

1 SB240
2 217932-2
3 By Senator Orr
4 RFD: Governmental Affairs
5 First Read: 22-FEB-22

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to 911 telephone calls; to amend Section
12 11-98-12, Code of Alabama 1975, to provide further for the
13 procedures for release of a written or electronic record
14 relating to a 911 telephone call or of a written transcript of
15 a 911 telephone call.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 11-98-12, Code of Alabama 1975,
18 is amended to read as follows:

19 "§11-98-12.

20 "(a) ~~After April 21, 2010, an~~ An emergency
21 communications district may not release the audio recording of
22 a 911 telephone call or the name of a victim except pursuant
23 to a court order finding that the right of the public to the
24 release of the recording outweighs the privacy interests of
25 the individual who made the 911 call, the victim, or any
26 person involved in the facts or circumstances relating to the
27 911 call. This section shall not apply to law enforcement

1 personnel conducting an investigation where the 911 telephone
2 call is or may be relevant to the investigation.

3 "(b) An audio recording may be released without a
4 court order to the caller whose voice is on the 911 audio
5 recording or, in the event that the caller is deceased or
6 incapacitated, to the legal representative of the caller or
7 the caller's estate, provided the person seeking the 911 audio
8 recording submits a sworn affidavit to include sufficient
9 information so that the emergency communications district
10 director may verify the statements which attest to the
11 following facts:

12 "(1) That the person signing the affidavit is the
13 caller or that the caller is deceased or incapacitated and the
14 person signing the affidavit is the legal representative of
15 the caller or the caller's estate.

16 "(2) That release of the 911 audio recording is
17 pertinent to the investigation of a legal matter resulting
18 from the events necessitating the making of the 911 call at
19 issue.

20 "(c) Notwithstanding ~~subsection (a)~~ subsections (a)
21 and (b), any written or electronic record detailing the
22 circumstances, response, or other events related to a 911
23 call, other than the audio recording of the 911 call, which is
24 kept by the emergency communications district in its regular
25 course of business shall be deemed a public writing under
26 Section 36-12-40, and subject to public inspection as
27 otherwise provided by law.

1 "~~Upon~~ (1) Notwithstanding subsections (a) and
2 (b), upon request by a person or individual granted access to
3 public writing under Section 36-12-40 and payment of a
4 reasonable fee, not to exceed the actual cost of
5 transcription, an emergency communications district shall
6 provide to the requestor a transcript of ~~any requested audio~~
7 ~~recording of a~~ specific 911 telephone call which is ~~retained~~
8 kept by the emergency communications district in its regular
9 course of business.

10 "(2) A request for a 911 transcript pursuant to this
11 subsection shall identify the 911 transcript with a degree of
12 specificity that allows the emergency communication district
13 to identify the individual call from others that may have been
14 received during the same time period as the call which the
15 requested transcript relates to or from others involving
16 similar circumstances.

17 "(3) Before providing the transcript, the emergency
18 communications district may redact the name, address, and
19 telephone number of the caller or any person involved in the
20 facts or circumstances relating to the 911 call, as well as
21 any other personal identifying or sensitive information.

22 "(4) A person who has requested a transcript
23 pursuant to this subsection shall be responsible for that
24 transcript following receipt of the transcript.

25 "(e) An emergency communications district shall
26 retain a recording of each 911 telephone call received by the
27 district for two years following the date of the call. At the

1 request of any agency conducting a criminal investigation or
2 any attorney conducting a civil investigation, the district
3 shall retain a recording for an additional two years."

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 22-FEB-22

Read for the second time and placed on the calen-
dar 1 amendment..... 01-MAR-22

Read for the third time and passed as amended 09-MAR-22

Yeas 28
Nays 0

Patrick Harris,
Secretary.