

The Senate Committee on Education and Youth offered the following substitute to SB 154:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia
2 Annotated, relating to sale or distribution of harmful materials to minors, so as to provide
3 that the provisions of Code Section 16-12-103 shall be applicable to libraries operated by
4 schools; to provide that violations of Code Section 16-12-103 or 16-12-104 shall be
5 misdemeanors of a high and aggravated nature when committed knowingly; to provide for
6 a defense; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 3 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
10 relating to sale or distribution of harmful materials to minors, is amended by revising Code
11 Section 16-12-104, relating to library exception, as follows:

12 "16-12-104.

13 The provisions of Code Section 16-12-103 shall not apply to any public library operated
14 by the state or any of its political subdivisions nor to any library operated as a part of any
15 ~~school~~; college; or university."

16 **SECTION 2.**

17 Said part is further amended in Code Section 16-12-105, relating to penalty, by revising
18 subsection(a) and adding a new subsection to read as follows:

19 "(a) Except as provided in subsection (b) of this Code section, any person who knowingly
20 violates any provision of Code Section 16-12-103 or 16-12-104 shall be guilty of a
21 misdemeanor of a high and aggravated nature."

22 "(c) It shall be an affirmative defense to prosecution under this Code section if the
23 individual charged can demonstrate that the school or such individual has made a good
24 faith attempt to identify and remove from access to minors all physical or electronic
25 material harmful to minors."

26

SECTION 3.

27 All laws and parts of laws in conflict with this Act are repealed.