

Senate Bill 386

By: Senators Albers of the 56th, McKoon of the 29th, Hufstetler of the 52nd, Millar of the 40th, Harper of the 7th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to terms
2 of court, so as to change the terms of court for the Superior Court of Bartow County; to
3 amend Articles 3 and 10 of Chapter 11 of Title 9, Article 3 of Chapter 10 of Title 15, and
4 Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to pleadings,
5 motions and forms, civil proceedings in magistrate court, and garnishment proceedings,
6 respectively, so as to provide for redacted information in certain filings; to provide for
7 exceptions and filings under seal; to provide for correction of unredacted information; to
8 provide for protective orders; to provide for references lists; to provide for waivers; to
9 provide for form conformity; to provide for cross-references; to provide for related matters;
10 to provide for effective dates and applicability; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to terms of court,
15 is amended by revising subparagraph (A) of paragraph (9) as follows:

16 ~~"(A) Bartow County — First Monday in February, and August, fourth Monday in~~
17 ~~April, and third Monday in October~~ May, August, and November."

18 style="text-align:center">**SECTION 2.**

19 Article 3 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to
20 pleadings and motions, is amended by adding a new Code section to read as follows:

21 "9-11-7.1.

22 (a) **Redacted filings.** Except as provided in subsections (b) and (c) of this Code section
23 or unless the court orders otherwise, a filing with the court that contains a social security
24 number, taxpayer identification number, financial account number, or birth date shall
25 include only:

- 26 (1) The last four digits of a social security number;
27 (2) The last four digits of a taxpayer identification number;
28 (3) The last four digits of a financial account number; and
29 (4) The year of an individual's birth.
- 30 **(b) Garnishment.** A summons of garnishment that is filed with a court shall only include
31 the last four digits of the defendant's social security number, taxpayer identification
32 number, or financial account number; provided, however, that the plaintiff shall provide
33 the defendant's full social security number, taxpayer identification number, or financial
34 account number, if reasonably available to the plaintiff, on the copies of the summons of
35 garnishment served on the garnishee and defendant.
- 36 **(c) Exemptions from redaction requirement.** Subsection (a) of this Code section shall
37 not apply to the following:
- 38 (1) A financial account number that identifies property allegedly subject to forfeiture in
39 a civil forfeiture proceeding;
40 (2) The official record of an administrative or agency proceeding;
41 (3) The official record of a court or tribunal in another case or proceeding;
42 (4) A filing made in a probate court; and
43 (5) A filing made under seal as provided in subsection (d) of this Code section.
- 44 **(d) Filings made under seal.** The court may order that a filing be made under seal
45 without redaction. The court may later unseal the filing or order the filer to file a redacted
46 version for the public record. A filer may petition the court to file an unredacted filing
47 under seal. The court shall retain all filings made under seal as part of the record.
- 48 **(e) Correction of unredacted information.** An inadvertent failure to redact information
49 which is required to be redacted shall be a curable defect and shall not preclude a document
50 from being filed with the court. The court may order an unredacted filing be sealed and
51 may also order that a redacted version of the same filing be filed for the public record.
- 52 **(f) Protective orders.** For good cause, the court may:
- 53 (1) Order a filing which contains additional personal or confidential information, other
54 than the information required to be redacted pursuant to this Code section, be sealed and
55 may also order that a redacted version of the same filing be filed for the public record;
56 and
57 (2) Limit or prohibit a nonparty's remote electronic access to a document filed with the
58 court.
- 59 **(g) Option for reference list.** A filing that contains redacted information may be filed
60 together with a reference list that identifies each item of redacted information and specifies
61 an appropriate identifier that uniquely corresponds to each item listed. Such reference list

62 shall be filed under seal and may be amended as of right. Any reference in a civil action
 63 to a listed identifier shall be construed to refer to the corresponding item of information.
 64 (h) **Waiver of protected identifiers.** A filer waives the protections provided by
 65 subsection (a) of this Code section to the extent that he or she makes his or her own filing
 66 without redaction and not under seal."

67 **SECTION 3.**

68 Article 10 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to
 69 forms, is amended by revising subsection (a) of Code Section 9-11-133, relating to forms
 70 meeting requirements for civil case filings and disposition, as follows:

71 "(a) The forms set out in subsections (b), (c), (d), and (e) of this Code section or forms
 72 substantially similar to such forms ~~are~~ shall be sufficient to meet the requirements for civil
 73 case filing and disposition forms; provided, however, that the general civil case filing
 74 information form and domestic relations case filing information form shall be required to
 75 contain an acknowledgment by the filer that the complaint and any exhibits or other
 76 attachments satisfy the redaction requirements of Code Section 9-11-7.1. The civil case
 77 forms set out in Exhibit F of the 'Report and Recommendations of the 1997-1998 Court
 78 Filings Committee' published by the State Bar of Georgia and dated May 15, 1998, are
 79 substantially similar to the forms set out in this Code section."

80 **SECTION 4.**

81 Article 3 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
 82 civil proceedings in magistrate court, is amended by revising Code Section 15-10-42, relating
 83 to the Civil Practice Act being inapplicable to magistrate courts, as follows:

84 "15-10-42.

85 Except as provided in subsection (g) of Code Sections 15-10-43 and 15-10-50, proceedings
 86 Proceedings in the magistrate court shall not be subject to Chapter 11 of Title 9, the
 87 'Georgia Civil Practice Act.'"

88 **SECTION 5.**

89 Said article is further amended by revising subsection (b) of Code Section 15-10-53, relating
 90 to filing documents by electronic means, as follows:

91 "(b) Any pleading or document filed electronically shall be in a format prescribed by the
 92 court and shall comply with Code Section 15-10-54."

93 **SECTION 6.**

94 Said article is further amended by adding a new Code section to read as follows:

95 "15-10-54.

96 (a) Except as provided in subsections (b) and (c) of this Code section or unless the court
97 orders otherwise, a filing with the court that contains a social security number, taxpayer
98 identification number, financial account number, or birth date:

99 (1) The last four digits of a social security number;

100 (2) The last four digits of a taxpayer identification number;

101 (3) The last four digits of a financial account number; and

102 (4) The year of an individual's birth.

103 (b) A summons of garnishment that is filed with the court shall only include the last four
104 digits of the defendant's social security number, taxpayer identification number, or financial
105 account number; provided, however, that the plaintiff shall provide the defendant's full
106 social security number, taxpayer identification number, or financial account number, if
107 reasonably available to the plaintiff, on the copies of the summons of garnishment served
108 on the garnishee and defendant.

109 (c) Subsection (a) of this Code section shall not apply to the following:

110 (1) The official record of an administrative or agency proceeding;

111 (2) The official record of a court or tribunal in another case or proceeding; and

112 (3) A filing made under seal as provided in subsection (d) of this Code section.

113 (d) The court may order that a filing be made under seal without redaction. The court may
114 later unseal the filing or order the filer to file a redacted version for the public record. A
115 filer may petition the court to file an unredacted filing under seal. The court shall retain
116 all filings made under seal as part of the record.

117 (e) An inadvertent failure to redact information which is required to be redacted shall be
118 a curable defect and shall not preclude a document from being filed with the court. The
119 court may order an unredacted filing be sealed and may also order that a redacted version
120 of the same filing be filed for the public record.

121 (f) For good cause, the court may:

122 (1) Order a filing which contains additional personal or confidential information, other
123 than the information required to be redacted pursuant to this Code section, be sealed and
124 may also order that a redacted version of the same filing be filed for the public record;
125 and

126 (2) Limit or prohibit a nonparty's remote electronic access to a document filed with the
127 court.

128 (g) A filing that contains redacted information may be filed together with a reference list
129 that identifies each item of redacted information and specifies an appropriate identifier that
130 uniquely corresponds to each item listed. Such reference list shall be filed under seal and

131 may be amended as of right. Any reference in a civil action to a listed identifier shall be
 132 construed to refer to the corresponding item of information.
 133 (h) A filer waives the protections provided by subsection (a) of this Code section to the
 134 extent that he or she makes his or her own filing without redaction and not under seal."

135 SECTION 7.

136 Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to garnishment
 137 proceedings, is amended by revising subsections (h) and (i) of Code Section 18-4-20, relating
 138 to property subject to garnishment generally, claim amount, and social security number on
 139 summons, as follows:

140 "(h) The summons of garnishment, including a summons of continuing garnishment, ~~may~~
 141 shall on its face set forth, ~~if known,~~ the social security number of the defendant to the
 142 extent it is reasonably available to the plaintiff; provided, however, that if such summons
 143 is filed with a court, the court filing shall be redacted in accordance with Code Section
 144 9-11-7.1 or 15-10-54, as applicable. The defendant's full social security number shall be
 145 made known to the garnishee and defendant in accordance with Code Section 9-11-7.1 or
 146 15-10-54, as applicable, to the extent such information is reasonably available to the
 147 plaintiff.

148 (i)(1) A summons of garnishment upon a financial institution, or an attachment thereto,
 149 shall state with particularity all of the following information, to the extent reasonably
 150 available to the plaintiff:

151 ~~(1)~~(A) The name of the defendant, and, to the extent such would reasonably enable the
 152 garnishee to properly respond to the summons, all known configurations, nicknames,
 153 aliases, former or maiden names, trade names, or variations thereof;

154 ~~(2)~~(B) The service address and the current addresses of the defendant and, to the extent
 155 such would reasonably enable the garnishee to properly respond to the summons of
 156 garnishment and such is reasonably available to the plaintiff, the past addresses of the
 157 defendant;

158 ~~(3)~~(C) The social security number or federal tax identification number of the
 159 defendant; provided, however, that if such summons is filed with a court, the court
 160 filing shall be redacted in accordance with Code Section 9-11-7.1 or 15-10-54, as
 161 applicable. The defendant's full social security number or federal tax identification
 162 number shall be made known to the garnishee and defendant in accordance with Code
 163 Section 9-11-7.1 or 15-10-54, as applicable, to the extent such information is
 164 reasonably available to the plaintiff; and

165 ~~(4)~~(D) Account, identification, or tracking numbers ~~known or suspected by~~ reasonably
 166 available to the plaintiff to be used by the garnishee in the identification or

167 administration of the defendant's funds or property; provided, however, that if such
 168 summons is filed with a court, the court filing shall be redacted in accordance with
 169 Code Section 9-11-7.1 or 15-10-54, as applicable. The defendant's account,
 170 identification, or tracking numbers shall be made known to the garnishee and defendant
 171 in accordance with Code Section 9-11-7.1 or 15-10-54, as applicable, to the extent such
 172 information is reasonably available to the plaintiff.

173 (2) A misspelling of any information required by ~~paragraph (1) or (2)~~ of this subsection,
 174 other than the surname of a natural person defendant, shall not invalidate a summons of
 175 garnishment, so long as such information is not misleading in a search of the garnishee's
 176 records."

177 **SECTION 8.**

178 Said chapter is further amended by revising paragraphs (2) and (7) of Code Section 18-4-66,
 179 relating to forms for postjudgment garnishment, as follows:

180 "(2) Summons of garnishment.

181 IN THE _____ COURT OF _____ COUNTY
 182 STATE OF GEORGIA

183	_____)	
184	Plaintiff)	
185)	
186	v.)	Civil action
187)	File no. _____
188	_____)	
189	Defendant)	
190	<u>Last four digits of social</u>)	
191	Social security number)	
192)	
193	_____)	
194	Garnishee)	
195)	
196	_____)	
197	Address)	

198 SUMMONS OF GARNISHMENT

199 To: _____ Garnishee
200 Amount claimed due by plaintiff \$ _____

201 (To be completed by plaintiff)

202 Plus court costs due on the summons \$ _____

203 (To be completed by the clerk)

204 YOU ARE HEREBY COMMANDED to hold immediately all property, money, wages,
205 except what is exempt, belonging to the defendant, or debts owed to the defendant named
206 above at the time of service of this summons and between the time of service of this
207 summons and the time of making your garnishee answer. Not sooner than 30 days but
208 not later than 45 days after you are served with this summons, you are commanded to file
209 your garnishee answer in writing with the clerk of this court and serve a copy upon the
210 plaintiff or the plaintiff's attorney named below. Money or other property subject to this
211 summons should be delivered to the court with your garnishee answer. Should you fail
212 to file a garnishee answer to this summons, a judgment will be rendered against you for
213 the amount the plaintiff claims due by the defendant.

214 Witness the Honorable _____, Judge of said Court.

215 This _____ day of _____, _____.

216 _____
217 Clerk,
218 _____ Court of _____ County

219 _____
220 Plaintiff's attorney

221 _____

222 Address

223 Service perfected on garnishee, this _____ day of _____, _____.

224 _____
225 Deputy marshal, sheriff,
226 or constable"

227 "(7) Attachment to summons of garnishment upon a financial institution.

228 IN THE _____ COURT OF _____ COUNTY
229 STATE OF GEORGIA

230 _____)
 231 Plaintiff)
 232)
 233 v.) Civil action
 234) File no. _____
 235 _____)
 236 Defendant)
 237)
 238 _____)
 239 Other known names)
 240 of Defendant)
 241)
 242 _____)
 243 Current and past)
 244 addresses of Defendant)
 245)
 246 _____)
 247 Last four digits of social)
 248 ~~Social~~ security number)
 249 or federal tax)
 250 identification number)
 251 of Defendant)
 252)
 253 _____)
 254 Last four digits of account)
 255 ~~Account~~ or identification)
 256 numbers of Defendant)
 257 used by Garnishee)
 258)
 259 _____)
 260 Other allegations)
 261)
 262 _____)
 263 Garnishee)"

264 **SECTION 9.**

265 Said chapter is further amended by revising paragraph (2) of Code Section 18-4-118, relating
266 to forms for continuing garnishment, as follows:

267 "(2) Summons of continuing garnishment.

268 IN THE _____ COURT OF _____ COUNTY
269 STATE OF GEORGIA

270	_____)	
271	Plaintiff)	
272)	
273	v.)	Civil action
274)	File no. _____
275	_____)	
276	Defendant)	
277	<u>Last four digits of social</u>)	
278	social security number)	
279)	
280	_____)	
281	Garnishee)	
282)	
283	_____)	
284	Address)	

285 **SUMMONS OF CONTINUING GARNISHMENT**

286 To: _____ Garnishee

287 Amount claimed due by plaintiff \$ _____

288 (To be completed by plaintiff)

289 Plus court costs due on this summons \$ _____

290 (To be completed by clerk)

291 YOU ARE HEREBY COMMANDED to hold immediately all property, money, wages,
292 except what is exempt, belonging to the defendant, or debts owed to the defendant named
293 above at the time of service of this summons and between the time of service of this
294 summons to and including the one hundred seventy-ninth day thereafter. Not later than
295 45 days after you are served with this summons, you are commanded to file your
296 garnishee answer in writing with the clerk of this court and serve a copy upon the plaintiff

297 or his attorney named below. This garnishee answer shall state what property, money,
 298 and wages, except what is exempt, belonging to the defendant, or debts owed to the
 299 defendant, you hold or owe at the time of service of this summons and between the time
 300 of such service and the time of making your first garnishee answer. Thereafter, you are
 301 required to file further garnishee answers no later than 45 days after your last garnishee
 302 answer. Every further garnishee answer shall state what property, money, and wages,
 303 except what is exempt, belonging to the defendant, or debts owed to the defendant, you
 304 hold or owe at and from the time of the last garnishee answer to the time of the current
 305 garnishee answer. The last garnishee answer required by this summons shall be filed no
 306 later than the one hundred ninety-fifth day after you receive this summons. Money or
 307 other property admitted in a garnishee answer to be subject to continuing garnishment
 308 shall be delivered to the court with your garnishee answers. Should you fail to file
 309 garnishee answers as required by this summons, a judgment will be rendered against you
 310 for the amount the plaintiff claims due by the defendant.

311 Witness the Honorable _____, Judge of said Court.

312 This _____ day of _____, _____.

313 _____
 314 Clerk,
 315 _____ Court of _____ County

316 _____
 317 Plaintiff's attorney

318 _____
 319 Address

320 Service perfected on garnishee, this _____ day of _____, _____.

321 _____
 322 Deputy marshal, sheriff,
 323 or constable"

324 **SECTION 10.**

325 Section 1 of this Act shall become effective on January 1, 2015. Sections 2 through 9 of this
 326 Act shall become effective on July 1, 2014, and shall apply to any filings made on or after
 327 such date.

328 **SECTION 11.**

329 All laws and parts of laws in conflict with this Act are repealed.