LC 46 0840

House Bill 1421

By: Representative Mainor of the 56th

A BILL TO BE ENTITLED AN ACT

- 1 To amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated,
- 2 relating to obstruction of public administration and related offenses, so as to create a new
- 3 felony classification for prosecutors who use certain technologies to hide work related
- 4 communications from open records requests; to provide for an exception; to provide for
- 5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

- 8 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to
- 9 obstruction of public administration and related offenses, is amended by adding a new Code
- 10 section to read as follows:
- 11 "16-10-35.
- 12 (a) As used in this Code section, the term:
- (1) 'Cryptography' means the process of hiding or coding information so that only the
- person that the information was intended for can access such information through the use
- of a decryption key.

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16 (2) 'Encryption software' means an electronic program that uses cryptography to prevent access to information by persons other than the intended recipient. 17 (b) A prosecutor who uses an encryption software device for work related communications 18 19 with the intent of avoiding disclosure of records that would otherwise require disclosure 20 pursuant to Article 4 of Chapter 18 of Title 50 is guilty of a felony. 21 (c) Nothing in this Code section shall be construed to prevent any employee of the state or of a local government from using government created encryption software to protect 22

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communications that are not subject to public disclosure under Article 4 of Chapter 18 of

24 Title 50."

25 **SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed. 26