

Senate Bill 5

By: Senators Harp of the 16th and Mullis of the 53rd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 16-12-81 of the Official Code of Georgia Annotated, relating to the offense of distributing material depicting nudity or sexual content, so as to make such offense apply expressly to electronic mail and other electronic or computer media; to provide a notice; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-12-81 of the Official Code of Georgia Annotated, relating to the offense of distributing material depicting nudity or sexual content, is amended by inserting a new subsection to be designated subsection (d) to read as follows:

"(d) A person commits the offense of distributing material depicting nudity or sexual conduct when he or she sends unsolicited by electronic mail or otherwise by electronic or computer media any material depicting nudity or sexual conduct to any person, residence, or place of employment unless there is displayed in a manner visible to the recipient before the material depicting nudity or sexual conduct becomes visible a statement identical or substantially similar to the following notice:

"The material contained herein depicts nudity or sexual conduct. If the viewing of such material could be offensive to the recipient, the recipient is advised to delete or otherwise destroy such material."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.