

GFAF LEGISLATIVE WATCH: 2018 LEGISLATIVE SESSION

Bill Number	Subject	Stated Intent	GFAF Assessment	Wish List of Improvements	Status
SB 331 (Henson, Kirk, Mullis, Orrock, Butler, Anderson)	Lottery anonymity	To allow lottery winners to remain confidential upon request	Negative: This bill would shield information on individuals receiving more than \$250,000 in state money. It would set a dangerous precedent.	There are no improvements that can remedy this bill.	Passed, awaiting governor's signature
SB 311 (McKoon)	Court records	To permit access to courtroom recordings and bring access to court records into the Open Records Act	Negative: This bill appears to be a well-intentioned effort to allow public access to courtroom recordings made by court reporters, but it sweeps too broadly and would make all court records subject to the Open Records Act and, therefore, the Act's exemptions, fees and time requirements. The public is better served by keeping records subject to First Amendment access rights.	Modify the bill to narrowly focus on making courtroom recordings made by court reporters a "court record" subject to the public's right of access, but leave the right of access under the control of First Amendment principles.	Did not pass
SB 407 (Strickland, Walker, Stone, Miller, Martin, Kennedy)	Expunging and sealing court records/delaying access to e-filed court records	(1) To broaden the ability of trial courts to seal retroactively the court records of criminal defendants sentenced under the First Offender	Negative: (1) This bill is part of Governor Deal's multi-year legislative package to reform the Georgia criminal justice system. Many of those reforms have been positive. However, as with other past bills in this reform effort, this	(1) This bill, like prior criminal reform legislation, should give trial courts greater discretion to credit legitimate public interest in criminal court records when considering whether	Passed, awaiting governor's signature

		<p>Act. (2) To require electronic filing of court records, but permit clerks to withhold such electronically filed records from public until the records are deemed “physically accepted” by the court clerk.</p>	<p>year’s legislation contains provisions that significantly expand the mechanisms by which trial courts can seal court records and conceal criminal histories. (2) Late in the session, this bill became a vehicle to move electronic-filing legislation forward. It authorized clerks to withhold electronically filed court records from the public until they are deemed “physically accepted” by the clerk, some of the same provisions GFAP opposed in HB 15 (see below).</p>	<p>to seal court files. (2) This bill should have recognized that the public’s right of access to court records attaches immediately upon filing, regardless of whether the filing is done electronically or using traditional methods.</p>	
<p>HB 716 (Rakestraw, Powell, Petrea, Pruet)</p>	<p>Pre-arrest diversion to a drug program</p>	<p>To allow police to make a pre-arrest diversion for drug and mental health treatment</p>	<p>Negative: This bill allows law enforcement to divert some individuals to treatment instead of arrest, if they consent. That is a laudatory goal, but, given the choice between jail or a diversion program, citizens may feel coerced to choose the latter. It is unclear from the bill that there will be any public record of this exercise of police power. Without a public record, there is a substantial risk of abuse of this power by police.</p>	<p>The bill should include a provision making clear a police report on any pre-arrest diversion will be public and not just included in the patient’s medical record (which is confidential).</p>	<p>Did not pass</p>

HB 656 (Bazemore)	Toxic Shock Syndrome education	To require schools and doctors to discuss Toxic Shock Syndrome and tampon use with students and patients	Negative: This bill imposes on doctors specific requirements about what they must say to their patients. Such “compelled speech” is likely in violation of the First Amendment.		Did not pass
HB 906 (Dempsey, Ballinger, Houston, Efstration, Thomas)	Foster parent data	To allow personal information regarding foster parents to be redacted from Georgia Department of Human Services records	Negative: This bill adds an unnecessary exemption to the Open Records Act and shields information on individuals chosen by DHS to serve as foster parents.		Passed, awaiting governor’s signature
HB 959 (Ridley, Powell, Trammell)	Private entity records	To ensure agencies do not circumvent the Open Records Act through contracts with private entities	Positive: This bill reinforces the law and openness of public records generated by a private entity on behalf of an agency.		Did not pass
HB 978 (Nimmer, Coomer, Carpenter, Corbett, Rhodes, Holcomb)	School zone traffic enforcement	To allow law enforcement to work with agencies to operate and maintain speed detection devices in school zones	Negative: This bill states that these agencies working specifically with law enforcement are not subject to the Open Records Act, which would add exemptions for records that would be open if law enforcement handled themselves.		Did not pass

POTENTIALLY STILL-ACTIVE BILLS FROM 2017 LEGISLATURE

Bill Number	Subject	Stated Intent	GFAF Assessment	Wish list of improvements	Status
HB 15 (Willard, Kelley, Fleming, Beskin, Oliver)	Electronic court filings	To require electronic filing for certain civil superior and state court records	Negative: The original bill required electronic filing of most civil court records, but contained no provision to protect public access to such filings in a timely way, either at the courthouse or electronically. Instead, it arguably made court records subject to the Open Records Act, the three-day waiting option and the Act's exemptions.	GFAF fought to make sure the bill contained proper protections for public access, and the bill went through many amendments during the 2017 session, including the removal of the Open Records Act language and the charges for record review.	Did not pass by Sine Die in 2017, but portions of this bill were incorporated into SB 407 in 2018
HB 29 (Mitchell)	School accreditation	To prohibit local boards of education from seeking accreditation from institutions that do not comply with the Open Records Act	Positive: Reinforces openness of school accreditation records		Did not pass by Crossover Day in 2017, and no activity in 2018
HB 34 (Petrea, Hitchens, R. Stephens, Kelley, Reeves, M. Stephens)	Probation and parole records	To require increased openness in connection with probation and parole process	Positive: This bill adds considerable transparency to the pardon and parole process, including opening board hearings and making most board documents		Did not pass by Crossover Day in 2017, and no activity in 2018

			subject to the Open Records Act. It would greatly improve the secrecy that generally surrounds this agency.		
HB 493 (Stovall, Turner, Cantrell, Setzler, Rynders, Scott)	Video of public meetings to include public comment	To amend Open Meetings Act to require public comment period be included in agency video record of public meetings	Positive: This bill would prevent public agencies from posting video recordings of their public meetings after deleting the public comment portion of the meeting. Frequently, the public comment period includes comments critical of government officials and their performance, so agencies may eliminate this portion of the meeting from the video on agency websites.		2/26/18 –House passed 2/28/18 – Senate read and referred
HB 498 (Strickland, Welch)	Broadcast of accident scenes	To create a private right of action in tort cases against commercial broadcasters who identify victims in an accident or trauma scene	Negative: This bill not only creates a new private right of action against broadcasters, but does so in an incredibly broad fashion covering virtually any accident or trauma coverage.	Bill should be opposed	Did not pass by Crossover Day, and no activity in 2018
SB 44 (Burke)	Donors to rural hospitals	To add an exemption to the Open Records Act for the identification of donors to rural hospital	Negative: If passed, this bill would conceal donors to rural hospitals, thereby concealing potential conflicts of interests.	At a minimum, this bill should include a provision that the donor's identity will be disclosed if the donor transacts business in the	Did not pass by Crossover Day in 2017, but the Senate recommitted the bill on Jan. 8, 2018 Did not pass by

		organizations		amount of \$10,000 or more in a calendar year with the hospital. This qualification exists in connection with a similar exemption for donors to public universities.	Crossover Day in 2018
SB 90 (Fort, Jackson, Rhett, Jones, Seay, James)	Police body cameras	To require certain officers to wear body cameras and provide immediate access to certain recordings	Positive: This bill makes clear that body camera recordings are not subject to the investigative exemption for the portion showing before, during and after “encounters for a law enforcement purpose.”	Ideally, the law would make all recordings open for inspection, regardless of whether they show the actual encounter. This could shield some officer misconduct recordings.	Did not pass by Crossover Day, and no activity in 2018

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