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The House Committee on Judiciary offers the following substitute to HB 977:

## A BILL TO BE ENTITLED AN ACT

- 1 To amend Articles 3 and 10 of Chapter 11 of Title 9 of the Official Code of Georgia
- 2 Annotated, relating to pleadings and motions and forms, respectively, so as to provide for
- 3 filings that contain redacted information; to provide for exceptions and filings under seal; to
- 4 provide for correction of unredacted information; to provide for protective orders; to provide
- 5 for references lists; to provide for waivers; to provide for form conformity; to amend
- 6 Article 3 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
- 7 civil proceedings in magistrate court, so as to provide a cross-reference; to provide for related
- 8 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
- 9 other purposes.

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## BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

- SECTION 1.
- 12 Article 3 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to
- 13 pleadings and motions, is amended by adding a new Code section to read as follows:
- 14 <u>"9-11-7.1.</u>
- 15 (a) Redacted filings. Unless the court orders otherwise, a filing with the court that
- 16 contains a social security number, taxpayer identification number, financial account
- 17 <u>number, birthdate, or the name of an individual known to be a minor shall include only:</u>
- 18 (1) The last four digits of a social security number;
- 19 (2) The last four digits of a taxpayer identification number;
- 20 (3) The last four digits of a financial account number;
- 21 (4) The year of an individual's birth; and
- 22 (5) The minor's initials.
- 23 (b) Exemptions from redaction requirement. Subsection (a) of this Code section shall
- 24 <u>not apply to the following:</u>
- 25 (1) A financial account number that identifies property allegedly subject to forfeiture in
- 26 <u>a civil forfeiture proceeding;</u>

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- 27 (2) The official record of an administrative or agency proceeding;
- 28 (3) The official record of a court or tribunal in another case or proceeding;
- 29 (4) A filing made in a probate court; and
- 30 (5) A filing made under seal as provided in subsection (c) of this Code section.
- 31 (c) Filings made under seal. The court may order that a filing be made under seal
- 32 <u>without redaction. The court may later unseal the filing or order the filer to file a redacted</u>
- 33 version for the public record. A filer may petition the court to file an unredacted filing
- 34 <u>under seal.</u> The court shall retain all filings made under seal as part of the record.
- 35 (d) Correction of unredacted information. An inadvertent failure to redact information
- 36 which is required to be redacted shall be a curable defect and shall not preclude a document
- 37 <u>from being filed with the court. The court may order an unredacted filing be sealed and</u>
- 38 may also order that a redacted version of the same filing be filed for the public record.
- 39 (e) **Protective orders.** For good cause, the court may:
- 40 (1) Order a filing which contains additional personal or confidential information, other
- 41 than the information required to be redacted pursuant to this Code section, be sealed and
- 42 <u>may also order that a redacted version of the same filing be filed for the public record;</u>
- 43 <u>and</u>
- 44 (2) Limit or prohibit a nonparty's remote electronic access to a document filed with the
- 45 <u>court.</u>
- 46 (f) Option for reference list. A filing that contains redacted information may be filed
- 47 <u>together with a reference list that identifies each item of redacted information and specifies</u>
- 48 <u>an appropriate identifier that uniquely corresponds to each item listed. Such reference list</u>
- 49 <u>shall be filed under seal and may be amended as of right. Any reference in a civil action</u>
- 50 to a listed identifier shall be construed to refer to the corresponding item of information.
- 51 (g) Filings in magistrate court. Notwithstanding Code Section 15-10-42, filings in the
- 52 <u>magistrate court shall comply with this Code section.</u>
- 53 (h) Waiver of protected identifiers. A filer waives the protections provided by
- 54 <u>subsection (a) of this Code section to the extent that he or she makes his or her own filing</u>
- 55 without redaction and not under seal."
- SECTION 2.
- 57 Article 10 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to
- 58 forms, is amended by revising subsection (a) of Code Section 9-11-133, relating to forms
- 59 meeting requirements for civil case filings and disposition, as follows:
- 60 "(a) The forms set out in subsections (b), (c), (d), and (e) of this Code section or forms
- substantially similar to such forms are shall be sufficient to meet the requirements for civil
- 62 case filing and disposition forms; provided, however, that the general civil case filing

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information form and domestic relations case filing information form shall be required to
contain an acknowledgment by the filer that the complaint and any exhibits or other
attachments satisfy the redaction requirements of Code Section 9-11-7.1. The civil case
forms set out in Exhibit F of the 'Report and Recommendations of the 1997-1998 Court
Filings Committee' published by the State Bar of Georgia and dated May 15, 1998, are
substantially similar to the forms set out in this Code section."

69 SECTION 3.

- 70 Article 3 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
- 71 civil proceedings in magistrate court, is amended by revising Code Section 15-10-42, relating
- 72 to the Civil Practice Act being inapplicable to magistrate courts, as follows:
- 73 "15-10-42.
- Except as otherwise provided in this article and in Code Section 9-11-7.1, proceedings
- 75 Proceedings in the magistrate court shall not be subject to Chapter 11 of Title 9, the
- 76 'Georgia Civil Practice Act.'"
- 77 SECTION 4.
- 78 This Act shall become effective on July 1, 2014, and shall apply to any filings made on or
- 79 after such date.
- SECTION 5.
- 81 All laws and parts of laws in conflict with this Act are repealed.