

Senate Bill 355

By: Senators Thompson of the 33rd and Bowen of the 13th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 50-18-70 of the Official Code of Georgia Annotated, relating to
2 inspection of public records under Article 4 of Chapter 18 of Title 50, so as to provide for
3 the application of said law to certain executive and legislative branch officials; to amend
4 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
5 disclosure shall not be required under Article 4 of Chapter 18 of Title 50, so as to exempt
6 autopsy photographs from such disclosure and provide for exceptions; to define a certain
7 term; to authorize a superior court to order the disclosure of such photographs; to provide for
8 related matters; to provide for an effective date; to repeal conflicting laws; and for other
9 purposes.

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

11 **SECTION 1.**

12 Code Section 50-18-70 of the Official Code of Georgia Annotated, relating to inspection of
13 public records under Article 4 of Chapter 18 of Title 50, is amended by adding at its end a
14 new subsection (h) to read as follows:

15 "(h) Notwithstanding any other provision of this Code section or any other law, this article
16 shall apply to all documents, papers, letters, maps, books, tapes, photographs, computer
17 based or generated information, or similar material prepared and maintained or received
18 in the performance of his or her duties by the Governor, the Lieutenant Governor, and each
19 member of the General Assembly or by any person acting on behalf of any of such officers.
20 In the case of a member of the Senate, a request for access shall be directed to the Secretary
21 of the Senate; and in the case of a member of the House of Representatives, a request for
22 access shall be directed to the Clerk of the House."

23 **SECTION 2.**

24 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
25 disclosure shall not be required under Article 4 of Chapter 18 of Title 50, is amended by

1 inserting a new paragraph (2.1) immediately following paragraph (2) in subsection (a) to read
2 as follows:

3 "(2.1) Autopsy photographs; provided, however, that this paragraph shall have no
4 application to the disclosure of such photographs to law enforcement agencies for law
5 enforcement purposes; medical facilities and physicians for medical purposes; individuals
6 who have secured a written release from the deceased's next of kin; or the next of kin.
7 It shall be the responsibility of the next of kin to show proof of the familial relationship.
8 For purposes of this paragraph, the term 'next of kin' means a child, parent, spouse,
9 sibling, grandparent, uncle, aunt, or first cousin of the decedent. A superior court may,
10 in closed criminal investigations, order the disclosure of such photographs upon findings
11 in writing that disclosure is in the public interest and that it outweighs any privacy
12 interest that may be asserted by the deceased's next of kin. In any such action, the court
13 shall review the photographs in question in camera, and may condition any disclosure on
14 such measures as the court may deem necessary to accommodate the interests of the
15 parties before it."

16 **SECTION 3.**

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

19 **SECTION 4.**

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