

Senate Bill 113

By: Senators Kemp of the 46th, Tolleson of the 18th, Zamarripa of the 36th, Smith of the 52nd, Hall of the 22nd and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,  
2 so as to change certain provisions relating to government meetings that are not required to  
3 be open to the public; to provide that certain requests for records be required to be in writing;  
4 to change certain provisions relating to exceptions from the requirements of disclosure of  
5 public records; to provide an effective date; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
10 in Code Section 50-14-3, relating to government meetings that are not required to be open  
11 to the public, by striking "and" at the end of paragraph (7); by striking the period at the end  
12 of paragraph (8) and inserting in its place "; and"; and by adding a new paragraph  
13 immediately following paragraph (8), to be designated paragraph (9) to read as follows:

14 "(9) Meetings when discussing any records that are exempt from public inspection or  
15 disclosure pursuant to paragraph (17) of subsection (a) of Code Section 50-18-72 or when  
16 discussing any information a record of which would be exempt from public inspection  
17 or disclosure under paragraph (17) of subsection (a) of Code Section 50-18-72."

18 **SECTION 2.**

19 Said title is further amended by striking subsection (f) of Code Section 50-18-70, relating to  
20 inspection of public records, and inserting in its place a new subsection (f) to read as follows:

21 "(f)(1) The individual in control of such public record or records shall have a reasonable  
22 amount of time to determine whether or not the record or records requested are subject  
23 to access under this article and to permit inspection and copying. In no event shall this  
24 time exceed three business days. Where responsive records exist but are not available  
25 within three business days of the request, a written description of such records, together

1 with a timetable for their inspection and copying, shall be provided within that period;  
 2 provided, however, that records not subject to inspection under this article need not be  
 3 made available for inspection and copying or described other than as required by  
 4 subsection (h) of Code Section 50-18-72, and no records need be made available for  
 5 inspection or copying if the public officer or agency in control of such records shall have  
 6 obtained, within that period of three business days, an order based on an exception in this  
 7 article of a superior court of this state staying or refusing the requested access to such  
 8 records.

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

### 16 SECTION 3.

17 Said title is further amended in subsection (a) of Code Section 50-18-72, relating to  
 18 exceptions from the requirements of disclosure of public records, by striking "or" at the end  
 19 of paragraph (13.1); by striking the period at the end of paragraph (14), and inserting in its  
 20 place a semicolon; and by adding three new paragraphs immediately following paragraph  
 21 (14) to be designated paragraphs (15), (16), and (17), respectively, to read as follows:

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

30 (16) Records of pending proceedings under Article 2 of Chapter 13 of this title; or

31 (17) Records that would compromise the security against terrorist attack of one or more  
 32 government facilities or operations by revealing any of the following:

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

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

4 (C) Plans, blueprints, or other materials that would reveal information about the  
5 structure or function of a government facility, which information is not already general  
6 public knowledge and which information if made publicly available could facilitate the  
7 planning of a terrorist or other attack against or by means of the facility. By way of  
8 illustration and not limitation, information protected under this subparagraph may  
9 include information concerning such things as: the location and function of nonpublic  
10 points of entry to and exit from government facilities; the location and function of  
11 government facility ventilation and utility systems; the location and function of  
12 government facility computers; and the location and function of generation, processing,  
13 and transmission facilities used in water, gas, electric, and other utility systems and  
14 plants operated by any agency; or

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

19 **SECTION 4.**

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

22 **SECTION 5.**

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