

House Bill 246

By: Representatives Birdsong of the 104th and Jenkins of the 93rd

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to inspection of public records, so as to change certain provisions relating to inspection of public records, printing of computerized indexes of county real estate records, time for determination of whether requested records are subject to access, and electronic access to records; to provide that certain requests may be required to be in writing; to change certain provisions relating to exceptions from the requirements of disclosure of public records; to provide an exception to public disclosure requirements with respect to public records of an emergency "911" system containing information which would reveal the name, address, or telephone number of a person placing a call to a public safety answering point, which information may be redacted from such records in certain cases; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to inspection of public records, is amended by striking subsection (f) of Code Section 50-18-70, relating to inspection of public records, printing of computerized indexes of county real estate records, time for determination of whether requested records are subject to access, and electronic access to records, and inserting in its place the following:

"(f)(1) The individual in control of such public record or records shall have a reasonable amount of time to determine whether or not the record or records requested are subject to access under this article and to permit inspection and copying. In no event shall this time exceed three business days. Where responsive records exist but are not available within three business days of the request, a written description of such records, together with a timetable for their inspection and copying, shall be provided within that period; provided, however, that records not subject to inspection under this article need not be made available for inspection and copying or described other than as required by subsection (h) of Code

1 Section 50-18-72, and no records need be made available for inspection or copying if the
2 public officer or agency in control of such records shall have obtained, within that period
3 of three business days, an order based on an exception in this article of a superior court of
4 this state staying or refusing the requested access to such records.

5 (2) An agency may require that requests for records authorized by this article be
6 submitted in writing; except that written requests shall not be required for the agenda,
7 summary of matters acted on, and minutes of an agency's most recent meeting created
8 pursuant to subsection (e) of Code Section 50-14-1, and any other records an agency
9 determines to be routinely available. Where requests are required to be in writing, the
10 writing may be delivered to an agency by mail, facsimile, Internet, or courier or other
11 delivery in person."

12 SECTION 2.

13 Said article is further amended in subsection (a) of Code Section 50-18-72, relating to
14 exceptions from the requirements of disclosure of public records, by striking "or" at the end
15 of paragraph (13.1), striking the period at the end of paragraph (14) and inserting "; or" in
16 lieu thereof, and adding a new paragraph (15) to read as follows:

17 "(15) Unless the request is made by the accused in a criminal case or by his or her
18 attorney, public records of an emergency '911' system, as defined in paragraph (3) of
19 Code Section 46-5-122, containing information which would reveal the name, address,
20 or telephone number of a person placing a call to a public safety answering point, which
21 information may be redacted from such records if necessary to prevent the disclosure of
22 the identity of a confidential source, to prevent disclosure of material which would
23 endanger the life or physical safety of any person or persons, or to prevent the disclosure
24 of the existence of a confidential surveillance or investigation."

25 SECTION 3.

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

28 SECTION 4.

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