

Senate Bill 91

By: Senators Murphy of the 27th, Unterman of the 45th, Hawkins of the 49th, Hamrick of the 30th, Thomas of the 54th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to
2 victim compensation, so as to provide for an adult entertainment surcharge; to provide for
3 definitions; to provide for related matters; to provide for an effective date; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to victim
8 compensation, is amended by revising paragraph (3) of Code Section 17-15-2, relating to
9 definitions, to read as follows:

10 "(3) 'Crime' means:

11 (A) An act which constitutes hit and run as defined in Code Section 40-6-270,
12 homicide by vehicle as defined in Code Section 40-6-393, serious injury by vehicle as
13 defined in Code Section 40-6-394, or any act which constitutes a violent crime as
14 defined by state or federal law which results in physical injury or death to the victim
15 and which is committed:

16 (i) In this state;

17 (ii) In a state which does not have a victims' compensation program, if the victim is
18 a resident of this state; or

19 (iii) In a state which has compensated the victim in an amount less than the victim
20 would be entitled to pursuant to this chapter, if the victim is a resident of this state;

21 (B) An act which constitutes international terrorism as defined in 18 U.S.C. Section
22 2331 which results in physical injury or death to the victim, if the victim is a resident
23 of this state and is outside the territorial boundaries of the United States when such act
24 is committed; ~~or~~

- 25 (C) An act of mass violence which results in physical injury or death to the victim, if
 26 the victim is a resident of this state and is outside the territorial boundaries of the
 27 United States when such act is committed; or
 28 (D) An act which constitutes pimping as defined in Code Section 16-6-11 and
 29 pandering as defined in Code Section 16-6-12 of a minor."

30 SECTION 2.

31 Said title is further amended by adding a new Code section to read as follows:

32 "17-15-15.

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

34 (1) 'Nude' means:

35 (A) Entirely unclothed; or

36 (B) Clothed in a manner that leaves uncovered or visible through less than fully opaque
 37 clothing any portion of the breasts below the top of the areola of the breasts, if the
 38 person is female, or any portion of the genitals or buttocks.

39 (2) 'Sexually oriented business' means a nightclub, bar, restaurant, or similar commercial
 40 enterprise that:

41 (A) Provides for an audience of two or more individuals live nude entertainment or live
 42 nude performances; and

43 (B) Authorizes on-premises consumption of alcoholic beverages, regardless of whether
 44 the consumption of alcoholic beverages is allowed under a license granted pursuant to
 45 the Georgia Alcoholic Beverage Code.

46 (b) A surcharge shall be imposed on a sexually oriented business in an amount equal to
 47 \$5.00 for each entry by each customer admitted to the business.

48 (c) The sexually oriented business shall remit the surcharge to the state revenue
 49 commissioner in the manner prescribed by the commissioner.

50 (d) The state revenue commissioner shall deposit all amounts received from the surcharge
 51 imposed under this Code section to the Fund. The commissioner shall be authorized to
 52 promulgate any rules and regulations necessary to implement and administer the provisions
 53 of this Code section."

54 SECTION 3.

55 Said title is further amended by adding a new Code section to read as follows:

56 "17-15-16.

57 The board shall be authorized to designate and expend moneys to provide residential
 58 treatment facilities and programs to victims of the crime described in subparagraph (D) of
 59 paragraph (3) of Code Section 17-15-2."

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SECTION 4.

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

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SECTION 5.

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