

The House Committee on Judiciary offers the following substitute to HB 1223:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-18-72, relating to when public disclosure not required, so as to
2 provide for an exemption from disclosing audio and video recordings when such recordings
3 depict a person's death; to provide for exceptions; to provide for related matters; to provide
4 for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 50-18-72, relating to when public disclosure not required, is amended in
8 subsection (a) by striking "or" at the end of paragraph (51), by replacing the period with
9 "; or" at the end of paragraph (52), and by adding a new paragraph to read as follows:

10 "(53)(A) Audio or video recordings from devices used by any state or local government
11 agency that include audio, video, or images of a deceased person, or otherwise show
12 a person's death or show a person in distress immediately preceding his or her death;
13 provided, however, that this subsection shall not prohibit disclosure of such material to
14 the deceased person's next of kin or to an individual who has secured a written release
15 from the deceased person's next of kin. It shall be the responsibility of the individual
16 claiming to be the deceased person's next of kin to show proof of his or her familiar

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17 relationship with the deceased person. For purposes of this paragraph, the deceased
18 person's next of kin shall be:

19 (i) If living, the spouse of the deceased person;

20 (ii) If there is no living spouse of the deceased person, an adult child of the deceased
21 person; or

22 (iii) If there is no living spouse or adult child of the deceased person, a parent of the
23 deceased person.

24 (B) Subject to the provisions of subparagraph (C) of this paragraph, in the case of
25 closed criminal investigations, a superior court may order the disclosure of audio or
26 video recordings provided in subparagraph (A) of this paragraph upon findings in
27 writing that disclosure is in the public interest and outweighs any privacy interest that
28 may be asserted by the deceased person's next of kin. In making such determination,
29 the court shall consider whether such disclosure is necessary for public evaluation of
30 governmental performance, the seriousness of the intrusion into the family's right to
31 privacy, and whether such disclosure is the least intrusive means available considering
32 the availability of similar information in other public records. In any such action, the
33 court shall review the recordings in question in camera with the custodian of crime
34 scene materials present, if any, and may condition any disclosure on such conditions
35 as the court may deem necessary to accommodate the interests of the parties.

36 (C) Prior to releasing any audio or video recordings provided in subparagraph (A) of
37 this paragraph, the custodian of such recordings shall give the deceased person's next
38 of kin at least two weeks' notice. No court shall order a disclosure pursuant to
39 subparagraph (B) of this paragraph which would disregard or shorten the duration of
40 such notice requirement.

41 (D) The provisions of this paragraph shall apply to all undisclosed material which is
42 in the custody of a state or local government agency on May 13, 2026, and to any such

43 material which comes into the custody of a state or local government agency after such
44 date.

45 (E) This paragraph shall not apply to disclosure of crime scene material to counsel
46 representing a convicted defendant in a habeas corpus action pursuant to Chapter 14 of
47 Title 9, on an extraordinary motion for new trial under Code Section 5-5-40 or 5-5-41,
48 or in a federal habeas corpus action under Section 2254 or 2255 of Title 28 of the
49 United States Code for the purpose of preparing to file or litigating such proceedings.
50 Counsel may disclose such materials to his or her client and any expert or investigator
51 assisting such counsel but shall not otherwise disseminate such materials, except to the
52 extent they may be necessary exhibits in court proceedings. A request pursuant to this
53 paragraph shall clearly state that such request is being made for the purpose of
54 preparing to file and litigate proceedings enumerated in this subparagraph."

55 **SECTION 2.**

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

58 **SECTION 3.**

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