

House Bill 885

By: Representatives Petrea of the 166th, Fleming of the 121st, Cantrell of the 22nd, Collins of the 68th, Powell of the 32nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-5-36 of the Official Code of Georgia Annotated, relating to
2 confidentiality of information supplied by inmates, penalties for breach, classified nature of
3 department investigation reports, confidentiality of certain identifying information, and
4 custodians of records, so as to provide that certain information within inmate files of the
5 Department of Corrections shall not be classified as confidential state secrets when requested
6 by the district attorney for purposes of responding to proposed actions of the State Board of
7 Pardons and Paroles; to provide for an exception; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Code Section 42-5-36 of the Official Code of Georgia Annotated, relating to confidentiality
12 of information supplied by inmates, penalties for breach, classified nature of department
13 investigation reports, confidentiality of certain identifying information, and custodians of
14 records, is amended by revising subsection (c) as follows:

15 "(c)(1) As used in this subsection, the term:

16 (A) 'Serious offense' shall have the same meaning as set forth in Code Section 42-9-42.

17 (B) 'Serious violent felony' shall have the same meaning as set forth in Code Section
18 17-10-6.1.

19 (2) All institutional inmate files and central office inmate files of the department shall
20 be classified as confidential state secrets and privileged under law, unless declassified in
21 writing by the commissioner; provided, however, that ~~these~~:

22 (A) Except for medical records, this subsection shall not apply to information
23 requested by the district attorney of the circuit in which the inmate was sentenced for
24 a serious violent felony or a felony of a sexual nature against a person less than 18 years
25 of age for purposes of such district attorney submitting information or filing a written

26 objection under Code Section 42-9-43. Such information may be publicly disclosed by
27 the district attorney in the discretion of the district attorney;
28 (B) These records shall be subject to subpoena by a court of competent jurisdiction of
29 this state and provided, further, that the; and
30 (C) The commissioner shall prepare a report of the conduct of record of any inmate
31 servicing a sentence for a serious violent felony. When the report includes conduct which
32 would constitute a serious offense, reasonably related information connected to such
33 offense shall be included in the report. Such report shall be subject to disclosure under
34 paragraph (2) of subsection (a) of Code Section 42-9-43."

35 **SECTION 2.**

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