

House Bill 1223

By: Representatives Gullett of the 19th, Crowe of the 118th, Momtahan of the 17th, O'Steen of the 169th, Herring of the 145th, and others

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 captured by law
3 enforcement when such recordings depict a person's death; to provide for exceptions; to
4 provide for related matters; 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 by
8 adding a new paragraph to read as follows:

9 "(26.3) Audio and video recordings from devices used by law enforcement officers that
10 include audio, video, or images of a deceased person, or otherwise show a person's death
11 or show a person in distress just prior to death, when there is no pending investigation
12 and such disclosure would be an invasion of personal privacy; provided, however, that
13 such recordings shall be disclosed upon the order of a court of competent jurisdiction and
14 shall further be disclosed to the following, provided that the person seeking such
15 recording submits a sworn affidavit that attests to the facts necessary to establish
16 eligibility under this paragraph:

- (A) A duly appointed representative of a deceased's estate when the decedent was depicted or heard on such recording;
- (B) A parent or legal guardian of a minor depicted or heard on such recording;
- (C) An accused in a criminal case when, in the good faith belief of the accused, such recording is relevant to his or her criminal proceeding;
- (D) A party to a civil action when, in the good faith belief of such party, such recording is relevant to the civil action;
- (E) An attorney for any of the persons identified in subparagraphs (A) through (D) of this paragraph; or
- (F) An attorney for a person who may pursue a civil action when, in the good faith belief of such attorney, such recording is relevant to the potential civil action;"

SECTION 2.

29 All laws and parts of laws in conflict with this Act are repealed.