

The Senate Committee on the Judiciary offered the following substitute to SB 182:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to invasion of privacy, so as to provide for the offenses of doxing and aggravated  
3 doxing; to provide for penalties; to provide for definitions; to provide for construction; to  
4 provide for related matters; to provide for an effective date and applicability; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to  
9 invasion of privacy, is amended by adding a new Code section to read as follows:

10 "16-11-93.

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

12 (1) 'Close relation' means a person's current or former spouse, parent, child, sibling,  
13 stepchild, stepparent, grandparent, coworker, an individual in a dating relationship with  
14 such person as defined in Code Section 19-13A-1, or any individual who regularly resides  
15 or, within the prior six months, regularly resided, in the same household as such person.

16 (2) 'Mental anguish' means emotional distress or suffering as evidenced by a reasonably  
17 held anxiety, fear, torment, or apprehension of physical harm resulting from the posting  
18 or publication of a person's personally identifiable information.

19 (3) 'Personally identifiable information' means:

20 (A) Any information or combination of information, whether publicly available or not,  
21 that can be used to distinguish or trace a person's identity, residence, location, or  
22 employer, including but not limited to such person's name, prior legal name, alias,  
23 mother's maiden name, social security number, date or place of birth, address, phone  
24 number, religious practices or affiliation, employment information, academic status, life  
25 activities, or biometric data; and

26 (B) Any sensitive private information regarding a person, such as gender identity,  
27 sexual orientation, or any sexually intimate or explicit visual depiction.

28 (4) 'Post' means to circulate, deliver, distribute, disseminate, transmit, or otherwise make  
29 available to one or more persons through electronic communication, including but not  
30 limited to social media platforms and services.

31 (5) 'Reckless' means a gross deviation from the standard of care which a reasonable  
32 person would exercise.

33 (6) 'Significant economic injury' means reasonable financial costs or expenses incurred  
34 by an alleged victim as a result of mental anguish proximately caused by the posting of  
35 that person's personally identifiable information, including, but not limited to, moving  
36 from an established residence, changing daily routines, changing routes or modes of  
37 transportation to and from work, changing employment or work schedules, losing time  
38 from a work or job, damage to personal or real property, or experiencing a monetary loss  
39 of not less than \$500.00.

40 (7) 'Stalking' shall have the same meaning as contained in Article 7 of Chapter 5 of this  
41 title.

42 (b)(1) A person commits the offense of doxing when such person intentionally posts  
43 another person's personally identifying information without their consent and does so  
44 with reckless disregard for whether the information would be reasonably likely to be used  
45 by another party to cause the person whose information is posted to be placed in  
46 reasonable fear of stalking, serious bodily injury or death to oneself or a close relation,  
47 or to suffer a significant economic injury or mental anguish as a result therefrom.

48 (2) A person shall be guilty of a misdemeanor by committing the offense of doxing  
49 prohibited under paragraph (1) of this subsection, except that upon a second or  
50 subsequent conviction for doxing, the person shall be guilty of a high and aggravated  
51 misdemeanor.

52 (c)(1) A person commits the offense of aggravated doxing when such person posts  
53 another person's personally identifying information without their consent with the intent  
54 that another person engage in conduct that is likely to or does cause the person whose  
55 information is posted, or his or her close relation, to suffer death or bodily injury.

56 (2) A person who commits the offense of aggravated doxing is guilty of a felony and,  
57 upon conviction thereof, shall be punished by imprisonment of not less than one nor more  
58 than three years, a fine of not less than \$1,000.00 nor more than \$10,000.00, or both.

59 (d) It shall not be an offense under this Code section for a person to:

60 (1) Provide another person's personally identifiable information in connection with the  
61 reporting of criminal activity to an official, agent, or employee of a law enforcement  
62 agency, protective services agency, criminal investigations agency, intelligence agency,  
63 or homeland security agency of the State of Georgia or of the United States when the  
64 person making the report reasonably believes it is true;

65 (2) Disseminate another person's personally identifiable information for the purpose of  
66 or in connection with the reporting of conduct reasonably believed to be unlawful; or

67 (3) Provide another person's personally identifiable information in connection with  
68 lawful and constitutionally protected activity as it pertains to speech, assembly, and  
69 petition.

70 (e) Nothing in this Code section shall be construed in any manner to:

71 (1) Prevent, prohibit, limit, or restrict the freedom of expression that is protected under  
72 the Georgia Constitution or the First Amendment to the United States Constitution;  
73 provided, however, that speech or conduct including, but not limited to, true threats or  
74 expressive activity directed to provoke and likely to produce imminent lawless actions  
75 shall be prohibited;

76 (2) Conflict with the provisions of the federal Communication Decency Act, 47 U.S.C.  
77 Section 230;

78 (3) Conflict with the provisions of the federal Civil Rights Act of 1871, 42 U.S.C.  
79 Section 1983; or

80 (4) Prohibit any activity protected under the Constitution of the United States or the  
81 Georgia Constitution."

82 **SECTION 2.**

83 This Act shall become effective on July 1, 2024, and shall apply to all offenses committed  
84 on or after such date.

85 **SECTION 3.**

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