

Senate Bill 12

By: Senators Ginn of the 47th, Robertson of the 29th, Summers of the 13th, Dixon of the 45th, Still of the 48th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated,
2 relating to inspection of public records, so as to revise provisions related to documents and
3 records in the possession of private persons or entities; to revise definitions; to revise
4 provisions related to judicial enforcement of inspection requests; to provide for related
5 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
9 inspection of public records, is amended by revising subsection (b) of Code
10 Section 50-18-70, relating to legislative intent and definitions, as follows:

11 "(b) As used in this article, the term:

12 (1) 'Agency' shall have the same meaning as in Code Section 50-14-1 and shall
13 additionally include any association, corporation, or other similar organization that has
14 a membership or ownership body composed primarily of counties, municipal
15 corporations, or school districts of this state, their officers, or any combination thereof

16 and derives more than 33 1/3 percent of its general operating budget from payments from
17 such political subdivisions.

18 (1.1) 'Custodian' means the agency that has charge, custody, care, and control over a
19 public record or a designated employee of such agency.

20 (2) 'Public record' means all documents, papers, letters, maps, books, tapes, photographs,
21 computer based or generated information, data, data fields, or similar material prepared
22 and maintained or received by an agency or ~~by a private person or entity in the~~
23 ~~performance of a service or function for or on behalf of an agency or when such~~
24 documents that have been transferred to a private person or entity by an agency for
25 storage or future governmental use."

26 SECTION 2.

27 Said article is further amended in Code Section 50-18-73, relating to jurisdiction to enforce
28 article, attorney's fees and litigation expenses, and good faith reliance as defense to action,
29 by revising subsection (a) as follows:

30 "(a) The superior courts of this state shall have jurisdiction in law and in equity to entertain
31 actions against ~~persons or agencies having custody~~ custodians of records open to the public
32 under this article or their agency to enforce compliance with the provisions of this article.
33 Such actions may be brought by any person, firm, corporation, or other entity. In addition,
34 the Attorney General shall have authority to bring such actions in his or her discretion as
35 may be appropriate to enforce compliance with this article and to seek either civil or
36 criminal penalties or both."

37 SECTION 3.

38 This Act shall become effective upon its approval by the Governor or upon its becoming law
39 without such approval.

40

SECTION 4.

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