

The Senate Judiciary Committee offered the following substitute to SB 33:

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 "Child Sexual Commerce Prevention Act of 2001"; to
3 provide for legislative intent; to change the definition of the offense of prostitution; to change
4 certain penalty provisions applicable to the offenses of pimping and pandering when such
5 offenses under certain circumstances involve persons under the age of 18 years; to change
6 the definition of the offense of pandering by compulsion; to change penalties relating to
7 solicitation of sodomy; to provide an effective date; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 This Act shall be known and may be cited as the "Child Sexual Commerce Prevention Act
11 of 2001."
12

SECTION 2.

13 The General Assembly acknowledges that children are increasingly induced, coerced, or
14 compelled to perform sexual acts for the financial benefit of third parties. The General
15 Assembly enacts this law to express its abhorrence for these practices and to better protect
16 children from sexual exploitation.
17

SECTION 3.

18 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,
19 is amended by striking in its entirety Code Section 16-6-9, relating to the offense of
20 prostitution, and inserting in lieu thereof a new Code Section 16-6-9 to read as follows:
21

1 "16-6-9.

2 A person commits the offense of prostitution when he or she performs or offers or consents
3 to perform ~~an~~ a sexual act, including but not limited to of sexual intercourse or sodomy, for
4 money or other items of value."

5 SECTION 4.

6 Said chapter is further amended by striking in its entirety subsection (b) of Code Section
7 16-6-13, relating to penalties for violating Code Sections 16-6-9 through 16-6-12, and
8 inserting in lieu thereof a new subsection (b) to read as follows:

9 "(b) A person convicted of pimping or pandering when such offense involves the pimping
10 for or the solicitation of a person under the age of ~~17~~ 18 years to perform an act of
11 prostitution or the assembly of two or more persons under the age of ~~17~~ 18 years at a fixed
12 place for the purpose of being solicited by others to perform an act of prostitution shall be
13 guilty of a felony and shall be punished by imprisonment for a period of not less than five
14 nor more than 20 years and such convicted person shall be fined not less than \$2,500.00
15 nor more than \$10,000.00 ~~or shall be imprisoned for not less than one year nor more than~~
16 ~~five years, or both fined and imprisoned~~. Adjudication of guilt or imposition of a sentence
17 for a conviction of a second or subsequent offense of pimping or pandering involving a
18 person under the age of ~~17~~ 18 years pursuant to this subsection, including a plea of nolo
19 contendere, shall not be suspended, probated, deferred, or withheld."

20 SECTION 5.

21 Said chapter is further amended by striking in its entirety Code Section 16-6-14, relating to
22 the offense of pandering by compulsion, and inserting in lieu thereof a new Code Section
23 16-6-14 to read as follows:

24 "16-6-14.

25 A person commits the offense of pandering by compulsion when he or she by duress or
26 coercion causes a ~~female~~ person to perform an act of prostitution and, upon conviction
27 thereof, shall be punished by imprisonment for not less than one nor more than ten years."

28 SECTION 6.

29 Said chapter is further amended by striking in its entirety subsection (b) of Code Section
30 16-6-15, relating to solicitation of sodomy, and inserting in lieu thereof a new subsection to
31 read as follows:

32 "(b) A person convicted of solicitation of sodomy when such offense involves the
33 solicitation of a person or persons under the age of ~~17~~ 18 years to perform or submit to an
34 act of sodomy for money shall be guilty of a felony and shall be punished by

1 imprisonment for a period of not less than five nor more than 20 years and shall be fined
 2 not less than ~~\$1,000.00~~ \$2,500.00 nor more than ~~\$5,000.00~~ \$10,000.00 ~~or shall be~~
 3 ~~imprisoned for not less than one year nor more than five years, or both fined and~~
 4 ~~imprisoned."~~

5 **SECTION 7.**

6 This Act shall become effective upon its approval by the Governor or upon its becoming law
 7 without such approval.

8 **SECTION 8.**

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