

Senate Bill 493

By: Senators Hatchett of the 50th, Kennedy of the 18th, Gooch of the 51st, Summers of the 13th, Strickland of the 17th and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated,
2 relating to the sexual offender risk review board, so as to provide for additional penalties for
3 registered sexual offenders convicted of photographing a minor without the consent of the
4 minor's parent or guardian; to provide that such persons are prohibited from possessing,
5 owning, or operating an unmanned aircraft system with the intent to photograph, observe,
6 follow, or contact any person without his or her consent; to provide for criminal penalties;
7 to provide for definitions; to amend Chapter 8 of Title 42 of the Official Code of Georgia
8 Annotated, relating to probation, so as to provide for a possible term of probation; to provide
9 for an effective date; to provide for applicability; to provide for related matters; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the
14 sexual offender risk review board, is amended by revising Code Section 42-1-18, relating to

15 photographing minor without consent of parent or guardian prohibited and penalty, as
16 follows:

17 "42-1-18.

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

19 (1) 'Minor' shall have the same meaning as set forth in Code Section 42-1-12.

20 (2) 'Photograph' means to create, capture, transmit, or record by electronic or other
21 means a photographic image 'photograph' means to take any picture, film or digital
22 photograph, motion picture film, videotape, or similar visual representation or image of
23 a person.

24 (3) 'Unmanned aircraft system' means a powered, aerial vehicle, not including a satellite,
25 that:

26 (A) Does not carry a human operator and is operated without the possibility of direct
27 human intervention from within or on the vehicle;

28 (B) Uses aerodynamic forces to provide vehicle lift;

29 (C) Can fly autonomously or be piloted remotely;

30 (D) Can be expendable or recoverable; and

31 (E) Has the ability to photograph.

32 (b)(1) No person required to register as a sexual offender pursuant to Code Section
33 42-1-12 shall intentionally photograph a minor without the consent of the minor's parent
34 or guardian.

35 (c)(2) Any person who knowingly violates this Code section commits the offense of
36 intentionally photographing a minor without the consent of such minor's parent or
37 guardian in violation of paragraph (1) of this subsection shall, upon the first conviction
38 thereof, be guilty of a misdemeanor of a high and aggravated nature and shall be punished
39 as provided by Code Section 17-10-4; provided, however, that, if a fine is imposed
40 pursuant to Code Section 17-10-4, such fine shall not be less than \$1,500.00.

41 (3) Any person who commits the offense of intentionally photographing a minor without
42 the consent of such minor's parent or guardian in violation of paragraph (1) of this
43 subsection shall, upon a second or subsequent conviction thereof, be guilty of a felony
44 and shall be punished by imprisonment for not less than one nor more than 30 years and
45 a fine of not less than \$5,000.00 nor more than \$100,000.00.

46 (4) For the purpose of this subsection, the term 'conviction' shall include a plea of nolo
47 contendere.

48 (c)(1) No person required to register as a sexual offender pursuant to Code
49 Section 42-1-12 shall knowingly possess, own, or operate an unmanned aircraft system
50 with the intent to photograph, observe, follow, or contact any particular person without
51 his or her consent or photograph, observe, follow, or contact any person in a way that
52 violates the person's reasonable expectation of privacy.

53 (2) Any person who violates paragraph (1) of this subsection shall be guilty of a felony
54 and shall be punished by imprisonment for not less than five nor more than ten years and
55 a fine of not less than \$20,000.00 nor more than \$100,000.00."

56 SECTION 2.

57 Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, is
58 amended in subsection (b) of Code Section 42-8-35, relating to terms and conditions of
59 probation and supervision, by striking "and" at the end of paragraph (3), replacing the period
60 with "; and" at the end of paragraph (4), and adding a new paragraph to read as follows:

61 "(5) Prohibited from possessing, owning, or operating an unmanned aircraft system as
62 defined in Code Section 42-1-18."

63 SECTION 3.

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

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SECTION 4.

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