

ADOPTED

Representatives Blackmon of the 146th and Golick of the 40th offer the following amendment:

1 *Amend SB 104 (SB104/FA) by inserting after "provision;" on line 5 the following:*

2 to amend Part 3 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia
3 Annotated, relating to invasions of privacy, so as to prohibit the use of a device to film
4 underneath or through an individual's clothing under certain circumstances; to provide for
5 definitions; to provide for exceptions;

6 *By revising lines 10 through 14 with the following:*

7 kidnapping, false imprisonment, and related offenses, is amended by repealing subsection
8 (e), adding a new subsection, and revising subsections (a), (b), and (d) of Code Section
9 16-5-47, relating to posting model notice with human trafficking hotline information in
10 businesses and on Internet and termination, as follows:

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

12 *By adding a quotation mark to the end of lines 93 and 130 and to the beginning of line 112.*

13 *By deleting lines 94 through 111 and 131 and 132.*

14 *By inserting between lines 133 and 134 the following:*

15 Part 3 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
16 relating to invasions of privacy, is amended by adding a new Code section to read as follows:

17 "16-11-91.

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

19 (1) 'Device' means an instrument or apparatus used for observing, photographing,
20 videotaping, recording, or transmitting visual images, including but not limited to a
21 camera, photographic equipment, video equipment, mobile phone, or other similar
22 equipment.

23 (2) 'Intimate parts' shall have the same meaning as set forth in Code Section 16-6-22.1.

24 (b)(1) Notwithstanding Code Section 16-11-90, it shall be unlawful for any person to,
25 knowingly and without the consent of the individual observed, use or install a device for
26 the purpose of surreptitiously observing, photographing, videotaping, filming, or video
27 recording such individual underneath or through such individual's clothing, for the
28 purpose of viewing the intimate parts of the body of or the undergarments worn by such

29 individual, under circumstances in which such individual has a reasonable expectation
30 of privacy, regardless of whether it occurs in a public place.

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

33 (c) Any person convicted of violating this Code section shall be guilty of a felony and,
34 upon conviction thereof, shall be punished by imprisonment of not less than one year nor
35 more than five years, a fine of not more than \$10,000.00, or both, or in the discretion of the
36 court, as for a misdemeanor.

37 (d) Subsection (b) of this Code section shall not apply to:

38 (1) The lawful activities of law enforcement and prosecution agencies; or

39 (2) A business's or entity's surveillance device used in the ordinary course of its business,
40 provided that signage conspicuously warns of such surveillance and the use of such
41 device is primarily designed to detect unlawful activity.

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

44 **SECTION 3.**