

House Bill 578

By: Representatives Weldon of the 3rd, Welch of the 110th, Oliver of the 82nd, Caldwell of the 131st, Jacobs of the 80th, and others

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 the offense of harassing phone calls
3 to the offense of harassing communications; to provide for a definition; to provide for
4 penalties; to provide for venue; to provide for exceptions; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
9 offenses against public order, is amended by revising Code Section 16-11-39.1, relating to
10 harassing phone calls, as follows:

11 "16-11-39.1.

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

15 ~~(a)~~(b) A person commits the offense of harassing ~~phone calls~~ communications if such
16 person ~~telephones~~:

17 (1) Telephones another person repeatedly, whether or not conversation ensues, for the
18 purpose of annoying, harassing, ~~or molesting, threatening, or intimidating~~ another person
19 or the family of such other person; uses over the telephone language threatening bodily
20 harm; telephones and intentionally fails to hang up or disengage the connection; or
21 knowingly permits any telephone under such person's control to be used for any purpose
22 prohibited by this ~~subsection~~ paragraph; or

23 (2) Communicates repeatedly via electronic communication with a recipient for the
24 purpose of annoying, harassing, molesting, threatening, or intimidating such recipient
25 after the recipient has informed the sender to cease such communication.

26 ~~(b)~~(c) Any person who commits the offense of harassing ~~phone calls~~ communications shall
27 be guilty of a misdemeanor.

28 (d) The offense of harassing communications shall be considered to have been committed
29 in the county where:

30 (1) The defendant was located when he or she placed the telephone call or transmitted,
31 sent, or posted an electronic communication; or

32 (2) The telephone call or electronic communication was received.

33 (e) Any violation of this Code section shall constitute a separate offense and shall not
34 merge with any other crimes set forth in this title.

35 (f) This Code section shall not apply to constitutionally protected speech."

36 **SECTION 2.**

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