

House Bill 686

By: Representatives Sinkfield of the 57th, Murphy of the 18th, Martin of the 47th and Millar of the 59th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-11-174 of the Official Code of Georgia Annotated, relating to
2 rights and powers of the child advocate for the protection of children, so as to provide for
3 motions to quash subpoenas and judicial actions relating thereto; to provide for compliance;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 15-11-174 of the Official Code of Georgia Annotated, relating to rights and
8 powers of the child advocate for the protection of children, is amended by designating the
9 existing material in that Code section as subsection (a) and adding immediately thereafter a
10 new subsection to read as follows:

11 "(b)(1) Upon issuance by the advocate of a subpoena in accordance with this article for
12 law enforcement investigative records concerning an ongoing investigation, the
13 subpoenaed party may move a court with appropriate jurisdiction to quash said subpoena.
14 If a motion to quash is not filed with the court within 72 hours of the service of the
15 subpoena, the party that received the subpoena shall comply with the subpoena
16 immediately.

17 (2) The judge of the court shall hold, within 72 hours of the filing of a motion to quash,
18 a closed evidentiary hearing in which the burden shall be upon the moving party to show
19 by clear and convincing evidence the necessity of quashing a subpoena issued by the
20 advocate. To meet the burden of proof, the moving party shall offer evidence that is more
21 than an assertion that an adequate investigation has been or is being conducted.

22 (3) The judge of the court shall enter an order within ten days of the hearing, either
23 enforcing the subpoena as issued by the advocate or quashing the subpoena. The order
24 shall include written findings of fact and conclusions of law supporting the judge's
25 decision."

1

SECTION 2.

2 All laws and parts of laws in conflict with this Act are repealed.