

The House Committee on Technology and Infrastructure Innovation offers the following substitute to SB 594:

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 provide for definitions; to provide  
4 for related matters; to provide for legislative intent; to provide for an effective date and  
5 applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "16-9-109.2.

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

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

14 (2) 'Social media platform' means an internet website, service, application, or product  
15 that is open to the public, allows users to create accounts, enables users to communicate  
16 or interact with other users, permits users to create or post content, messages,

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17 information, or images that are viewable by other users, and permits users to comment  
18 on or message other users regarding such content, messages, information, or images.  
19 Such term shall not include a direct messaging service.

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

22 (1) Uses the identity of an individual who is a resident of this state without such  
23 individual's consent, including such individual's name, image, identifying information,  
24 or social media platform profile information to mimic such individual, 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 who is a resident  
27 of this state without such individual's consent, through use of such individual's name,  
28 image, identifying information, or social media platform profile information, with the  
29 intent to use such social media platform profile, or to make it available for use by others,  
30 to deceive others, cause harm, or commit fraud.

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

35 (d) It is the intent of the General Assembly that this Code section shall not be construed  
36 or applied to:

37 (1) Diminish or infringe upon any right of petition or free speech under the Constitution  
38 of the United States or the Constitution of the State of Georgia; or

39 (2) Prosecute or impose liability upon any operator on the basis that such operator is the  
40 publisher or speaker of content that is alleged to constitute digital identity fraud or in any  
41 manner that is inconsistent with Section 230 of Chapter 5 of Title 47 of the United States  
42 Code."

43 **SECTION 2.**

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

46 **SECTION 3.**

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