

The House Committee on Judiciary Non-Civil offers the following substitute to HB 845:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated,
2 relating to justification and excuse, so as to provide for immunity from criminal liability for
3 possession of certain materials or images under certain circumstances; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to
8 justification and excuse, is amended by adding a new Code section to read as follows:

9 "16-3-22.1.

10 (a) Any person that in good faith has possession of materials or images in violation of
11 Article 3 of Chapter 12 of this title and immediately notifies law enforcement officials or
12 any person that is required by Code Section 19-7-5 to report suspected child abuse, or
13 makes such notification within 72 hours from the time there is reasonable cause to believe
14 such person is in possession of such materials or images, shall be immune to the same
15 extent as a law enforcement officer would be immune from criminal liability for such
16 possession.

17 (b) The official report of the law enforcement agency or the Division of Family and
18 Children Services of the Department of Human Services shall create a rebuttable
19 presumption of good faith and reasonableness on the part of the person that has possession.

20 (c) The purpose of this Code section is to provide for those persons that act in good faith
21 to assist law enforcement officers or the Division of Family and Children Services of the
22 Department of Human Services when the health and safety of a child are being adversely
23 affected and threatened by the conduct of another. This Code section shall be liberally
24 construed so as to carry out the purposes thereof."

25

SECTION 2.

26 All laws and parts of laws in conflict with this Act are repealed.