10 LC 28 4877

House Bill 876

By: Representative Franklin of the 43rd

A BILL TO BE ENTITLED AN ACT

- 1 To amend Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia
- 2 Annotated, relating to wiretapping, eavesdropping, surveillance, and related offenses, so as
- 3 to provide a short title; to prohibit certain forms of surveillance without search warrants; to
- 4 provide for exceptions; to provide an effective date; to repeal conflicting laws; and for other
- 5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 This Act shall be known and may be cited as the "Due Process Restoration Act."

9 SECTION 2.

- 10 Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
- 11 relating to wiretapping, eavesdropping, surveillance, and related offenses, is amended by
- 12 adding a new Code section to read as follows:
- 13 "16-11-71.
- 14 (a) It shall be unlawful for any state or local government agency, official, or employee or
- agent or independent contractor of such agency to capture images of persons or property
- without first obtaining a search warrant from a court of competent jurisdiction to capture
- 17 <u>such images detailing the nature of the crime alleged to have been committed and the facts</u>
- 18 <u>supporting the need to capture the image of the person or property in relation to such crime.</u>
- 19 (b) This Code section shall not prohibit the use of security cameras located inside or
- 20 <u>outside government buildings or parking facilities provided that such camera is focused on</u>
- 21 <u>the area under surveillance and has a fixed field of observation.</u>
- 22 (c) This Code section shall not apply to situations in which a person gives his or her
- 23 <u>express consent to having the image of his or her person or property captured or to routine</u>
- booking images and images for identification badges.

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25	(d) This Code section shall not apply to cameras mounted in police vehicles for the sole
26	purpose of recording traffic stops of persons suspected of having committed a criminal
27	violation involving the life, liberty, or property of another person and that are used only for
28	that purpose."

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.