

House Bill 1365

By: Representatives Rice of the 79th, Squires of the 78th, Watson of the 70th, Byrd of the 170th,
Hudgens of the 24th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated,
2 relating to the Department of Law, so as to create the Obscenity and Pornography
3 Complaints Ombudsman within the department; to provide for the selection, powers, and
4 duties thereof; to provide for cooperation with prosecuting attorneys; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

8 Article 2 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to the
9 Department of Law, is amended by inserting a new Code section to read as follows:

10 "45-15-30.1.

11 (a)(1) There is created an Obscenity and Pornography Complaints Ombudsman in the
12 Department of Law. Said ombudsman shall be a deputy or an assistant attorney general.

13 (2) The Attorney General shall hire an attorney licensed to practice law in Georgia who
14 has knowledge of obscenity and pornography law and, if possible, who has a background
15 or expertise in investigating and prosecuting obscenity and pornography law violations
16 to fill the position.

17 (3) The Attorney General may hire clerks, interns, or other personnel to assist the
18 pornography complaints ombudsman.

19 (b) The Obscenity and Pornography Complaints Ombudsman shall:

20 (1) Develop and maintain expertise in and understanding of laws designed to control or
21 eliminate obscenity and pornography and the legal standards governing the regulation or
22 elimination of obscenity and pornography;

23 (2) Advise citizens and local governments about remedies to address instances of
24 obscenity and pornography in their communities;

25 (3) Advise local governments about ways to strengthen local ordinances addressing
26 obscenity and pornography;

- 1 (4) Advise local governments about strategies to restrict, suppress, or eliminate obscenity
2 and pornography in their communities;
- 3 (5) At the request of the Attorney General or a local government, assist in investigating
4 and prosecuting violations of state laws and local ordinances addressing obscenity or
5 pornography;
- 6 (6) Before beginning an investigation:
 - 7 (A) Contact the prosecuting attorney within whose jurisdiction an investigation by the
8 Obscenity and Pornography Complaints Ombudsman will take place and inform him
9 or her of the investigation; and
 - 10 (B) Coordinate efforts and share records with the prosecuting attorney throughout the
11 investigation;
- 12 (7) Advise citizens about their options to address specific complaints about obscenity or
13 pornography in their communities;
- 14 (8) When requested by a citizen or local government official, arbitrate between citizens
15 and businesses to resolve complaints about obscenity or pornography;
- 16 (9) Provide information to private citizens, civic groups, government entities, and other
17 interested parties about the dangers of obscenity and pornography, the current laws to
18 restrict, suppress, or eliminate pornography, and their rights and responsibilities under
19 those laws;
- 20 (10) Draft model ordinances, consistent with state law, that contain:
 - 21 (A) Various degrees of regulation of sexually oriented businesses; and
 - 22 (B) Options for local communities that can be used to regulate pornography and
23 obscenity;
- 24 (11) Assist political subdivisions in:
 - 25 (A) Drafting rules, regulations, and policies; and
 - 26 (B) Making recommendations for enforcing those rules, regulations, and policies;
- 27 (12) In conjunction with Georgia's prosecuting attorneys:
 - 28 (A) Review Utah's and Idaho's moral nuisance laws;
 - 29 (B) Recommend a comprehensive moral nuisance law for Georgia and a model
30 ordinance for municipalities and counties to provide an effective mechanism to abate
31 and discourage obscenity and pornography; and
 - 32 (C) Present the recommendation to the Senate Judiciary Committee and the House
33 Committee on the Judiciary before December 1, 2002; and
- 34 (13) Establish a program to combat Internet pornography and to assist parents in
35 protecting their children from Internet pornography.

1 (c) The district attorneys, solicitors-general, and city and county attorneys in this state shall
2 cooperate with the ombudsman for purposes of paragraphs (5) and (6) of subsection (b) of
3 this Code section."

4 **SECTION 2.**

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