

House Bill 157

By: Representatives Neal of the 2nd, Nix of the 69th, Braddock of the 19th, Powell of the 32nd, Dickerson of the 113th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-12-81 of the Official Code of Georgia Annotated, relating to the
2 unsolicited distribution of material depicting nudity or sexual conduct and penalties, so as
3 to clarify the application of the offense of unlawful distribution of material depicting nudity
4 or sexual conduct to unsolicited materials distributed through electronic transmissions; to
5 provide for related matters; to provide for an effective date and applicability; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 16-12-81 of the Official Code of Georgia Annotated, relating to the unsolicited
10 distribution of material depicting nudity or sexual conduct and penalties, is amended by
11 revising subsection (a) as follows:

12 "(a) A person commits the offense of unlawfully distributing material depicting nudity or
13 sexual conduct when he or she sends unsolicited through the mail, through an electronic
14 transmission, or through any other means ~~otherwise unsolicited causes to be delivered~~
15 material depicting nudity or sexual conduct to any person, or residence, or office; provided,
16 however, that a person shall not be guilty of such offense when he or she sends such
17 material unsolicited through the mail if unless there is imprinted upon the envelope or
18 container of such material in not less than eight-point boldface type the following notice:
19 'Notice — The material contained herein depicts nudity or sexual conduct. If the viewing
20 of such material could be offensive to the addressee, this container should not be opened
21 but returned to the sender.'"

22 **SECTION 2.**

23 This Act shall become effective on July 1, 2013, and shall apply to offenses committed on
24 or after such date.

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SECTION 3.

26 All laws and parts of laws in conflict with this Act are repealed.