

House Bill 9

By: Representatives Blackmon of the 146th, Golick of the 40th, Lott of the 122nd, Gravley of the 67th, Tanner of the 9th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to wiretapping, eavesdropping, surveillance, and related offenses, so as
3 to prohibit the use of a device to film under or through a person's clothing under certain
4 circumstances; to provide for definitions; to provide for exceptions; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
9 relating to wiretapping, eavesdropping, surveillance, and related offenses, is amended by
10 adding a new Code section to read as follows:

11 "16-11-61.1.

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

13 (1) 'Device' means an instrument or apparatus used for observing, photographing,
14 videotaping, recording, or transmitting visual images. Without limiting the generality of
15 the foregoing, such term shall specifically include a camera, photographic equipment,
16 video equipment, mobile phone, or other similar equipment.

17 (2) 'Person' means an individual who is 16 years of age or older.

18 (b)(1) Notwithstanding Code Section 16-11-90, it shall be unlawful for any individual
19 to, knowingly and without the consent of the person observed, use or install a device for
20 the purpose of surreptitiously videotaping, filming, photographing, or video recording
21 such person under or through such person's clothing, for the purpose of viewing the body
22 of or the undergarments worn by such person, under circumstances in which such person
23 has a reasonable expectation of privacy.

24 (2) It shall be unlawful to disseminate any image or recording with knowledge that it was
25 taken or obtained in violation of paragraph (1) of this subsection.

26 (c) Subsection (b) of this Code section shall not apply to:

- 27 (1) The activities of law enforcement and prosecution agencies in the investigation and
28 prosecution of criminal offenses; or
29 (2) A retailer that surveils a customer changing room, provided that signage
30 conspicuously warns customers of the retailer's surveillance.
31 (d) Any violation of this Code section shall constitute a separate offense and shall not
32 merge with any other crimes set forth in this title."

33 **SECTION 2.**

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