

Senate Bill 129

By: Senators Jones II of the 22nd, Orrock of the 36th, Harrell of the 40th, Jackson of the 41st, Davenport of the 44th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to law enforcement officers and agencies, so as to require that
3 certain peace officers be equipped with audio and video recording devices for recording all
4 activities while on duty; to provide for definitions; to provide for a public disclosure
5 exception; to provide for penalties; to provide for grant funding; to amend Article 4 of
6 Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to the inspection
7 of public records, so as to provide for the release under certain circumstances of such audio
8 and video recordings; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
13 provisions relative to law enforcement officers and agencies, is amended by adding a new
14 Code section to read as follows:

15 "35-1-23.

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

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17 (1) 'Encounter for a law enforcement purpose' means:

18 (A) Any stop, detention, or investigation by a peace officer of any person, or any
19 interaction by a peace officer with any person, where such person reasonably believes
20 that such peace officer is acting as an agent, operative, or officer of this state, or a
21 subdivision or municipality thereof, in such stop, detention, investigation, or
22 interaction; or

23 (B) Any stop, detention, or investigation by a peace officer of any person, or any
24 interaction by a peace officer with any person, that results in an arrest or any use of
25 force.

26 (2) 'Peace officer' shall have the same meaning as provided for in paragraph (8) of Code
27 Section 35-8-2.

28 (b)(1) On and after January 1, 2022, each state, county, and local law enforcement
29 agency shall equip all peace officers who conduct traffic stops or respond to emergency
30 dispatch calls as their primary duty with audio and video recording devices attached to
31 their persons which shall record audio and video of all activities while such peace officers
32 are on duty. Such recording device shall depict all activities from the point of view of
33 such peace officer's body front or line of sight. Law enforcement agencies that do not
34 comply with the requirements of this subsection are subject to the withholding of state
35 funding or state administered federal funding.

36 (2) Notwithstanding paragraph (4) of subsection (a) of Code Section 50-18-72, the audio
37 and video recordings provided for in paragraph (1) of this subsection which depict an
38 encounter for a law enforcement purpose, including but not limited to all relevant
39 depictions occurring prior to and after such encounter for a law enforcement purpose,
40 shall be publicly disclosed. Except for portions depicting an encounter for a law
41 enforcement purpose as provided for under this paragraph, the audio and video recordings
42 provided for in paragraph (1) of this subsection shall not be publicly disclosed.

43 (3) Except for the purpose of investigating or prosecuting the activity of a peace officer
44 relating to actions taken within a law enforcement capacity, a law enforcement agency
45 shall not in any manner make use of the audio and video recordings provided for in
46 paragraph (1) of this subsection.

47 (c) Audio and video recordings provided for in subsection (b) of this Code section shall
48 be maintained as provided for in Code Section 50-18-96.

49 (d) The commissioner shall create rules and regulations for the awarding of financial
50 grants to law enforcement agencies for any state funding or state administered federal
51 funding designated for the purposes of this Code section. Such rules and regulations shall
52 give preference to small or underfunded law enforcement agencies."

53

SECTION 2.

54 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to the
55 inspection of public records, is amended by revising paragraph (4) of subsection (a) of Code
56 Section 50-18-72, relating to when public disclosure is not required, as follows:

57 "(4) Records of law enforcement, prosecution, or regulatory agencies in any pending
58 investigation or prosecution of criminal or unlawful activity, other than initial police
59 arrest reports and initial incident reports; provided, however, that an investigation or
60 prosecution shall no longer be deemed to be pending when all direct litigation involving
61 such investigation and prosecution has become final or otherwise terminated; and
62 provided, further, that this paragraph shall not apply to records in the possession of an
63 agency that is the subject of the pending investigation or prosecution; and provided,
64 further, that the release of booking photographs shall only be permissible in accordance
65 with Code Section 35-1-18; and provided, further, that the release of audio and video
66 recordings from devices attached to the persons of peace officers as provided in
67 subsection (b) of Code Section 35-1-19 shall only be permissible in accordance with
68 Code Section 35-1-23;"

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SECTION 3.

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