

GEORGIA FIRST AMENDMENT FOUNDATION LEGISLATIVE WATCH: 2015-2016 LEGISLATIVE SESSION (NO. 2, 03/02/16)

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.	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 bill would be even stronger if it contained a right to immediate appeal in the event of an adverse decision on an anti-SLAPP motion.	Active -- Passed the House on 2/29
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.	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.	Active -- Passed the Senate on 2/25

SB 323	Economic Development	Bill expands economic development exemption in the Open Records Act to any State agency, not just the Ga. Dept. of Economic Development.	The bill creates a broad exemption for records related to “economic development” projects maintained by any State agency.	The bill is unnecessary generally. Additionally, it would also be improved if the language in the proposed exception was confined to only those projects under consideration of the Georgia Department of Economic Development.	Active -- Passed the Senate on 2/23
HB 779	Drones	Bill that attempts to define when and where the use of drones would be lawful.	This bill (like those dropped in 2015 – see below) generally attempts to limit the use of drones. The bill was amended several times as it went through the House, so it is much improved over the original version, but it still limits the use of drones in certain circumstances and authorizes state and local agencies to impose restrictions on the use of drones.	Wish list of improvements: include newsgathering as a lawful use of drones	Active -- Passed the House on 2/29.

HB 808	Judicial Qualifications Commission	Among other objectives, this bill intends to make the JQC more transparent.	Section 2 of the bill explicitly states that the exceptions to the Open Meetings Act “shall not apply to meetings of the Judicial Qualifications Commission,” meaning all JQC meetings would be open to the public.	It is unclear if the JQC is an agency subject to the Open Meetings Act, so this issue and others will make this bill controversial legally and legislatively.	Active -- Passed the House on 2/22
HB 976	Retention by law enforcement of surveillance video	Bill sets retention schedule for body camera and other law enforcement surveillance video	This bill sets generous retention schedules for law enforcement video between 180 days and 30 months depending on the circumstances.	None	Active -- Passed the House on 2/29

Bills Dropped in 2015 (And Potentially Still Active in 2016)

Bill Number	Subject	Stated Intent	GFAF Assessment	Wish list of improvements	Status (yellow shows new activity in 2016)
HB 71	State Board of Pardons and Paroles	Among other objectives, intended to make this board more transparent	: 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.	: 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.	: 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.	: 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 Recommended 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	:	Excellent bill	Did not cross over in March 2015

<p>HB 32, HB 326, SB 46, SB 71, SB 177</p>	<p>Police body cameras</p>	<p>Various bills to require police to wear body cameras and define circumstances where public can review body camera video.</p>	<p>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.</p>	<p>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.</p>	<p>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 worn camera video with respect to ongoing investigations, so new legislation may emerge this year.</p>
<p>HB 507</p>	<p>State child abuse offender registry</p>	<p>Bill to create a "child abuser" registry analogous to sex offender registry.</p>	<p>Although this bill contemplates enacting a registry for <i>convicted</i> child abusers, it nevertheless exempts it from the Open Records Act.</p>	<p>The registry should be subject to the Open Records Act.</p>	<p>Did not cross over in March 2015</p>

SB 16	Corporate tax subsidies	To require corporations receiving development subsidies to create certain numbers of jobs and publicly disclose records on same	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	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 necessary to the case	This bill was not intended to hurt journalists, but it would if it passed.	Did not cross over in March 2015
SB 179	Lottery winner anonymity	Allows lottery winners to be anonymous if they pay 25% of winnings to HOPE	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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