

House Bill 1322

By: Representative Chambers of the 81st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-18-72, relating to when public disclosure not required and
2 disclosure of exempting legal authority, so as to make legislative findings; to define certain
3 terms; to provide that certain photographs fewer than five years old which are in the custody
4 of a law enforcement agency which show graphic images of the sexual organs or the
5 dismemberment of the dead body of a crime victim whose identity is known shall not be
6 subject to public disclosure; to provide for applicability; to provide an effective date; to
7 repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 The General Assembly finds that photographs or video recordings of certain crime scene
11 photos depict the deceased in graphic and often disturbing fashion. Such photographs or
12 video may depict or describe the deceased nude, grossly dismembered, or decapitated. As
13 such photographs or video recordings of an autopsy are highly sensitive depictions of the
14 deceased which, if viewed, copied, or publicized, could result in trauma, sorrow, humiliation,
15 or emotional injury to the immediate family of the deceased, as well as injury to the memory
16 of the deceased. The legislature finds that the existence of certain publications and the
17 Internet and the proliferation of personal computers throughout the world encourages and
18 promotes the wide dissemination of photographs and video recordings 24 hours a day and
19 that widespread unauthorized dissemination of such images would subject the immediate
20 family of the deceased to continuous injury.

21 **SECTION 2.**

22 Code Section 50-18-72, relating to when public disclosure not required and disclosure of
23 exempting legal authority, is amended in subsection (a) by striking "or" at the end of
24 paragraph (21), by striking the period and inserting in its place "; or" at the end of paragraph
25 (22), and by adding a new paragraph to read as follows:

26 "(23)(A) As used in this paragraph, the term:

27 (i) 'Dismemberment' means the removal of the head, one or more limbs, or the
28 severance or disfiguration of the penis or vagina.

29 (ii) 'Sex organs' means the penis or vagina.

30 (B) Photographs fewer than five years old which are in the custody of a law
31 enforcement agency which show graphic images of the sex organs or the
32 dismemberment of the dead body, or both, of a crime victim whose identity is known."

33 **SECTION 3.**

34 The provisions of Section 2 of this Act shall apply to all photographs and video recordings
35 in the custody of law enforcement agencies on the effective date of this Act.

36 **SECTION 4.**

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

39 **SECTION 5.**

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