

House Bill 734

By: Representatives Welch of the 110th, Stephens of the 164th, Newton of the 123rd, Barr of the 103rd, Jasperse of the 11th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 10 of the Official Code of Georgia Annotated, relating to commerce and
2 trade, so as to create the Journalism Ethics Board; to provide for its composition, duties, and
3 powers; to provide for promulgation of canons of ethics; to provide for rules and regulations;
4 to provide for confidentiality of certain matters; to provide for immunity from civil suit; to
5 provide for an interviewee's access to copies of photographs and audio and video recordings
6 taken by members of the media; to provide for the manner of requesting such items and
7 responding; to provide for sanctions for failure to respond or delays in responding; to provide
8 a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Ethics in Journalism Act."

12 **SECTION 2.**

13 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
14 amended by adding a new chapter to read as follows:

15 "CHAPTER 16

16 ARTICLE 1

17 10-16-1.

18 (a) As used in this chapter, the term:

19 (1) 'Editor' means an individual at a newscast who decides what will be broadcast or
20 published based on content.

21 (2) 'Newscast' means a broadcast or publication of news reports that are published more
22 than once a week and whose distribution is not limited to a single county.

23 (3) 'News producer' means a current or former member of a news production team that
24 compiles elements such as video, graphics, photographs, and other content of a newscast
25 into a cohesive print, television, radio, or internet publication.

26 (4) 'Retired professor' means a former educator who taught journalism for at least ten
27 consecutive years at a public or private college or university physically located in this
28 state.

29 (b) There is created the Journalism Ethics Board which shall be an independent body.

30 (c) In making the initial appointments to the Journalism Ethics Board, the chancellor of
31 the University System of Georgia shall form an appointments board to consist of nine
32 members. Three members shall be editors, three members shall be news producers, one
33 member shall be a retired professor of journalism who preferably taught journalism ethics,
34 and two members shall be those who write or broadcast exclusively on websites. A
35 member of the appointments board shall not be employed by any federal government
36 entity, any state government entity, or any local government entity during such member's
37 term of service on the board. The appointments board shall have the sole duty of
38 appointing the members of the Journalism Ethics Board. In making such appointments to
39 the appointments board, the chancellor may solicit and accept recommendations from news
40 outlets in this state and other interested parties. Appointments to the Journalism Ethics
41 Board shall be made by a majority vote of the appointments board. After making the initial
42 appointments to the Journalism Ethics Board, the appointments board shall cease to exist.
43 (d) The Journalism Ethics Board shall consist of nine members. Three members shall be
44 editors, three members shall be news producers, one member shall be a retired professor
45 of journalism who preferably taught journalism ethics, and two members shall be those
46 who write or broadcast exclusively on websites. Members of the appointments board shall
47 be eligible for appointment to the Journalism Ethics Board. A member of the Journalism
48 Ethics Board shall not be employed by any federal government entity, any state
49 government entity, or any local government entity during such member's term of service
50 on the board.

51 (e) The initial terms of the members of the Journalism Ethics Board shall be specified by
52 the appointing board. One editor shall be appointed for a term of one year, one editor shall
53 be appointed for a term of two years, and one editor shall be appointed for a term of three
54 years. One news producer shall be appointed for a term of one year, one news producer
55 shall be appointed for a term of two years, and one news producer shall be appointed for
56 a term of three years. The retired professor shall be appointed for a term of three years.
57 One website writer or broadcaster shall be appointed for a term of two years and one
58 website writer or broadcaster shall be appointed for a term of one year. Successors to such
59 members shall be appointed by a majority vote of the Journalism Ethics Board as the terms

60 of such members expire to serve four-year terms of office and until their respective
61 successors are appointed and qualified. Vacancies shall be filled for the unexpired term
62 by the remaining members of the Journalism Ethics Board and shall have the same
63 qualifications as the original appointment. In appointing such successors or filling
64 vacancies, the Journalism Ethics Board may solicit and accept recommendations from news
65 outlets in this state and other interested parties.

66 (f) The Journalism Ethics Board may divide itself into panels for purposes of investigations
67 and adjudications.

68 (g) Members may be removed from the Journalism Ethics Board for cause as provided in
69 the rules and regulations of the board.

70 (h) The Journalism Ethics Board shall be located at and receive administrative support
71 from the Grady College of Journalism and Mass Communication of the University of
72 Georgia.

73 (i) Members of the Journalism Ethics Board shall not receive a salary or other
74 compensation for their service on the board but shall receive a daily expense allowance as
75 provided in Code Section 45-7-21 for each day of service on the business of the board to
76 be paid from funds of the University System of Georgia.

77 10-16-2.

78 The board may, but is not required to:

79 (1) Promulgate canons of ethics for journalism which shall comport with industry
80 standards regarding factual and ethical reporting;

81 (2) Issue formal advisory opinions regarding the canons of ethics for journalism on its
82 own initiative or on the request of journalists or news organizations;

83 (3) Develop a voluntary accreditation process in journalism ethics for journalists and
84 news organizations that demonstrate compliance with the highest levels of
85 professionalism and integrity in journalism which shall be approved and issued by the
86 board. News organizations shall be accredited only if all journalists employed by the
87 news organization are accredited;

88 (4) Develop a process by which journalists and news organizations holding accreditation
89 by the board may be investigated and sanctioned for violating such canons of ethics for
90 journalists to include, but not be limited to, loss or suspension of accreditation, probation,
91 public reprimand, and private reprimand;

92 (5) Receive complaints regarding violations of the canons of ethics for journalists,
93 conducting investigations of such complaints, conducting investigations of violations on
94 its own motion, and conducting hearings on such complaints or investigations; provided,
95 however, that complaints may only be filed by residents of the State of Georgia;

- 96 (6) Accept and manage grants, donations, gifts, and other monetary awards for the
 97 fulfillment of its duties and responsibilities from private and public sources;
 98 (7) Promulgate such rules and regulations as the board deems necessary to fulfill its
 99 duties and responsibilities under this chapter; and
 100 (8) Take such other actions as are reasonable and necessary for the fulfillment of its
 101 duties and responsibilities under this chapter.

102 10-16-3.

103 (a) Before the filing of formal charges regarding a disciplinary or incapacity matter, all
 104 information regarding such matter shall be kept confidential except as may otherwise be
 105 provided by law or rule or regulation.

106 (b) After the filing and service of formal charges regarding a disciplinary matter, all
 107 information regarding such matter shall be open and available to the public.

108 (c) After the filing and service of formal charges regarding an incapacity matter, all
 109 information shall remain confidential.

110 (d) All administrative matters shall be open to the public except to the extent that:

111 (1) The matters would disclose disciplinary matters in which formal charges have not yet
 112 been filed or served;

113 (2) The matters would disclose incapacity matters;

114 (3) An executive session would be proper under the same standards as provided in Code
 115 Section 50-14-3; or

116 (4) Public disclosure of records would not be required under Code Section 50-18-72.

117 (e) Notwithstanding the provisions of subsection (d) of this Code section, information
 118 regarding disciplinary or incapacity matters may be disclosed:

119 (1) In cases of emergency, such as when the person under investigation is a danger to
 120 society or to the administration of justice;

121 (2) In open and obvious matters, such as the board confirming the existence of an
 122 investigation when the person being investigated states the existence of such
 123 investigation; or

124 (3) As provided otherwise by rules and regulations of the board.

125 10-16-4.

126 (a) The board shall be immune from civil liability for conduct in the course of the official
 127 duties of its members.

128 (b) Communications to the board and its members relating to journalistic misconduct or
 129 incapacity and testimony given in any disciplinary proceeding shall be absolutely

130 privileged and no civil suit predicated thereon shall be instituted or maintained against any
131 complainant, witness, or counsel of either.

132 ARTICLE 2

133 10-16-20.

134 (a) Any individual who is interviewed by a member of the media shall have the right, upon
135 request, to a copy of a full, unedited version of any audio or video recording of such
136 interview as well as any photographs taken in connection with such interview. Such audio
137 or video recording or photographs shall be provided in a readily usable or readable or
138 viewable format.

139 (b) An individual who is interviewed may make the request for a copy of such audio or
140 video recording or photographs directly to the member of the media conducting the
141 interview, to the employer of the member of the media conducting the interview, to the
142 person making the audio or video recording of the interview or taking photographs in
143 connection with the interview, or to the media outlet that runs a story relying on such
144 interview or the audio or video recording of such interview or photographs taken in
145 connection with such interview. Such request shall be made within 60 days of the date that
146 the interview was conducted.

147 (c) The member of the media conducting the interview, the employer of the member of the
148 media conducting the interview, the person making the audio or video recording of the
149 interview or taking photographs in connection with the interview, or the media outlet that
150 runs a story relying on such interview or the audio or video recording of such interview or
151 photographs taken in connection with such interview shall provide a copy of all responsive
152 items in their possession within three business days after receiving the request by sending
153 such items by email or by statutory overnight delivery, at the option of the individual
154 making the request. If no method is stated by the individual making such request, the
155 responsive items shall be delivered by statutory overnight delivery.

156 (d) There shall be no cost to the individual making the request for such copies.

157 (e) The right to request copies under this Code section shall be limited to the individual
158 interviewed and not to any bystander or other individual who was not interviewed.

159 (f) Failure to comply with the provisions of this Code section shall give rise to a private
160 right of action against the member of the media conducting the interview, the employer of
161 the member of the media conducting the interview, and each media outlet that runs a story
162 relying on such interview or the audio or video recording of such interview or photographs
163 taken in connection with such interview. In addition, a civil penalty of \$100.00 per day
164 shall be assessed for each day for failure to respond or delay in responding in accordance

165 with subsection (c) of this Code section. If the court finds a failure to respond or delay in
166 responding in accordance with subsection (c) of this Code section, the court shall award
167 reasonable litigation expenses and attorney fees to the individual bringing an action under
168 this subsection."

169

SECTION 3.

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