

House Bill 1287

By: Representatives Davis of the 122nd, Lewis of the 15th, Amerson of the 9th, Smyre of the 132nd, Keen of the 179th, and others

A BILL TO BE ENTITLED
AN ACT

1 To establish the "Prevention of Online Child Predators Act"; to amend Article 2 of Chapter
2 1 of Title 42 of the Official Code of Georgia Annotated, relating to the Sexual Offender
3 Registration Review Board, so as to require registered sex offenders to provide additional
4 information as a part of the required registration information; to require registered sex
5 offenders to provide to an appropriate official any Internet accounts with Internet access
6 providers belonging to such offender and Internet identifiers that such offender uses; to
7 require certain conditions of probation or conditional release for a registered sex offender
8 that relate to Internet use; to provide for criminal penalties for violations of the provisions;
9 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the
14 Sexual Offender Registration Review Board, is amended by adding a new Code section to
15 read as follows:

16 "42-1-16.

17 (a) This Code section shall be known and may be cited as the "Prevention of Online Child
18 Predators Act."

19 (b) For purposes of this Code section, the term:

20 (1) 'Appropriate official' shall have the same meaning as provided for in Code Section
21 42-1-12.

22 (2) 'Authorized Internet entity' means any business, organization, or other entity
23 providing or offering a service over the Internet which permits persons under 18 years of
24 age to access, meet, congregate, or communicate with other users for the purpose of
25 social networking, but shall not include general e-mail services.

26 (3) 'Bureau' means the Georgia Bureau of Investigation.

1 (4) 'Commercial social networking website' means any business, organization, or other
2 entity operating a website that permits persons under 18 years of age to be registered
3 users for the purpose of establishing personal relationships with other users, where such
4 persons under 18 years of age may:

5 (A) Create web pages or profiles that provide information about themselves where such
6 web pages or profiles are available to the public or to other users;

7 (B) Engage in direct or real-time communication with other users, such as a chat room
8 or instant messenger; and

9 (C) Communicate with persons over 18 years of age;

10 provided, however, that, for purposes of this paragraph, a commercial social networking
11 website shall not include a website that permits users to engage in other activities not
12 specifically included in this paragraph.

13 (5) 'Internet access provider' means any business, organization, or other entity engaged
14 in the business of providing a computer and communications facility through which a
15 customer may obtain access to the Internet, but does not include a business, organization,
16 or other entity to the extent that it provides only telecommunications services.

17 (6) 'Internet identifiers' means e-mail addresses and designations used for the purposes
18 of chat, instant messaging, social networking, or other similar Internet communication.

19 (7) 'Registered sex offender' means a person required to register as a sexual offender
20 pursuant to Code Section 42-1-12.

21 (c) In addition to any other required registration information to be provided by a registered
22 sex offender, a registered sex offender shall also provide to an appropriate official any
23 Internet accounts with Internet access providers belonging to such offender and Internet
24 identifiers that such offender uses. Such information shall be collected, recorded, and
25 maintained in the same manner as other required registration information.

26 (d) The bureau shall, upon the request of any authorized Internet entity, release to such
27 entity Internet identifiers that would enable the authorized Internet entity to pre-screen or
28 remove registered sex offenders from its services or advise law enforcement or other
29 governmental entities of potential violations of the law or threats to public safety. An
30 authorized Internet entity shall be immune from any liability for making a good faith report
31 of a suspected violation of the law or threats to public safety by a registered sex offender
32 utilizing the entity's services. Before releasing any information, the bureau shall require
33 an authorized Internet entity that requests information from the registry to submit to the
34 division the name, address, and telephone number of such entity and the specific legal
35 nature and corporate status of such entity. Except for the purposes specified in this Code
36 section, an authorized Internet entity shall not publish or in any way disclose or redisclose
37 any information provided to it by the bureau. The bureau may charge an authorized

1 Internet entity a fee for access to registered Internet identifiers requested by such entity
2 pursuant to this subsection. The bureau shall promulgate rules and regulations relating to
3 procedures for the collection and release of information in the registry, including but not
4 limited to the disclosure and redisclosure of such information and the imposition of any
5 fees.

6 (e) A registered sex offender shall be required to report and update any change of Internet
7 accounts with Internet access providers belonging to such offender and Internet identifiers
8 that such offender uses in the same manner as the offender shall be required to report and
9 update any change in his or her address in Code Section 42-1-12. A fee not to exceed
10 \$10.00 may be charged by the bureau to offset administrative costs for updating a
11 registered sex offender's change of address or any change of status or information required
12 to update required registration information. Any failure or omission to submit the required
13 fee shall not affect the acceptance by the bureau of the change of address, status, or
14 information.

15 (f) When imposing a sentence of probation or conditional discharge upon a person who
16 shall be required to register as a registered sex offender under this article, the court shall
17 impose as a condition of probation that such probationer shall be prohibited from using the
18 Internet to access pornographic material, access a commercial social networking website,
19 communicate with other individuals or groups for the purpose of promoting sexual
20 relations with persons under the age of 18, or communicate with a person under the age of
21 18 who is not his or her minor child. The addition of this condition of probation or
22 conditional discharge shall be in addition to any other conditions imposed by a court or
23 other authorized sentencing authority.

24 (g) Any registered sex offender who fails to comply with the requirements of this Code
25 section or who provides false information related to the informational reporting
26 requirements of this Code section shall be guilty of a felony and upon conviction thereof
27 shall be punished by imprisonment of not less than five nor more than ten years; provided,
28 however, that upon the conviction for a second or subsequent offense under this Code
29 section, the offender shall be punished by imprisonment for life."

30 SECTION 2.

31 This Act shall become effective on January 1, 2009.

32 SECTION 3.

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