

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 certain provisions relating to
3 wearing a mask, hood, or device which conceals the identity of the wearer; to amend
4 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general
5 provisions relative to state government, so as to provide that photographs on certain
6 government issued licenses, permits, and identification cards shall not allow concealment of
7 any portion of the face of an individual; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
11 offenses against public order, is amended by revising Code Section 16-11-38, relating to
12 wearing a mask, hood, or device which conceals the identity of the wearer, as follows:

13 "16-11-38.

14 (a) A person is guilty of a misdemeanor when he or she wears a mask, hood, or device by
15 which any portion of the face is so hidden, concealed, or covered as to conceal the identity
16 of the wearer and is upon any public way or public property or upon the private property
17 of another without the written permission of the owner or occupier of the property to do so.
18 For purposes of this subsection, the phrase 'upon any public way or property' includes but
19 is not limited to operating a motor vehicle upon any public street, road, or highway.

20 (b) This Code section shall not apply to:

- 21 (1) A person wearing a traditional holiday costume on the occasion of the holiday;
22 (2) A person lawfully engaged in trade and employment or in a sporting activity where
23 a mask is worn for the purpose of ensuring the physical safety of the wearer, or because
24 of the nature of the occupation, trade, or profession, or sporting activity;
25 (3) A person using a mask in a theatrical production including use in Mardi gras
26 celebrations and masquerade balls; or

27 (4) A person wearing a gas mask prescribed in emergency management drills and
 28 exercises or emergencies."

29 **SECTION 2.**

30 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general
 31 provisions relative to state government, is amended by adding a new Code section to read as
 32 follows:

33 "50-1-10.

34 (a) On and after July 1, 2017, any license, permit, or identification card which is:

35 (1) To be issued to an individual by the state or any department or authority thereof or
 36 by any branch of state government; and

37 (2) To contain a photograph of such individual for purposes of identifying him or her,
 38 shall not be issued to such individual if his or her face in the photograph is so hidden,
 39 concealed, or covered as to conceal his or her identity.

40 (b) For purposes of subsection (a) of this Code section, the phrase 'license, permit, or
 41 identification card' includes but is not limited to any motor vehicle driver's license or
 42 identification card for an individual without a motor vehicle driver's license issued under
 43 Title 40."

44 **SECTION 3.**

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