

ADOPTED

Representative Strickland of the 111th et al. offer the following amendment:

1 *Amend the House Committee on Judiciary, Non-civil substitute to SB 160 (LC 29 6637S) by*
 2 *inserting after "Code Section 3-3-23;" on line 3 the following:*

3 to amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
 4 relating to offenses against public order, so as to prohibit any person from causing a minor
 5 to be identified as the individual in an obscene depiction; to provide for definitions; to
 6 provide for venue; to provide for exceptions; to provide for penalties;

7 *By inserting between lines 51 and 52 the following:*

8 **SECTION 1A.**

9 Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
 10 offenses against public order, is amended by adding a new Code section to read as follows:

11 "16-11-40.1.

12 (a) As used in this Code section, the term:

13 (1) 'Minor' means an individual who is under the age of 18 years.

14 (2) 'Nudity' shall have the same meaning as set forth in Code Section 16-11-90.

15 (3) 'Obscene depiction' means a visual depiction of an individual displaying nudity or
 16 sexually explicit conduct.

17 (4) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section
 18 16-12-100.

19 (b) No person shall intentionally cause a minor to be identified as the individual in an
 20 obscene depiction in such a manner that a reasonable person would conclude that the image
 21 depicted was that of such minor. Such identification shall include, without limitation, the
 22 minor's name, address, telephone number, e-mail address, username, or other electronic
 23 identification. Such identification shall also include the electronic imposing of the facial
 24 image of a minor onto an obscene depiction.

25 (c) Any person convicted of violating this Code section shall be guilty of a misdemeanor;
 26 provided, however, that upon a second or subsequent violation of this Code section, he or
 27 she shall be guilty of a felony and, upon conviction thereof, shall be punished by
 28 imprisonment of not less than one nor more than five years, a fine of not more than
 29 \$100,000.00, or both.

30 (d) A person shall be subject to prosecution in this state pursuant to Code Section 17-2-1
 31 for any conduct made unlawful by this Code section in which such person engages while:

- 32 (1) Either within or outside of this state if, by such conduct, the person commits a
33 violation of this Code section which involves an individual who resides in this state; or
34 (2) Within this state if, by such conduct, the person commits a violation of this Code
35 section which involves an individual who resides within or outside this state.
36 (e) The provisions of subsection (b) of this Code section shall not apply to:
37 (1) The activities of law enforcement and prosecution agencies in the investigation and
38 prosecution of criminal offenses; or
39 (2) An image and identification made pursuant to or in anticipation of a civil action.
40 (f) Any violation of this Code section shall constitute a separate offense and shall not
41 merge with any other crimes set forth in this title."