

Senate Bill 214

By: Senators Hill of the 32nd and Rogers of the 21st

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated,
 2 relating to the state-wide probation system, so as to provide for the transfer of certain
 3 confidential probation records to the parole board; to amend Article 2 of Chapter 9 of Title
 4 42 of the Official Code of Georgia Annotated, relating to grants of pardons, paroles, and
 5 other relief, so as to provide for the transfer of certain confidential parole records to
 6 probation officials employed with the Department of Corrections; to provide for related
 7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the
 11 state-wide probation system, is amended by revising Code Section 42-8-40, relating to the
 12 confidentiality of papers, exemption from subpoena, and declassification, as follows:

13 "42-8-40.

14 (a) All Except as provided in subsection (b) of this Code section, all reports, files, records,
 15 and papers of whatever kind relative to the state-wide probation system are declared to be
 16 confidential and shall be available only to the probation system officials and to the judge
 17 handling a particular case. They shall not be subject to process of subpoena. However, the
 18 commissioner may by written order declassify any such records.

19 (b) Supervision records of the State Board of Pardons and Paroles may be made available
 20 to officials employed with the state-wide probation system, provided that the same shall
 21 remain confidential and not available to any other person or subject to subpoena unless
 22 declassified by the State Board of Pardons and Paroles."

23 **SECTION 2.**

24 Article 2 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to
 25 grants of pardons, paroles, and other relief, is amended by revising Code Section 42-9-53,
 26 relating to the preservation of documents, classification of information and documents,
 27 divulgence of confidential state secrets, and conduct of hearings, as follows:

28 "42-9-53.

29 (a) Subject to other laws, the board shall preserve on file all documents on which it has
 30 acted in the granting of pardons, paroles, and other relief.

31 (b) All information, both oral and written, received by the members of the board in the
 32 performance of their duties under this chapter and all records, papers, and documents
 33 coming into their possession by reason of the performance of their duties under this chapter
 34 shall be classified as confidential state secrets until declassified by ~~a resolution of the board~~
 35 ~~passed at a duly constituted session of the board~~; provided, however, that the board shall
 36 be authorized to disclose to an alleged violator of parole or conditional release the evidence
 37 introduced against him or her at a final hearing on the matter of revocation of parole or
 38 conditional release; provided, further, that the board may make supervision records of the
 39 board available to probation officials employed with the Department of Corrections,
 40 provided that the same shall remain confidential and not available to any other person or
 41 subject to subpoena unless declassified by the board.

42 (c) No person shall divulge or cause to be divulged in any manner any confidential state
 43 secret. Any person violating this Code section or any person who causes or procures a
 44 violation of this Code section or conspires to violate this Code section shall be guilty of a
 45 misdemeanor.

46 (d) All hearings required to be held by this chapter shall be public, and the transcript
 47 thereof shall be exempt from subsection (b) of this Code section. All records and
 48 documents which were public records at the time they were received by the board are
 49 exempt from subsection (b) of this Code section. All information, reports, and documents
 50 required by law to be made available to the General Assembly, the Governor, or the state
 51 auditor are exempt from subsection (b) of this Code section."

52 **SECTION 3.**

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