House Bill 449 (AS PASSED HOUSE AND SENATE)
By: Representatives Gravley of the 67th, Jacobs of the 80th, Hightower of the 68th, Teasley of the 37th, Smyre of the 135th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of agency records is not required, so as to change certain provisions relating to the release of audio recordings of 9-1-1 telephone calls; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of agency records is not required, is amended in subsection (a) by adding a new paragraph to read as follows:

(26.1) In addition to the exemption provided by paragraph (26) of this subsection, audio recordings of a 9-1-1 telephone call to a public safety answering point which contain the speech in distress or cries in extremis of a caller who died during the call or the speech or cries of a person who was a minor at the time of the call, except to the following, provided that the person seeking the audio recording of a 9-1-1 telephone call submits a sworn affidavit that attests to the facts necessary to establish eligibility under this paragraph:

(A) A duly appointed representative of a deceased caller's estate;
(B) A parent or legal guardian of a minor caller;
(C) An accused in a criminal case when, in the good faith belief of the accused, the audio recording of the 9-1-1 telephone call is relevant to his or her criminal proceeding;
(D) A party to a civil action when, in the good faith belief of such party, the audio recording of the 9-1-1 telephone call is relevant to the civil action;
(E) An attorney for any of the persons identified in subparagraphs (A) through (D) of this paragraph; or
(F) An attorney for a person who may pursue a civil action when, in the good faith belief of such attorney, the audio recording of the 9-1-1 telephone call is relevant to the potential civil action;"

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.