

O.C.G.A. § 16-12-104

Current through the 2023 Regular Session of the General Assembly.

- [Official Code of Georgia Annotated](#)
- [TITLE 16 Crimes and Offenses \(Chs. 1 — 17\)](#)
- [CHAPTER 12 Offenses Against Public Health and Morals \(Arts. 1 — 9\)](#)
- [Article 3 Obscenity and Related Offenses \(Pts. 1 — 3\)](#)
- [PART 3 Sale or Distribution of Harmful Materials to Minors \(§§ 16-12-101 — 16-12-113\)](#)

16-12-104. Library exception.

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

History

Code 1981, § 16-12-104, enacted by Ga. L. 1984, p. 1495, § 3.

▼ Annotations

Notes

Editor's notes.

This Code section formerly dealt with exhibiting to persons under 18 shows depicting sexually explicit nudity, sexual conduct, or sadomasochistic abuse; see subsection (b) of Code Section 16-12-103 for similar current provisions. The former Code section was enacted by Ga. L. 1983, p. 1437, § 2.

JUDICIAL DECISIONS

Constitutionality. —

Exemption for display of materials **harmful to minors** at libraries does not offend the equal protection clause of the U.S. Constitution. *American Booksellers v. Webb*, 919 F.2d 1493, 1990 U.S. App. LEXIS 22251 (11th Cir. 1990), cert. denied, 500 U.S. 942, 111 S. Ct. 2237, 114 L. Ed. 2d 479, 1991 U.S. LEXIS 2930 (1991).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Protection of minors. —

Public libraries may be required by legislation to take appropriate action to protect **minors** from exposure to materials which fall within the definition of **harmful to minors**. 1995 Op. Att'y Gen. No. U95-24.

Research References & Practice Aids

RESEARCH REFERENCES

ALR.

Obscenity prosecution: statutory exemption based on dissemination to persons or entities having scientific, educational, or similar justification for possession of such materials, 13 A.L.R.5th 567.

Hierarchy Notes:

O.C.G.A. Title 16

O.C.G.A. Title 16, Ch. 12

O.C.G.A. Title 16, Ch. 12, Art. 3

O.C.G.A. Title 16, Ch. 12, Art. 3, Pt. 3