agency, the court may  
7 review the documents in question *in camera*, and may condition disclosure upon such  
8 measures as the court may find in writing to be necessary to protect against  
9 endangerment of life, safety or public property."

10 **SECTION 2.**

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

13 **SECTION 3.**

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