

House Bill 1290

By: Representative Teilhet of the 40<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a short title; to amend Article 2 of Chapter 1 of Title 42 of the Official Code  
2 of Georgia Annotated, relating to classification and registration of sexual offenders and  
3 regulation of the conduct of such offenders, so as to revise provisions relating to registration  
4 of sexual offenders; to change certain definitions; to require that sexual offenders provide  
5 certain information regarding Internet accounts and allow authorized Internet providers to  
6 obtain such information from the Georgia Bureau of Investigation; to provide for related  
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Electronic Security and Targeting of  
11 Online Predators Act (E-STOP)."

12 **SECTION 2.**

13 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to  
14 classification and registration of sexual offenders and regulation of the conduct of such  
15 offenders, is amended in portions of subsection (a) of Code Section 42-1-12, relating to the  
16 State Sexual Offender Registry, as follows:

17 By adding a new paragraph (4.1) to read as follows:

18 "(4.1) 'Authorized Internet entity' means a business, organization, or other entity  
19 providing or offering a service over the Internet which permits persons under 18 years of  
20 age to access, meet, congregate, or communicate with other users for the purpose of  
21 social networking. Such term shall not include a business, organization, or other entity  
22 that provides only general e-mail services."

23 By adding a new paragraph (11.1) to read as follows:

24 "(11.1) 'Internet access provider' means a business, organization, or other entity  
25 providing or offering a computer and communications facility through which a person

26 may obtain access to the Internet. Such term shall not include a business, organization,  
 27 or other entity that provides only telecommunications services."

28 By revising subparagraph (K) of paragraph (16) as follows:

29 "(K) E-mail addresses; and usernames; and user passwords Internet account names with  
 30 Internet access providers belonging to such sexual offender and the usernames for each  
 31 such account; and"

32 By revising paragraph (21.1) as follows:

33 "(21.1) 'Username' means a string of characters chosen to uniquely identify an individual  
 34 who uses a computer or other device with Internet capability to communicate with other  
 35 individuals through the exchange of e-mail or instant messages or by participating in  
 36 interactive online forums or social networking."

37 By revising paragraph (21.2) as follows:

38 ~~"(21.2) 'User password' means a string of characters that enables an individual who uses~~  
 39 ~~a computer or other device with Internet capability to gain access to e-mail messages and~~  
 40 ~~interactive online forums."~~

### 41 **SECTION 3.**

42 Said article is further amended by revising paragraph (2) of subsection (h) of Code Section  
 43 42-1-12, relating to the State Sexual Offender Registry, as follows:

44 "(2) The Georgia Bureau of Investigation shall:

45 (A) Transmit all information, including the conviction data and fingerprints, to the  
 46 Federal Bureau of Investigation within 24 hours of entering the data;

47 (B) Establish operating policies and procedures concerning record ownership, quality,  
 48 verification, modification, and cancellation; ~~and~~

49 (C) Perform mail out and verification duties as follows:

50 (i) Send each month Criminal Justice Information System network messages to  
 51 sheriffs listing sexual offenders due for verification;

52 (ii) Create a photo image file from original entries and provide such entries to sheriffs  
 53 to assist in sexual offender identification and verification;

54 (iii) Mail a nonforwardable verification form to the last reported address of the sexual  
 55 offender within ten days prior to the sexual offender's birthday;

56 (iv) If the sexual offender changes residence to another state, notify the law  
 57 enforcement agency with which the sexual offender shall register in the new state; and

58 (v) Maintain records required under this Code section; and

59 (D)(i) Upon the request of an authorized Internet entity, on a form prescribed by the  
 60 Georgia Bureau of Investigation, release information requested by such authorized  
 61 Internet entity, including, but not limited to, the full names of registered sexual

62 offenders, any aliases, any other identifying characteristics, each sexual offender's  
63 date of birth, the home address on file, the offense for which the offender was  
64 required to register, the date, city, and state of conviction, and any usernames. A  
65 photocopy of a current photograph shall also be provided. The authorized Internet  
66 entity shall provide information as prescribed by the Georgia Bureau of Investigation,  
67 including, but not limited to, the name, address, telephone number, legal nature, and  
68 corporate status of the authorized Internet entity;  
69 (ii) The Georgia Bureau of Investigation may charge a reasonable fee to cover the  
70 cost of copying and distributing sexual offender registry information as provided for  
71 in this subparagraph;  
72 (iii) The Georgia Bureau of Investigation shall not be liable in an action to recover  
73 damages or seek relief for errors or omissions related to the distribution of the sexual  
74 offender registry information to an authorized Internet entity pursuant to this  
75 subparagraph; provided, however, that if the error or omission was done intentionally,  
76 with malice, or in bad faith, the Georgia Bureau of Investigation shall not be immune  
77 from liability; and  
78 (iv) The authorized Internet entity may use the sex offender registry information  
79 obtained from the Georgia Bureau of Investigation to prescreen or remove sexual  
80 offenders from its services or to advise law enforcement or other governmental  
81 entities of potential violations of law or threats to public safety. An authorized  
82 Internet entity shall not publish or in any way disclose or re-disclose any sexual  
83 offender registry information provided to such authorized Internet entity by the  
84 Georgia Bureau of Investigation pursuant to this subparagraph."

85 **SECTION 4.**

86 All laws and parts of laws in conflict with this act are repealed.