

Senate Bill 493

By: Senators Hatchett of the 50th, Kennedy of the 18th, Gooch of the 51st, Summers of the 13th, Strickland of the 17th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated,
2 relating to the sexual offender risk review board, so as to provide for additional penalties for
3 registered sexual offenders convicted of photographing a minor without the consent of the
4 minor's parent or guardian; to provide that such persons are prohibited from possessing,
5 owning, or operating an unmanned aircraft system with the intent to photograph, observe,
6 follow, or contact any person without his or her consent; to provide for criminal penalties;
7 to provide for definitions; to provide for an effective date; to provide for applicability; to
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the
12 sexual offender risk review board, is amended by revising Code Section 42-1-18, relating to
13 photographing minor without consent of parent or guardian prohibited and penalty, as
14 follows:

15 "42-1-18.

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

17 (1) 'Minor' shall have the same meaning as set forth in Code Section 42-1-12.

18 (2) 'Photograph' means to create, capture, transmit, or record by electronic or other
19 means a photographic image 'photograph' means to take any picture, film or digital
20 photograph, motion picture film, videotape, or similar visual representation or image of
21 a person.

22 (3) 'Unmanned aircraft system' means a powered, aerial vehicle, not including a satellite,
23 that:

24 (A) Does not carry a human operator and is operated without the possibility of direct
25 human intervention from within or on the vehicle;

26 (B) Uses aerodynamic forces to provide vehicle lift;

27 (C) Can fly autonomously or be piloted remotely;

28 (D) Can be expendable or recoverable; and

29 (E) Has the ability to photograph.

30 (b)(1) No person required to register as a sexual offender pursuant to Code Section
31 42-1-12 shall intentionally photograph a minor without the consent of the minor's parent
32 or guardian.

33 (c)(2) Any person who knowingly violates this Code section commits the offense of
34 intentionally photographing a minor without the consent of such minor's parent or
35 guardian in violation of paragraph (1) of this subsection shall, upon the first conviction
36 thereof, be guilty of a misdemeanor of a high and aggravated nature and shall be punished
37 as provided by Code Section 17-10-4; provided, however, that, if a fine is imposed
38 pursuant to Code Section 17-10-4, such fine shall not be less than \$1,500.00.

39 (3) Any person who commits the offense of intentionally photographing a minor without
40 the consent of such minor's parent or guardian in violation of paragraph (1) of this
41 subsection shall, upon a second or subsequent conviction thereof, be guilty of a felony

42 and shall be punished by imprisonment for not less than one nor more than 30 years and
43 a fine of not less than \$5,000.00 nor more than \$100,000.00.

44 (4) For the purpose of this subsection, the term 'conviction' shall include a plea of nolo
45 contendere.

46 (c)(1) No person required to register as a sexual offender pursuant to Code
47 Section 42-1-12 shall knowingly possess, own, or operate an unmanned aircraft system
48 with the intent to photograph, observe, follow, or contact any person without his or her
49 consent.

50 (2) Any person who commits the offense of knowingly possessing, owning, or operating
51 an unmanned aircraft system with the intent to photograph, observe, follow, or contact
52 any person without his or her consent in violation of paragraph (1) of this subsection shall
53 be guilty of a felony and shall be punished by imprisonment for not less than ten nor
54 more than 30 years and a fine of not less than \$20,000.00 nor more than \$100,000.00."

55 **SECTION 2.**

56 This Act shall become effective on July 1, 2024, and shall apply to all offenses committed
57 on or after such date.

58 **SECTION 3.**

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