

House Bill 1097

By: Representatives Barnes of the 84th, Post 2, Buckner of the 82nd, Hill of the 81st, and Dodson of the 84th, Post 1

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 under the "Criminal Code of Georgia," so as to provide for certain business
3 licensing sanctions with respect to certain criminal convictions arising from conduct on
4 premises licensed for commercial massage activities; to state legislative findings; to provide
5 for revocation of the local government business license for premises used for commercial
6 massage activities upon the occurrence of a specified level of certain criminal activity upon
7 such premises; to provide for related matters; to provide for an effective date and
8 applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses
12 under the "Criminal Code of Georgia," is amended by adding at its end a new Code Section
13 16-6-25 to read as follows:

14 "16-6-25.

15 (a) The General Assembly finds that commercial massage activities can be a legitimate
16 and beneficial business but that certain persons and firms ostensibly engaged in such
17 business do so as a front for criminal activity or commingle such business with criminal
18 activity and that there is an unusually high degree of certain types of criminal activity
19 associated with certain persons and firms ostensibly engaged in such business.

20 (b) Owners and operators of businesses engaged in and premises used in commercial
21 massage activities shall have a duty to affirmatively ensure that their businesses and
22 premises are free from criminal activity. Any county or municipal corporation which has
23 issued a business license for any premises which are used in commercial massage activities
24 shall be authorized to and shall have a duty to revoke such business license if there are two
25 or more criminal convictions arising out of conduct on the licensed premises for certain
26 offenses committed during any period of 12 consecutive months. For this purpose:

1 (1) A criminal conviction shall include a plea of guilty or a plea of nolo contendere;

2 (2) The offenses covered shall include any offense described in this chapter, relating to
3 sexual offenses; any offense described in Chapter 13 of this title, relating to offenses
4 involving controlled substances and marijuana; any offense under Title 3, relating to
5 alcoholic beverages; and any violation of any local ordinance relating to such subject
6 matters;

7 (3) A criminal conviction shall be counted if it is committed by any person associated
8 with the business conducted on the licensed premises, whether as an owner, manager,
9 employee, or independent contractor or through regular involvement in the conduct of
10 such business in any other capacity;

11 (4) For purposes of the determination of the 12 month period, time shall be measured
12 from the date of the most recent activity constituting a part of the earlier offense to the
13 date of the earliest activity constituting a part of the most recent offense; and

14 (5) License revocation proceedings shall be promptly commenced upon an applicable
15 conviction or acceptance of plea and the pendency of post-trial or appellate proceedings
16 shall not stay the operation of this Code section unless specifically so provided by court
17 order.

18 (c) A license revocation under this Code section shall be effective for a period of 12
19 months from the date the revocation begins, and during such period such premises shall not
20 be eligible for the issuance of any business license for the same or any other business."

21 **SECTION 2.**

22 This Act shall become effective on July 1, 2004, and shall apply in any case where a
23 conviction occurs or plea is accepted for one or more of the predicate crimes which is
24 committed on or after July 1, 2004, notwithstanding the fact that one or more other predicate
25 crimes may have been committed prior to that date.

26 **SECTION 3.**

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