

Senate Bill 30

By: Senators Staton of the 18th, Douglas of the 17th, Tolleson of the 20th, Jones of the 10th, Murphy of the 27th and others

AS PASSED SENATE

**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 prohibit certain uses of the names, portraits, or
3 pictures of members of the armed forces of the United States; to provide a penalty; to
4 provide an exception; to provide for related matters; to provide for an effective date; to repeal
5 conflicting laws; and for other purposes.

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

7 **SECTION 1.**

8 Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
9 invasions of privacy, is amended by adding a new Part 3 to read as follows:

10 **"Part 3**

11 16-11-90.

12 In addition to any other remedy provided by law, any person, firm, or corporation that
13 intentionally uses:

14 (1) For the purpose of advertising for the sale of any goods, wares, or merchandise;

15 (2) For the solicitation of patronage by any business; or

16 (3) In connection with the sale of any goods, services, wares, or merchandise, the name
17 or personally identifiable portrait or picture of any current or deceased member of the
18 armed forces of the United States, when they have direct or constructive knowledge that
19 such person is or was a member of the armed forces, without having obtained, prior or
20 subsequent to such use, the consent of the member or, if the member is deceased, without
21 the consent of the personal representative or personal representatives or, where no
22 personal representatives exists, a majority of the adult heirs of the deceased member and
23 after having been requested by any such member, representative, or heirs to cease such
24 advertising, solicitation, or sale, shall be guilty of a misdemeanor of a high and

1 aggravated nature. Such request to cease shall be in writing and delivered by statutory
2 overnight carrier or by certified or registered mail. The use of any such name, portrait,
3 or picture that is in the public domain shall not be a violation of this Code section."

4 **SECTION 2.**

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

7 **SECTION 3.**

8 All laws and parts of laws in conflict with this Act are repealed.