

Senators Halpern of the 39th, Hatchett of the 50th and Robertson of 29th offered the following amendment #2:

1 *Amend the Senate Committee on Judiciary substitute to HB 505 (LC 49 1934S) by inserting*
2 *after "rioting;" on line 6 "to provide for doxing offenses; to provide for penalties;"*

3 *By inserting after line 59 the following:*

4 **SECTION 3.**

5 Said chapter is further amended in Article 3, relating to invasion of privacy, by adding a new
6 Code section to read as follows:

7 "16-11-93.

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

9 (1) 'Close relation' means a person's current or former spouse, parent, child, sibling,
10 stepchild, stepparent, grandparent, coworker, an individual in a dating relationship with
11 such person as defined in Code Section 19-13A-1, or any individual who regularly resides
12 or, within the prior six months, regularly resided, in the same household as such person.

13 (2) 'Mental anguish' means emotional distress or suffering as evidenced by a reasonably
14 held anxiety, fear, torment, or apprehension of physical harm resulting from the posting
15 or publication of a person's personally identifiable information.

16 (3) 'Personally identifiable information' means:

17 (A) Any information or combination of information, whether publicly available or not,
18 that can be used to distinguish or trace a person's identity, residence, location, or
19 employer, including, but not limited to, such person's name, prior legal name, alias,
20 mother's maiden name, social security number, date or place of birth, address, phone

number, religious practices or affiliation, employment information, academic status, life activities, or biometric data; and

(B) Any sensitive private information regarding a person, such as gender identity, sexual orientation, or any sexually intimate or explicit visual depiction.

(4) 'Post' means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available to one or more persons through electronic communication, including but not limited to social media platforms and services.

(5) 'Reckless' means a gross deviation from the standard of care which a reasonable person would exercise.

(6) 'Significant economic injury' means reasonable financial costs or expenses incurred by an alleged victim as a result of mental anguish proximately caused by the posting of that person's personally identifiable information, including, but not limited to, moving from an established residence, changing daily routines, changing routes or modes of transportation to and from work, changing employment or work schedules, losing time from a work or job, damage to personal or real property, or experiencing a monetary loss of not less than \$500.00.

(7) 'Stalking' shall have the same meaning as described in Code Section 16-5-90.

(b)(1) A person commits the offense of doxing when such person intentionally posts another person's personally identifying information without their consent and does so with reckless disregard for whether the information would be reasonably likely to be used by another party to cause the person whose information is posted to be placed in reasonable fear of stalking, serious bodily injury or death to oneself or a close relation, or to suffer a significant economic injury or mental anguish as a result therefrom.

(2) A person shall be guilty of a misdemeanor by committing the offense of doxing prohibited under paragraph (1) of this subsection, except that upon a second or subsequent conviction for doxing, the person shall be guilty of a high and aggravated misdemeanor.

(c)(1) A person commits the offense of aggravated doxing when such person posts another person's personally identifying information without their consent with the intent that another person engage in conduct that is likely to or does cause the person whose information is posted, or his or her close relation, to suffer death or bodily injury.

(2) A person who commits the offense of aggravated doxing is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not less than one nor more than three years, a fine of not less than \$1,000.00 nor more than \$10,000.00, or both.

(d) It shall not be an offense under this Code section for a person to:

(1) Provide another person's personally identifiable information in connection with the reporting of criminal activity to an official, agent, or employee of a law enforcement agency, protective services agency, criminal investigations agency, intelligence agency, or homeland security agency of the State of Georgia or of the United States when the person making the report reasonably believes it is true;

(2) Disseminate another person's personally identifiable information for the purpose of or in connection with the reporting of conduct reasonably believed to be unlawful; or

(3) Provide another person's personally identifiable information in connection with lawful activity as it pertains to speech, assembly, and petition.

(e) Nothing in this Code section shall be construed in any manner to:

(1) Prevent, prohibit, limit, or restrict the freedom of expression that is protected under the Georgia Constitution or the First Amendment to the United States Constitution, except true threats or expressive activity directed to provoke and likely to produce imminent lawless actions shall be prohibited;

(2) Conflict with the provisions of the federal Communication Decency Act, 47 U.S.C. Section 230, or the federal Civil Rights Act of 1871, 42 U.S.C. Section 1983; or

(4) Prohibit any activity protected under the Constitution of the United States or the Georgia Constitution."

74 *By redesignating Sections 3, 4, 5, 6, and 7 on lines 60, 126, 134, 166, and 169, respectively,*
75 *as Sections 4, 5, 6, 7, and 8.*