

Senate Bill 45

By: Senators Walker III of the 20th, Stone of the 23rd, Parent of the 42nd, Kennedy of the 18th, Tillery of the 19th and others

A BILL TO BE ENTITLED
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 3 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
9 relating to invasions of privacy, is amended by adding a new Code section to read as follows:
10 "16-11-91.

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

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

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

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

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

25 (c) Any individual convicted of violating this Code section shall be guilty of a
26 misdemeanor; provided, however, that upon a second or subsequent violation of this Code

27 section, he or she shall be guilty of a felony and, upon conviction thereof, shall be punished
28 by 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) Subsection (b) of this Code section shall not apply to:

31 (1) The activities of law enforcement and prosecution agencies in the investigation and
32 prosecution of criminal offenses; or

33 (2) A retailer that surveils a customer changing room, provided that signage
34 conspicuously warns customers of the retailer's surveillance.

35 (e) Any violation of this Code section shall constitute a separate offense and shall not
36 merge with any other crimes set forth in this title."

37 **SECTION 2.**

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