

House Bill 686 (AS PASSED HOUSE AND SENATE)

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

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 provide for the confidentiality of certain information; to repeal conflicting laws; and for  
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

12 "(b)(1) Upon issuance by the advocate of a subpoena in accordance with this article for  
13 law enforcement investigative records concerning an ongoing investigation, the  
14 subpoenaed party may move a court with appropriate jurisdiction to quash said subpoena.

15 (2) The court shall order a hearing on the motion to quash within 5 days of the filing of  
16 the motion to quash, which hearing may be continued for good cause shown by any party  
17 or by the court on its own motion. Subject to any right to an open hearing in contempt  
18 proceedings, such hearing shall be closed to the extent necessary to prevent disclosure  
19 of the identity of a confidential source; disclosure of confidential investigative or  
20 prosecution material which would endanger the life or physical safety of any person or  
21 persons; or disclosure of the existence of confidential surveillance, investigation, or grand  
22 jury materials or testimony in an ongoing criminal investigation or prosecution. Records,  
23 motions and orders relating to a motion to quash shall be kept sealed by the court to the  
24 extent and for the time necessary to prevent public disclosure of such matters, materials,  
25 evidence or testimony.

1 (c) The court shall, at or before the time specified in the subpoena for compliance  
2 therewith, enter an order:

3 (1) Enforcing the subpoena as issued;

4 (2) Quashing or modifying the subpoena if it is unreasonable and oppressive; or

5 (3) Conditioning enforcement of the subpoena on the advocate maintaining confidential  
6 any evidence, testimony, or other information obtained from law enforcement or  
7 prosecution sources pursuant to the subpoena until the time the criminal investigation  
8 and prosecution are concluded. Unless otherwise ordered by the court, an investigation  
9 or prosecution shall be deemed to be concluded when the information becomes subject  
10 to public inspection pursuant to Code Section 50-18-72. The court shall include in its  
11 order written findings of fact and conclusions of law."

12 **SECTION 2.**

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