

1 HB446
2 218524-2
3 By Representative Standridge
4 RFD: County and Municipal Government
5 First Read: 03-MAR-22

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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-98-12.

"(a) ~~After April 21, 2010, an~~ An emergency communications district may not release the audio recording of a 911 telephone call or the name of a victim 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, the victim, or any person 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.

"(b) An audio recording may be released without a court order to the caller whose voice is on the 911 audio recording or, in the event that the caller is deceased or incapacitated, to the legal representative of the caller or

1 the caller's estate, provided the person seeking the 911 audio
 2 recording submits a sworn affidavit to include sufficient
 3 information so that the emergency communications district
 4 director may verify the statements which attest to the
 5 following facts:

6 "(1) That the person signing the affidavit is the
 7 caller or that the caller is deceased or incapacitated and the
 8 person signing the affidavit is the legal representative of
 9 the caller or the caller's estate.

10 "(2) That release of the 911 audio recording is
 11 pertinent to the investigation of a legal matter resulting
 12 from the events necessitating the making of the 911 call at
 13 issue.

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

22 "(d) ~~Upon~~ (1) Notwithstanding subsections (a) and
 23 (b), upon request by a person or individual granted access to
 24 public writing under Section 36-12-40 and payment of a
 25 reasonable fee, not to exceed the actual cost of

1 transcription, an emergency communications district shall
2 provide to the requestor a transcript of ~~any requested audio~~
3 ~~recording of~~ a specific 911 telephone call which is ~~retained~~
4 kept by the emergency communications district in its regular
5 course of business.

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

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

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

21 "(e) An emergency communications district shall
22 retain a recording of each 911 telephone call received by the
23 district for two years following the date of the call. At the
24 request of any agency conducting a criminal investigation or

1 any attorney conducting a civil investigation, the district
2 shall retain a recording for an additional two years."

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

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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 17-MAR-22.

Jeff Woodard
Clerk

Senate

06-APR-22

Passed