

House Bill 845

By: Representatives Strickland of the 111th, Powell of the 171st, Rutledge of the 109th, Bruce of the 61st, Pruett of the 149th, 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 is not required, so as to prohibit the disclosure of arrest booking
3 photographs except under certain circumstances; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**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 revising paragraph (4) and by
9 adding a new paragraph to read as follows:

10 "(4) Records, other than arrest booking photographs, of law enforcement, prosecution,
11 or regulatory agencies in any pending investigation or prosecution of criminal or unlawful
12 activity, other than initial police arrest reports and initial incident reports; provided,
13 however, that an investigation or prosecution shall no longer be deemed to be pending
14 when all direct litigation involving such investigation and prosecution has become final
15 or otherwise terminated; and provided, further, that this paragraph shall not apply to
16 records in the possession of an agency that is the subject of the pending investigation or
17 prosecution;

18 (4.1) An arrest booking photograph unless the person in the photograph has been
19 convicted of a crime. As used in this paragraph, the term 'convicted' means a plea of
20 guilty or a finding of guilt by a court of competent jurisdiction or the acceptance of a plea
21 of nolo contendere, irrespective of the pendency or availability of an appeal or an
22 application for collateral relief;"

23 style="text-align:center">**SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.