

ADOPTED

Representative Willard of the 51st offers the following amendment:

1 *Amend the Senate substitute to HB 72 (LC 29 6648ERS) by inserting after "warrant;" on line*
 2 *12 the following:*

3 to amend Code Section 24-12-21 of the Official Code of Georgia Annotated, relating to
 4 disclosure of AIDS confidential information, so as to change provisions relating to disclosure
 5 of such information under certain circumstances; to provide for procedure;

6 *By inserting between lines 358 and 359 the following:*

7 **PART IA**
 8 **SECTION 1A-1.**

9 Code Section 24-12-21 of the Official Code of Georgia Annotated, relating to disclosure of
 10 AIDS confidential information, is amended in paragraph (1) of subsection (s) by deleting
 11 "or" at the end of subparagraph (A) and adding a new subparagraph (C) to read as follows:

12 "(C) Is suspected of being mentally ill and is the subject of an order issued pursuant to
 13 Code Section 37-3-41 when the court issuing such order finds in an in camera hearing
 14 by clear and convincing evidence a compelling need for the information which cannot
 15 be accommodated by other means. In assessing compelling need, the court shall weigh
 16 the public health, safety, or welfare needs or any other public or private need for the
 17 disclosure against the privacy interest of the person identified by the information and
 18 the public interest which may be disserved by disclosures which may deter voluntary
 19 HIV tests. If the court determines that disclosure of that information is authorized
 20 under this subparagraph, the court shall order that disclosure and impose appropriate
 21 safeguards against any unauthorized disclosure. The records of that hearing otherwise
 22 shall be under seal; or"