

House Bill 1019

By: Representatives Oliver of the 56<sup>th</sup>, Post 2, Bordeaux of the 125<sup>th</sup>, and Moraitakis of the 42<sup>nd</sup>, Post 4

A BILL TO BE ENTITLED  
AN ACT

1 To enact the "Georgia Sunshine in Litigation Act"; to amend Article 9 of Chapter 11 of Title  
2 9 of the Official Code of Georgia Annotated, relating to general provisions of the "Georgia  
3 Civil Practice Act," so as to limit the restriction of information obtained through discovery  
4 when such information is relevant to the protection of public health, welfare, or safety; to  
5 provide for standing to contest the restriction of information in a civil action; to prohibit  
6 certain agreements between the parties in a civil action restricting disclosure of certain  
7 information relevant to the protection of public health, welfare, or safety; to provide for the  
8 disclosure of information relevant to a civil action to authorized federal or state agencies; to  
9 provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Georgia Sunshine in Litigation Act."

13 **SECTION 2.**

14 Article 9 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to  
15 general provisions of the "Georgia Civil Practice Act," is amended by striking Code Sections  
16 9-11-71 through 9-11-73 which are reserved and inserting in their respective places the  
17 following:

18 "9-11-71.

19 ~~Reserved:~~ (a) A court shall enter an order under subsection (c) of Code Section 9-11-26  
20 restricting the disclosure of information obtained through discovery or an order restricting  
21 access to court records in a civil case only after making particularized findings of fact that  
22 such order would not restrict the disclosure of information which is relevant to the  
23 protection of public health, welfare, or safety.

24 (b) No order entered in accordance with the provisions of subsection (a) of this Code  
25 section shall continue in effect after the entry of final judgment in a civil case, the dismissal

1 of the case, or such other conclusion of the case unless at or after such time the court makes  
 2 a separate particularized finding of fact that such order would not prevent the disclosure  
 3 of information which is relevant to the protection of public health, welfare, or safety.

4 (c) The party who is the proponent for the entry of an order, as provided under this Code  
 5 section, shall have the burden of proof in obtaining such an order.

6 (d) Any substantially affected person including, but not limited to, representatives of news  
 7 media, shall have standing to contest such an order or request for such an order. Such  
 8 substantially affected person may contest such order or request for such order by motion  
 9 in the court in which the action is pending.

10 9-11-72.

11 ~~Reserved.~~ (a) No settlement agreement, consent order, or any other dispositive document  
 12 or order filed with a court or subject to enforcement by any other document filed with the  
 13 court may contain any provision restricting the disclosure of information which is relevant  
 14 to the protection of public health, welfare, or safety.

15 (b) Any substantially affected person including, but not limited to, representatives of news  
 16 media, shall have standing to seek any settlement agreement, consent order, or other  
 17 dispositive document or order filed with a court under seal that may be found to be in  
 18 violation of subsection (a) of this Code section. Such substantially affected person may  
 19 contest such order or request such order by motion in the court in which the action is  
 20 pending. In the event of such motion, the court shall review the document in question and  
 21 disclose any such information which is relevant to the protection of public health, welfare,  
 22 or safety.

23 (c) No final disposition of a pending action not subject to further enforcement by a court,  
 24 such as a full and final settlement with a dismissal with prejudice, shall be conditioned  
 25 upon an agreement by the parties restricting the disclosure of information which is relevant  
 26 to the protection of public health, welfare, or safety.

27 9-11-73.

28 ~~Reserved.~~ No agreement between or among parties in a civil action filed in a court of this  
 29 state may contain a provision that prohibits or otherwise restricts a party from disclosing  
 30 any information relevant to such civil action to any federal or state agency with authority  
 31 to enforce laws regulating an activity relating to such information."

### 32 SECTION 3.

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