

Senate Bill 456

By: Senators Wiles of the 37th and Shafer of the 48th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
2 relating to invasions of privacy, so as to provide that it shall be unlawful to disseminate
3 certain information relating to mobile telephone usage without the express consent of the
4 subscriber; to provide that it shall be unlawful for an officer, employee, agent, or other
5 person affiliated with a mobile telephone service provider to disseminate such information;
6 to provide that it shall be unlawful to buy or otherwise obtain such information; to provide
7 for penalties; to provide an exception; to provide an effective date; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
12 invasions of privacy, is amended by inserting at the end thereof a new Code section to read
13 as follows:

14 "16-11-70.

15 (a) It shall be unlawful for any person other than a provider of mobile telephone service
16 to sell or otherwise disseminate to any person, including without limitation a person
17 purporting to be the mobile subscriber, information specific to a subscriber of mobile
18 telephone service relating to mobile telephone usage, including without limitation a record
19 of calls made and billing information, without the express written consent of the mobile
20 telephone subscriber.

21 (b) It shall be unlawful for any officer, employee, agent, independent contractor, or any
22 other person affiliated with a mobile telephone service provider to sell or otherwise
23 disseminate to any person a record of calls made and billing information without the
24 express written consent of the mobile telephone subscriber; provided, however, that such
25 information may be provided to the mobile telephone subscriber in the normal course of
26 business.

1 (c) It shall be unlawful to purchase or otherwise obtain from any person information
2 specific to a subscriber of mobile telephone service relating to mobile telephone use,
3 including without limitation a record of calls made and billing information.

4 (d) Violation of subsection (a), (b), or (c) of this Code section shall constitute a felony
5 punishable by incarceration for a period not to exceed ten years or a fine not to exceed
6 \$100,000.00 or both. Each violation of this Code section shall constitute a separate
7 offense.

8 (d) The provisions of this Code section shall not apply to information disclosed to a law
9 enforcement agency pursuant to a valid search warrant."

10 **SECTION 2.**

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

13 **SECTION 3.**

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