

The House Committee on Judiciary, Non-Civil offers the following substitute to SB 398:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-11-61 of the Official Code of Georgia Annotated, relating to
2 peeping toms, so as to establish a criminal offense of virtual peeping on an adult; to provide
3 for definitions; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 16-11-61 of the Official Code of Georgia Annotated, relating to peeping toms,
8 is amended by adding a new subsection to read as follows:

9 "(c)(1) As used in this subsection, the term:

10 (A) 'Adult' means any individual 18 years of age or older.

11 (B) 'Generative artificial intelligence system' means an engineered or computer based
12 system that is intended to generate, with some degree of autonomy, synthetic content
13 and information, including, but not limited to, images and text responses.

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

16 (D) 'Individual' means a natural person.

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- 17 (E) 'Obscene material' means material which meets the following requirements:
18 (i) To the average person, applying contemporary community standards, taken as a
19 whole, the material predominantly appeals or panders to prurient interest in nudity,
20 sex, or excretion;
21 (ii) The material, taken as a whole, lacks serious literary, artistic, political, or
22 scientific value; and
23 (iii) The material depicts or describes sexually explicit conduct, as such term is
24 defined in Code Section 16-12-100, in a patently offensive way.
25 (2) A person commits the offense of virtual peeping on an adult when such person
26 knowingly and intentionally causes a generative artificial intelligence system to generate
27 obscene material that includes an image of an adult with the knowledge that the
28 generation of such material including such image was not authorized or consented to by
29 such adult."

30

SECTION 2.

31 All laws and parts of laws in conflict with this Act are repealed.