

Senate Bill 281

By: Senators Kemp of the 3rd, Tanksley of the 32nd, Harp of the 16th, Hooks of the 14th and
Cheeks of the 23rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to
2 adoption, so as to prohibit the sale or offer for sale of a child by any parent or guardian of a
3 child; to provide for penalties; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, is
7 amended by striking in its entirety Code Section 19-8-24, relating to unlawful advertisements
8 and inducements, and inserting in lieu thereof a new Code section to read as follows:

9 "19-8-24.

10 (a) It shall be unlawful for any person, organization, corporation, hospital, or association
11 of any kind whatsoever which has not been established as a child-placing agency by the
12 department to:

13 (1) Advertise, whether in a periodical, by television, by radio, or by any other public
14 medium or by any private means, including letters, circulars, handbills, and oral
15 statements, that the person, organization, corporation, hospital, or association will adopt
16 children or will arrange for or cause children to be adopted or placed for adoption; or

17 (2) Directly or indirectly hold out inducements to parents to part with their children.

18 As used in this subsection, 'inducements' shall include any financial assistance, either direct
19 or indirect, from whatever source, except payment or reimbursement of the medical
20 expenses directly related to the mother's pregnancy and hospitalization for the birth of the
21 child and medical care for the child.

22 (b) It shall be unlawful for any parent or guardian of a child to sell, offer to sell, or
23 conspire with another to sell or offer to sell a child for money or anything of value, except
24 as otherwise provided in this chapter.

25 ~~(b)~~(c) Any person who violates subsection (a) or (b) of this Code section shall be guilty
26 of a felony and, upon conviction thereof, shall be punished by a fine not to exceed

1 \$10,000.00 or imprisonment for not more than ten years, or both, in the discretion of the
2 court.

3 ~~(c)~~(d)(1) Paragraph (1) of subsection (a) of this Code section shall not apply to
4 communication by private means, including only written letters or oral statements, by an
5 individual seeking to:

6 (A) Adopt a child or children; or

7 (B) Place that individual's child or children for adoption,

8 whether the communication occurs before or after the birth of such child or children.

9 (2) Paragraph (1) of subsection (a) of this Code section shall not apply to any
10 communication described in paragraph (1) of this subsection which contains any
11 attorney's name, address, telephone number, or any combination of such information and
12 which requests any attorney named in such communication to be contacted to facilitate
13 the carrying out of the purpose, as described in subparagraph (A) or (B) of paragraph (1)
14 of this subsection, of the individual making such personal communication."

15 **SECTION 2.**

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