

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

SYNOPSIS: Under existing law, an emergency communications district may release the audio recording of a 911 call only to the caller whose voice is recorded, upon receipt of a sworn affidavit by that caller, or pursuant to a court order. A written or electronic record of a 911 call is subject to public inspection as a public writing, and a transcript of a 911 call shall be available to any member of the public upon payment of a reasonable fee not to exceed the cost of transcription.

This bill would provide that an emergency communications district shall provide a transcript of an audio recording to any individual, upon request and payment of a reasonable fee not to exceed the cost of transcription, and would require an emergency communications district to maintain records of all 911 telephone calls following the effective date of this act.

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 Relating to 911 telephone calls; to amend Section
6 11-98-12, Code of Alabama 1975, to provide further for the
7 procedures for release of a written or electronic record
8 relating to a 911 telephone call or of a written transcript of
9 a 911 telephone call.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§11-98-12.

14 "(a) ~~After April 21, 2010, an~~ An emergency
15 communications district may not release the audio recording of
16 a 911 telephone call or the name of a victim except pursuant
17 to a court order finding that the right of the public to the
18 release of the recording outweighs the privacy interests of
19 the individual who made the 911 call, the victim, or any
20 person involved in the facts or circumstances relating to the
21 911 call. This section shall not apply to law enforcement
22 personnel conducting an investigation where the 911 telephone
23 call is or may be relevant to the investigation.

24 "(b) An audio recording may be released without a
25 court order to the caller whose voice is on the 911 audio
26 recording or, in the event that the caller is deceased or
27 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
26 transcription, an emergency communications district shall
27 provide to the requestor a transcript of ~~any requested audio~~

1 ~~recording of~~ a specific 911 telephone call which is ~~retained~~
2 kept by the emergency communications district in its regular
3 course of business.

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

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

16 "(4) A district shall not be liable for any use,
17 release, publication, or other activities relating to a
18 transcript the district was required to release pursuant to
19 this section.

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

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