

# GEORGIA FIRST AMENDMENT FOUNDATION LEGISLATIVE WATCH: 2015-2016 LEGISLATIVE SESSION

## Bills Dropped in 2016

Bill Number	Subject	Stated Intent	GFAF Assessment	Wish list of improvements	Status
HB 513	Strategic lawsuits against public participation	Bill designed to strengthen Georgia's existing anti-SLAPP statute, which currently has limited application.	<b>Positive:</b> This bill would improve Georgia's existing anti-SLAPP statute by giving it application beyond just speech on subjects that are pending before a government body.	This sponsor of the bill made it even stronger as it moved through the legislature by incorporating a right to immediate appeal in the event of an adverse decision on an anti-SLAPP motion.	<b>Active</b> – The bill was passed by both the House and Senate, and is now before the Governor. Assuming the Governor signs it into law, it will become effective July 1, 2016.
SB 367	Criminal Justice Reform	Among other objectives, the bill expands the scope of the First Offender Act and allows for the possibility of sealing court records related to a First Offender plea.	<b>Negative:</b> Section 6 of the bill allows a defendant who enters a First Offender plea in a criminal case to seek immediate and permanent sealing of his or her entire case file. This would be a significant change from the current law, but could potentially facilitate offender re-entry into a productive work environment.	Wish list: (1) preserve openness of court records while First Offender is on probation; (2) preserve access to court records at the courthouse for cases that end in a First Offender Act plea.	<b>Active</b> -- The bill was passed by both the House and Senate, and is now before the Governor. Assuming the Governor signs it into law, it will become effective July 1, 2016.

SB 323	Economic Development	This Bill: (1) expands the economic development exemption to any State agency, not just the Ga. Dept. of Economic Development; and (2) creates a new 90 day waiting period to obtain records relating to an intercollegiate sports program.	<b>Negative.</b> The bill creates a broad exemption for records related to “economic development” projects maintained by any State agency; and – by virtue of a last minute amendment – also imposes a 90 day waiting period to obtain access to the records of an intercollegiate sports program of any unit of the University System of Georgia	The bill is unnecessary generally. Its expansion of the exemption for economic development is poorly drafted, and its imposition of a 90 day delay on access to records related to intercollegiate sports is gratuitous and not supported by recent inaccurate claims that other states have laws that permit similar delays. It will lead to abuse.	<b>Active</b> -- The bill was passed by both the House and Senate, and is now before the Governor. GFAF is asking the Governor to veto this bill. If the Governor nonetheless signs the bill into law, it will become effective immediately.
HB 779	Drones	Bill that attempts to define when and where the use of drones would be lawful.	<b>Modestly Negative:</b> This bill (like those dropped in 2015 – see below) originally attempted to limit the use of drones. The bill was amended several times as it went through the House and Senate, so it is much improved over the original version. It generally only limits use of weaponized drones and enacts a study committee to consider future legislation, but does	Wish list of improvements: include newsgathering as a lawful use of drones	<b>Active</b> -- The bill was passed by both the House and Senate, and is now before the Governor. Assuming the Governor signs it into law, it will become effective immediately.

			authorize the state to limit the launch or landing of drones on public property merely by an agency rule or regulation.		
HB 808	Judicial Qualifications Commission	Among other objectives, this bill was originally intended to make the JQC more transparent. It was hijacked in the legislative process and now makes the JQC less transparent.	<b>Negative:</b> The "as passed" version of the bill exempts the records of the JQC from the Open Records Act and requires that information obtained from commission proceedings not be disclosed. Evidence relating to a JQC investigation would only become public if a formal complaint is filed by the JQC against a judge, which would be followed by a public hearing.	This bill originally was intended to make the JQC more transparent, then was amended to make it more secret and in its final version imposes more secrecy, but preserves the open hearing process currently in place.	<b>Active</b> -- The bill was passed by both the House and Senate, and is now before the Governor. Assuming the Governor signs it into law, it will still only become effective on January 1, 2017, if it is ratified by voters in the November 2016 election.
HB 976	Retention by law enforcement of surveillance video	Bill sets retention schedule for body camera and other law enforcement surveillance video	<b>Positive:</b> This bill sets generous retention schedules for law enforcement video between 180 days and 30 months depending on the circumstances.	None	<b>Active</b> -- The bill was passed by both the House and Senate, and is now before the Governor. Assuming the Governor signs it into law, it will become effective immediately.

## Bills Dropped in 2015

Bill Number	Subject	Stated Intent	GFAF Assessment	Wish list of improvements	Status
HB 71	State Board of Pardons and Paroles	Among other objectives, intended to make this board more transparent	<b>Positive:</b> Section 3 of the bill requires the Board to include written findings and each Board member's vote when granting a pardon or commuting a death sentence. The written decision and certain related records are required to be public per sections 3 and 7.	This bill (now law) improved access to the Board of Pardons and Paroles but could have been improved with additional openness requirements relating to operations of the Board.	Passed on April 2, 2015; Signed by the Governor on May 1, 2015.
HB 5, 44, 157	Drones	Various bills that attempt to define when and where the use of aircrafts would be lawful.	<b>Negative:</b> These bills generally attempt to limit the use of drones or images taken by drones. None of the bills affirmatively authorizes the use of drones in non-private places for purposes of newsgathering. HB 5 comes closest to this goal, by permitting the use of drones "[i]n connection with the filming of a motion picture or television program."	Wish list of improvements: (1) include newsgathering as a lawful use of drones, (2) permit lawful use of drone images in news reporting; and (3) remove open records act exemption for drone images taken by government agencies.	None of these bills crossed over in March 2015. The FAA has increasingly suggested jurisdiction of drones may be its exclusive responsibility, but it has not explicitly said so.

HB 30	School accreditation records	To prohibit local school boards from seeking accreditation from an entity that does not make certain records open for disclosures.	<b>Positive:</b> Requires accreditation agencies to allow public inspection of records relating to the imposition of sanctions or withholding of accreditation.	Excellent bill, but it is unlikely that the General Assembly will impose this obligation on private accrediting bodies.	Did not cross over in March 2015
HB 65	Advertising of school board budgets	Would establish public meeting and disclosure requirements for the operating budgets of schools systems.	<b>Positive:</b> Would improve disclosure of school board budgets and improve opportunities for public input.	Excellent bill	Crossed over to the Senate on 2/12/2015 and the Senate Recommitted on 1/11/2016
HB 140	Require disclosure of records of vendors with contracts with state agencies exceeding \$50,000	Disclosure of records of contracting party relating to contract	<b>Positive:</b>	Excellent bill	Did not cross over in March 2015
HB 32, HB 326, SB 46, SB 71, SB 177	Police body cameras	Various bills to require police to wear body cameras and define circumstances where public can review body camera video.	<b>Negative</b> In various ways, these bills define body camera video as a police record, but leave unclear when video must be released to the public and how existing Open Records Act exemptions apply.	Bills should make clear that body worn camera video should be made available immediately, even if an investigation is pending so long as it does not constitute an invasion of privacy.	None of these bills crossed over in March 2015. However, at the very end of the session, body camera language was added to Senate Bill 94, which passed and was signed by the Governor. Unfortunately, the language of SB 94 has not resolved access issues pertaining to

					body work camera video with respect to ongoing investigations, so new legislation may emerge this year.
HB 507	State child abuse offender registry	Bill to create a "child abuser" registry analogous to sex offender registry.	<b>Negative</b> Although this bill contemplates enacting a registry for <i>convicted</i> child abusers, it nevertheless exempts it from the Open Records Act.	The registry should be subject to the Open Records Act.	Did not cross over in March 2015
SB 16	Corporate tax subsidies	To require corporations receiving development subsidies to create certain numbers of jobs and publicly disclose records on same	<b>Positive</b> This bill would require corporations receiving incentives to confirm they have met obligations connected to the incentives with corresponding records being available to the public	Excellent bill	Did not cross over in March 2015
SB 23	News media testimonial privilege	Intended to expand privilege available to journalists	<b>Negative</b> As currently introduced, it would weaken Georgia's existing statutory reporter's privilege because requires disclosure of source information based solely on it being "material" to an unresolved legal issue, and does not require that the information be	This bill was not intended to hurt journalists, but it would if it passed.	Did not cross over in March 2015

			necessary to the case		
SB 179	Lottery winner anonymity	Allows lottery winners to be anonymous if they pay 25% of winnings to HOPE	<b>Negative</b> No citizen should not be able to pay their way "out of" the Open Records Act	Cynical bill that appears to have been dropped in jest.	Did not cross over in March 2015; Senate Recommended on 1/11/2016

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