

Senate Bill 59

By: Senators Staton of the 18th, Harp of the 29th, Carter of the 13th, Rogers of the 21st,
Hooks of the 14th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery
2 and fraudulent practices, so as to provide definitions; to provide that it shall be illegal for the
3 owner or operator of a social networking website to allow a minor using a protected computer
4 to create or maintain a profile web page on a social networking website without the permission
5 of the minor's parent or guardian and without providing such parent or guardian access to such
6 profile web page; to provide for penalties; to provide for related matters; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery and
11 fraudulent practices, is amended by adding a new Article 10 to read as follows:

12 "ARTICLE 10

13 16-9-170.

14 As used in this article, the term:

15 (1) 'Internet' means the global information system that is logically linked together by a
16 globally unique address space based on the Internet Protocol or its subsequent extensions;
17 that is able to support communications using the Transmission Control Protocol/Internet
18 Protocol suite, its subsequent extensions, or other Internet Protocol compatible protocols;
19 and that provides, uses, or makes accessible, either publicly or privately, high level services
20 layered on the communications and related infrastructure described in this paragraph.

21 (2) 'Person' means a person as defined by Code Section 16-1-3 and specifically includes any
22 limited liability company, trust, joint venture, or other legally cognizable entity.

1 (3) 'Protected computer' means any computer that, at the time of an alleged violation of any
2 provision of this article involving that computer, was located within the geographic
3 boundaries of the State of Georgia.

4 (4) 'Social networking website' means a website on the Internet that contains profile web
5 pages of the members of the website containing the name or nickname of the member,
6 photographs placed on the profile web page by the member, and other personal information
7 about the member; contains links to other profile web pages on the social networking website
8 of friends or associates of the member that can be accessed by other members or visitors to
9 the website; and provides members of or visitors to the social networking website the ability
10 to leave messages or comments on the profile web page that are visible to all or some
11 visitors to the profile web page and may also include a form of electronic mail for members
12 of the social networking website.

13 16-9-171.

14 (a) It shall be illegal for the owner or operator of a social networking website to allow a
15 minor using a protected computer to create or maintain a profile web page on a social
16 networking website without the permission of the minor's parent or guardian and without
17 providing such parent or guardian access to such profile web page at all times.

18 (b) Any person violating this Code section, upon conviction, shall:

19 (1) On the first offense, be guilty of a misdemeanor of a high and aggravated nature; and

20 (2) On the second and subsequent offenses, be guilty of a felony and shall be sentenced to
21 imprisonment for not less than one nor more than five years, to pay a fine of not more than
22 \$50,000.00, or both."

23 SECTION 2.

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