

Senate Bill 164

By: Senators McKoon of the 29th, Shafer of the 48th, Bethel of the 54th, Ligon, Jr. of the 3rd, Albers of the 56th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to
2 reporting of child abuse, so as to expand mandatory reporting of child abuse; to provide for
3 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child
7 abuse, is amended by revising subsections (b) and (c) as follows:

8 "(b) As used in this Code section, the term:

9 (.05) 'Abortion' shall have the same meaning as set forth in Code Section 15-11-111.

10 (1) 'Abused' means subjected to child abuse.

11 (2) 'Child' means any person under 18 years of age.

12 (3) 'Child abuse' means:

13 (A) Physical injury or death inflicted upon a child by a parent or caretaker thereof by
14 other than accidental means; provided, however, physical forms of discipline may be
15 used as long as there is no physical injury to the child;

16 (B) Neglect or exploitation of a child by a parent or caretaker thereof;

17 (C) Sexual abuse of a child; or

18 (D) Sexual exploitation of a child.

19 However, no child who in good faith is being treated solely by spiritual means through
20 prayer in accordance with the tenets and practices of a recognized church or religious
21 denomination by a duly accredited practitioner thereof shall, for that reason alone, be
22 considered to be an 'abused' child.

23 (4) 'Commercial film and photographic print processor' means any person who for
24 compensation develops exposed photographic film into negatives, slides, or prints or
25 makes prints from negatives or slides.

26 (5) 'Reproductive health care facility' means any office, clinic, or any other physical
 27 location that provides abortions, abortion counseling, abortion referrals, contraceptives,
 28 contraceptive counseling, sex education, or gynecological care and services, including
 29 the facility's licensed personnel, other employees, and volunteers.

30 ~~(3.1)~~(6) 'Sexual abuse' means a person's employing, using, persuading, inducing,
 31 enticing, or coercing any minor who is not that person's spouse to engage in any act
 32 which involves:

33 (A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or
 34 oral-anal, whether between persons of the same or opposite sex;

35 (B) Bestiality;

36 (C) Masturbation;

37 (D) Lewd exhibition of the genitals or pubic area of any person;

38 (E) Flagellation or torture by or upon a person who is nude;

39 (F) Condition of being fettered, bound, or otherwise physically restrained on the part
 40 of a person who is nude;

41 (G) Physical contact in an act of apparent sexual stimulation or gratification with any
 42 person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed
 43 or unclothed breasts;

44 (H) Defecation or urination for the purpose of sexual stimulation; or

45 (I) Penetration of the vagina or rectum by any object except when done as part of a
 46 recognized medical procedure.

47 'Sexual abuse' shall not include consensual sex acts involving persons of the opposite sex
 48 when the sex acts are between minors or between a minor and an adult who is not more
 49 than five years older than the minor. This provision shall not be deemed or construed to
 50 repeal any law concerning the age or capacity to consent.

51 ~~(4)~~(7) 'Sexual exploitation' means conduct by any person who allows, permits,
 52 encourages, or requires that child to engage in:

53 (A) Prostitution, as defined in Code Section 16-6-9; or

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

56 (c)(1) The following persons having reasonable cause to believe that a child has been
 57 abused shall report or cause reports of that abuse to be made as provided in this Code
 58 section:

59 (A) Physicians licensed to practice medicine, interns, or residents;

60 (B) Hospital or medical personnel;

61 (C) Dentists;

- 62 (D) Licensed psychologists and persons participating in internships to obtain licensing
 63 pursuant to Chapter 39 of Title 43;
- 64 (E) Podiatrists;
- 65 (F) Registered professional nurses or licensed practical nurses licensed pursuant to
 66 Chapter 24 of Title 43 or nurse's aides;
- 67 (G) Professional counselors, social workers, or marriage and family therapists licensed
 68 pursuant to Chapter 10A of Title 43;
- 69 (H) School teachers;
- 70 (I) School administrators;
- 71 (J) School guidance counselors, visiting teachers, school social workers, or school
 72 psychologists certified pursuant to Chapter 2 of Title 20;
- 73 (K) Child welfare agency personnel, as that agency is defined pursuant to Code Section
 74 49-5-12;
- 75 (L) Child-counseling personnel;
- 76 (M) Child service organization personnel; ~~or~~
- 77 (N) Law enforcement personnel;
- 78 (O) Commercial film and photographic print processors;
- 79 (P) Reproductive health care facilities;
- 80 (Q) Emergency medical technicians and paramedics; or
- 81 (R) Physical therapists.

82 (2) If a person is required to report abuse pursuant to this subsection because that person
 83 attends to a child pursuant to such person's duties as a member of the staff of a hospital,
 84 school, social agency, or similar facility, that person shall notify the person in charge of
 85 the facility, or the designated delegate thereof, and the person so notified shall report or
 86 cause a report to be made in accordance with this Code section. A staff member who
 87 makes a report to the person designated pursuant to this paragraph shall be deemed to
 88 have fully complied with this subsection. Under no circumstances shall any person in
 89 charge of such hospital, school, agency, or facility, or the designated delegate thereof, to
 90 whom such notification has been made exercise any control, restraint, modification, or
 91 make other change to the information provided by the reporter, although each of the
 92 aforementioned persons may be consulted prior to the making of a report and may
 93 provide any additional, relevant, and necessary information when making the report."

94 **SECTION 2.**

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