

Senate Bill 101

By: Senators Adelman of the 42nd, Tanksley of the 32nd, Reed of the 35th, Hamrick of the 30th, Kemp of the 3rd and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to  
2 general provisions, and Code Section 16-6-13 of the Official Code of Georgia Annotated,  
3 relating to the penalties for violating Code Sections 16-6-9 through 16-6-12, so as to add  
4 certain provisions for the protection of minors; to provide that persons required to register  
5 under Code Section 42-1-12 as a result of a conviction of a crime against minors or of sexual  
6 violence or as a result of having been declared a sexually violent predator shall not reside  
7 within a certain proximity to schools and areas where minors congregate; to provide  
8 definitions; to restrict certain civil and criminal liability; to provide for related matters; to  
9 provide for penalties; to provide for an effective date; to repeal conflicting laws; and for  
10 other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to general  
14 provisions, is amended by adding a new Code Section 42-1-13 to read as follows:

15 "42-1-13.

16 (a) As used in this Code section, the term:

17 (1) 'Area where minors congregate' shall include all public and private parks and  
18 recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasiums, and  
19 similar facilities providing programs or services directed towards persons under 18 years  
20 of age.

21 (2) 'Child care facility' shall mean all public and private pre-kindergarten facilities,  
22 day-care centers, and preschool facilities.

23 (3) 'School' shall mean all public and private kindergarten, elementary, and secondary  
24 schools.

25 (b) No individual required to register under Code Section 42-1-12 shall reside within 1,000  
26 feet of any child care facility, school, or area where minors congregate. Such distance shall

1 be determined by measuring from the outer boundary of the property on which the  
 2 individual resides to the outer boundary of the property of the child care facility, school,  
 3 or area where minors congregate at their closest points.

4 (c) Any person who knowingly fails to comply with the requirements of this Code section  
 5 shall be guilty of a felony and shall be punished by imprisonment for not less than one nor  
 6 more than three years.

7 (d) Nothing in this Code section shall create, either directly or indirectly, any civil cause  
 8 of action against or result in criminal prosecution of any person, firm, corporation,  
 9 partnership, trust, or association other than an individual required to be registered under  
 10 Code Section 42-1-12."

### 11 **SECTION 1.1.**

12 Code Section 16-6-13 of the Official Code of Georgia Annotated, relating to the penalties  
 13 for violating Code Sections 16-6-9 through 16-6-12, is amended by striking subsection (b)  
 14 and inserting in lieu thereof the following:

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

### 27 **SECTION 2.**

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

### 30 **SECTION 3.**

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