

Senate Bill 482

By: Senators Strickland of the 42nd, Robertson of the 29th, Bearden of the 30th, Tillery of the 19th, Anderson of the 43rd and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 35 and 50 of the Official Code of Georgia Annotated, relating to law
2 enforcement officers and agencies and state government, respectively, so as to require
3 persons requesting booking photographs or law enforcement videos to provide the first and
4 last names of the individuals in such photographs or videos; to require requests for booking
5 photographs or law enforcement videos to be made as separate requests; to provide for
6 conforming changes; to provide for the public disclosure of certain records of the General
7 Assembly; to provide for application; to provide for construction; to provide for related
8 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
13 agencies, is amended in Chapter 1, relating to general provisions regarding law enforcement
14 officers and agencies, by revising subsection (d) of and adding a new subsection to Code
15 Section 35-1-19, relating to disclosure of arrest booking photographs prohibited, to read as
16 follows:

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17 "(d) When a person requests a booking photograph or law enforcement video, he or she
18 shall request such photograph or video by identifying the first and last name of the
19 individual depicted and submit a notarized statement affirming that the use of such
20 photograph or video is in compliance with subsection (c) of this Code section. Any person
21 who knowingly makes a false statement in requesting a ~~booking photograph~~ such
22 photograph or video shall be guilty of a violation of Code Section 16-10-20.

23 (e) Except for requests by the person or persons depicted or requests by the attorney or
24 other designated agent of such person or persons depicted, requests for booking
25 photographs or law enforcement videos shall be made in person as separate requests for
26 each booking photograph or law enforcement video. Requests for booking photographs
27 or law enforcement videos by the person or persons depicted or requests by the attorney
28 or other designated agent of such person or persons depicted shall be made in writing
29 pursuant to Article 4 of Chapter 18 of Title 50."

30

SECTION 2.

31 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
32 in Chapter 18, relating to state printing and documents, by revising paragraph (4) of
33 subsection (a) of Code Section 50-18-72, relating to when public disclosure not required, as
34 follows:

35 "(4) Records of law enforcement, prosecution, or regulatory agencies in any pending
36 investigation or prosecution of criminal or unlawful activity, other than initial police
37 arrest reports and initial incident reports; provided, however, that an investigation or
38 prosecution shall no longer be deemed to be pending when all direct litigation involving
39 such investigation and prosecution has become final or otherwise terminated; and
40 provided, further, that this paragraph shall not apply to records in the possession of an
41 agency that is the subject of the pending investigation or prosecution; and provided,

42 further, that the release of booking photographs and law enforcement videos shall only
43 be permissible in accordance with Code Section 35-1-19;"

44 **SECTION 3.**

45 Said chapter is further amended by adding a new Code section to read as follows:

46 "50-18-79.

47 (a) If any claim of an unlawful employment practice made against the General Assembly,
48 the House of Representatives, the Senate, or any member, office, or employee thereof,
49 including, but not limited to, a claim of sexual harassment, discriminatory harassment,
50 discrimination, or retaliation, is resolved in whole or in part by a settlement agreement, a
51 memorandum of agreement or understanding, or other similar document, however
52 denominated, such agreement shall be subject to public disclosure with the claimant's
53 identity redacted. For purposes of this subsection exclusively, the General Assembly shall
54 be an agency. This subsection shall be applied retroactively.

55 (b) Except as provided for in subsection (a) of this Code section, nothing in this Code
56 section shall be construed or applied so as to subject the General Assembly to the
57 provisions of Code Sections 50-18-70 through 50-18-78 or Chapter 14 of this title."

58 **SECTION 3-A.**

59 This Act shall become effective upon its approval by the Governor or upon its becoming law
60 without such approval, and shall apply to any request for a booking photograph made on or
61 after such date.

62 **SECTION 4.**

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