

House Bill 990

By: Representatives Bell of the 75<sup>th</sup>, Willis of the 55<sup>th</sup>, Carpenter of the 4<sup>th</sup>, Evans of the 57<sup>th</sup>,  
and Greene of the 154<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 24-9-923 of the Official Code of Georgia Annotated, relating to  
2 admissibility of photographs, motion pictures, video recordings, and audio recordings when  
3 witness available, so as to provide that creative and artistic expression evidence is  
4 inadmissible at trial; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 24-9-923 of the Official Code of Georgia Annotated, relating to admissibility  
9 of photographs, motion pictures, video recordings, and audio recordings when witness  
10 available, is amended by revising subsection (b) as follows:

11 "(b)(1) Subject to any other valid objection, photographs, motion pictures, video  
12 recordings, and audio recordings shall be admissible in evidence when necessitated by  
13 the unavailability of a witness who can provide personal authentication and when the  
14 court determines, based on competent evidence presented to the court, that such items  
15 tend to show reliably the fact or facts for which the items are offered.

16 (2) As used in this subsection, the term 'creative or artistic expression' means the  
17 expression or application of creativity or imagination in the production or arrangement  
18 of forms, sounds, words, movements, or symbols, including music, dance, performance  
19 art, visual art, poetry, literature, film, and other such objects or media. Evidence deemed  
20 to be creative or artistic expression shall not be admissible."

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.