

Senate Bill 21

By: Senators Meyer von Bremen of the 12th, Brown of the 26th, Butler of the 55th, Jackson of the 50th and Smith of the 25th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 17-7-95 of the Official Code of Georgia Annotated, relating to the  
2 plea of nolo contendere generally, so as to change certain uses of the plea of nolo contendere  
3 in certain offenses involving minor children; to provide for related matters; to provide for an  
4 effective date and applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 17-7-95 of the Official Code of Georgia Annotated, relating to the plea of nolo  
8 contendere generally, is amended by striking the Code section in its entirety and inserting in  
9 lieu thereof the following:

10 "17-7-95.

11 (a) The defendant in all criminal cases other than capital felonies and those offenses  
12 contained in subsection (b) of this Code section which are charged in any court of this state,  
13 whether the offense charged is a felony or a misdemeanor, may, with the consent and  
14 approval of the judge of the court, enter a plea of nolo contendere instead of a plea of guilty  
15 or not guilty.

16 (b) The defendant shall not be entitled to enter a plea of nolo contendere when he or she  
17 is prosecuted for the following offenses:

18 (1) Child molestation or aggravated child molestation, as defined in Code Section  
19 16-6-4;

20 (2) Enticing a child for indecent purposes, as defined in Code Section 16-6-5;

21 (3) Pimping a child under the age of 18 years, as defined in Code Sections 16-6-11 and  
22 16-6-13;

23 (4) Pandering a child under the age of 18 years, as defined in Code Sections 16-6-12 and  
24 16-6-13; or

25 (5) Sexual exploitation of children, as defined in Code Section 16-12-100.

