

The Senate Science and Technology Committee offered the following substitute to SB 474:

ADOPTED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 39 of the Official Code of Georgia Annotated, relating to minors, so as to
2 provide for definitions; to provide for the availability of parental controls over Internet access
3 by children; to provide for the development and distribution of Internet online safety
4 curricula and information; to provide for the monitoring of Internet use by registered sexual
5 offenders; to provide for the registration of e-mail addresses and usernames of registered
6 sexual offenders; to provide for certain disclosures; to provide that interactive computer
7 services shall provide certain information for investigative purposes; to provide for the
8 reporting by interactive computer services of child pornography violations; to provide for
9 related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 39 of the Official Code of Georgia Annotated, relating to minors, is amended by adding
13 a new chapter to read as follows:

14 "CHAPTER 5

15 39-5-1.

16 As used in this chapter, the term:

17 (1) 'Child' means a person who is less than 18 years of age.

18 (2) 'Internet or any other computer network' means the computer network commonly
19 known as the Internet and any other local, regional, or global computer network that is
20 similar to or is a predecessor or successor of the Internet.

21 (3) 'Internet access provider' means an entity that provides consumers with access to the
22 Internet.

23 (4) 'Interactive computer service' means any information service, system, or access
24 software provider that provides or enables computer access by multiple users to a computer

1 server, including specifically a service or system that provides access to the Internet and
2 such systems operated or services offered by libraries or educational institutions.

3 (5) 'Order' means a legal process for the release of information including, but not limited
4 to, a subpoena, court order, search warrant, or summons.

5 (6) 'Username' means a string of characters chosen to identify uniquely an individual who
6 uses a computer or other device with Internet capability to communicate with other
7 individuals through the exchange of e-mail or instant messages or by participating in
8 interactive online forums.

9 (7) 'User password' means a string of characters that enables an individual who uses a
10 computer or other device with Internet capability to gain access to e-mail messages and
11 interactive online forums.

12 39-5-2.

13 (a) If an Internet access provider knows or has reason to know from registration data in its
14 possession that a subscriber currently resides within this state, the provider shall make
15 available to the subscriber a product or service that enables the subscriber to control a
16 child's use of the Internet.

17 (b) The product or service shall enable, in a commercially reasonable manner, the
18 subscriber to:

19 (1) Block a child's access to specific websites or domains;

20 (2) Restrict a child's access exclusively to specific websites or domains approved by the
21 subscriber; and

22 (3) Allow the subscriber to monitor a child's use of the Internet service by providing a
23 report to the subscriber of the specific websites or domains that the child has visited or
24 has attempted to visit but could not access because the websites or domains were blocked
25 or restricted by the subscriber.

26 (c) If a product or service described in this Code section is reasonably and commercially
27 available for the technology utilized by the subscriber to access the Internet service, the
28 Internet service provider shall:

29 (1) Provide to the subscriber, at or near the time of subscription, information about the
30 availability of a product or service described in this Code section; or

31 (2) Make a product or service described in this Code section available to the subscriber
32 either directly or through a third-party vendor and may charge for the product or service.

33 39-5-3.

34 (a) The State Department of Education shall develop and propose model curricula for
35 educating students regarding online safety while using the Internet, taking into

1 consideration curricula on this topic developed by other states as well as any other curricula
2 and materials suggested by education experts, child psychologists, and technology
3 companies that work on child online safety issues.

4 (b) Each local school district shall incorporate into its curriculum a component on online
5 Internet safety to be taught at least once each year to students in grade 3 and above.

6 (c) The State Department of Education shall provide to each local school district
7 educational materials for parents and guardians regarding online Internet safety for
8 children.

9 39-5-4.

10 (a) Any person required to register with the state sexual offender registry as provided in
11 Code Section 42-1-12 may, as a condition of probation, supervised release, parole, or entry
12 into the state, be subject to one or more of the following provisions and conditions while
13 remaining on the state sexual offender registry:

14 (1) Continued supervision, either in person or through remote monitoring, of the person's
15 incoming and outgoing e-mail and other Internet based communication for evidence
16 relevant to any crime that would require registration with the state sexual offender
17 registry;

18 (2) Continued supervision, either in person or through remote monitoring, of the person's
19 history of websites visited and content accessed for evidence relevant to any crime that
20 would require registration with the state sexual offender registry; and

21 (3) Periodic unannounced inspections of the contents of the person's computer or any
22 other device with Internet access including the retrieval and copying of all data from the
23 computer or device and any internal or external storage or portable media and the
24 removal of such information, computer, device, or medium to conduct a more thorough
25 inspection for evidence relevant to any crime that would require registration with the state
26 sexual offender registry.

27 (b) If the Internet was used by the individual in the commission of a crime that would
28 require registration with the state sexual offender registry, the court, as part of its sentence,
29 may limit or restrict the person's Internet access in a manner tailored to prevent further use
30 of the Internet by the person to commit any such crime.

31 (c) The supervision shall be conducted by a probation officer, parole officer, law
32 enforcement officer, or computer information technology specialist working under contract
33 with the probation, parole, or law enforcement agency, in a manner and form prescribed
34 by the Attorney General.

1 39-5-5.

2 (a) In addition to any other information required for registration on the state sexual
3 offender registry, the registrant at the time of registration and at each annual reregistration
4 shall provide his or her e-mail addresses and usernames that such person uses or intends
5 to use.

6 (b) If a person required to register under Code Section 42-1-12 fails to provide his or her
7 e-mail addresses and usernames that such person uses or intends to use as required by this
8 Code section, the person shall be subject to the same penalties applicable under such Code
9 section for a failure to register.

10 (c) The e-mail addresses and usernames shall be made available to the public by the
11 Georgia Bureau of Investigation under such restrictions as the Board of Public Safety shall
12 promulgate by rule and regulation. The Board of Public Safety is authorized to promulgate
13 rules and regulations necessary for the Georgia Bureau of Investigation and the Georgia
14 Crime Information Center to implement and carry out the provisions of this Code section.

15 (d) No provider of an interactive computer service shall be liable under this Code section
16 or any provision of law for:

17 (1) Identifying, removing, disabling, blocking, or otherwise affecting a user based upon
18 a good faith belief that user's e-mail address, username, or other similar Internet identifier
19 appeared in the National Sex Offender Registry or the state sexual offender registry; or

20 (2) Failing to identify, block, or otherwise prevent a person from registering for its
21 service or failing to remove, disable, or otherwise affect a registered user whose
22 electronic mail address, username, or other similar Internet identifier appeared in the
23 National Sex Offender Registry or the state sexual offender registry.

24 (e) Law enforcement agencies, employees of law enforcement agencies, and state officials
25 shall be immune from liability for good faith conduct under this Code section.

26 39-5-6.

27 (a) An interactive computer service, upon the request of a law enforcement agency for an
28 investigation of a possible sex offense involving a child, shall take all necessary steps to
29 preserve records and other evidence in its possession pending the issuance of an order or
30 other legal process concerning such records and evidence. The interactive computer
31 service shall comply with the request as soon as possible following the receipt of such
32 request. The records and evidence shall be retained for a period of 90 days which shall be
33 extended for an additional 90 day period upon a further request by the law enforcement
34 agency within the initial 90 day period.

35 (b) In connection with any criminal investigation of a possible sex offense involving a
36 child that involves immediate danger of death or serious bodily harm, a law enforcement

1 agency in this state may issue a request without compulsory legal process or court order
2 to a designated recipient of an interactive computer service to disclose, consistent with 18
3 U.S.C. Sections 2702(b)(8) and 2702(c)(4), the information identified in 18 U.S.C. Section
4 2703. The interactive computer service shall communicate with the requesting agency to
5 discuss the nature of the request and to coordinate an appropriate response immediately and
6 without delay.

7 (c) Subsections (a) and (b) of this Code section shall be interpreted in a manner consistent
8 with the requirements of federal law that apply to providers of an electronic
9 communications service, including, but not limited to, 18 U.S.C. Section 2701, et seq., and
10 42 U.S.C. Section 13032.

11 39-5-7.

12 An interactive computer service doing business in this state that obtains knowledge of facts
13 or circumstances from which a violation of any law of this state prohibiting child
14 pornography is apparent shall make a report, as soon as reasonably possible, of such facts
15 and circumstances to the Cyber Tipline at the National Center for Missing and Exploited
16 Children consistent with the requirements of 42 U.S.C. Section 13032."

17 **SECTION 2.**

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