

Senate Bill 35

By: Senators Fort of the 39th, Hecht of the 34th, Thomas of the 10th, Tate of the 38th and Price of the 56th

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 provide an effective date; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **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 "16-6-9.

22 A person commits the offense of prostitution when he or she performs or offers or consents
23 to perform ~~an~~ a sexual act, including ~~of~~ sexual intercourse, for money or other items of
24 value."

SECTION 4.

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

"(b) A person convicted of pimping or pandering when such offense involves the pimping for or the solicitation of a person under the age of ~~17~~ 18 years to perform an act of prostitution or the assembly of two or more persons under the age of ~~17~~ 18 years at a fixed place for the purpose of being solicited by others to perform an act of prostitution shall be guilty of a felony and shall be punished by imprisonment for a period of not less than five nor more than 20 years, provided that the minimum sentence shall be increased by two years for each year in age below 17 years that the individual or individuals who form the basis of a person's conviction is at the time the offense is committed. In addition, such convicted person may be fined not less than \$2,500.00 nor more than \$10,00.00 or shall be imprisoned for not less than one year nor more than five years, or both fined and imprisoned plus three times all proceeds that the convicted person has received from any acts of pimping or pandering. Adjudication of guilt or imposition of a sentence for a subsequent offense of pimping or pandering involving a person under the age of ~~17~~ 18 years pursuant to this subsection, including a plea of nolo contendere, shall not be suspended, probated, deferred, or withheld."

SECTION 5.

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

"16-6-14.

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

SECTION 6.

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

SECTION 7.

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