

The House Committee on Special Judiciary offers the following substitute to SB 147:

A BILL TO BE ENTITLED  
AN ACT

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

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 This Act shall be known as and may be cited as the "Family Violence Shelter Confidentiality  
13 Act of 2004."

14 style="text-align:center">**SECTION 2.**

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

18 "19-13-23.

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

21 (b) This Code section shall not apply to:

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

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

1 19-13-24.

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

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

21 (c) This Code section shall not apply:

22 (1) To confidential communications between a client and his or her attorney;

23 (2) To instances when such publication, dissemination, or public disclosure is  
 24 specifically authorized by the director of the shelter; or

25 (3) When a company publishes the location of a family violence shelter upon reliance  
 26 on a third party who did not identify the confidential nature of the location, and such  
 27 company did not know and should not have known that the location is confidential. This  
 28 exception shall not apply if the company was aware that the third party had previously  
 29 failed to inform the company of confidential information relating to the location of family  
 30 violence shelters."

### 31 **SECTION 3.**

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

34 "46-5-7.

35 (a) Prior to January 1, 2005, each person, corporation, or other entity that provides  
 36 telephone service in this state and each person, corporation, or other entity that publishes,

1 disseminates, or otherwise provides telephone directory information or listings of telephone  
2 subscribers in this state shall file a plan with the commission setting forth in detail how  
3 such person, corporation, or other entity will protect the confidentiality of the address or  
4 location of family violence shelters in this state. Such plan shall provide the manner in  
5 which the person, corporation, or other entity will identify all such shelters and the manner  
6 in which the person, corporation, or other entity will keep the location and address of such  
7 shelters confidential.

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

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

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

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

21 (f) Each person, corporation, or other entity subject to this Code section shall file a copy  
22 of all original plans, updated plans, and revised plans with the State Commission on Family  
23 Violence, which is authorized to provide comments concerning such plans to the  
24 commission in order to aid in review and approval of such plans.

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

#### 27 **SECTION 4.**

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

#### 30 **SECTION 5.**

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