

The House Committee on Judiciary, Non-Civil offers the following substitute to SB 218:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling
2 and other trade practices, so as to enact the "NO FAKES Act of 2025"; to protect intellectual
3 property rights in the voice and visual likeness of individuals; to provide for the
4 characteristics of a right to use the voice or visual likeness in a digital replica; to provide for
5 licensing and transferability of a right; to require the Secretary of State to maintain a
6 directory of certain post-mortem digital replication rights and a directory of designated
7 agents; to authorize the Secretary of State to make interpretations and resolve ambiguities
8 in carrying out provisions of this article; to provide for rules and regulations; to provide for
9 civil liability for the unauthorized use of a digital replica; to provide for penalties; to bar
10 liability arising from retroactive application of this Act; to provide for definitions; to amend
11 Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide that
12 the Prosecuting Attorneys Qualifications Commission shall be assigned for administrative
13 purposes only to the Administrative Office of the Courts and shall be funded by funds
14 appropriated or otherwise available to the judicial branch of state government; to provide for
15 appeals from the decisions of hearing panels of the Prosecuting Attorneys Qualifications
16 Commission; to revise the date before which certain complaints of misconduct shall be
17 barred; to provide for executive director designation; to provide generally for constitutionally
18 or statutorily created organizations funded through the judicial branch of state government

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19 expressly authorized by law to conduct investigations to provide for special commission
20 investigators; to provide for limited powers of arrest for such special commission
21 investigators; to provide for subpoenas; to provide for construction; to provide for
22 definitions; to amend Code Section 16-11-130 of the Official Code of Georgia Annotated,
23 relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, so as to provide
24 for exemptions for current and retired members, staff, and other employees of the
25 Prosecuting Attorneys Qualifications Commission; to provide for related matters; to provide
26 for an effective date; to repeal conflicting laws; and for other purposes.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

28 **PART I**
29 **SECTION 1-1.**

30 This part shall be known and may be cited as the "Nurture Originals, Foster Art, and Keep
31 Entertainment Safe Act of 2025" or the "NO FAKES Act of 2025."

32 **SECTION 1-2.**

33 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other
34 trade practices, is amended by enacting a new article to read as follows:

35 "ARTICLE 37

36 10-1-950.

37 As used in this article, the term:

38 (1) 'Digital replica' means a newly created, computer generated, highly realistic
39 electronic representation that is readily identifiable as the voice or visual likeness of an
40 individual that:

41 (A) Is embodied in a sound recording, image, audiovisual work, including an
42 audiovisual work that does not have any accompanying sounds, or transmission:

43 (i) In which the actual individual did not actually perform or appear; or

44 (ii) That is a version of a sound recording, image, or audiovisual work, in which the
45 actual individual did perform or appear, where the fundamental character of the
46 performance or appearance has been materially altered; and

47 (B) Does not include the electronic reproduction, use of a sample of one sound
48 recording or audiovisual work into another, remixing, mastering, or digital remastering
49 of a sound recording or audiovisual work authorized by the copyright holder.

50 (2) 'Individual' means a human being, living or dead.

51 (3) 'Online service' means:

52 (A)(i) Any public website, online application, mobile application, or virtual reality
53 environment that predominantly provides a community forum for user generated
54 content, such as sharing videos, images, games, audio files, or other material; or

55 (ii) A digital music provider, as defined in 17 U.S.C. Section 115(e); and

56 (B) May include a social media service, social network, or application store; provided,
57 however, that such term does not include a service by wire or radio that provides the
58 capability to transmit data to and receive data from all, or substantially all, internet
59 endpoints, including any capabilities that are incidental to enabling the operation of the
60 communications service of a provider of online services or network access, or the
61 operator of facilities for such service.

62 (4) 'Production' means the creation of a digital replica.

63 (5) 'Right holder' means the individual whose voice or visual likeness is at issue with
64 respect to a digital replica and any other person that has acquired, through a license,

65 inheritance, or otherwise, the right to authorize the use of such voice or visual likeness
66 in a digital replica.

67 (6) 'Sound recording artist' means an individual who creates or performs in sound
68 recordings for economic gain or for the livelihood of the individual.

69 10-1-951.

70 (a) Subject to the other provisions of this Code section, each individual or right holder
71 shall have the right to authorize the use of the voice or visual likeness of such individual
72 in a digital replica.

73 (b) The right described in subsection (a) of this Code section shall have the following
74 characteristics:

75 (1) The right is:

76 (A) A property right;

77 (B) Not assignable during the life of the individual; and

78 (C) Licensable, in whole or in part, exclusively or nonexclusively, by the right holder;

79 (2) The right shall not expire upon the death of the individual, without regard to whether
80 such right is commercially exploited by the individual during the individual's lifetime;

81 (3) Upon the death of the individual:

82 (A) The right is transferable, licensable, in whole or in part, by the executors, heirs,
83 assigns, licensees, or devisees of the individual; and

84 (B) Ownership of the right may be:

85 (i) Transferred, in whole or in part, by any means of conveyance or by operation of
86 law; and

87 (ii) Bequeathed by will or passed as personal property by the applicable laws of
88 intestate succession;

89 (4) The right shall be exclusive to:

- 90 (A) The individual, subject to the licensing of the right during the lifetime of such
 91 individual under subsection (a) of Code Section 10-1-952; and
 92 (B) The right holder:
 93 (i) For a period of ten years after the death of the individual; and
 94 (ii) If the right holder demonstrates active and authorized public use of the voice or
 95 visual likeness of the individual during the two-year period preceding the expiration
 96 of the ten-year period described in division (i) of this paragraph, for an additional
 97 five-year period, subject to renewal for additional five-year periods, provided that the
 98 right holder can demonstrate authorized public use of the voice or visual likeness of
 99 the individual during the two-year period preceding the expiration of each additional
 100 five-year period; and
 101 (5) The right shall terminate on the date that is the earlier of:
 102 (A) The date on which the ten-year period or five-year period described in
 103 division (b)(4)(B)(ii) of this Code section terminates without renewal; or
 104 (B) The date that is 70 years after the death of the individual.
- 105 10-1-952.
 106 (a) A license described in subparagraph (b)(4)(A) of Code Section 10-1-951:
 107 (1) While the individual is living, is valid only to the extent that the license duration does
 108 not exceed ten years; and
 109 (2) Shall be valid only if the license agreement:
 110 (A) Is in writing and signed by the individual or an authorized representative of the
 111 individual; and
 112 (B) Includes a reasonably specific description of the intended uses of the applicable
 113 digital replica.
 114 (b) A license as described in subparagraph (b)(1)(C) of Code Section 10-1-951 involving
 115 a living individual who is younger than 18 years of age:

- 116 (1) Is valid only to the extent that the license duration does not exceed five years, but in
117 any case terminates when the individual reaches 18 years of age;
118 (2) Shall be valid only if the license agreement:
119 (A) Is in writing and signed by the individual or an authorized representative of the
120 individual; and
121 (B) Includes a reasonably specific description of the intended uses of the digital
122 replica; and
123 (3) The license is approved by a court in accordance with the law of this state.
124 (c) The provisions of subsections (a) and (b) of this Code section shall not apply if the
125 license is governed by a collective bargaining agreement that addresses digital replicas.
126 (d) The provisions of subsections (a) and (b) of this Code section shall not affect terms and
127 conditions of a license or related contract other than those described in this Code section,
128 and the expiration of such license does not affect the remainder of the license or related
129 contract.

130 10-1-953.

- 131 (a) A post-mortem transfer or license as provided in subparagraph (b)(3)(A) of Code
132 Section 10-1-951 shall be valid only if the transfer agreement or license agreement is in
133 writing and signed by the right holder or an authorized representative of the right holder.
134 (b) The renewal of a post-mortem right under division (b)(4)(B)(ii) of Code Section
135 10-1-951 shall be effective if, during the applicable two-year renewal period specified in
136 said division, the right holder files a notice with the Secretary of State which shall include:
137 (1) The name of the deceased individual;
138 (2) A statement, under penalty of perjury, that the right holder has engaged in active and
139 authorized public use of the voice or visual likeness during the applicable two-year
140 period;
141 (3) The identity of and contact information for the right holder; and

142 (4) Such other information as the Secretary of State may prescribe by regulation.

143 (c) The Secretary of State shall maintain a current directory of post-mortem digital
144 replication rights registered under this Code section. Such directory may include voluntary
145 registrations of the post-mortem right provided in division (b)(4)(b)(i) of Code Section
146 10-1-951. Such directory shall be posted on the appropriate public website and available
147 to the public for inspection. The Secretary of State may require payment of a reasonable
148 filing fee by the registrant, which may take into consideration the costs of maintaining such
149 directory.

150 (d) The right holder may voluntarily register the post-mortem right under division
151 (b)(4)(B)(i) of Code Section 10-1-951 by filing a notice with the Secretary of State that
152 complies with such requirements regarding form, content, and filing procedures as the
153 Secretary of State may prescribe by regulation.

154 (e) The Secretary of State may make such interpretations and resolve such ambiguities as
155 may be appropriate to carry out this article.

156 (f) The Secretary of State shall promulgate rules and regulations necessary to implement
157 and administer the provisions of this article.

158 10-1-954.

159 A digital replica that is embodied in a sound recording, image, audiovisual work, including
160 an audiovisual work that does not have any accompanying sounds, or transmission, and the
161 use of which is authorized pursuant to the terms of a license, may continue to be utilized
162 in a manner consistent with the terms of that license after the expiration or termination of
163 the license.

164 10-1-955.

165 (a) Any person that engages in an activity provided in subsection (b) of this Code section
166 shall be liable in a civil action brought under subsection (e) of this Code section.

167 (b) The following activities shall be prohibited pursuant to this article:

168 (1) The production of a digital replica without consent of the applicable right holder; or

169 (2) The publication, reproduction, display, distribution, transmission of, or otherwise
170 making available to the public a digital replica without consent of the applicable right
171 holder.

172 (c) To incur liability under this Code section, a person engaging in an activity shall have
173 actual knowledge, which could be obtained through a notification that satisfies
174 subsection (k) of this Code section, or shall willfully avoid having such knowledge, that:

175 (1) The applicable material is a digital replica; and

176 (2) The digital replica was not authorized by the applicable right holder.

177 (d) It shall not be a violation of subsection (a) of this Code section if:

178 (1) The applicable digital replica is produced or used in a bona fide news, public affairs,
179 or sports broadcast or account, provided that the digital replica is the subject of, or is
180 materially relevant to, the subject of such broadcast or account; or

181 (2) The applicable digital replica is a representation of the applicable individual in a
182 documentary or in a historical or biographical manner, including some degree of
183 fictionalization, unless:

184 (A) The production or use of that digital replica creates the false impression that the
185 work is an authentic sound recording, image, transmission, or audiovisual work in
186 which the individual participated; or

187 (B) The digital replica is embodied in a musical sound recording that is synchronized
188 to accompany a motion picture or other audiovisual work, except to the extent that the
189 use of that digital replica is protected by the First Amendment to the Constitution of the
190 United States;

191 (3) The applicable digital replica is produced or used consistent with the public interest
192 in bona fide commentary, criticism, scholarship, satire, or parody;

193 (4) The use of the applicable digital replica is fleeting or negligible; or

194 (5) The applicable digital replica is used in an advertisement or commercial
195 announcement for any purpose described in paragraphs (1) through (4) of this subsection
196 and the applicable digital replica is relevant to the subject of the work so advertised or
197 announced.

198 (e) The exception provided in subsection (d) of this Code section shall not apply where the
199 applicable digital replica is used to depict sexually explicit conduct, as such term is set
200 forth in Code Section 16-12-100.

201 (f) No person shall be secondarily liable for a violation of this Code section for
202 manufacturing, importing, offering to the public, providing, or otherwise distributing a
203 product or service unless the product or service:

204 (1) Is primarily designed to produce one or more unauthorized digital replicas;

205 (2) Has only limited commercially significant purpose or use other than to produce an
206 unauthorized digital replica; or

207 (3) Is marketed, advertised, or otherwise promoted by that person or another acting in
208 concert with that person with that person's knowledge for use in producing an
209 unauthorized digital replica.

210 (g) An online service shall not be liable for violating the right described in Code Section
211 10-1-951 by referring or linking a user to an unauthorized digital replica, or by carrying out
212 an activity described in subsection (b) of this Code section, if, upon receiving a notification
213 as provided in subsection (c) of this Code section, the online service removes or disables
214 access to the material that is claimed to be an unauthorized digital replica as soon as is
215 technically and practically feasible for such online service.

216 (h) An online service shall not be liable for violating the right described in Code Section
217 10-1-951 by storing third-party provided material that resides on a system or network
218 controlled or operated by or for the online service if, upon receiving a notification that
219 satisfies subsection (c) of this Code section, the online service:

220 (1) Removes, or disables access to, all instances of the material, or an activity using the
221 material, that is claimed to be an unauthorized digital replica, as soon as is technically
222 and practically feasible for such online service; and

223 (2) Having done so, takes reasonable steps to promptly notify the third party which
224 provided the material that the online service has removed or disabled access to the
225 material.

226 (i) The limitations on liability established under this Code section shall apply to an online
227 service only if the online service has designated an agent to receive notifications under
228 subsection (c) of this Code section by making available through the online service,
229 including on the public website of the online service in a location accessible to the public,
230 and by providing to the Secretary of State, substantially the following information:

231 (1) The name, address, telephone number, and electronic mail address of the agent; and

232 (2) Other contact information that the Secretary of State may determine appropriate.

233 (j) The Secretary of State shall maintain a current directory of designated agents for the
234 purposes of this Code section. The directory of designated agents shall be available to the
235 public for inspection, including through the internet. The Secretary of State may require
236 payment of a reasonable filing fee by the registrant, which may take into consideration the
237 costs of maintaining the directory of designated agents.

238 (k) To be effective under this Code section, a notification of a claimed violation of the
239 right described in Code Section 10-1-951 shall be a written communication provided to the
240 designated agent of an online service that includes the following:

241 (1) A physical or electronic signature of the right holder, a person authorized to act on
242 behalf of the right holder, or an eligible plaintiff under subsection (n) of this Code
243 section;

244 (2) Identification of the individual, the voice or visual likeness of whom is being used
245 in an unauthorized digital replica;

246 (3) Identification of the material containing an unauthorized digital replica, including
247 information sufficient to allow the online service to locate the allegedly unauthorized
248 digital replica;

249 (4) Information reasonably sufficient to permit the online service to contact the notifying
250 party, such as an address, telephone number, and electronic mail address;

251 (5) A statement that the notifying party believes in good faith that the material is an
252 unauthorized use of a digital replica;

253 (6) If not the right holder or an eligible plaintiff under subsection (n) of this Code
254 section, a statement that the notifying party has the authority to act on behalf of the right
255 holder; and

256 (7) For the purposes of subsection (g) of this Code section, information reasonably
257 sufficient to:

258 (A) Identify the reference or link to the material or activity claimed to be an
259 unauthorized digital replica that is to be removed or to which access is to be disabled;
260 and

261 (B) Permit the online service to locate the reference or link described in
262 subparagraph (A) of this paragraph.

263 (l) It shall be unlawful to knowingly materially misrepresent under subsection (k) of this
264 Code section:

265 (1) That the material requested to be removed is an unauthorized digital replica;

266 (2) That a person has the authority to act on behalf of the right holder; or

267 (3) That a digital replica is not authorized by the right holder or by other law.

268 (m) Any person that violates subsection (l) of this Code section shall be liable for an
269 amount equal to the greater of \$5,000.00 or any actual damages, including costs and
270 attorney's fees, incurred by the alleged violator, as well as by any online service injured by
271 the reliance of the online service on the misrepresentation in removing or disabling access
272 to the material or activity claimed to be an unauthorized digital replica.

- 273 (n) A civil action for a violation of this Code section may be brought by:
274 (1) A right holder;
275 (2) If the individual is younger than 18 years of age, a parent or guardian of the
276 individual;
277 (3) Any other person that controls, including by virtue of a license, the right to authorize
278 the use of the voice or visual likeness of the right holder;
279 (4) Any other person that owns or controls the right to authorize the use of the voice or
280 visual likeness of a deceased individual; or
281 (5) In the case of a digital replica involving a sound recording artist, any person that has,
282 directly or indirectly, entered into:
283 (A) A contract for the exclusive personal services of the sound recording artist as a
284 sound recording artist; or
285 (B) An exclusive license to distribute or transmit one or more works that capture the
286 audio performance of the sound recording artist.
287 (o) A civil action may not be brought under this Code section unless the action is
288 commenced not later than three years after the date on which the party seeking to bring the
289 civil action discovered, or with due diligence should have discovered, the applicable
290 violation.
291 (p) It shall not be a defense in a civil action brought under this Code section that the
292 defendant displayed or otherwise communicated to the public a disclaimer stating that the
293 applicable digital replica was unauthorized or disclosing that the digital replica was
294 generated through the use of artificial intelligence or other technology.
295 (q) In any civil action brought under this Code section:
296 (1) An individual or entity that engages in an activity described in subsection (b) of Code
297 Section 10-1-955 shall be liable to the injured party in an amount equal to the greater of:
298 (A)(i) In the case of an individual, \$5,000.00 per work embodying the applicable
299 unauthorized digital replica;

300 (ii) In the case of an entity that is an online service, \$5,000.00 per violation; and
301 (iii) In the case of an entity that is not an online service, \$25,000.00 per work
302 embodying the applicable unauthorized digital replica; or
303 (B) Any actual damages suffered by the injured party as a result of the activity, plus
304 any profits from the unauthorized use that are attributable to such use and are not taken
305 into account in computing the actual damages.

306 (2) The plaintiff may seek injunctive or other equitable relief;

307 (3) In the case of willful activity in which the injured party has proven that the defendant
308 acted with malice, fraud, knowledge, or willful avoidance of knowledge that the conduct
309 violated the law, the court may award to the injured party punitive damages;

310 (4) If the party bringing the action prevails, the court shall award reasonable attorney's
311 fees. If the party defending the action prevails, the court shall award reasonable
312 attorney's fees if the court determines that the action was not brought in good faith;

313 (5) For purposes of this subsection, the term 'violation' means each display, copy,
314 transmission, and each instance of the unauthorized digital replica being otherwise made
315 available on the online service, unless the online service has taken reasonable steps to
316 remove, or disable access to, the unauthorized digital replica as soon as is technically and
317 practically feasible for the online service upon acquiring knowledge as set forth in
318 paragraph (3) of subsection (c) of Code Section 10-1-955;

319 (6) An online service that has an objectively reasonable belief that material that is
320 claimed to be an unauthorized digital replica does not qualify as a digital replica under
321 paragraph (1) of Code Section 10-1-950 shall not be liable for statutory or actual damages
322 exceeding \$1 million regardless of whether the material is ultimately determined to be
323 an unauthorized digital replica; and

324 (7) In the event that the third party that provided the material that the online service has
325 removed or to which the online service has disabled access files a lawsuit against the
326 sender of a notice under subsection (k) of this Code section claiming that such notice was

327 false or deceptive as provided in subsection (l) of this Code section, the online service
 328 may, provided that the lawsuit was filed not later than 14 days after the user receives
 329 notice that the online service has removed or disabled access to the material, restore the
 330 removed material to its network for access by members of the public without monetary
 331 liability therefor to either the notice sender or the third party that provided the material
 332 that the online service had removed or disabled access.

333 10-1-956.

334 (a) Nothing in this article shall be construed to abrogate causes of action under the
 335 common law.

336 (b) Liability under this article shall apply only to:

337 (1) Conduct occurring after the date of enactment of this article; and

338 (2) In the case of conduct covered by a license or contract, a license or contract that is
 339 executed after the date of enactment of this article.

340 (c) The right granted under subsection (b) of Code Section 10-1-951:

341 (1) Shall apply to any individual, regardless of whether the individual dies before or after
 342 the date of enactment of this article; and

343 (2) In the case of a right holder who has died before the date of enactment of this article,
 344 shall vest in the executors, heirs, assigns, or devisees of the right holder."

345

PART II

346

SECTION 2-1.

347 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Article 1
 348 of Chapter 18, relating to general provisions relevant to prosecuting attorneys, by revising
 349 paragraph (4) of subsection (f), paragraph (1) of subsection (j), and subsections (k), (m), and
 350 (n), and by adding new subsections to Code Section 15-18-32, relating to the Prosecuting

351 Attorneys Qualifications Commission, authority, membership, ex parte communications,
 352 governance, disciplinary actions, confidentiality, and privileged nature, to read as follows:

353 "(4)(A) Members of the commission shall serve without compensation but shall receive
 354 the same daily expense allowance as members of the General Assembly receive, as set
 355 forth in Code Section 28-1-8, for each day such member is in physical attendance at a
 356 panel meeting or hearing, plus either reimbursement for actual transportation costs
 357 while traveling by public transportation or the same mileage allowance for use of a
 358 personal motor vehicle in connection with such attendance as members of the General
 359 Assembly receive, subject to subparagraph (B) of this paragraph.

360 (B) Members of the commission who:

361 (i) Are not subject to the provisions of division (ii) of this subparagraph shall receive
 362 the daily expense allowance and travel reimbursement provided for in
 363 subparagraph (A) of this paragraph from funds appropriated or otherwise available
 364 to the judicial branch of state government; or

365 (ii) Pursuant to the terms and conditions of their official position, employment, or
 366 contract with the state, are eligible to receive a daily expense allowance and travel
 367 allowance for their service on the commission shall not receive daily expense
 368 allowance and travel reimbursement provided for in subparagraph (A) of this
 369 paragraph. Notwithstanding subparagraph (A) of this paragraph, no member shall
 370 receive such expense allowance or travel reimbursement if he or she is entitled to
 371 receive an expense allowance, travel reimbursement, or salary for performance of
 372 duties as a state employee.

373 (C) Expense allowances and travel reimbursements shall be paid from ~~moneys~~ funds
 374 appropriated or otherwise available to the ~~commission~~ judicial branch of state
 375 government."

376 "(j)(1) All information regarding a disciplinary or incapacity matter of a district attorney
 377 or solicitor-general shall be kept confidential by the investigative panel and commission

378 staff before formal charges are filed; provided, however, that, if prior to filing formal
379 charges ~~the judge~~ such district attorney or solicitor-general and investigative panel agree
380 to a satisfactory disposition of a disciplinary matter other than by a private admonition
381 or deferred discipline agreement, a report of such disposition shall be publicly filed in the
382 Supreme Court."

383 "(k) Notwithstanding subsection (j) of this Code section, information regarding a
384 disciplinary or incapacity matter of a district attorney or solicitor-general may be disclosed
385 or the confidentiality of such information may be removed when:

386 (1) The privilege of confidentiality has been waived by the complainant or the individual
387 who was the subject of the commission's investigation; ~~or~~

388 (2) The commission's rules provide for disclosure:

389 (A) In the interest of justice and to protect the public;

390 (B) If an emergency situation exists; or

391 (C) If a district attorney or solicitor-general is under consideration for another state or
392 federal position;

393 (3) A complaint is dismissed at any stage; provided, however, that such disclosure shall
394 be limited to disclosing the reason for such dismissal to the complainant; or

395 (4) A complaint is dismissed prior to an authorization of formal investigation; provided,
396 however, that such disclosure shall be limited to disclosing the statutory basis for such
397 complaint to the individual who was the subject of the complaint; and, provided, further,
398 that such disclosure shall not include the complainant's identity or the specifics of the
399 allegation."

400 "(m) A respondent ~~may~~ shall be entitled to appeal the decision of the hearing panel by
401 submitting a petition for a full hearing to the superior court of the county where such
402 respondent served as a district attorney or solicitor-general. Any decision rendered by the
403 superior court shall be subject to review by the supreme court.

404 (m.1) A respondent who is subjected to public reprimand, censure, limitation on the
 405 performance of prosecutorial duties, suspension, retirement, or removal shall be entitled
 406 to a copy of the proposed record to be filed with the Supreme Court and, if the respondent
 407 has objections to it, to have the record settled by the hearing panel's presiding officer. ~~The~~
 408 ~~hearing panel's order in a disciplinary or incapacity matter may be appealed to the Superior~~
 409 ~~Court of Fulton County pursuant to Chapter 3 of Title 5.~~

410 (n) The commission shall commence by July 1, 2023, ~~and the rules and regulations~~
 411 ~~promulgated by such commission shall be established no later than October 1, 2023. No~~
 412 ~~complaint shall be filed before October 1, 2023.~~ The commission shall not receive
 413 complaint submissions regarding misconduct in office that occurred prior to ~~May 5, 2023~~
 414 April 1, 2024, unless such alleged misconduct is related to a continuous pattern of conduct
 415 that continues beyond that date."

416 "(q) The commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12
 417 of Title 45, the 'Budget Act'; provided, however, that the commission shall be assigned for
 418 administrative purposes only to the Administrative Office of the Courts.

419 (r) The individual selected to serve as director of the commission may be designated with
 420 the title of executive director by the commission."

421 **SECTION 2-2.**

422 Said title is further amended by adding a new chapter to read as follows:

423 "CHAPTER 26

424 15-26-1.

425 As used in this chapter, the term:

426 (1) 'Commission' means the Prosecuting Attorneys Qualifications Commission.

427 (2) 'Special commission investigator' means an individual employed by the commission
428 to conduct investigations by the commission and who is currently certified by the Georgia
429 Peace Officer Standards and Training Council as having met the qualifications and
430 having completed the basic training requirements for a peace officer under Chapter 8 of
431 Title 35.

432 15-26-2.

433 (a) The commission may employ investigators and special commission investigators to
434 conduct investigations by the commission.

435 (b) A special commission investigator shall have the power of arrest in the performance
436 of his or her duties for the commission for crimes that:

437 (1) Are committed within the special commission investigator's presence;

438 (2) Are committed within the building, parking area, or curtilage of a building where the
439 commission's office is located; within any building, parking area, or curtilage of a
440 building where an official meeting or hearing of the commission is being conducted; or
441 while traveling to or from such area; and

442 (3) Involve the person, building, vehicle, or other personal property of any member or
443 employee of the commission, or the person, vehicle, or other personal property of any
444 individual attending a meeting or hearing of the commission or traveling to or from such
445 area.

446 (c) Nothing in this Code section shall be construed to:

447 (1) Confer the power of arrest for crimes that may be under investigation by the
448 commission but which are not provided for in subsection (b) of this Code section; or

449 (2) Affect or limit the powers or authority of investigators employed by any district
450 attorney's office, any solicitor-general's office, the Prosecuting Attorneys' Council of the
451 State of Georgia, or any sheriff or sheriff's deputy.

452 15-26-3.

453 (a) A subpoena shall state that it is issued by the commission and the title of the
454 proceeding and shall command each person to whom it is directed to attend and give
455 testimony or produce evidence at a time and place specified by the subpoena.

456 (b) A clerk of court shall make subpoenas in blank available on demand by electronic or
457 other means to parties, or their counsel, or to the commission.

458 (c) An attorney representing a party in a proceeding before the commission, including
459 investigative proceedings and hearings, may issue and sign a subpoena obtained by
460 electronic or other means from the clerk of court as an officer of a court for any deposition,
461 hearing, or other matter to be conducted in conjunction with such proceeding.

462 (d) A duly appointed officer or director of the commission may compel by subpoena the
463 attendance of individuals at a proceeding before the commission, including investigative
464 proceedings and hearings, and the production of pertinent books, papers, and documents
465 for any deposition, hearing, or other matter to be conducted in conjunction with such
466 proceeding.

467 (e) A subpoena shall be completed prior to being served.

468 (f) Subpoenas are enforceable as provided in Code Section 24-13-26.

469 (g) Subpoena fees and costs shall be the same as those provided for in proceedings in
470 superior court.

471 (h) An individual who misuses a subpoena shall be subject to punishment for contempt of
472 court and a fine of not more than \$300.00 or not more than 20 days' imprisonment, or both,
473 in the superior court in the county in which the attendance or production is required.

474 (i) Any attack on the validity of a subpoena shall be heard and determined by the body
475 before which the matter is then pending or by the court wherein enforcement of the
476 subpoena is being sought. Any resulting order is not appealable prior to entry of a final
477 order in the proceeding, except appeal of a court order pursuant to the interlocutory appeal
478 procedures set forth in subsection (b) of Code Section 5-6-34."

479 **SECTION 2-3.**

480 Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions
481 from Code Sections 16-11-126 through 16-11-127.2, is amended in subsection (a) by striking
482 "and" at the end of paragraph (15), by replacing the period with a semicolon at the end of
483 paragraph (16), and by adding new paragraphs to read as follows:

484 "(17) The director of the Prosecuting Attorneys Qualifications Commission, individuals
485 on the staff of such commission specifically authorized by the director to carry a weapon
486 or long gun, and appointed members of the investigative panel or hearing panel of the
487 Prosecuting Attorneys Qualifications Commission and members of the state bar in good
488 standing; and

489 (18) Former directors, attorneys, and investigators of the Prosecuting Attorneys
490 Qualifications Commission who are retired in good standing from their respective
491 positions and receiving or eligible to receive benefits from a county, municipal, State of
492 Georgia, state authority, or federal retirement system, and members of the state bar in
493 good standing, and would otherwise be qualified to be issued a weapons carry license."

494 **PART III**495 **SECTION 3-1.**

496 Part I of this Act shall become effective 180 days after its approval by the Governor or 180
497 days after its becoming law without such approval.

498 **SECTION 3-2.**

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