

House Bill 367

By: Representatives Strickland of the 111<sup>th</sup>, Hitchens of the 161<sup>st</sup>, Jackson of the 128<sup>th</sup>, Reeves of the 34<sup>th</sup>, and Jasperse of the 11<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 45 of the Official Code of Georgia Annotated, relating to  
2 general provisions for public officers and employees, so as to provide a procedure for having  
3 certain information redacted in order to protect the privacy of public safety officials and their  
4 relatives; to provide for definitions; to provide requirements for requesting redacted  
5 information; to provide for related matters; to provide for an effective date; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 45 of the Official Code of Georgia Annotated, relating to general  
10 provisions for public officers and employees, is amended by adding a new Code section to  
11 read as follows:

12 "45-1-7.

13 (a) As used in this Code section, the term:

14 (1) 'Department head' means a director, commission, board, commissioner, or  
15 constitutional officer or such other official in charge of a public safety official.

16 (2) 'Entity' means any agency, authority, board, bureau, commission, committee,  
17 department, office, or instrumentality of this state or of any political subdivision of this  
18 state.

19 (3) 'Jail officer' means any individual who is employed or appointed by a county, a  
20 municipality, or the Department of Juvenile Justice and who has the responsibility of  
21 supervising individuals who are confined in a county or municipal detention facility or  
22 programs and facilities of the Department of Juvenile Justice.

23 (4) 'Judge' means Justices, judges, magistrates, and every other such judicial officer for  
24 any level of court in this state.

25 (5) 'Police officer' means any individual charged with the duty of enforcing the criminal  
26 laws and ordinances of this state or the United States, or any county or municipality of

27 this state, state authority, including any college or university police officer who is  
28 registered or certified by the Georgia Peace Officer Standards and Training Council, or  
29 any individual who is elected and charged with enforcing such laws, provided that he or  
30 she has the power of arrest. Such term shall include, but shall not be limited to,  
31 employees of the Department of Corrections, members or employees of the State Board  
32 of Pardons and Paroles, employees of the Georgia Bureau of Investigation, county police,  
33 municipal police, sheriffs, deputy sheriffs, state troopers, wardens, guards, agents and  
34 investigators of the State Forestry Commission, Department of Transportation, and  
35 Department of Public Safety, conservation rangers of the Department of Natural  
36 Resources, agents of the Department of Revenue, and employees of such entities.

37 (6) 'Prosecuting attorney' means the Attorney General, a district attorney, a  
38 solicitor-general, and any employee of such office.

39 (7) 'Public defender' means the circuit public defender and any employee of a circuit  
40 public defender office.

41 (8) 'Public safety official' means police officers, jail officers, judges, prosecuting  
42 attorneys, and public defenders.

43 (b) The Georgia Bureau of Investigation, in cooperation with the Administrative Office  
44 of the Courts, the Prosecuting Attorneys' Council of the State of Georgia, and the Georgia  
45 Public Defender Council shall develop the form to be utilized as a Certificate for Redacted  
46 Information, as well as the form for the application for redaction. The Georgia Bureau of  
47 Investigation shall publish such forms. The application shall be used by public safety  
48 officials to request redaction of such public safety official's home address and telephone  
49 number, and the home address and telephone number of any person related to such public  
50 safety official by blood or marriage, from an entity's website or any other Internet access  
51 point within the entity's control.

52 (c) When a public safety official desires to have his or her home address and telephone  
53 number or the home address and telephone number of any person related to such public  
54 safety official by blood or marriage redacted, such official shall make such request using  
55 the approved application form, and shall include the public safety official's eligibility to  
56 request redaction and the names, home addresses, and telephone numbers sought to be  
57 redacted.

58 (d) The application for redaction shall be presented to the applicant's department head for  
59 issuance of a Certificate for Redacted Information, and such certificate shall be issued if  
60 deemed appropriate by such department head. A department head shall be authorized to  
61 issue such certificate for himself or herself.

62 (e) A Certificate for Redacted Information shall be valid for ten years from the date of  
63 issuance. A public safety official may apply for consecutive certificates.

64 (f) No entity shall post a home address or telephone number, in any manner whatsoever,  
65 including on public filings, when such information is protected in accordance with a  
66 Certificate for Redacted Information. An entity shall redact such information from view  
67 on its website or any other Internet access point within its control within 72 hours of  
68 receiving a written request for redaction from a public safety official together with such  
69 certificate. Such redaction shall remain for ten years after the date of such certificate  
70 unless a subsequent certificate has been issued."

71 **SECTION 2.**

72 This Act shall become effective on January 1, 2018.

73 **SECTION 3.**

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