

The Senate Judiciary Committee offered the following substitute to SB 386:

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.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 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 "9-11-7.1.

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 number, birthdate, or the name of an individual known to be a minor shall include only:

- 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 not apply to the following:

- 25 (1) A financial account number that identifies property allegedly subject to forfeiture in
26 a civil forfeiture proceeding;

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 without redaction. The court may later unseal the filing or order the filer to file a redacted
 33 version for the public record. A filer may petition the court to file an unredacted filing
 34 under seal. 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 from being filed with the court. The court may order an unredacted filing be sealed and
 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 subsection (a) of this Code
 42 section, be sealed and may also order that a redacted version of the same filing be filed
 43 for the public record; and

44 (2) Limit or prohibit a nonparty's remote electronic access to a document filed with the
 45 court.

46 (f) **Option for reference list.** A filing that contains redacted information may be filed
 47 together with a reference list that identifies each item of redacted information and specifies
 48 an appropriate identifier that uniquely corresponds to each item listed. Such reference list
 49 shall be filed under seal and may be amended as of right. Any reference in a civil action
 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 magistrate court shall comply with this Code section.

53 (h) **Waiver of protected identifiers.** A filer waives the protections provided by
 54 subsection (a) of this Code section to the extent that he or she makes his or her own filing
 55 without redaction and not under seal."

56 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
 61 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

63 information form and domestic relations case filing information form shall be required to
64 contain an acknowledgment by the filer that the complaint and any exhibits or other
65 attachments satisfy the redaction requirements of Code Section 9-11-7.1. The civil case
66 forms set out in Exhibit F of the 'Report and Recommendations of the 1997-1998 Court
67 Filings Committee' published by the State Bar of Georgia and dated May 15, 1998, are
68 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.

74 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.

80 **SECTION 5.**

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