

House Bill 1093

By: Representatives Hill of the 81<sup>st</sup>, Chambers of the 53<sup>rd</sup>, Barnes of the 84<sup>th</sup>, Post 2, Dodson of the 84<sup>th</sup>, Post 1, and Walker of the 71<sup>st</sup>, Post 1

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-6-4 of the Official Code of Georgia Annotated, relating to child  
2 molestation and aggravated child molestation, so as to provide that no person convicted of  
3 child molestation shall be sentenced as a first offender pursuant to Article 3 of Chapter 8 of  
4 Title 42, relating to probation of first offenders; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 16-6-4 of the Official Code of Georgia Annotated, relating to child molestation  
9 and aggravated child molestation, is amended by striking in its entirety subsection (b) and  
10 inserting in lieu thereof the following:

11 "(b) A person convicted of a first offense of child molestation shall be punished by  
12 imprisonment for not less than five nor more than 20 years. Upon such first conviction of  
13 the offense of child molestation, the judge may probate the sentence; and such probation  
14 may be upon the special condition that the defendant undergo a mandatory period of  
15 counseling administered by a licensed psychiatrist or a licensed psychologist. However, if  
16 the judge finds that such probation should not be imposed, he or she shall sentence the  
17 defendant to imprisonment; provided, further, that upon a defendant's being incarcerated  
18 on a conviction for such first offense, the Department of Corrections shall provide  
19 counseling to such defendant. Upon a second or subsequent conviction of an offense of  
20 child molestation, the defendant shall be punished by imprisonment for not less than ten  
21 years nor more than 30 years or by imprisonment for life; provided, however, that prior to  
22 trial, a defendant shall be given notice, in writing, that the state intends to seek a  
23 punishment of life imprisonment. Adjudication of guilt or imposition of sentence for a  
24 conviction of a second or subsequent offense of child molestation, including a plea of nolo  
25 contendere, shall not be suspended, probated, deferred, or withheld. No person convicted

1 of the offense of child molestation shall be sentenced as a first offender pursuant to Article  
2 3 of Chapter 8 of Title 42, relating to probation of first offenders."

3 **SECTION 2.**

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