

Senate Bill 153

By: Senators Adelman of the 42nd, Harp of the 29th, Moody of the 56th, Powell of the 23rd, Hamrick of the 30th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 50-18-70 of the O.C.G.A., relating to inspection of public records,
2 so as to make the records of educational facilities that employ campus policemen and that
3 relate to such police duties, activities, and functions open to inspection in the same manner
4 as other records of public agencies; to provide for related matters; to provide an effective
5 date; to repeal conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Code Section 50-18-70 of the O.C.G.A., relating to inspection of public records, is amended
9 by striking subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:
10 "(a) As used in this article, the term 'public record' shall mean all documents, papers,
11 letters, maps, books, tapes, photographs, computer based or generated information, or
12 similar material prepared and maintained or received in the course of the operation of a
13 public office or agency. 'Public record' shall also mean all such items received or
14 maintained by an educational facility, as defined in Code Section 20-8-1, that, pursuant to
15 Chapter 8 of Title 20, employs campus policemen, that relate to the duties, activities, and
16 functions of such campus policemen and which are not otherwise subject to protection from
17 disclosure under this article. 'Public record' shall also mean such items received or
18 maintained by a private person or entity on behalf of a public office or agency which are
19 not otherwise subject to protection from disclosure; provided, however, this Code section
20 shall be construed to disallow an agency's placing or causing such items to be placed in the
21 hands of a private person or entity for the purpose of avoiding disclosure. Records
22 received or maintained by a private person, firm, corporation, or other private entity in the
23 performance of a service or function for or on behalf of an agency, a public agency, or a
24 public office shall be subject to disclosure to the same extent that such records would be
25 subject to disclosure if received or maintained by such agency, public agency, or public
26 office. As used in this article, the term 'agency' or 'public agency' or 'public office' shall

1 have the same meaning and application as provided for in the definition of the term
2 'agency' in paragraph (1) of subsection (a) of Code Section 50-14-1 and shall additionally
3 include any association, corporation, or other similar organization which: (1) has a
4 membership or ownership body composed primarily of counties, municipal corporations,
5 or school districts of this state or their officers or any combination thereof; and (2) derives
6 a substantial portion of its general operating budget from payments from such political
7 subdivisions."

8 **SECTION 2.**

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

11 **SECTION 3.**

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