

House Bill 449

By: Representatives Gravley of the 67th, Jacobs of the 80th, Hightower of the 68th, Teasley of the 37th, Smyre of the 135th, and others

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 of agency records is not required, so as to change certain provisions
3 relating to 9-1-1 calls; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

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

9 "(26.1)(A) In addition to the exemption provided by paragraph (26) of this Code
10 section, audio recordings of a 9-1-1 telephone call to a public safety answering point
11 which contain the cries in extremis or speech in distress of a caller or some other person
12 who died during the call, which contain the speech in distress of a caller or some other
13 person who was the victim of a rape or aggravated battery reported by the call or
14 committed during the call, or if the caller was a minor at the time of the call, except:

15 (i) To the caller, the legal representative of a deceased caller's estate, or the parent or
16 guardian of a minor caller, provided that the person seeking the 9-1-1 audio recording
17 submits a sworn affidavit that attests to the facts necessary to establish eligibility
18 under this division;

19 (ii) If the request is made by law enforcement personnel or a prosecutor, if such
20 request is made as part of a criminal investigation in which the 9-1-1 telephone call
21 is or may be relevant to the investigation; or

22 (iii) If the request is made by the accused in a criminal case or by his or her attorney.

23 (B) The provisions of subparagraph (A) of this paragraph notwithstanding, information
24 which would reveal the name, address, or telephone number of a person placing a call
25 to a public safety answering point may be deleted from such audio recordings if
26 necessary to prevent the disclosure of the identity of a confidential source, to prevent

27 disclosure of material which would endanger the life or physical safety of any person
28 or persons, or to prevent the disclosure of the existence of a confidential surveillance
29 or investigation;"

30

SECTION 2.

31 All laws and parts of laws in conflict with this Act are repealed.