

House Bill 845

By: Representatives Setzler of the 35th, Reeves of the 34th, and Golick of the 40th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated,
2 relating to justification and excuse, so as to provide for immunity from criminal liability for
3 possession of certain materials or images under certain circumstances; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to
8 justification and excuse, is amended by adding a new Code section to read as follows:

9 "16-3-22.1.

10 (a) Any individual who in good faith has possession of materials or images that are in
11 violation of Article 3 of Chapter 12 of this title shall be immune to the same extent as a law
12 enforcement officer would be immune from criminal liability for such possession when
13 such possession is for the purpose of reporting such violation:

14 (1) To law enforcement officials; or

15 (2) As allowed and required by Code Section 19-7-5.

16 (b) The official report of the law enforcement agency or the Division of Family and
17 Children Services of the Department of Human Services shall create a rebuttable
18 presumption of good faith and reasonableness on the part of the individual who has
19 possession.

20 (c) The purpose of this Code section is to provide for those individuals who act in good
21 faith to assist law enforcement officers or the Division of Family and Children Services of
22 the Department of Human Services when the health and safety of a child are being
23 adversely affected and threatened by the conduct of another. This Code section shall be
24 liberally construed so as to carry out the purposes thereof."

25

SECTION 2.

26 All laws and parts of laws in conflict with this Act are repealed.