

The House Committee on Judiciary offers the following substitute to HB 449:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to
2 when public disclosure of agency records is not required, so as to change certain provisions
3 relating to the release of audio recordings of 9-1-1 telephone calls; to repeal conflicting laws;
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
8 disclosure of agency records is not required, is amended in subsection (a) by adding a new
9 paragraph to read as follows:

10 "(26.1) In addition to the exemption provided by paragraph (26) of this subsection, audio
11 recordings of a 9-1-1 telephone call to a public safety answering point which contain the
12 speech in distress or cries in extremis of a caller who died during the call or the speech
13 or cries of a person who was a minor at the time of the call, except to the following,
14 provided that the person seeking the audio recording of a 9-1-1 telephone call submits a
15 sworn affidavit that attests to the facts necessary to establish eligibility under this
16 paragraph:

17 (A) A duly appointed representative of a deceased caller's estate;

18 (B) A parent or legal guardian of a minor caller;

19 (C) An accused in a criminal case when, in the good faith belief of the accused, the
20 audio recording of the 9-1-1 telephone call is relevant to his or her criminal proceeding;

21 (D) A party to a civil action when, in the good faith belief of such party, the audio
22 recording of the 9-1-1 telephone call is relevant to the civil action;

23 (E) An attorney for any of the persons identified in subparagraphs (A) through (D) of
24 this paragraph; or

25 (F) An attorney for a person who may pursue a civil action when, in the good faith
26 belief of such attorney, the audio recording of the 9-1-1 telephone call is relevant to the
27 potential civil action;"

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.