

Senate Bill 177

By: Senator Seabaugh of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated,
2 relating to inspection of public records, so as to change the criminal penalty for knowing and
3 willful failure or refusal to provide access to records; to provide for an effective date and
4 applicability; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
9 inspection of public records, is amended by striking Code Section 50-18-74, relating to
10 criminal penalties, and inserting in its place a new Code section to read as follows:

11 "50-18-74.

12 (a) Any person knowingly and willfully violating the provisions of this article by failing
13 or refusing to provide access to records not subject to exemption from this article or by
14 failing or refusing to provide access to such records within the time limits set forth in this
15 article shall be guilty of a misdemeanor ~~and upon conviction shall be punished by a fine~~
16 ~~not to exceed \$100.00.~~

17 (b) A prosecution under this Code section may only be commenced by issuance of a
18 citation in the same manner as an arrest warrant for a peace officer pursuant to Code
19 Section 17-4-40, which citation shall be personally served upon the accused. The defendant
20 shall not be arrested prior to the time of trial, except that a defendant who fails to appear
21 for arraignment or trial may thereafter be arrested pursuant to a bench warrant and required
22 to post a bond for his or her future appearance."

1 **SECTION 2.**

2 This Act shall become effective July 1, 2003, and shall apply with respect to violations
3 committed on or after that date. Violations committed prior to July 1, 2003, shall continue
4 to be governed by prior law.

5 **SECTION 3.**

6 All laws and parts of laws in conflict with this Act are repealed.