

House Bill 1013

By: Representative Moore of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to law enforcement officers and agencies, so as to provide a short
3 title; to define a certain term; to provide that no public officer shall be authorized to prevent
4 any citizen from recording in a public place or at a public meeting; to provide that a public
5 officer may only confiscate photographic or video devices at the time of arrest if such
6 devices are intentionally used to cause physical harm; to provide for a civil cause of action
7 and damages; to provide for a criminal penalty; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 This Act shall be known and may be cited as the "Georgia Right to Record Act."

12 SECTION 2.

13 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
14 provisions relative to law enforcement officers and agencies, is amended by adding a new
15 Code section to read as follows:

16 "35-1-18.

17 (a) As used in this Code section, the term:

18 (1) 'Public officer' means any person employed by any federal, state, or local
19 governmental entity, agency, or department, whether military or civilian. Such term
20 includes, without limitation, any person employed by or acting under contract with any
21 such entity and any person employed by or acting under contract with any private entity.

22 (2) 'Record' or 'recording,' when used as a verb, in any person, tense, or mood, means the
23 capture of a sound, image, or other data by electronic or mechanical means. Such term
24 shall include, without limitation, still photography, videotaping, digital recording, aural
25 recording, stenography, taking notes, and any other means of capturing a moment in time

26 or an action as it transpires. Such term includes both means which preserve such images
27 and means which instantly transmit such images.

28 (3) 'Record' or 'recording,' when used as a noun, means information that has been
29 recorded.

30 (b) Any citizen shall have the legal right to record any subject or any activity in any public
31 or private place and at any public meeting or gathering except as otherwise provided in this
32 Code section. Such right applies whether the person doing the recording is in a public
33 place or in a private place, and whether the subject or activity being recorded is in a public
34 or private place.

35 (c) Any person under lawful control of a private place may prohibit the recording of such
36 space from within such space; provided, however, that no public officer shall be entitled
37 to prevent a citizen from recording any subject or event permitted by this subsection.

38 (d) A public officer shall not prevent any person including, without limitation, any person
39 suspected of committing an offense, from recording any subject or event including, without
40 limitation, the actions of public officers; provided, however, that any device intentionally
41 used to cause physical harm may be confiscated.

42 (e) It shall be unlawful for a public officer to erase, delete, destroy, obfuscate, or eradicate
43 any recording belonging to a member of the public. The fact that a citizen requested or
44 agreed to such erasure or deletion shall not be a defense to a violation of this subsection.

45 (f)(1) Any violation of this Code section shall give rise to a civil cause of action, and
46 notwithstanding the provisions of Code Section 50-21-25, the prevailing plaintiff shall
47 be entitled to an award of actual damages, punitive damages, and attorney's fees.

48 (2) Any violation of this Code section shall be deemed outside the scope of a public
49 officer's duties and shall constitute a felony punishable as provided in subsection (c) of
50 Code Section 16-10-94."

51 **SECTION 3.**

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