

House Bill 1331

By: Representatives Mainor of the 56th, Gullett of the 19th, Reeves of the 99th, and Crowe of the 118th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 17 of the Official Code of Georgia Annotated, relating to
2 general provisions of criminal procedure, so as to require each district attorney's office to
3 post certain information concerning cases to the office's website if such a website exists; to
4 provide for records and public disclosure if such office does not have a website; to amend
5 Article 4 of Chapter 18 of Title 50, relating to inspection of public records, so as to require
6 certain information about pending investigations or prosecution of criminal or unlawful
7 activity to be subject to public disclosure; to provide for related matters; to provide for an
8 effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 1 of Title 17 of the Official Code of Georgia Annotated, relating to general
12 provisions of criminal procedure, is amended by adding a new Code section to read as
13 follows:

14 "17-1-5.

15 (a) Except with regard to subsection (b) of this Code section, in the event that the district
16 attorney's office of a particular judicial district in this state has a public website, such office

17 shall post to such public website the following information concerning cases in such
18 office's files:

19 (1) Whether the case is best categorized as 'no action taken yet,' 'active prosecution,' or
20 'case closed';

21 (2) Whether the defendant is currently incarcerated and, if so, the initial date of and the
22 reason or reasons for such incarceration;

23 (3) A description of the crime with which the defendant was charged and a citation to the
24 Code section or Code sections on which the charges are or were based;

25 (4) The name of the defendant;

26 (5) Whether a firearm was discharged during the course of or immediately prior to the
27 arrest of the defendant;

28 (6) Whether the crime associated with the case is a felony or a misdemeanor; and

29 (7) Whether any special prosecutors or contract attorneys were or are presently hired to
30 prosecute the case.

31 (b) Any case that has been closed for more than 30 days shall not be required to be posted
32 to the public website of a district attorney's office.

33 (c) Each district attorney's office with a public website shall update the information on
34 such public website as described in subsection (a) of this Code section no less frequently
35 than once a month.

36 (d) Each county commission shall establish additional requirements for the maintenance
37 of the information required in this Code section for each district attorney's office in such
38 county if such office maintains such a public website.

39 (e) Each district attorney's office without a public website shall create records and
40 maintain all of the information described in subsection (a) of this Code section. Such
41 information shall be subject to public disclosure pursuant to Article 4 of Chapter 18 of
42 Title 50."

43 **SECTION 2.**

44 Article 4 of Chapter 18 of Title 50, relating to inspection of public records, is amended by
45 revising paragraph (4) of subsection (a) of Code Section 50-18-72, relating to when public
46 disclosure not required, as follows:

47 "(4) Records of law enforcement, prosecution, or regulatory agencies in any pending
48 investigation or prosecution of criminal or unlawful activity, other than initial police
49 arrest reports and initial incident reports; provided, however, that an investigation or
50 prosecution shall no longer be deemed to be pending when all direct litigation involving
51 such investigation and prosecution has become final or otherwise terminated; and
52 provided, further, that this paragraph shall not apply to records in the possession of an
53 agency that is the subject of the pending investigation or prosecution; and provided,
54 further, that the release of booking photographs shall only be permissible in accordance
55 with Code Section 35-1-19. Notwithstanding the provisions of this paragraph or other
56 state law, the specific information described in subsection (a) of Code Section 17-1-5
57 shall be subject to public disclosure to the extent that such disclosure does not violate
58 federal law;"

59 **SECTION 3.**

60 This Act shall become effective on January 1, 2025.

61 **SECTION 4.**

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