

House Bill 1064

By: Representatives Gravley of the 67th, Efstration of the 104th, Ballinger of the 23rd, Tanner of the 9th, Quick of the 117th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
2 relating to offenses against public order, so as to change the offense of harassing phone calls
3 to the offense of harassing communications; to provide for presumptions; to provide for
4 penalties; to provide for venue; to provide for related matters; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
9 offenses against public order, is amended by revising Code Section 16-11-39.1, relating to
10 harassing phone calls, as follows:

11 "16-11-39.1.

12 (a) A person commits the offense of harassing ~~phone calls~~ communications if such person
13 ~~telephones~~;

14 (1) Telephones another person repeatedly, whether or not conversation ensues, for the
15 purpose of annoying, harassing, ~~or molesting, threatening, or intimidating~~ another person
16 or the family of such other person; uses over the telephone language threatening bodily
17 harm; telephones and intentionally fails to hang up or disengage the connection; or
18 knowingly permits any telephone under such person's control to be used for any purpose
19 prohibited by this subsection;

20 (2) Transmits via interactive or digital technologies, cell phone, or other electronic
21 device or posts on any social media, Internet website, or social network any verbal or
22 written communication or any photograph, image, or other visual representation for the
23 purpose of annoying, harassing, molesting, threatening, or intimidating the individual to
24 whom the communication is directed or the family of such person; or

25 (3) Posts either directly or indirectly on any social media, Internet website, or social
26 network any verbal or written communication, photograph, image, or other visual

27 representation about or of another individual for the purpose of annoying, harassing,
28 molesting, threatening, or intimidating the individual who is the subject of the
29 communication.

30 (b) The trier of fact may infer that a communication or transmission is for the purpose of
31 annoying, harassing, molesting, threatening, or intimidating such individual if such
32 communication or transmission includes an explicit or implied threat of injury to the
33 individual or property or any obscene comments, requests, or suggestions, or is transmitted
34 for the purpose of exposing such individual to public hatred.

35 ~~(b)~~(c) Any person who commits the offense of harassing ~~phone calls~~ communications shall
36 be guilty of a misdemeanor.

37 (d) The offense of harassing communications shall be considered to have been committed
38 in the county where:

39 (1) The defendant was located when he or she transmitted, sent, or posted a
40 communication by electronic means;

41 (2) The communication by electronic means was received by the person who is targeted;

42 (3) From which, to which, or through which any use of interactive or digital
43 technologies, cell phone, or other electronic device was made, whether by wires,
44 electromagnetic waves, microwaves, or any other means of communication; or

45 (4) The person who is targeted by the electronic communication resides."

46 **SECTION 2.**

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