

The Senate Judiciary Committee offered the following substitute to HB 1322:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to
2 when public disclosure is not required, so as to prohibit public disclosure of certain types of
3 crime scene photography; to provide for exceptions; to provide for related matters; to provide
4 for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
8 disclosure is not required, is amended in subsection (a) by adding a new paragraph to read
9 as follows:

10 "(3.1)(A) Except as otherwise provided by law, photographs, videos, or other
11 depictions compiled by law enforcement of any individual in a state of partial or
12 complete nudity, depicting the dismemberment of a body part, or depicting an injured
13 or deceased individual.

14 (B) This paragraph shall not apply to disclosure of crime scene material to counsel
15 representing a convicted defendant in a habeas corpus action pursuant to Chapter 14 of
16 Title 9, on an extraordinary motion for new trial under Code Section 5-5-40 or 5-5-41,
17 or in a federal habeas corpus action under Section 2254 or 2255 of Title 28 of the
18 United States Code for the purpose of preparing to file or litigating such proceedings.
19 Counsel may disclose such materials to his or her client and any expert or investigator
20 assisting counsel but shall not otherwise disseminate such materials, except to the
21 extent they may be necessary exhibits in court proceedings. A request pursuant to this
22 paragraph shall clearly state that such request is being made for the purpose of
23 preparing to file and litigate proceedings enumerated in this paragraph.

24 (C) The director of the Georgia Bureau of Investigation and the Board of Public Safety
25 shall promulgate rules and regulations governing the viewing of materials described in
26 subparagraph (A) of this paragraph by bona fide credentialed members of the press;"

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SECTION 2.

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This Act shall become effective upon its approval by the Governor or upon its becoming law

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without such approval.

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SECTION 3.

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