

Senate Bill 176

By: Senators Esteves of the 6th, Strickland of the 17th, Butler of the 55th, Brass of the 28th,
Parent of the 42nd 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 protect the personal phone numbers, personal
3 or governmental issued cell phone numbers, and home addresses of judges, law enforcement
4 officers, prosecuting attorneys, and public defenders; to provide for injunctive relief; to
5 provide for a misdemeanor; to provide for civil relief, attorney's fees, and costs of litigation;
6 to provide for definitions; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
11 inspection of public records, is amended by adding a new Code section to read as follows:

12 "50-18-78.

13 (a) As used in this Code section, the term:

14 (1) 'Business entity' means any corporation, sole proprietorship, partnership, limited
15 partnership, limited liability company, limited liability partnership, professional

16 corporation, enterprise, franchise, association, trust, joint venture, or other entity, whether
17 for profit or nonprofit.

18 (2) 'Judge' means any elected or appointed judge serving in a class of court identified in
19 Title 15 or as a judge of a municipal court pursuant to Chapter 32 of Title 36.

20 (3) 'Law enforcement officer' means any peace officer who is employed by the United
21 States government or by this state or any political subdivision thereof and who is required
22 by the terms of his or her employment, whether by election or appointment, to give his
23 or her full time to the preservation of public order or the protection of life and property
24 or the prevention of crime. Such term shall include game wardens.

25 (4) 'Personally identifiable information' means an individual's home phone number,
26 personal or government issued cell phone number, and home address.

27 (5) 'Prosecuting attorney' means the individual responsible for prosecuting cases in
28 superior courts, state courts, probate courts, magistrate courts, municipal courts, and any
29 other court that hears cases involving a violation of the criminal laws of this state or
30 ordinance violations.

31 (6) 'Public defender' means an attorney who is employed in a circuit public defender
32 office or who represents an indigent person pursuant to Chapter 2 of Title 17.

33 (b)(1) No agency, as defined in Code Section 50-18-70, shall make public the personally
34 identifiable information of a judge, law enforcement officer, prosecuting attorney, or
35 public defender without his or her express written permission.

36 (2) A judge, law enforcement officer, prosecuting attorney, or public defender whose
37 personally identifiable information is made public in violation of paragraph (1) of this
38 subsection may pursue injunctive relief without the need or requirement to first pursue
39 or utilize any other remedies, regardless as to whether or not other remedies may be
40 available or might otherwise be adequate.

41 (c)(1) It shall be unlawful for any individual or business entity to make public the
42 personally identifiable information of a judge, law enforcement officer, prosecuting

43 attorney, or public defender with the intent of exposing him or her to harassment or the
44 risk of harm to his or her life or property, or with reckless disregard to the possibility of
45 such consequences. A violation of this paragraph shall be a misdemeanor.

46 (2) In the event of a violation of paragraph (1) of this subsection, the individual whose
47 personally identifiable information has been improperly made public shall have a cause
48 of action against the offending person or business entity, and a court may award to such
49 individual any of the following:

50 (A) Actual damages, including for pecuniary loss, that occurred as a result of the
51 violation;

52 (B) Punitive damages;

53 (C) Reasonable attorney's fees and costs of litigation; or

54 (D) Any other relief, including equitable relief, as they court may deem appropriate."

55

SECTION 3.

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