

House Bill 1256

By: Representatives Manning of the 32nd, Gardner of the 57th, and Lindsey of the 54th

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, so as to mandate a minimum age for the prosecution of the offenses of prostitution
3 and masturbation for hire; to provide for matters related to prosecuting certain sexual
4 offenses; to provide for certain procedures for minors that are younger than the minimum age
5 for the prosecution of the offenses of prostitution and masturbation for hire and are found
6 committing such offenses; to amend Titles 19 and 49 of the Official Code of Georgia
7 Annotated, relating to domestic relations and social services, respectively, so as to expand
8 the definition of prostitution; to provide for related matters; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,
13 is amended by revising Code Section 16-6-9, relating to prostitution, as follows:

14 "16-6-9.

15 (a) A person who is 16 years of age or older commits the offense of prostitution when he
16 or she performs or offers or consents to perform a sexual act, including but not limited to
17 sexual intercourse or sodomy, for money or other items of value.

18 (b) A minor younger than 16 years of age found by law enforcement authorities
19 committing an act that would otherwise be an offense pursuant to subsection (a) of this
20 Code section but for such minor's age shall be taken to the county department of family and
21 children services with jurisdiction in the county where the acts were committed. After
22 taking custody of a minor pursuant to this subsection, the county department of family and
23 children services shall take all appropriate steps to contact the parents or legal guardian of
24 such minor. If the county department of family and children services determines that
25 placing such minor in the custody of his or her parents or legal guardian is not in the best

26 interest of him or her, the county department of family and children services shall take
 27 custody of such minor and place him or her into foster care."

28 **SECTION 2.**

29 Said chapter is further amended by revising subsection (a) of Code Section 16-6-16, relating
 30 to masturbation for hire, as follows:

31 "(a) A person who is 16 years of age or older, including a masseur or masseuse, commits
 32 the offense of masturbation for hire when he or she erotically stimulates the genital organs
 33 of another, whether resulting in orgasm or not, by manual or other bodily contact exclusive
 34 of sexual intercourse or by instrumental manipulation for money or the substantial
 35 equivalent thereof.

36 (a.1) A minor younger than 16 years of age found by law enforcement authorities
 37 committing an act that would otherwise be an offense pursuant to subsection (a) of this
 38 Code section but for such minor's age shall be taken to the county department of family and
 39 children services with jurisdiction in the county where the acts were committed. After
 40 taking custody of a minor pursuant to this subsection, the county department of family and
 41 children services shall take all appropriate steps to contact the parents or legal guardian of
 42 such minor. If the county department of family and children services determines that
 43 placing such minor in the custody or his or her parents or legal guardian is not in the best
 44 interest of him or her, the county department of family and children services shall take
 45 custody of such minor and place him or her into foster care."

46 **SECTION 3.**

47 Said chapter is further amended by adding a new Code section to read as follows:

48 "16-6-26.

49 The inability to prosecute any person involved in an alleged act of prostitution shall not bar
 50 prosecution of any other party charged with a violation of this chapter nor serve as a
 51 defense to such crime."

52

53 **SECTION 4.**

54 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
 55 amended by revising paragraph (4) of subsection (b) of Code Section 19-7-5, relating to
 56 reporting of child abuse, as follows:

57 "(4) 'Sexual exploitation' means conduct by any person who allows, permits, encourages,
 58 or requires that child to engage in:

59 (A) Prostitution, as defined in Code Section 16-6-9, notwithstanding the age of the
 60 child or the inability to prosecute the child for such offense; or

61 (B) Sexually explicit conduct for the purpose of producing any visual or print medium
62 depicting such conduct, as defined in Code Section 16-12-100."

63 **SECTION 5.**

64 Said title is further amended by revising paragraph (12) of Code Section 19-15-1, relating
65 to definitions relative to child abuse, as follows:

66 "(12) 'Sexual exploitation' means conduct by any person who allows, permits,
67 encourages, or requires that child to engage in:

68 (A) Prostitution, as defined in Code Section 16-6-9, notwithstanding the age of the
69 child or the inability to prosecute the child for such offense; or

70 (B) Sexually explicit conduct for the purpose of producing any visual or print medium
71 depicting such conduct, as defined in Code Section 16-12-100."

72 **SECTION 6.**

73 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
74 by revising paragraph (6) of subsection (a) of Code Section 49-5-40, relating to definitions
75 relative to child abuse and deprivation records, as follows:

76 "(6) 'Sexual exploitation' means conduct by any person who allows, permits, encourages,
77 or requires that child to engage in:

78 (A) Prostitution, as defined in Code Section 16-6-9, notwithstanding the age of the
79 child or the inability to prosecute the child for such offense; or

80 (B) Sexually explicit conduct for the purpose of producing any visual or print medium
81 depicting such conduct, as defined in Code Section 16-12-100."

82 **SECTION 7.**

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