

O.C.G.A. § 16-8-13

Current with Chapters 354 through 374 of the 2024 Regular Session of the General Assembly. The Statutes do not reflect possible future codification directives from the Revisor of Statutes pursuant to Code Section 28-9-5. Additionally, the Statutes may be affected by prior or subsequent legislative enactment, revision, or executive action.

Official Code of Georgia Annotated > TITLE 16 Crimes and Offenses (Chs. 1 — 17) > CHAPTER 8 Offenses Involving Theft (Arts. 1 — 5) > Article 1 Theft (§§ 16-8-1 — 16-8-25)

16-8-13. Theft of trade secrets.

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

- (1) “Article” means any object, material, device, substance, or copy thereof, including any writing, record, recording, drawing, sample, specimen, prototype, model, photograph, microorganism, blueprint, or map.
- (2) “Copy” means any facsimile, replica, photograph, or other reproduction of an article and any note, drawing, or sketch made of or from an article.
- (3) “Representing” means describing, depicting, containing, constituting, reflecting, or recording.
- (4) “Trade secret” means information, without regard to form, including, but not limited to, technical or nontechnical data, a formula, a pattern, a compilation, a program, a device, a method, a technique, a drawing, a process, financial data, financial plans, product plans, or a list of actual or potential customers or suppliers which is not commonly known by or available to the public and which information:
 - (A) Derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
 - (B) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(b) Any person who, with the intent to deprive or withhold from the owner thereof the exclusive use of a trade secret, or with an intent to appropriate a trade secret to his or her own use or to the use of another, does any of the following:

- (1) Takes, uses, or discloses such trade secret to an unauthorized person;
- (2) Acquires knowledge of such trade secret by deceitful means or artful practice; or
- (3) Without authority, makes or causes to be made a copy of an article representing such trade secret

commits the offense of theft of a trade secret and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years and by a fine of not more than \$50,000.00, provided that, if the value of such trade secret, and any article representing such trade secret that is taken, is not more than \$100.00 such person shall be punished as for a misdemeanor.

(c) In a prosecution for any violation of this Code section, a court shall preserve the secrecy of an alleged trade secret by reasonable means, which may include granting protective orders in connection with discovery proceedings, holding in camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose an alleged trade secret without prior court approval.

(d) For the purposes of this Code section, a continuing theft by any person constitutes a single claim against that person, but this Code section shall be applied separately to the claim against each person who receives a trade secret from another person who committed the theft.

(e) This Code section shall not affect:

(1) Contractual duties or remedies, whether or not based on theft of a trade secret; or

(2) The provisions of Code Sections 10-1-761 through 10-1-767, pertaining to civil offenses and remedies involving the misappropriation of a trade secret, or other civil or criminal laws that presently apply or in the future may apply to any transaction or course of conduct that violates this Code section.

History

Ga. L. 1965, p. 647, §§ 1, 2; Ga. L. 1966, p. 425, §§ 1, 2, 5; Code 1933, § 26-1809, enacted by Ga. L. 1968, p. 1249, § 1; Ga. L. 1992, p. 6, § 16; Ga. L. 1995, p. 1051, § 1.