

The House Committee on Judiciary Non-civil offers the following substitute to HB 578:

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 penalties; to provide for venue;
4 to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for
5 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) A person commits the offense of harassing ~~phone calls~~ communications if such person
13 ~~telephones~~;

14 (1) Contacts another person repeatedly via telecommunication, e-mail, text messaging,
15 or any other form of electronic communication, whether or not conversation ensues, for
16 the purpose of ~~annoying~~, harassing, ~~or molesting, threatening, or intimidating another~~
17 ~~such~~ person or the family of such ~~other~~ person; ~~uses over the telephone language~~
18 ~~threatening~~

19 (2) Threatens bodily harm via telecommunication, e-mail, text messaging, or any other
20 form of electronic communication; telephones

21 (3) Telephones another person and intentionally fails to hang up or disengage the
22 connection; or ~~knowingly~~

23 (4) Knowingly permits any telephone device used for telecommunication, e-mail, text
24 messaging, or any other form of electronic communication under such person's control
25 to be used for any purpose prohibited by this subsection.

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

28 (c) 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 (d) 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 (e) 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.