

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

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 Relating to 911 telephone calls; to provide that the  
9 audio recording of a 911 telephone call may not be released  
10 except by court order under certain conditions; and to provide  
11 that a written or electronic record regarding a 911 telephone  
12 call kept by an emergency communications district would be a  
13 public writing.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25 The audio recordings may also be released without a  
26 court order to any person involved in the facts or

1 circumstances relating to the 911 call or to his or her legal  
2 representative for the purpose of investigation into or as  
3 evidence of the facts and circumstances relating to the 911  
4 call for a legal matter, if an affidavit is submitted to the  
5 emergency communication district attesting to the fact that  
6 the person is, in fact, a person involved in the facts or  
7 circumstances relating to the 911 call.

8 (b) Notwithstanding the provisions of subsection  
9 (a), any written or electronic record detailing the  
10 circumstances, response, or other events related to a 911 call  
11 which are kept by the emergency communications district in its  
12 regular course of business shall be deemed a public writing  
13 under Section 36-12-40, Code of Alabama 1975, and subject to  
14 public inspection as otherwise provided by law.

15 Upon payment of a reasonable fee not to exceed the  
16 actual cost of transcription, an emergency communications  
17 district shall provide a transcript of any requested audio  
18 recording of a 911 telephone call which is retained by the  
19 emergency communications district.

20 Section 2. All laws or parts of laws which conflict  
21 with this act are repealed.

22 Section 3. This act shall become effective  
23 immediately following its passage and approval by the  
24 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... 12-JAN-10

Read for the second time and placed  
on the calendar with 1 substitute  
and ..... 21-JAN-10

Read for the third time and passed  
as amended ..... 02-FEB-10

Yeas 70, Nays 24, Abstains 1

Greg Pappas  
Clerk