

1 HB159
2 116884-4
3 By Representative Johnson
4 RFD: Judiciary
5 First Read: 12-JAN-10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

Relating to 911 telephone calls; to provide that the audio recording of a 911 telephone call may not be released except by court order under certain conditions; and to provide that a written or electronic record regarding a 911 telephone call kept by an emergency communications district would be a public writing.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) After the effective date of this act, an emergency communications district may not release the audio recording of a 911 telephone call except pursuant to a court order finding that the right of the public to the release of the recording outweighs the privacy interests of the individual who made the 911 call or any persons involved in the facts or circumstances relating to the 911 call. This section shall not apply to law enforcement personnel conducting an investigation where the 911 telephone call is or may be relevant to the investigation.

~~The audio recordings may also be released without a court order to any person involved in the facts or circumstances relating to the 911 call or to his or her legal representative for the purpose of investigation into or as evidence of the facts and circumstances relating to the 911 call for a legal matter, if an affidavit is submitted to the~~

1 ~~emergency communication district attesting to the fact that~~
2 ~~the person is, in fact, a person involved in the facts or~~
3 ~~circumstances relating to the 911 call.~~

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

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

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

21 (b) Notwithstanding the provisions of subsection
22 (a), any written or electronic record detailing the
23 circumstances, response, or other events related to a 911 call
24 which are kept by the emergency communications district in its
25 regular course of business shall be deemed a public writing

1 under Section 36-12-40, Code of Alabama 1975, and subject to
2 public inspection as otherwise provided by law.

3 Upon payment of a reasonable fee not to exceed the
4 actual cost of transcription, an emergency communications
5 district shall provide a transcript of any requested audio
6 recording of a 911 telephone call which is retained by the
7 emergency communications district.

8 Section 2. All laws or parts of laws which conflict
9 with this act are repealed.

10 Section 3. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 02-FEB-10, as amended.

Greg Pappas
Clerk

Senate	14-APR-10	Amended and Passed
House	14-APR-10	Concurred in Senate Amendment