

Senate Bill 147

By: Senators Adelman of the 42nd, Collins of the 6th, Stokes of the 43rd, Unterman of the 45th, Stephens of the 51st and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to family violence, so as to provide for penalties for disclosing, publishing, or disseminating the location of a family violence shelter; to amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and telegraph service, so as to require telephone companies to file plans with the Georgia Public Service Commission to provide for the confidentiality of family violence shelter locations; to provide for review of such plans; to provide for sanctions for the failure to file such plans; to provide a short title; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known as and may be cited as the "Family Violence Shelter Confidentiality Act of 2003."

SECTION 2.

Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to family violence, is amended by striking Code Section 19-13-23 and inserting in lieu thereof new Code Sections 19-13-23 and 19-13-24 to read as follows:

"19-13-23.

(a) Any person who knowingly publishes, disseminates, or otherwise discloses the location of a family violence shelter is guilty of a misdemeanor.

(b) This Code section shall not apply to:

(1) Confidential communications between a client and his or her attorney; or

(2) Instances when such publication, dissemination, or disclosure is specifically authorized by the director of the shelter.

1 19-13-24.

2 (a) Any person who publishes, disseminates, or otherwise discloses the location of a
3 family violence shelter, whether intentionally or negligently, shall be liable either for all
4 costs of relocating such shelter or for a civil penalty payable to such shelter in the amount
5 of not less than \$25,000.00 for the first instance and not less than \$5,000.00 for each
6 additional instance thereafter and not to exceed the full costs of relocating such shelter.
7 When the location of a shelter has become generally known as a result of the publication,
8 dissemination, or disclosure of its location by a person, the court shall require that the
9 person violating this Code section shall pay the costs of relocating such shelter. When the
10 location of a shelter has been published, disseminated, or disclosed by a person, but the
11 location has not become generally known as a result of such publication, dissemination, or
12 disclosure, the court may require the person making such publication, dissemination, or
13 disclosure to pay relocation costs in lieu of a civil penalty.

14 (b) For the purposes of this Code section, an additional instance of publication,
15 dissemination, or disclosure shall be limited to each different time, place, and manner the
16 location is published, disseminated, or disclosed. Each edition of a telephone directory in
17 printed format which contains the location of a shelter shall constitute only one instance
18 regardless of the number of copies of the directory that are published or disseminated.

19 (c) Each person violating this Code section shall be liable to such shelter for reasonable
20 attorney's fees and all costs of bringing an action to recover such relocation costs or civil
21 penalties.

22 (d) This Code section shall not apply to:

23 (1) Confidential communications between a client and his or her attorney; or

24 (2) Instances when such publication, dissemination, or disclosure is specifically
25 authorized by the director of the shelter."

26 **SECTION 3.**

27 Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and
28 telegraph service, is amended by adding a new Code Section 46-5-7 to read as follows:

29 "46-5-7.

30 (a) Prior to January 1, 2004, each person, corporation, or other entity that provides
31 telephone service in this state and each person, corporation, or other entity that publishes,
32 disseminates, or otherwise provides telephone directory information or listings of telephone
33 subscribers in this state shall file a plan with the commission setting forth in detail how
34 such person, corporation, or other entity will protect the confidentiality of the address or
35 location of family violence shelters in this state. Such plan shall provide the manner in
36 which the person, corporation, or other entity will identify all such shelters and the manner

1 in which the person, corporation, or other entity will keep the location and address of such
2 shelters confidential.

3 (b) Such persons, corporations, and other entities shall update such plans at least every 24
4 months.

5 (c) Such original and updated plans shall be approved by the commission upon a
6 determination that the plans are reasonably effective in identifying all family violence
7 shelters in the state and in maintaining the confidentiality of the location and address of
8 such shelters. If the commission determines that a plan is inadequate, it shall state the basis
9 on which the plan was determined to be inadequate and shall allow the person, corporation,
10 or other entity filing such plan a period of not more than 30 days to file a revised plan that
11 is acceptable to the commission.

12 (d) Such plans shall not be open to examination by the public and shall be exempt from
13 disclosure under the provisions of Article 4 of Chapter 18 of Title 50.

14 (e) Failure to file an acceptable plan or updated plan in accordance with this Code section
15 shall be subject to the sanctions provided in Article 5 of Chapter 2 of this title.

16 (f) Each person, corporation, or other entity subject to this Code section shall file a copy
17 of all original plans, updated plans, and revised plans with the State Commission on Family
18 Violence, which is authorized to provide comments concerning such plans to the
19 commission in order to aid in review and approval of such plans and the commission shall
20 give such comments substantial weight.

21 (g) The filing and approval of such plans shall not in any manner be a defense to any
22 action or prosecution for the violation of Code Section 19-13-23 or 19-13-24."

23 **SECTION 4.**

24 This Act shall become effective upon its approval by the Governor or upon its becoming law
25 without such approval.

26 **SECTION 5.**

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