

Senate Bill 470

By: Senators Staton of the 18th, Smith of the 52nd, Hamrick of the 30th and Orrock of the 36th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 9 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
2 relating to computer security, so as to provide a definition; to provide that it shall be illegal
3 to prevent reasonable efforts to block the installation, execution, or disabling of a covered
4 file-sharing program on computers; to provide that it shall be illegal to install, offer to install,
5 or make available for installation, reinstallation, or update a covered file-sharing program on
6 a computer without first providing clear and conspicuous notice to the authorized user of the
7 computer that the files on that computer will be made available to the public, obtaining
8 consent of the authorized user to install the program, and requiring affirmative steps by the
9 authorized user to activate any feature on the program that will make files on that computer
10 available to the public; to provide for related matters; to repeal conflicting laws; and for other
11 purposes.

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

13 **SECTION 1.**

14 Article 9 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to
15 computer security, is amended by revising Code Section 16-9-151, relating to definitions, by
16 adding a new paragraph to read as follows:

17 "(6.1) 'Covered file-sharing program' means a computer program, application, or software
18 that enables the computer on which such program, application, or software is installed to
19 designate files as available for searching by and copying to one or more other computers,
20 to transmit such designated files directly to one or more other computers, and to request the
21 transmission of such designated files directly from one or more other computers. Covered
22 file-sharing program does not mean a program, application, or software designed primarily
23 to operate as a server that is accessible over the Internet using the Internet Domain Name
24 System, to transmit or receive e-mail messages, instant messaging, real-time audio or video
25 communications, or real-time voice communications, to provide network or computer

26 security, network management, hosting and backup services, maintenance, diagnostics, or
27 technical support or repair, or to detect or prevent fraudulent activities."

28 **SECTION 2.**

29 Said article is further amended by revising subsection (a) of Code Section 16-9-154, relating
30 to inducement to install, copy, or execute software through misrepresentation prohibited, as
31 follows:

32 "(a) It shall be illegal for a person or entity that is not an authorized user, as defined in
33 Code Section 16-9-151, of a computer in this state to do any of the following with regard
34 to such computer:

35 (1) Induce an authorized user to install a software component onto the computer by
36 intentionally misrepresenting that installing software is necessary for security or privacy
37 reasons or in order to open, view, or play a particular type of content; or

38 (2) Deceptively causing the copying and execution on the computer of a computer
39 software component with the intent of causing an authorized user to use the component
40 in a way that violates any other provision of this Code section;

41 (3) Prevent reasonable efforts to block the installation, execution, or disabling of a
42 covered file-sharing program on the computer; or

43 (4) Install, offer to install, or make available for installation, reinstallation, or update a
44 covered file-sharing program on the computer without first providing clear and
45 conspicuous notice to the authorized user of the computer showing which files on that
46 computer will be made available to the public, obtaining consent from the authorized user
47 to install the covered file-sharing program, and requiring affirmative steps by the
48 authorized user to activate any feature on the covered file-sharing program that will make
49 files on that computer available to the public. Such notice shall be redisplayed each time
50 a change occurs in the list of files that will be made available to the public."

51 **SECTION 3.**

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

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