

Senate Bill 34

By: Senators Williams of the 19th, Rogers of the 21st, Shafer of the 48th, Goggans of the 7th, Unterman of the 45th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated,  
2 relating to conditions of detention generally, so as to prohibit the possession of photographs  
3 of victims by certain persons confined in penal institutions; to provide for exceptions; to  
4 provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
5 other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 To amend Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated,  
9 relating to conditions of detention generally, by adding a new Code section as follows:

10 "42-5-65.

11 (a) Except as provided in this Code section, any person confined in a penal institution or  
12 confined in another facility under the jurisdiction of or subject to the authority of the board  
13 or while under the custody of officials, officers, or employees under the authority of the  
14 board who is serving a sentence for a violation of Chapter 5 of Title 16 relating to crimes  
15 against the person or a violation of Chapter 6 of Title 16 relating to sexual offenses shall  
16 be prohibited from possessing or carrying about his or her person or maintaining in any  
17 prison cell or similar area under his or her control any photograph, picture, or similar  
18 depiction of any victim of the offense for which he or she is serving. A person acting in  
19 violation of this subsection shall be guilty of a misdemeanor.

20 (b) Subsection (a) of this Code section shall not apply where the photograph or picture is  
21 needed for use in any civil or criminal proceeding provided that the person under the  
22 custody of the board receives permission by a court having jurisdiction over the proceeding  
23 and only for so long as and in such manner as directed by court order.

24 (c) Nothing in this subsection shall limit further restrictions or limitations on the  
25 possession of contraband or victim photographs by persons confined or under the custody  
26 of the board as deemed appropriate by the board."

1 **SECTION 2.**

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

4 **SECTION 3.**

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