

Senate Bill 420

By: Senators Jackson of the 50th, Thomas of the 10th, Cable of the 27th, Butler of the 55th, Smith of the 25th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-6-4 of the Official Code of Georgia Annotated, relating to the
2 crimes of child molestation and aggravated child molestation, so as to provide that the crime
3 of child molestation shall be subject to mandatory imprisonment which shall not be
4 suspended, probated, deferred, or withheld; to provide for related matters; to provide for an
5 effective date and for applicability; to repeal conflicting laws; and for other purposes.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

10 Code Section 16-6-4 of the Official Code of Georgia Annotated, relating to the crimes of
11 child molestation and aggravated child molestation, is amended by striking subsection (b)
12 and inserting in its place a new subsection to read as follows:

13 "(b) A person convicted of a first offense of child molestation shall be punished by
14 imprisonment for not less than five nor more than 20 years; and. ~~Upon such first conviction~~
15 ~~of the offense of child molestation, the judge may probate the sentence; and such probation~~
16 ~~may be upon the special condition that the defendant undergo a mandatory period of~~
17 ~~counseling administered by a licensed psychiatrist or a licensed psychologist. However, if~~
18 ~~the judge finds that such probation should not be imposed, he or she shall sentence the~~
19 ~~defendant to imprisonment; provided, further, that upon a defendant's being incarcerated~~
20 ~~on a conviction for such first offense, the Department of Corrections shall provide~~
21 ~~counseling to such defendant. Upon a second or subsequent conviction of an offense of~~
22 ~~child molestation, the defendant shall be punished by imprisonment for not less than ten~~
23 ~~years nor more than 30 years or by imprisonment for life; provided, however, that prior to~~
24 ~~trial, a defendant shall be given notice, in writing, that the state intends to seek a~~
25 ~~punishment of life imprisonment. Adjudication of guilt or imposition of sentence for a~~
26 ~~conviction of a second first or subsequent offense of child molestation, including a plea of~~
27 ~~nolo contendere, shall not be suspended, probated, deferred, or withheld."~~

