

Senate Bill 594

By: Senators Bearden of the 30th, Strickland of the 42nd, Hatchett of the 50th, Anavitarte of the 31st, Dixon of the 45th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 4 of Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia
2 Annotated, relating to internet and e-mail fraud, so as to establish the criminal offense of
3 digital identity fraud; to provide for criminal penalties; to require social media platform
4 operators to evaluate claims of digital identify fraud; to provide for civil penalties; to provide
5 for enforcement; to provide for a cause of action and damages; to provide for definitions; to
6 provide for related matters; to provide for an effective date and applicability; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 4 of Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
11 relating to internet and e-mail fraud, is amended by adding a new Code section to read as
12 follows:

13 "16-9-109.2.

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

15 (1) 'Operator' means any person or entity that operates a social media platform.

S. B. 594

- 1 -

16 (2) 'Social media platform' means an internet website, service, application, or product
17 that is open to the public, allows users to create accounts, enables users to communicate
18 or interact with other users, permits users to create or post content, messages,
19 information, or images that are viewable by other users, and permits users to comment
20 on or message other users regarding such content, messages, information, or images.

21 (b) A person commits the offense of digital identity fraud when, using a social media
22 platform, such person knowingly and without authorization:

23 (1) Uses the identity of an individual, including such individual's name, image,
24 identifying information, or social media platform profile information, with the intent to
25 deceive others, cause harm, or commit fraud; or

26 (2) Creates a social media platform profile that mimics an individual, through use of such
27 individual's name, image, identifying information, or social media platform profile
28 information, with the intent to use such social media platform profile, or to make it
29 available for use by others, to deceive others, cause harm, or commit fraud.

30 (c) A person who commits the offense of digital identity fraud shall be guilty of a felony
31 and, upon conviction thereof, shall be punished by imprisonment for not less than one year
32 nor more than 20 years, a fine of not less than \$1,000.00 nor more than \$500,000.00, or
33 both.

34 (d)(1) Except as provided in subsection (e) of this Code section, an operator that receives
35 notice that alleged digital identity fraud has occurred on the operator's social media
36 platform shall make a good faith effort to complete an evaluation of the legality of the
37 content or activity at issue within 72 hours of receiving the notice, excluding hours during
38 a Saturday or Sunday and subject to reasonable exceptions based on concerns about the
39 legitimacy of the notice.

40 (2) A violation of any provision of paragraph (1) of this subsection shall be punishable
41 by a civil fine in an amount not to exceed \$5,000.00 for each violation. A prosecuting
42 attorney or the Attorney General shall be authorized to prosecute the civil case.

43 (e)(1) Upon receiving a police incident report or other official communication from a law
44 enforcement officer or agency in this state that includes an allegation that content or
45 activity on an operator's social media platform involves digital identity fraud, such
46 operator shall promptly restrict from public access all such content or activity. Any
47 failure or refusal by an operator to restrict public access to all such content or activity
48 within 48 hours, excluding hours on a Saturday or Sunday, shall constitute a violation of
49 this paragraph.

50 (2) A violation of any provision of paragraph (1) of this subsection shall be punishable
51 by a civil fine in an amount not to exceed \$50,000.00 for each violation. A prosecuting
52 attorney or the Attorney General shall be authorized to prosecute the civil case.

53 (f) Any violation of this Code section shall constitute a tort and shall create a right of
54 action in the individual whose identity was used or mimicked to deceive others, cause
55 harm, or commit fraud for which damages may be recovered. Special damages may be
56 inferred by the violation. Reasonable attorney's fees shall be awarded to the plaintiff where
57 the plaintiff has prevailed in the underlying action."

58 **SECTION 2.**

59 This Act shall become effective on July 1, 2026, and shall apply to all offenses committed
60 and all causes of action which accrue on or after such date.

61 **SECTION 3.**

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