

Senate Bill 304

By: Senators Unterman of the 45th and Murphy of the 27th

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 amend Titles 19 and 49 of the Official Code of Georgia Annotated, relating to  
5 domestic relations and social services, respectively, so as to expand the definition of  
6 prostitution; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

11 "16-6-9.

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

15 **SECTION 2.**

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

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

23 **SECTION 3.**

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

25 "16-6-26.

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

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#### SECTION 4.

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

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

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

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

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#### SECTION 5.

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

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

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

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

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#### SECTION 6.

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

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

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

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

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#### SECTION 7.

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