

House Bill 976

By: Representatives Hitchens of the 161st, Willard of the 51st, Powell of the 32nd, Caldwell of the 131st, Tanner of the 9th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated,
2 relating to state records management, so as to provide for minimum retention periods for
3 video recordings from law enforcement surveillance devices, law enforcement body-worn
4 devices, or devices located on or inside of a law enforcement vehicle; to provide for a
5 definition; to provide for exceptions; to provide for presumptions, civil liability, and fees; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 5 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
10 state records management, is amended by revising subsection (a) of Code Section 50-18-92,
11 relating to the creation of the State Records Committee and retention schedules, as follows:

12 "(a) There is created the State Records Committee, to be composed of the Governor, the
13 Secretary of State, the chancellor of the University System of Georgia, an appointee of the
14 Governor who is not the Attorney General, the state auditor, and an officer of a governing
15 body, as such terms are defined in subsection (a) of Code Section 50-18-99, to be appointed
16 by the chancellor, or their designated representatives. It shall be the duty of the committee
17 to review, approve, disapprove, amend, or modify retention schedules submitted by agency
18 heads, school boards, county governments, and municipal governments through the
19 division for the disposition of records based on administrative, legal, fiscal, or historical
20 values. ~~The~~ Except as provided in Code Section 50-18-96, the retention schedules, once
21 approved, shall be authoritative, shall be directive, and shall have the force and effect of
22 law. A retention schedule may be determined by four members of the committee.
23 Retention schedules may be amended by the committee on change of program mission or
24 legislative changes affecting the records. The chancellor of the University System of
25 Georgia shall serve as chairperson of the committee and shall schedule meetings of the

26 committee as required. Four members shall constitute a quorum. Each agency head has
27 the right of appeal to the committee for actions taken under this Code section."

28 **SECTION 2.**

29 Said article is further amended by revising Code Section 50-18-96, which was previously
30 reserved, as follows:

31 "50-18-96.

32 (a) As used in this Code section, the term 'governing body' shall have the same meaning
33 as set forth in Code Section 50-18-99.

34 (b) Video recordings from law enforcement surveillance devices shall be retained for 30
35 days from the date of such recording except:

36 (1) If such recording is part of a criminal investigation, shows a vehicular accident,
37 shows the detainment or arrest of an individual, or shows a law enforcement officer's use
38 of force, it shall be retained for 30 months from the date of such recording; and

39 (2) If such recording contains evidence that is or can reasonably be anticipated to be
40 necessary for pending litigation, it shall be retained for 30 months from the date of such
41 recording, and if litigation is commenced during such period it shall be retained until a
42 final adjudication of such litigation.

43 (c) Video recordings from law enforcement body-worn devices or devices located on or
44 inside of law enforcement vehicles shall be retained for 180 days from the date of such
45 recording except:

46 (1) If such recording is part of a criminal investigation, shows a vehicular accident,
47 shows the detainment or arrest of an individual, or shows a law enforcement officer's use
48 of force, it shall be retained for 30 months from the date of such recording; and

49 (2) If such recording contains evidence that is or can reasonably be anticipated to be
50 necessary for pending litigation, it shall be retained for 30 months from the date of such
51 recording, and if litigation is commenced during such period it shall be retained until a
52 final adjudication of such litigation.

53 (d) The retention periods described in this Code section are de minimis.

54 (e) This Code section shall not require the destruction of such video recording after the
55 required retention period.

56 (f) Any video recording destroyed pursuant to the retention schedule provided in this Code
57 section shall be deemed to have been properly destroyed, and no evidentiary presumption
58 shall be made that such recording was harmful to the governing body or any law
59 enforcement officer depicted in such recording.

60 (g) A governing body or law enforcement officer shall not have a duty to redact or obscure
61 people, objects, or information that appear in a video recording from any law enforcement

62 surveillance device, law enforcement body-worn device, or device located on or inside of
63 a law enforcement vehicle, nor shall such body or officer have any civil liability for such
64 depiction.

65 (h) Notwithstanding fees imposed pursuant to Article 4 of this chapter, an additional fee
66 of \$12.00 shall be imposed for the copying of video recordings from law enforcement
67 surveillance devices, law enforcement body-worn devices, or devices located on or inside
68 of a law enforcement vehicle. Reserved."

69 **SECTION 2.**

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