

The House Committee on Judiciary Non-civil offers the following substitute to HB 141:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to kidnapping, false imprisonment, and related offenses, so as to require certain
3 businesses and establishments post a model notice so as to enable persons who are the
4 subject of human trafficking to obtain help and services; to provide for the Georgia Bureau
5 of Investigation to develop and post the model notice on its website; to provide for penalties;
6 to provide an expiration date for the Act; to provide for related matters; to provide for an
7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 3 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
11 kidnapping, false imprisonment, and related offenses, is amended by adding a new Code
12 section to read as follows:

13 "16-5-47.

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

15 (1) 'Adult entertainment establishment' means any place of business or commercial
16 establishment wherein:

17 (A) The entertainment or activity therein consists of nude or substantially nude persons
18 dancing with or without music or engaged in movements of a sexual nature or
19 movements simulating sexual intercourse, oral copulation, sodomy, or masturbation;

20 (B) The patron directly or indirectly is charged a fee or required to make a purchase
21 in order to view entertainment or activity which consists of persons exhibiting or
22 modeling lingerie or similar undergarments; or

23 (C) The patron directly or indirectly is charged a fee to engage in personal contact by
24 employees, devices, or equipment, or by personnel provided by the establishment.

25 Such term shall include, but shall not be limited to, bathhouses, lingerie modeling studios,
26 and related or similar activities. Such term shall not include businesses or commercial

27 establishments which have as their sole purpose the improvement of health and physical
 28 fitness through special equipment and facilities, rather than entertainment.

29 (2) 'Bar' means an establishment that is devoted to the serving of alcoholic beverages for
 30 consumption by guests on the premises and in which the serving of food is only
 31 incidental to the consumption of those beverages, including, but not limited to, taverns,
 32 nightclubs, cocktail lounges, and cabarets.

33 (3) 'Day hauler' means any person who is employed by a farm labor contractor to
 34 transport, or who for a fee transports, by motor vehicle, workers to render personal
 35 services in connection with the production of any farm products to, for, or under the
 36 direction of a third person.

37 (4) 'Farm labor contractor' means any person who, for a fee, employs workers to render
 38 personal services in connection with the production of any farm products to, for, or under
 39 the direction of a third person, or who recruits, solicits, supplies, or hires workers on
 40 behalf of an employer engaged in the growing or producing of farm products, and who,
 41 for a fee, provides in connection therewith one or more of the following services:
 42 furnishes board, lodging, or transportation for those workers; supervises, times, checks,
 43 counts, weighs, or otherwise directs or measures their work; or disburses wage payments
 44 to such persons.

45 (5) 'Hotel' means any hotel, inn, or other establishment which offers overnight
 46 accommodations to the public for hire.

47 (6) 'Massage therapist' means a person licensed pursuant to Chapter 24A of Title 43.

48 (7) 'Primary airport' shall have the same meaning as set forth in 49 U.S.C. Section
 49 47102(16).

50 (8) 'Substantially nude' means dressed in a manner so as to display any portion of the
 51 female breast below the top of the areola or displaying any portion of any person's pubic
 52 hair, anus, cleft of the buttocks, vulva, or genitals.

53 (9) 'Truck stop' means a privately owned and operated facility that provides food, fuel,
 54 shower or other sanitary facilities, and lawful overnight truck parking.

55 (b) Effective September 15, 2013, the following businesses and other establishments shall
 56 post the notice described in subsection (c) of this Code section, or a substantially similar
 57 notice, in English, Spanish, and any other language deemed appropriate by the director of
 58 the Georgia Bureau of Investigation, in each public restroom for the business or
 59 establishment and either in a conspicuous place near the public entrance of the business or
 60 establishment or in another conspicuous location in clear view of the public and employees
 61 where similar notices are customarily posted:

62 (1) Adult entertainment establishments;

63 (2) Bars;

- 64 (3) Primary airports;
 65 (4) Passenger rail or light rail stations;
 66 (5) Bus stations;
 67 (6) Truck stops;
 68 (7) Emergency rooms within general acute care hospitals;
 69 (8) Urgent care centers;
 70 (9) Farm labor contractors and day haulers;
 71 (10) Privately operated job recruitment centers;
 72 (11) Safety rest areas located along interstate highways in this state;
 73 (12) Hotels; and
 74 (13) Businesses and establishments that offer massage or bodywork services by a person
 75 who is not a massage therapist.
- 76 (c) On or before August 1, 2013, the Georgia Bureau of Investigation shall develop a
 77 model notice that complies with the requirements of this subsection and make the model
 78 notice available for download on its Internet website. Such notice shall be at least 8 1/2
 79 inches by 11 inches in size, printed in a 16 point font in English, Spanish, and any other
 80 language deemed appropriate by the director of the Georgia Bureau of Investigation, and
 81 state the following:
- 82 'Are you or someone you know being sold for sex or made/forced to work for little or no
 83 pay and cannot leave? Call the National Human Trafficking Resource Center at
 84 1-888-373-7888 for help. All victims of slavery and human trafficking have rights and
 85 are protected by international, federal, and state law.
- 86 The hotline is:
- 87 (1) Anonymous and confidential;
 88 (2) Available 24 hours a day, seven days a week;
 89 (3) Able to provide help, referral to services, training, and general information;
 90 (4) Accessible in 170 languages;
 91 (5) Operated by a nonprofit, nongovernmental organization; and
 92 (6) Toll free.'
- 93 (d) A law enforcement officer shall notify, in writing, any business or establishment that
 94 has failed to comply with this Code section that it has failed to comply with the
 95 requirements of this Code section and if it does not correct the violation within 30 days
 96 from the date of receipt of the notice, the owner of such business or establishment shall be
 97 charged with a violation of this Code section and upon conviction shall be guilty of the
 98 misdemeanor offense of failure to post the National Human Trafficking Resource Center
 99 hotline number and may be punished by a fine of not more than \$500.00; but the provisions
 100 of Chapter 11 of Title 17 and any other provision of law to the contrary notwithstanding.

101 the costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or
102 surcharge to a fine for such offense be assessed against an owner for conviction thereof.
103 Upon a second or subsequent conviction, the owner shall be guilty of a high and aggravated
104 misdemeanor and shall be punished by a fine not to exceed \$5,000.00. The notice required
105 by this subsection may be hand delivered to the noncomplying business or establishment
106 or mailed to it at the address of such business or establishment.
107 (e) This Code section shall be repealed in its entirety on January 1, 2024, unless extended
108 by an Act of the General Assembly."

109 **SECTION 2.**

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

112 **SECTION 3.**

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