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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

16-11-39.1. (a) A person commits the offense of harassing communications if such person telephones:

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

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

3. Posts either directly or indirectly on any social media, Internet website, or social network any verbal or written communication, photograph, image, or other visual representation for the purpose of annoying, harassing, molesting, threatening, or intimidating the individual to whom the communication is directed or the family of such person; or
representation about or of another individual for the purpose of annoying, harassing, molesting, threatening, or intimidating the individual who is the subject of the communication.

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

(c) Any person who commits the offense of harassing communications shall be guilty of a misdemeanor.

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

1. The defendant was located when he or she transmitted, sent, or posted a communication by electronic means;
2. The communication by electronic means was received by the person who is targeted;
3. From which, to which, or through which any use of interactive or digital technologies, cell phone, or other electronic device was made, whether by wires, electromagnetic waves, microwaves, or any other means of communication; or
4. The person who is targeted by the electronic communication resides.

SECTION 2.

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