

House Bill 343

By: Representatives Sinkfield of the 57th, Orrock of the 56th, Martin of the 47th, Buckner of the 95th, McClinton of the 68th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual
2 offenses, so as to provide for the offenses of pimping involving a child and pandering
3 involving a child; to provide for penalties; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,
8 is amended by striking in its entirety Code Section 16-6-11, relating to the offense of
9 pimping, and inserting in lieu thereof the following:

10 "16-6-11.

11 (a) A person commits the offense of pimping when he or she performs any of the
12 following acts:

- 13 (1) Offers or agrees to procure a prostitute for another;
- 14 (2) Offers or agrees to arrange a meeting of persons for the purpose of prostitution;
- 15 (3) Directs another to a place knowing such direction is for the purpose of prostitution;
- 16 (4) Receives money or other thing of value from a prostitute, without lawful
17 consideration, knowing it was earned in whole or in part from prostitution; or
- 18 (5) Aids or abets, counsels, or commands another in the commission of prostitution or
19 aids or assists in prostitution where the proceeds or profits derived therefrom are to be
20 divided on a pro rata basis.

21 (b) A person commits the offense of pimping involving a child when he or she commits
22 the offense of pimping involving a prostitute under the age of 17 years."

23 style="text-align:center">**SECTION 2.**

24 Said chapter is further amended by striking in its entirety Code Section 16-6-12, relating to
25 the offense of pandering, and inserting in lieu thereof the following:

1 "16-6-12.

2 (a) A person commits the offense of pandering when he or she solicits a person to perform
3 an act of prostitution in his or her own behalf or in behalf of a third person or when he or
4 she knowingly assembles persons at a fixed place for the purpose of being solicited by
5 others to perform an act of prostitution.

6 (b) A person commits the offense of pandering involving a child when he or she commits
7 the act of pandering and one or more persons solicited or assembled is under the age of 17
8 years."

9 SECTION 3.

10 Said chapter is further amended by striking in its entirety Code Section 16-6-13, relating to
11 penalties for the offenses of prostitution, keeping a place of prostitution, pimping, and
12 pandering, and inserting in lieu thereof the following:

13 "16-6-13.

14 (a) Except as otherwise provided in subsection (b) of this Code section, a person convicted
15 of any of the offenses enumerated in Code Sections 16-6-10 through 16-6-12 shall be
16 punished as for a misdemeanor of a high and aggravated nature. A person convicted of the
17 offense enumerated in Code Section 16-6-9 shall be punished as for a misdemeanor.

18 (b) A person convicted of pimping involving a child shall be guilty of a felony and shall
19 be fined not less than \$2,500.00 nor more than \$10,000.00 or shall be imprisoned for not
20 less than one year nor more than ten years, or both fined and imprisoned. Adjudication of
21 guilt or imposition of sentence for a conviction of a second or subsequent offense of
22 pimping involving a child pursuant to this subsection including a plea of nolo contendere,
23 shall not be suspended, probated, deferred, or withheld.

24 ~~(b)(c)~~ A person convicted of pandering ~~when such offense involves the solicitation of a~~
25 ~~person under the age of 17 years to perform an act of prostitution or the assembly of two~~
26 ~~or more persons under the age of 17 years at a fixed place for the purpose of being solicited~~
27 ~~by others to perform an act of prostitution~~ involving a child shall be guilty of a felony and
28 shall be fined not less than \$2,500.00 nor more than \$10,000.00 or shall be imprisoned for
29 not less than one year nor more than five years, or both fined and imprisoned. Adjudication
30 of guilt or imposition of sentence for a conviction of a second or subsequent offense of
31 pandering involving a ~~person under the age of 17 years pursuant to this subsection~~ child,
32 including a plea of nolo contendere, shall not be suspended, probated, deferred, or
33 withheld.

34 ~~(c)(d)~~(1) The clerk of the court in which a person is convicted of pimping or pandering
35 shall cause to be published a notice of conviction for each such person convicted. Such
36 notices of conviction shall be published in the manner of legal notices in the legal organ

1 of the county in which such person resides or, in the case of nonresidents, in the legal organ
 2 of the county in which the person was convicted. Such notice of conviction shall be one
 3 column wide by two inches long and shall contain the photograph taken by the arresting
 4 law enforcement agency at the time of arrest; name; and address of the convicted person;
 5 ~~and~~ the date, time, and place of arrest; and the disposition of the case and shall be
 6 published once in the legal organ of the appropriate county in the second week following
 7 such conviction or as soon thereafter as publication may be made.

8 (2) The convicted person for which a notice of conviction is published pursuant to this
 9 subsection shall be assessed the cost of publication of such notice and such assessment
 10 shall be imposed at the time of conviction in addition to any other fine imposed pursuant
 11 to this Code section.

12 (3) The clerk of the court, the publisher of any legal organ which publishes a notice of
 13 conviction, and any other person involved in the publication of an erroneous notice of
 14 conviction shall be immune from civil or criminal liability for such erroneous publication,
 15 provided such publication was made in good faith.

16 ~~(d)~~(e) In addition to any other penalty authorized under subsections (a), ~~and~~ (b), and (c)
 17 of this Code section, a person convicted of an offense enumerated in Code Sections 16-6-9
 18 through 16-6-12 shall be fined \$2,500.00 if such offense was committed within 1,000 feet
 19 of any school building, school grounds, public place of worship, or playground or
 20 recreation center which is used primarily by persons under the age of 17 years."

21 **SECTION 4.**

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