

Senate Bill 74

By: Senators Burns of the 23rd, Walker III of the 20th, Dolezal of the 27th, Summers of the 13th, Hickman of the 4th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 3 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia
2 Annotated, relating to sale or distribution of harmful materials to minors, so as to repeal an
3 exemption for libraries and librarians from the provisions of Code Section 16-12-103,
4 relating to selling, loaning, distributing, or exhibiting materials harmful to minors; to provide
5 that any violation of such Code section shall be a misdemeanor of a high and aggravated
6 nature when committed knowingly; to provide for a defense for librarians who make good
7 faith attempts to identify and remove material harmful to minors; to provide for related
8 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 3 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
13 relating to sale or distribution of harmful materials to minors, is amended by revising Code
14 Section 16-12-104, relating to library exception, as follows:

15 "16-12-104.

16 ~~The provisions of Code Section 16-12-103 shall not apply to any public library operated~~
17 ~~by the state or any of its political subdivisions nor to any library operated as a part of any~~
18 ~~school, college, or university~~ Reserved."

19 **SECTION 2.**

20 Said part is further amended in Code Section 16-12-105, relating to penalty, by revising
21 subsection (a) and by adding a new subsection to read as follows:

22 "(a) Except as provided in subsection (b) of this Code section, any person who knowingly
23 violates any provision of Code Section 16-12-103 ~~or 16-12-104~~ shall be guilty of a
24 misdemeanor of a high and aggravated nature."

25 "(c) It shall be an affirmative defense to prosecution under this Code section if the
26 individual charged is a librarian, as such term is defined in Code Section 43-24-1,
27 employed to work as a librarian in public library operated by the state or any of its political
28 subdivisions or any library operated as a part of any school, college, or university, and such
29 individual can demonstrate that he or she has made a good faith attempt to identify and
30 remove from access to minors all physical or electronic material harmful to minors."

31 **SECTION 3.**

32 This Act shall become effective on July 1, 2025, and shall apply to any motions made or
33 hearings or trials commenced on or after such date.

34 **SECTION 4.**

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