

Senate Bill 418

By: Senators Burns of the 23rd, Parent of the 44th, Anavitarte of the 31st, Still of the 48th, Hatchett of the 50th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to  
2 general provisions regarding torts, so as to provide a cause of action against the knowing and  
3 unauthorized use of an individual's photograph or image together with representations of  
4 nudity or sexually explicit conduct; to provide for stays of such causes of action; to provide  
5 for definitions; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
10 provisions regarding torts, is amended by adding a new Code section to read as follows:

11 "51-1-58.

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

13 (1) 'Image' means any readily recognizable representation of an individual, including, but  
14 not limited to, a photograph.

15 (2) 'Individual' means a natural person, living or dead.

16 (3) 'Photograph' means any photograph or photographic reproduction, still or moving,  
17 of an individual, so that the individual is readily identifiable.

18 (4) 'Use' or 'uses' means and includes personal use and use that involves publication,  
19 performance, distribution, transmission, or otherwise making available to the public  
20 irrespective of whether such use is for commercial purposes.

21 (b) An individual shall have a cause of action against any person, irrespective of such  
22 person's age, that uses such individual's photograph or image together with one or more  
23 representations, in whatever form, of nudity or sexually explicit conduct, as such terms are  
24 defined in Code Section 16-11-90, and such person's use was with the knowledge that such  
25 use was not authorized by such individual or, in the case of a minor, such minor's parent  
26 or legal guardian, or, in the case of a deceased individual, the executor or administrator,  
27 heirs, or devisees of such deceased individual.

28 (c) Any action filed under subsection (b) of this Code section shall be stayed during the  
29 pendency of any criminal action arising out of the same occurrence in which the individual  
30 is the victim.

31 (d) Notwithstanding any other law to the contrary, an action may be brought under  
32 subsection (b) of this Code section within ten years after:

33 (1) The cause of action arose; or

34 (2) The individual victim reaches 18 years of age, if such individual was a minor at the  
35 time of the alleged violation."

36 **SECTION 2.**

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