

The House Committee on Judiciary offers 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, Article 3 of Chapter 10 of Title 15, and
2 Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to pleadings,
3 motions and forms, civil proceedings in magistrate court, and garnishment proceedings,
4 respectively, so as to provide for redacted information in certain filings; to provide for
5 exceptions and filings under seal; to provide for correction of unredacted information; to
6 provide for protective orders; to provide for references lists; to provide for waivers; to
7 provide for form conformity; to provide for cross-references; to provide for related matters;
8 to provide for an effective date and applicability; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**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.** Except as provided in subsections (b) and (c) of this Code section
16 or unless the court orders otherwise, a filing with the court that contains a social security
17 number, taxpayer identification number, financial account number, or birth date shall
18 include only:

- 19 (1) The last four digits of a social security number;
20 (2) The last four digits of a taxpayer identification number;
21 (3) The last four digits of a financial account number; and
22 (4) The year of an individual's birth.

23 (b) **Garnishment.** A summons of garnishment that is filed with a court shall only include
24 the last four digits of the defendant's social security number, taxpayer identification
25 number, or financial account number; provided, however, that the plaintiff shall provide
26 the defendant's full social security number, taxpayer identification number, or financial

27 account number, if reasonably available to the plaintiff, on the copies of the summons of
28 garnishment served on the garnishee and defendant.

29 (c) **Exemptions from redaction requirement.** Subsection (a) of this Code section shall
30 not apply to the following:

31 (1) A financial account number that identifies property allegedly subject to forfeiture in
32 a civil forfeiture proceeding;

33 (2) The official record of an administrative or agency proceeding;

34 (3) The official record of a court or tribunal in another case or proceeding;

35 (4) A filing made in a probate court; and

36 (5) A filing made under seal as provided in subsection (d) of this Code section.

37 (d) **Filings made under seal.** The court may order that a filing be made under seal
38 without redaction. The court may later unseal the filing or order the filer to file a redacted
39 version for the public record. A filer may petition the court to file an unredacted filing
40 under seal. The court shall retain all filings made under seal as part of the record.

41 (e) **Correction of unredacted information.** An inadvertent failure to redact information
42 which is required to be redacted shall be a curable defect and shall not preclude a document
43 from being filed with the court. The court may order an unredacted filing be sealed and
44 may also order that a redacted version of the same filing be filed for the public record.

45 (f) **Protective orders.** For good cause, the court may:

46 (1) Order a filing which contains additional personal or confidential information, other
47 than the information required to be redacted pursuant to this Code section, be sealed and
48 may also order that a redacted version of the same filing be filed for the public record;
49 and

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

52 (g) **Option for reference list.** A filing that contains redacted information may be filed
53 together with a reference list that identifies each item of redacted information and specifies
54 an appropriate identifier that uniquely corresponds to each item listed. Such reference list
55 shall be filed under seal and may be amended as of right. Any reference in a civil action
56 to a listed identifier shall be construed to refer to the corresponding item of information.

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

60 **SECTION 2.**

61 Article 10 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to
 62 forms, is amended by revising subsection (a) of Code Section 9-11-133, relating to forms
 63 meeting requirements for civil case filings and disposition, as follows:

64 "(a) The forms set out in subsections (b), (c), (d), and (e) of this Code section or forms
 65 substantially similar to such forms ~~are~~ shall be sufficient to meet the requirements for civil
 66 case filing and disposition forms; provided, however, that the general civil case filing
 67 information form and domestic relations case filing information form shall be required to
 68 contain an acknowledgment by the filer that the complaint and any exhibits or other
 69 attachments satisfy the redaction requirements of Code Section 9-11-7.1. The civil case
 70 forms set out in Exhibit F of the 'Report and Recommendations of the 1997-1998 Court
 71 Filings Committee' published by the State Bar of Georgia and dated May 15, 1998, are
 72 substantially similar to the forms set out in this Code section."

73 **SECTION 3.**

74 Article 3 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
 75 civil proceedings in magistrate court, is amended by revising Code Section 15-10-42, relating
 76 to the Civil Practice Act being inapplicable to magistrate courts, as follows:

77 "15-10-42.

78 Except as provided in subsection (g) of Code Sections 15-10-43 and 15-10-50, proceedings
 79 Proceedings in the magistrate court shall not be subject to Chapter 11 of Title 9, the
 80 'Georgia Civil Practice Act.'"

81 **SECTION 4.**

82 Said article is further amended by revising subsection (b) of Code Section 15-10-53, relating
 83 to filing documents by electronic means, as follows:

84 "(b) Any pleading or document filed electronically shall be in a format prescribed by the
 85 court and shall comply with Code Section 15-10-54."

86 **SECTION 5.**

87 Said article is further amended by adding a new Code section to read as follows:

88 "15-10-54.

89 (a) Except as provided in subsections (b) and (c) of this Code section or unless the court
 90 orders otherwise, a filing with the court that contains a social security number, taxpayer
 91 identification number, financial account number, or birth date:

92 (1) The last four digits of a social security number;

93 (2) The last four digits of a taxpayer identification number;

- 94 (3) The last four digits of a financial account number; and
95 (4) The year of an individual's birth.
- 96 (b) A summons of garnishment that is filed with the court shall only include the last four
97 digits of the defendant's social security number, taxpayer identification number, or financial
98 account number; provided, however, that the plaintiff shall provide the defendant's full
99 social security number, taxpayer identification number, or financial account number, if
100 reasonably available to the plaintiff, on the copies of the summons of garnishment served
101 on the garnishee and defendant.
- 102 (c) Subsection (a) of this Code section shall not apply to the following:
- 103 (1) The official record of an administrative or agency proceeding;
104 (2) The official record of a court or tribunal in another case or proceeding; and
105 (3) A filing made under seal as provided in subsection (d) of this Code section.
- 106 (d) The court may order that a filing be made under seal without redaction. The court may
107 later unseal the filing or order the filer to file a redacted version for the public record. A
108 filer may petition the court to file an unredacted filing under seal. The court shall retain
109 all filings made under seal as part of the record.
- 110 (e) An inadvertent failure to redact information which is required to be redacted shall be
111 a curable defect and shall not preclude a document from being filed with the court. The
112 court may order an unredacted filing be sealed and may also order that a redacted version
113 of the same filing be filed for the public record.
- 114 (f) For good cause, the court may:
- 115 (1) Order a filing which contains additional personal or confidential information, other
116 than the information required to be redacted pursuant to this Code section, be sealed and
117 may also order that a redacted version of the same filing be filed for the public record;
118 and
- 119 (2) Limit or prohibit a nonparty's remote electronic access to a document filed with the
120 court.
- 121 (g) A filing that contains redacted information may be filed together with a reference list
122 that identifies each item of redacted information and specifies an appropriate identifier that
123 uniquely corresponds to each item listed. Such reference list shall be filed under seal and
124 may be amended as of right. Any reference in a civil action to a listed identifier shall be
125 construed to refer to the corresponding item of information.
- 126 (h) A filer waives the protections provided by subsection (a) of this Code section to the
127 extent that he or she makes his or her own filing without redaction and not under seal."

SECTION 6.

128
129 Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to garnishment
130 proceedings, is amended by revising subsections (h) and (i) of Code Section 18-4-20, relating
131 to property subject to garnishment generally, claim amount, and social security number on
132 summons, as follows:

133 "~~(h)~~ The summons of garnishment, including a summons of continuing garnishment, ~~may~~
134 shall on its face set forth, ~~if known,~~ the social security number of the defendant to the
135 extent it is reasonably available to the plaintiff; provided, however, that if such summons
136 is filed with a court, the court filing shall be redacted in accordance with Code Section
137 9-11-7.1 or 15-10-54, as applicable. The defendant's full social security number shall be
138 made known to the garnishee and defendant in accordance with Code Section 9-11-7.1 or
139 15-10-54, as applicable, to the extent such information is reasonably available to the
140 plaintiff.

141 (i)(1) A summons of garnishment upon a financial institution, or an attachment thereto,
142 shall state with particularity all of the following information, to the extent reasonably
143 available to the plaintiff:

144 ~~(1)(A)~~ (A) The name of the defendant, and, to the extent such would reasonably enable the
145 garnishee to properly respond to the summons, all known configurations, nicknames,
146 aliases, former or maiden names, trade names, or variations thereof;

147 ~~(2)(B)~~ (B) The service address and the current addresses of the defendant and, to the extent
148 such would reasonably enable the garnishee to properly respond to the summons of
149 garnishment and such is reasonably available to the plaintiff, the past addresses of the
150 defendant;

151 ~~(3)(C)~~ (C) The social security number or federal tax identification number of the
152 defendant; provided, however, that if such summons is filed with a court, the court
153 filing shall be redacted in accordance with Code Section 9-11-7.1 or 15-10-54, as
154 applicable. The defendant's full social security number or federal tax identification
155 number shall be made known to the garnishee and defendant in accordance with Code
156 Section 9-11-7.1 or 15-10-54, as applicable, to the extent such information is
157 reasonably available to the plaintiff; and

158 ~~(4)(D)~~ (D) Account, identification, or tracking numbers ~~known or suspected by~~ reasonably
159 available to the plaintiff to be used by the garnishee in the identification or
160 administration of the defendant's funds or property; provided, however, that if such
161 summons is filed with a court, the court filing shall be redacted in accordance with
162 Code Section 9-11-7.1 or 15-10-54, as applicable. The defendant's account,
163 identification, or tracking numbers shall be made known to the garnishee and defendant

164 in accordance with Code Section 9-11-7.1 or 15-10-54, as applicable, to the extent such
165 information is reasonably available to the plaintiff.

166 (2) A misspelling of any information required by paragraph (1) or (2) of this subsection,
167 other than the surname of a natural person defendant, shall not invalidate a summons of
168 garnishment, so long as such information is not misleading in a search of the garnishee's
169 records."

170 **SECTION 7.**

171 Said chapter is further amended by revising paragraphs (2) and (7) of Code Section 18-4-66,
172 relating to forms for postjudgment garnishment, as follows:

173 "(2) Summons of garnishment.

174 IN THE _____ COURT OF _____ COUNTY
175 STATE OF GEORGIA

176 _____)
177 Plaintiff)
178)
179 v.) Civil action
180) File no. ____
181 _____)
182 Defendant)
183 Last four digits of social)
184 Social security number)
185)
186 _____)
187 Garnishee)
188)
189 _____)
190 Address)

191 **SUMMONS OF GARNISHMENT**

192 To: _____ Garnishee
193 Amount claimed due by plaintiff \$ _____
194 (To be completed by plaintiff)

195 Plus court costs due on the summons \$_____

196 (To be completed by the clerk)

197 YOU ARE HEREBY COMMANDED to hold immediately all property, money, wages,
198 except what is exempt, belonging to the defendant, or debts owed to the defendant named
199 above at the time of service of this summons and between the time of service of this
200 summons and the time of making your garnishee answer. Not sooner than 30 days but
201 not later than 45 days after you are served with this summons, you are commanded to file
202 your garnishee answer in writing with the clerk of this court and serve a copy upon the
203 plaintiff or the plaintiff's attorney named below. Money or other property subject to this
204 summons should be delivered to the court with your garnishee answer. Should you fail
205 to file a garnishee answer to this summons, a judgment will be rendered against you for
206 the amount the plaintiff claims due by the defendant.

207 Witness the Honorable _____, Judge of said Court.

208 This _____ day of _____, ____.

209 _____
210 Clerk,
211 _____ Court of _____ County

212 _____
213 Plaintiff's attorney

214 _____
215 Address

216 Service perfected on garnishee, this _____ day of _____, ____.

217 _____
218 Deputy marshal, sheriff,
219 or constable"

220 "(7) Attachment to summons of garnishment upon a financial institution.

221 IN THE _____ COURT OF _____ COUNTY
222 STATE OF GEORGIA

223 _____)
224 Plaintiff)
225)
226 v.) Civil action
227) File no. _____

228 _____)
 229 Defendant)
 230)
 231 _____)
 232 Other known names)
 233 of Defendant)
 234)
 235 _____)
 236 Current and past)
 237 addresses of Defendant)
 238)
 239 _____)
 240 Last four digits of social)
 241 ~~social~~ security number)
 242 or federal tax)
 243 identification number)
 244 of Defendant)
 245)
 246 _____)
 247 Last four digits of account)
 248 ~~Account~~ or identification)
 249 numbers of Defendant)
 250 used by Garnishee)
 251)
 252 _____)
 253 Other allegations)
 254)
 255 _____)
 256 Garnishee)"

257 **SECTION 8.**

258 Said chapter is further amended by revising paragraph (2) of Code Section 18-4-118, relating
259 to forms for continuing garnishment, as follows:

260 "(2) Summons of continuing garnishment.

261 IN THE _____ COURT OF _____ COUNTY
262 STATE OF GEORGIA

263 _____)
 264 Plaintiff)
 265)
 266 v.) Civil action
 267) File no. _____
 268 _____)
 269 Defendant)
 270 Last four digits of social)
 271 ~~Social~~ security number)
 272)
 273 _____)
 274 Garnishee)
 275)
 276 _____)
 277 Address)

278 SUMMONS OF CONTINUING GARNISHMENT

279 To: _____ Garnishee
 280 Amount claimed due by plaintiff \$ _____
 281 (To be completed by plaintiff)
 282 Plus court costs due on this summons \$ _____
 283 (To be completed by clerk)
 284 YOU ARE HEREBY COMMANDED to hold immediately all property, money, wages,
 285 except what is exempt, belonging to the defendant, or debts owed to the defendant named
 286 above at the time of service of this summons and between the time of service of this
 287 summons to and including the one hundred seventy-ninth day thereafter. Not later than
 288 45 days after you are served with this summons, you are commanded to file your
 289 garnishee answer in writing with the clerk of this court and serve a copy upon the plaintiff
 290 or his attorney named below. This garnishee answer shall state what property, money,
 291 and wages, except what is exempt, belonging to the defendant, or debts owed to the
 292 defendant, you hold or owe at the time of service of this summons and between the time
 293 of such service and the time of making your first garnishee answer. Thereafter, you are
 294 required to file further garnishee answers no later than 45 days after your last garnishee
 295 answer. Every further garnishee answer shall state what property, money, and wages,
 296 except what is exempt, belonging to the defendant, or debts owed to the defendant, you
 297 hold or owe at and from the time of the last garnishee answer to the time of the current

298 garnishee answer. The last garnishee answer required by this summons shall be filed no
 299 later than the one hundred ninety-fifth day after you receive this summons. Money or
 300 other property admitted in a garnishee answer to be subject to continuing garnishment
 301 shall be delivered to the court with your garnishee answers. Should you fail to file
 302 garnishee answers as required by this summons, a judgment will be rendered against you
 303 for the amount the plaintiff claims due by the defendant.

304 Witness the Honorable _____, Judge of said Court.

305 This _____ day of _____, _____.

306 _____
 307 Clerk,
 308 _____ Court of _____ County

309 _____
 310 Plaintiff's attorney

311 _____
 312 Address

313 Service perfected on garnishee, this _____ day of _____, _____.

314 _____
 315 Deputy marshal, sheriff,
 316 or constable"

317 **SECTION 9.**

318 This Act shall become effective on July 1, 2014, and shall apply to any filings made on or
 319 after such date.

320 **SECTION 10.**

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