

The House Committee on Judiciary Non-civil offers the following substitute to SB 24:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
2 relating to computer systems security, so as to prohibit persons from using the Internet or
3 electronic mail to induce another to provide identifying information by falsely representing
4 themselves to be a business without the authority or approval of such business; to provide
5 definitions; to provide for penalties and sanctions; to provide for immunity; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to
10 computer systems security, is amended by adding a new Part 4 to read as follows:

11 **"Part 4**

12 16-9-109.1.

13 (a) As used in this part, the term:

14 (1) 'Electronic mail message' means a message sent to a unique destination, commonly
15 expressed as a string of characters, consisting of a unique user name or mailbox,
16 commonly referred to as the 'local part,' and a reference to an Internet domain, commonly
17 referred to as the 'domain part,' whether or not displayed, to which an electronic message
18 can be sent or delivered.

19 (2) 'Employer' includes a business entity's officers, directors, parent corporation,
20 subsidiaries, affiliates, and other corporate entities under common ownership or control
21 within a business enterprise.

22 (3) 'Identifying information' means, with respect to an individual, any of the following:

23 (A) Social security number;

24 (B) Driver's license number;

1 (C) Bank account number;

2 (D) Credit card or debit card number;

3 (E) Personal identification number or PIN;

4 (F) Automated or electronic signature;

5 (G) Unique biometric data;

6 (H) Account password; or

7 (I) Any other piece of information that can be used to access an individual's financial
8 accounts or to obtain goods or services.

9 (4) 'Internet' shall have the meaning set forth in paragraph (10) of Code
10 Section 16-9-151.

11 (5) 'Web page' means a location that has a single uniform resource locator or other single
12 location with respect to the Internet.

13 (b)(1) It shall be unlawful for any person with intent to defraud, by means of a web page,
14 electronic mail message, or otherwise through use of the Internet, to solicit, request, or
15 take any action to induce another person to provide identifying information by
16 representing himself, herself, or itself to be a business without the authority or approval
17 of such business.

18 (2) It shall be unlawful for any person, with actual knowledge, conscious avoidance of
19 actual knowledge, or willfully, to possess with intent to use in a fraudulent manner, sell,
20 or distribute any identifying information obtained in violation of paragraph (1) of this
21 subsection.

22 (c) Any person who intentionally violates subsection (b) of this Code section shall be
23 guilty of a felony and shall be punished by imprisonment for not less than one nor more
24 than 20 years, a fine of not less than \$1,000.00 nor more than \$500,000.00, or both.

25 (d)(1) No employer shall be held criminally liable under this Code section as a result of
26 any actions taken:

27 (A) With respect to computer equipment used by its employees, contractors,
28 subcontractors, agents, leased employees, or other staff which the employer owns,
29 leases, or otherwise makes available or allows to be connected to the employer's
30 network or other computer facilities when such equipment is used for an illegal purpose
31 without the employer's knowledge, consent, or approval; or

32 (B) By employees, contractors, subcontractors, agents, leased employees, or other staff
33 who misuse an employer's computer equipment for an illegal purpose without the
34 employer's knowledge, consent, or approval.

35 (2) No person shall be held criminally liable under this Code section when its protected
36 computers, computer equipment, or software product has been used by unauthorized
37 users to violate this Code section without such person's knowledge, consent, or approval.

1 (e) This Code section shall not apply to a telecommunications provider's or Internet
2 service provider's good faith transmission or routing of, or intermediate temporary storing
3 or caching of, identifying information.

4 (f) No provider of an interactive computer service may be held liable in a civil action
5 under any law of this state, or any of its political subdivisions, for removing or disabling
6 access to content on an Internet website or other online location controlled or operated by
7 such provider, when such provider believes in good faith that such content has been used
8 to engage in a violation of this part."

9

SECTION 2.

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