

SENATE SUBSTITUTE TO HB 1322

AS PASSED SENATE

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 exemption from
4 disclosure of certain emergency response recordings; to provide for related matters; to
5 provide for 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 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
9 disclosure is not required, is amended in subsection (a) by adding two new paragraphs to read
10 as follows:

11 "(2.1) Records of a law enforcement agency, an emergency 9-1-1 system, a public
12 health agency, or any other similar agency when:

13 (A) Such records consist of or contain audio or video recordings of the personal
14 suffering of a person in physical pain or distress;

15 (B) Public dissemination of such records would cause emotional distress to the person
16 whose suffering was so recorded or to the family of such person.

17 Records described in this paragraph shall be exempt from disclosure if such records are
18 used in evidence in any judicial or administrative proceeding, the tribunal may place such
19 records under seal or otherwise prohibit their reproduction or distribution.

20 (2.2)(A) Except as otherwise provided by law, photographs, videos, or other depictions
21 compiled by law enforcement of any individual in a state of partial or complete nudity,
22 depicting the dismemberment of a body part, or depicting an injured or deceased
23 individual.

24 (B) This paragraph shall not apply to disclosure of crime scene material to counsel
25 representing a convicted defendant in a habeas corpus action pursuant to Chapter 14 of
26 Title 9, on an extraordinary motion for new trial under Code Section 5-5-40 or 5-5-41,
27 or in a federal habeas corpus action under Section 2254 or 2255 of Title 28 of the

28 United States Code for the purpose of preparing to file or litigating such proceedings.
29 Counsel may disclose such materials to his or her client and any expert or investigator
30 assisting counsel but shall not otherwise disseminate such materials, except to the
31 extent they may be necessary exhibits in court proceedings. A request pursuant to this
32 paragraph shall clearly state that such request is being made for the purpose of
33 preparing to file and litigate proceedings enumerated in this paragraph.
34 (C) The director of the Georgia Bureau of Investigation and the Board of Public Safety
35 shall promulgate rules and regulations governing the viewing of materials described in
36 subparagraph (A) of this paragraph by bona fide credentialed members of the press;"

37 **SECTION 2.**

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

40 **SECTION 3.**

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