

House Bill 348

By: Representatives Allison of the 8th, Brockway of the 101st, and Harden of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
2 relating to offenses against public order, so as to change provisions relating to criminal
3 defamation; to provide for a definition; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
8 offenses against public order, is amended by revising Code Section 16-11-40, relating to
9 criminal defamation, as follows:

10 "16-11-40.

11 (a) As used in this Code section, the term 'electronic communication' means any transfer
12 between persons of signs, signals, writing, images, sounds, data, or intelligence of any
13 nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic,
14 or photo-optical system.

15 ~~(a)~~(b) A person commits the offense of criminal defamation when, without a privilege to
16 do so and with intent to defame another, living or dead, he or she communicates orally, in
17 writing, or by any other means, including by electronic communication, false matter which
18 tends to blacken the memory of one who is dead or which exposes one who is alive to
19 hatred, contempt, ~~or~~ ridicule, degradation, or disgrace in society or injury, or ~~and~~ which
20 tends to provoke a breach of the peace.

21 ~~(b)~~(c) A person who violates subsection ~~(a)~~ (b) of this Code section is shall be guilty of a
22 misdemeanor.

23 (d) No person shall be convicted on the basis of an oral communication except upon the
24 testimony of two other persons that they heard and understood the oral statement as
25 defamatory or upon a plea of guilty or nolo contendere."

26

SECTION 2.

27 All laws and parts of laws in conflict with this Act are repealed.