HB446

By Representative Standridge

RFD: County and Municipal Government

First Read: 03-MAR-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.
A BILL
TO BE ENTITLED
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 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
the caller's estate, provided the person seeking the 911 audio
recording submits a sworn affidavit to include sufficient
information so that the emergency communications district
director may verify the statements which attest to the
following facts:

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

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

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

"(d) Upon (1) Notwithstanding subsections (a) and
(b), upon request by a person or individual granted access to
public writing under Section 36-12-40 and payment of a
reasonable fee, not to exceed the actual cost of
transcription, an emergency communications district shall
provide to the requestor a transcript of any requested audio
recording of a specific 911 telephone call which is retained
kept by the emergency communications district in its regular
course of business.

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

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

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

"(e) An emergency communications district shall
retain a recording of each 911 telephone call received by the
district for two years following the date of the call. At the
request of any agency conducting a criminal investigation or
any attorney conducting a civil investigation, the district
shall retain a recording for an additional two years."

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