Senate Bill 113

By: Senators Kemp of the 46th, Tolleson of the 18th, Zamarripa of the 36th, Smith of the 52nd, Hall of the 22nd and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to change certain provisions relating to government meetings that are not required to be open to the public; to change certain provisions relating to exceptions from the requirements of disclosure of public records; to add certain exceptions from disclosure requirements; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended in Code Section 50-14-3, relating to government meetings that are not required to be open to the public, by striking the word "and" at the end of paragraph (7), by replacing the period at the end of paragraph (8) with the symbol and word "; and", and by adding a new paragraph (9) to read as follows:

"(9) Meetings when discussing any records that are exempt from public inspection or disclosure pursuant to paragraph (15) of subsection (a) of Code Section 50-18-72 or when discussing any information a record of which would be exempt from public inspection or disclosure under said paragraph."

SECTION 2.

Said title is further amended in subsection (a) of Code Section 50-18-72, relating to exceptions from the requirements of disclosure of public records, by striking "or" at the end of paragraph (13.1), by striking the period at the end of paragraph (14) and inserting in lieu thereof "; or", and by adding a new paragraph (15) to read as follows:

"(15)(A) Records, the disclosure of which would compromise security against sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the protection of life, safety, or public property, which shall be limited to the following:

(i) Security plans and vulnerability assessments for any public utility, technology infrastructure, building, facility, function, or activity in effect at the time of the request for disclosure or pertaining to a plan or assessment in effect at such time;

(ii) Any plan for protection against terrorist or other attacks, which plan depends for its effectiveness in whole or in part upon a lack of general public knowledge of its details;

(iii) Any document relating to the existence, nature, location, or function of security devices designed to protect against terrorist or other attacks, which devices depend for their effectiveness in whole or in part upon a lack of general public knowledge; and

(iv) Any plan, blueprint, or other material which if made public could compromise security against sabotage, criminal, or terroristic acts.

(B) In the event of litigation challenging nondisclosure pursuant to this paragraph by an agency of a document covered by this paragraph, the court may review the documents in question in camera and may condition, in writing, any disclosure upon such measures as the court may find to be necessary to protect against endangerment of life, safety, or public property.

(C) As used in divisions (i) and (iv) of subparagraph (A) of this paragraph, the term 'activity' means deployment or surveillance strategies, actions mandated by changes in the federal threat level, motorcades, contingency plans, proposed or alternative motorcade routes, executive and dignitary protection, planned responses to criminal or terrorist actions, after-action reports still in use, proposed or actual plans and responses to bioterrorism, and proposed or actual plans and responses to requesting and receiving the National Pharmacy Stockpile.″

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

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