

Senate Bill 606

By: Senator Hudgens of the 47th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to
2 offenses against public health and morals, so as to prohibit the sale or distribution of prepaid
3 adult entertainment cards to persons under the age of 18 years; to provide for definitions; to
4 provide for penalties; to provide for a civil cause of action and damages; to provide for a
5 statute of limitations for the civil cause of action; to provide for seizure and destruction of
6 prepaid adult entertainment cards; to provide for related matters; to provide for an effective
7 date and applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
11 public health and morals, is amended by adding a new article to the end of the chapter to read
12 as follows:

13 "ARTICLE 8

14 16-12-180.

15 (a) As used in this article, the term:

16 (1) 'Child' means any individual under the age of 18 years.

17 (2) 'Prepaid adult entertainment card' means:

18 (A) A product, sold either at wholesale or retail or distributed gratis as a promotion,
19 which permits the cardholder to access one or more adult entertainment telephone
20 services for a predetermined number of minutes by means of a telephone number and
21 an access code or password unique to each card; or

22 (B) A product, sold either at wholesale or retail or distributed gratis as a promotion,
23 which permits the cardholder to access one or more erotic or pornographic internet sites
24 by means of a predetermined user identification and password unique to each card.

1 (b) It shall be unlawful for any person to sell, barter, or distribute a prepaid adult
2 entertainment card to a child. Any person who violates this subsection shall be guilty of a
3 misdemeanor.

4 16-12-181.

5 (a) Any person who knowingly participates in any conduct prohibited by Code Section
6 16-12-180 may be liable for civil damages.

7 (b) Any of the following persons may bring a civil action for damages caused by another
8 person's conduct prohibited by Code Section 16-12-180:

9 (1) The child victim;

10 (2) A parent, legal guardian, or sibling of a victimized child; or

11 (3) Any person injured as a result of the willful, reckless, or negligent actions of a person
12 who knowingly participated in conduct prohibited by Code Section 16-12-180.

13 If the parent or guardian is named as a defendant in the action, the court shall appoint a
14 special guardian to bring the action on behalf of the child.

15 (c) Any person entitled to bring an action under subsection (b) of this Code section may
16 seek damages from any person who knowingly participated in the sale or in the chain of
17 distribution of any prepaid adult entertainment card prohibited by Code Section 16-12-180.

18 (d) Any person entitled to bring a civil action pursuant to subsection (b) of this Code
19 section may recover all of the following damages:

20 (1) Economic damages, including the cost of treatment and rehabilitation, medical
21 expenses, loss of economic or educational potential, loss of productivity, absenteeism,
22 support expenses, accidents or injury, and any other pecuniary loss proximately caused
23 by the prohibited conduct;

24 (2) Noneconomic damages, including physical and emotional pain, suffering, physical
25 impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss
26 of companionship, services, and consortium, and other nonpecuniary losses proximately
27 caused by the prohibited conduct;

28 (3) Exemplary damages; and

29 (4) Attorneys' fees.

30 (e) Any civil action for damages under subsection (b) of this Code section shall be
31 commenced within six years of the time the plaintiff knew, or should have known, of any
32 injury caused by a violation of subsection (b) of this Code section. The knowledge of a
33 parent, guardian, or custodian may not be imputed to the child.

1 16-12-182.

2 As a public nuisance, all prepaid adult entertainment cards are subject to seizure and
3 destruction without compensation by any law enforcement agency with appropriate
4 jurisdiction."

5 **SECTION 2**

6 This Act shall become effective on July 1, 2004, and shall apply to all crimes which occur
7 on or after that date.

8 **SECTION 3.**

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