

HOUSE SUBSTITUTE TO SENATE BILL 113

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 change certain provisions relating to exceptions from the
4 requirements of disclosure of public records; to add certain exceptions from disclosure
5 requirements; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

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

17 **SECTION 2.**

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

22 "(15)(A) Records, the disclosure of which would compromise security against sabotage
23 or criminal or terrorist acts and the nondisclosure of which is necessary for the
24 protection of life, safety, or public property, which shall be limited to the following:

1 (i) Security plans and vulnerability assessments for any public utility, building,
 2 facility, function, or activity in effect at the time of the request for disclosure or
 3 pertaining to a plan or assessment in effect at such time;

4 (ii) Any plan for protection against terrorist or other attacks, which plan depends for
 5 its effectiveness in whole or in part upon a lack of general public knowledge of its
 6 details;

7 (iii) Any document relating to the existence, nature, location, or function of security
 8 devices designed to protect against terrorist or other attacks, which devices depend
 9 for their effectiveness in whole or in part upon a lack of general public knowledge;
 10 and

11 (iv) Any plan, blueprint, or other material which if made public could compromise
 12 security against sabotage, criminal, or terroristic acts.

13 (B) In the event of litigation challenging nondisclosure pursuant to this paragraph by
 14 an agency of a document covered by this paragraph, the court may review the
 15 documents in question in camera and may condition, in writing, any disclosure upon
 16 such measures as the court may find to be necessary to protect against endangerment
 17 of life, safety, or public property.

18 (C) As used in divisions (i) and (iv) of subparagraph (A) of this paragraph, the term
 19 'activity' means deployment or surveillance strategies, actions mandated by changes in
 20 the federal threat level, motorcades, contingency plans, proposed or alternative
 21 motorcade routes, executive and dignitary protection, officer allocations, planned
 22 responses to criminal or terrorist actions, after-action reports still in use, proposed or
 23 actual plans and responses to bioterrorism, and proposed or actual plans and responses
 24 to requesting and receiving the National Pharmacy Stockpile; or

25 (16) Records of athletic or recreational programs, available through the state or a
 26 political subdivision of the state, that include information identifying a child or
 27 children 12 years of age or under by name, address, telephone number, or emergency
 28 contact, unless such identifying information has been redacted."

29 **SECTION 3.**

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

32 **SECTION 4.**

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