

Senate Bill 199

By: Senators Collins of the 6th, Brown of the 26th, Price of the 56th, Johnson of the 1st and Thompson of the 33rd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated,  
2 relating to child abuse and deprivation records, so as to prohibit the disclosure of child abuse  
3 records resulting from investigations conducted jointly by the department and a law  
4 enforcement agency; to provide for disclosure of such child abuse records under certain  
5 circumstances; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to child  
10 abuse and deprivation records, is amended by inserting following subsection (b) of Code  
11 Section 49-5-40, relating to definitions, confidentiality of records, and restricted access to  
12 records, a new subsection to be designated as subsection (c) to read as follows:

13 "(c) Each and every record concerning reports of child abuse created or obtained as a result  
14 of an investigation conducted jointly by the department and a law enforcement agency shall  
15 not be disclosed when a criminal action related to such child abuse is pending except to the  
16 extent that information contained in such reports must be disclosed in response to a motion  
17 pursuant to *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963).  
18 Further, such records shall not be disclosed pursuant to paragraph (2) of subsection (a) or  
19 subsection (e) of Code Section 49-5-4."

20 **SECTION 2.**

21 All laws and parts of laws in conflict with this Act are repealed.