

The Senate Committee on Judiciary offered the following substitute to SB 182:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 5 of Title 16 of the Official Georgia Code Annotated, relating
2 to stalking, so as to provide for the offenses of doxxing; to provide for penalties; to provide
3 for a protective order; to provide for a civil action; to provide for venue; to provide for
4 definitions; to provide for construction; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 5 of Title 16 of the Official Georgia Code Annotated, relating to
9 stalking, is amended by adding a new Code section, to read as follows:

10 "16-5-97.

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

12 (1) 'Actor' means a person accused of the offense of doxxing.

13 (2) 'Communication' means the electronic transmission of information of a person's
14 choosing between or among points specified by such person without change in the
15 information content form as sent and received.

16 (3) 'Doxxing' means to transmit, send, or publish private or identifying information about
17 a particular person on an electronic or social platform with malicious intent.

18 (4) 'Electronic or social platform' means a website or computer application designed to
19 facilitate communication between one or more persons.

20 (5) 'Substantial life disruption' means that a person significantly modifies their actions
21 or routines in an attempt to avoid the actor or the results of the actor's conduct or
22 experiences a financial upset due to the actor's conduct. Such actions shall include, but
23 shall not be limited to, changing a phone number, email address, deleting personal
24 electronic accounts, significantly decreasing use of the internet, moving from an
25 established residence, changing daily routines, changing routes to and from work,
26 changing employment, changing a work schedule, losing time from work or a job, or
27 experiencing a monetary loss exceeding \$500.00.

28 (b) A person commits the offense of doxxing on an electronic or social platform when:

29 (1) A person knowingly transmits, sends, or publishes a communication concerning
30 another identifiable person to an electronic or social platform with the intent to frighten,
31 coerce, intimidate, threaten, abuse, or harass such identifiable person; and

32 (2) The communication causes such identifiable person to be in reasonable fear of
33 endangerment, imminent physical or emotional injury, monetary loss, or substantial life
34 disruption.

35 (c) A victim of doxxing may petition the court for a protective order as provided in Code
36 Section 16-5-94.

37 (d)(1) A person who commits the offense of doxxing shall be guilty of a misdemeanor
38 of a high and aggravated nature.

39 (2) For offenses that result in serious physical injury to the victim or the victim's
40 immediate family member or household member, and for the second and all subsequent
41 offenses with or without serious physical injury, the defendant shall be guilty of a felony
42 and shall be punished by imprisonment for not less than one year nor more than ten years.

43 (3) A person over the age of 20 who commits the offense of doxxing against a person
44 under the age of 19 shall be guilty of a felony and shall be punished by imprisonment for
45 not less than one year nor more than ten years.

46 (e) Any person harmed by monetary loss, serious physical injury, or death, as a result of
47 doxxing may institute a civil action under this Code section and seek actual and punitive
48 damages. In any civil action authorized by this Code section, the court shall award costs
49 and expenses of litigation, including reasonable attorneys' fees, to the prevailing party.

50 (f) An action brought pursuant to subsection (c) or (e) of this Code section may be brought
51 by the victim in the superior court of the county:

52 (1) From which the communication originated;

53 (2) Where the victim received the communication; or

54 (3) Where the victim resides.

55 (g) Nothing in this Code section shall be interpreted as preventing, prohibiting, limiting,
56 or restricting the freedom of expression that is protected under the Georgia Constitution or
57 the First Amendment to the United States Constitution; provided, however, that speech or
58 conduct including, but not limited to, true threats or expressive activity directed to provoke
59 imminent lawless actions and likely to produce it shall be prohibited."

60

SECTION 2.

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