

The Senate Committee on Judiciary Non-civil offers the following substitute to SB 8:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 3 of Title 9, Code Section 15-6-95, Chapter 21 of Title 15, Chapter 6 of  
2 Title 16, Code Section 42-1-12, and Article 1 of Chapter 5 of Title 49 of the Official Code  
3 of Georgia Annotated, relating to limitations of actions, priorities of distribution of fines,  
4 bond forfeitures, surcharges, additional fees, and costs in cases of partial payments into the  
5 court, payment and disposition of fines and forfeitures, sexual offenses, the State Sexual  
6 Offender Registry, and children and youth services, respectively, so as to increase protection  
7 and resources for children who have been sexually exploited; to extend the statute of  
8 limitations for actions for childhood sexual abuse; to change provisions relating to the statute  
9 of limitations for injuries to the person; to change provisions relating to tolling of limitations  
10 for a minor's cause of action; to change provisions relating to the tolling of limitations for tort  
11 actions while criminal prosecution is pending; to create the Safe Harbor for Sexually  
12 Exploited Children Fund and the Safe Harbor for Sexually Exploited Children Fund  
13 Commission; to provide for definitions; to provide for appointment of members of the  
14 commission and personnel; to provide for duties of the commission and allow for expenses;  
15 to provide for recommendations of changes in state programs, laws, and policies; to provide  
16 for acceptance of federal funds and individual donations; to provide for fines and penalties;  
17 to provide for collection of fines and disposition of moneys collected; to impose a state  
18 regulatory fee on adult entertainment establishments; to provide for the powers, duties, and  
19 authority of the Department of Revenue and the commissioner of revenue; to provide for a  
20 duty to collect; to provide for the priority of the fund when partial payments are made; to  
21 expand forfeiture proceedings involving pimping under certain circumstances to include  
22 keeping a place of prostitution, pimping, pandering, and pandering by compulsion; to require  
23 registration on the State Sexual Offender Registry when an individual is convicted of  
24 trafficking a person for sexual servitude; to require the Department of Human Services to  
25 implement a plan to provide services to sexually exploited children; to provide for a short  
26 title; to provide for legislative findings and a purpose statement; to provide for related  
27 matters; to provide for an effective date and contingent effective date; to repeal conflicting  
28 laws; and for other purposes.

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

30 **PART I**

31 **SECTION 1-1.**

32 This Act shall be known and may be cited as the "Safe Harbor/Rachel's Law Act."

33 **SECTION 1-2.**

34 (a) The General Assembly finds that arresting, prosecuting, and incarcerating victimized  
 35 children serves to retraumatize children and increases their feelings of low self-esteem,  
 36 making the process of recovery more difficult. The General Assembly acknowledges that  
 37 both federal and state laws recognize that sexually exploited children are the victims of crime  
 38 and should be treated as victims. The General Assembly finds that sexually exploited  
 39 children deserve the protection of child welfare services, including family support, crisis  
 40 intervention, counseling, and emergency housing services. The General Assembly finds that  
 41 it is necessary and appropriate to adopt uniform and reasonable fees and regulations to help  
 42 address the deleterious secondary effects, including but not limited to, prostitution and sexual  
 43 exploitation of children, associated with adult entertainment establishments that provide to  
 44 their patrons performances and interaction involving various forms of nudity.

45 (b) The purpose of this Act is to protect a child from further victimization after he or she is  
 46 discovered to be a sexually exploited child by ensuring that a child protective response is in  
 47 place in this state. The purpose and intended effect of this Act in imposing fees and  
 48 regulations on adult entertainment establishments is not to impose a restriction on the content  
 49 or reasonable access to any materials or performances protected by the First Amendment of  
 50 the United States Constitution or Article I, Section I, Paragraph V of the Constitution of this  
 51 state.

52 **PART II**

53 **SECTION 2-1.**

54 Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to limitations of  
 55 actions, is amended by revising Code Section 9-3-33, relating to limitations for actions for  
 56 injuries to the person, as follows:

57 "9-3-33.

58 Except as otherwise provided in this article, actions ~~Actions~~ for injuries to the person shall  
 59 be brought within two years after the right of action accrues, except for injuries to the  
 60 reputation, which shall be brought within one year after the right of action accrues, and

61 except for actions for injuries to the person involving loss of consortium, which shall be  
62 brought within four years after the right of action accrues."

63 **SECTION 2-2.**

64 Said chapter is further amended by revising Code Section 9-3-33.1, relating to limitations for  
65 actions for childhood sexual abuse, as follows:

66 "9-3-33.1.

67 (a)(1) As used in this ~~Code section subsection~~, the term 'childhood sexual abuse' means  
68 any act committed by the defendant against the plaintiff which ~~act~~ occurred when the  
69 plaintiff was under the age of 18 years of age and which ~~act~~ would ~~have been proscribed~~  
70 ~~by Code Section 16-6-1, relating to rape; Code Section 16-6-2, relating to sodomy and~~  
71 ~~aggravated sodomy; Code Section 16-6-3, relating to statutory rape; Code Section 16-6-4,~~  
72 ~~relating to child molestation and aggravated child molestation; Code Section 16-6-5,~~  
73 ~~relating to enticing a child for indecent purposes; Code Section 16-6-12, relating to~~  
74 ~~pandering; Code Section 16-6-14, relating to pandering by compulsion; Code Section~~  
75 ~~16-6-15, relating to solicitation of sodomy; Code Section 16-6-22, relating to incest; Code~~  
76 ~~Section 16-6-22.1, relating to sexual battery; or Code Section 16-6-22.2, relating to~~  
77 ~~aggravated sexual battery, or any prior laws of this state of similar effect which were in~~  
78 ~~effect at the time the act was committed~~ be in violation of:

79 (A) Rape, as prohibited in Code Section 16-6-1;

80 (B) Sodomy or aggravated sodomy, as prohibited in Code Section 16-6-2;

81 (C) Statutory rape, as prohibited in Code Section 16-6-3;

82 (D) Child molestation or aggravated child molestation, as prohibited in Code Section  
83 16-6-4;

84 (E) Enticing a child for indecent purposes, as prohibited in Code Section 16-6-5;

85 (F) Pandering, as prohibited in Code Section 16-6-12;

86 (G) Pandering by compulsion, as prohibited in Code Section 16-6-14;

87 (H) Solicitation of sodomy, as prohibited in Code Section 16-6-15;

88 (I) Incest, as prohibited in Code Section 16-6-22;

89 (J) Sexual battery, as prohibited in Code Section 16-6-22.1; or

90 (K) Aggravated sexual battery, as prohibited in Code Section 16-6-22.2.

91 ~~(b)(2)~~ Notwithstanding Code Section 9-3-33, any ~~Any~~ civil action for recovery of  
92 damages suffered as a result of childhood sexual abuse committed before July 1, 2015,  
93 shall be commenced ~~within five years of~~ on or before the date the plaintiff attains the age  
94 of majority 23.

95 (b)(1) As used in this subsection, the term 'childhood sexual abuse' means any act  
 96 committed by the defendant against the plaintiff which occurred when the plaintiff was  
 97 under 18 years of age and which would be in violation of:

98 (A) Trafficking a person for sexual servitude, as prohibited in Code Section 16-5-46;

99 (B) Rape, as prohibited in Code Section 16-6-1;

100 (C) Statutory rape, as prohibited in Code Section 16-6-3, if the defendant was 21 years  
 101 of age or older at the time of the act;

102 (D) Aggravated sodomy, as prohibited in Code Section 16-6-2;

103 (E) Child molestation or aggravated child molestation, as prohibited in Code Section  
 104 16-6-4, unless the violation would be subject to punishment as provided in  
 105 paragraph (2) of subsection (b) of Code Section 16-6-4 or paragraph (2) of  
 106 subsection (d) of Code Section 16-6-4;

107 (F) Enticing a child for indecent purposes, as prohibited in Code Section 16-6-5, unless  
 108 the violation would be subject to punishment as provided in subsection (c) of Code  
 109 Section 16-6-5;

110 (G) Incest, as prohibited in Code Section 16-6-22;

111 (H) Aggravated sexual battery, as prohibited in Code Section 16-6-22.2; or

112 (I) Part 2 of Article 3 of Chapter 12 of Title 16.

113 (2) Notwithstanding Code Section 9-3-33, any civil action for recovery of damages  
 114 suffered as a result of childhood sexual abuse committed on or after July 1, 2015, shall  
 115 be commenced on or before the date the plaintiff attains the age of 25."

116 **SECTION 2-3.**

117 Said chapter is further amended by revising Code Section 9-3-90, relating to persons under  
 118 disability or imprisoned when cause of action accrues, as follows:

119 "9-3-90.

120 (a) Individuals ~~Minors and persons~~ who are legally incompetent because of mental  
 121 retardation or mental illness, who are such when the cause of action accrues, shall be  
 122 entitled to the same time after their disability is removed to bring an action as is prescribed  
 123 for other persons.

124 (b) Except as otherwise provided in Code Section 9-3-33.1, individuals who are less than  
 125 18 years of age when a cause of action accrues shall be entitled to the same time after he  
 126 or she reaches the age of 18 years to bring an action as is prescribed for other persons.

127 ~~(b)(c)~~ (c) No action accruing to a ~~person~~ an individual imprisoned at the time of its accrual  
 128 which, ~~prior~~;

129 (1) Prior to July 1, 1984, has been barred by the provisions of this chapter ~~relating to~~  
 130 ~~limitations of actions~~ shall be revived by this chapter, as amended. ~~No action accruing~~  
 131 ~~to a person imprisoned at the time of its accrual which would; or~~  
 132 (2) Would be barred before July 1, 1984, by the provisions of this chapter, as amended,  
 133 but which would not be so barred by the provisions of this chapter in force immediately  
 134 prior to July 1, 1984, shall be barred until July 1, 1985."

135 **SECTION 2-4.**

136 Said chapter is further amended by revising Code Section 9-3-99, relating to tolling of  
 137 limitations for tort actions while criminal prosecution is pending, as follows:

138 "9-3-99.

139 The running of the period of limitations with respect to any cause of action in tort that may  
 140 be brought by the victim of an alleged crime which arises out of the facts and  
 141 circumstances relating to the commission of such alleged crime committed in this state  
 142 shall be tolled from the date of the commission of the alleged crime or the act giving rise  
 143 to such action in tort until the prosecution of such crime or act has become final or  
 144 otherwise terminated, provided that such time does not exceed six years, except as  
 145 otherwise provided in Code Section 9-3-33.1."

146 **PART III**

147 **SECTION 3-1.**

148 Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to payment and  
 149 disposition of fines and forfeitures, is amended by adding a new article to read as follows:

150 "ARTICLE 11

151 15-21-200.

152 This article is enacted pursuant to Article III, Section IX, Paragraph VI(o) of the  
 153 Constitution, which provision authorizes additional penalty assessments for violations  
 154 relating to certain sexual crimes, authorizes fees on certain businesses, and provides that  
 155 the proceeds derived therefrom may be used for the purpose of meeting the costs of care  
 156 and rehabilitative and social services for certain citizens of this state who have been  
 157 sexually exploited.

158 15-21-201.

159 As used in this article, the term:

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

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

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

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

170 Such term shall include, but shall not be limited to, bathhouses, lingerie modeling studios,  
 171 and related or similar activities. Such term shall not include businesses or commercial  
 172 establishments which have as their sole purpose the improvement of health and physical  
 173 fitness through special equipment and facilities, rather than entertainment.

174 (2) 'Commission' means the Safe Harbor for Sexually Exploited Children Fund  
 175 Commission.

176 (3) 'Fund' means the Safe Harbor for Sexually Exploited Children Fund.

177 (4) 'Safe house' means a licensed residential facility that provides safe and secure shelter.

178 (5) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section  
 179 16-12-100.

180 (6) 'Sexually exploited child' means a person who is younger than 18 years of age who:

181 (A) Has been the victim of trafficking of persons for sexual servitude in violation of  
 182 Code Section 16-5-46;

183 (B) Has engaged in sodomy, prostitution, solicitation of sodomy, or masturbation for  
 184 hire; or

185 (C) Has been the victim of sexually explicit conduct for the purpose of producing any  
 186 print or visual medium.

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

190 (8) 'Visual medium' shall have the same meaning as set forth in Code Section 16-12-100.

191 15-21-202.

192 (a) There is established the Safe Harbor for Sexually Exploited Children Fund  
 193 Commission which is assigned to the Division of Family and Children Services of the  
 194 Department of Human Resources for administrative purposes only, as prescribed in Code  
 195 Section 50-4-3.

196 (b) There is created the Safe Harbor for Sexually Exploited Children Fund as a separate  
197 fund in the state treasury. The state treasurer shall credit to the fund all amounts transferred  
198 to the fund and shall invest the fund moneys in the same manner as authorized for investing  
199 other moneys in the state treasury.

200 (c) The commission may authorize the disbursement of available money from the fund,  
201 after appropriation thereof, for purposes of providing care, rehabilitative services,  
202 residential housing, health services, and social services, including establishing safe houses,  
203 to sexually exploited children and to a person, entity, or program eligible pursuant to  
204 criteria to be set by the commission. The commission shall also consider disbursement of  
205 available money from the fund to a person, entity, or program devoted to awareness and  
206 prevention of becoming a sexually exploited child. The commission may also authorize  
207 the disbursement of fund money for the actual and necessary operating expenses that the  
208 commission incurs in performing its duties; provided, however, that such disbursements  
209 shall be kept at a minimum in furtherance of the primary purpose of the fund, which is to  
210 disburse money to provide care and rehabilitative and social services for sexually exploited  
211 children.

212 (d) No funds shall be disbursed from the fund to any person, entity, or program or for any  
213 purpose authorized in subsection (c) of this Code section until approved by the Governor;  
214 provided, however, that the Governor shall not authorize the disbursement of funds to a  
215 person, entity, or program which the commission has not recommended for a grant.

216 15-21-203.

217 (a) The commission shall consist of eight members. Seven of the members shall serve for  
218 terms of two years, except that with respect to the first members appointed, two members  
219 shall be appointed for terms of three years, four members for terms of two years, and one  
220 member for a term of one year. The director of the Division of Family and Children  
221 Services of the Department of Human Services shall be a permanent member of the  
222 commission. The chairperson of the Criminal Justice Coordinating Council, the  
223 commissioner of behavioral health and developmental disabilities, and the director of the  
224 Division of Family and Children Services of the Department of Human Services shall each  
225 appoint one member of the commission; the remaining four members shall be appointed  
226 by the Governor. The Governor shall establish initial terms of office for all members of  
227 the commission within the limitations of this subsection.

228 (b) In the event of death, resignation, disqualification, or removal for any reason of any  
229 member of the commission, the vacancy shall be filled in the same manner as the original  
230 appointment, and the successor shall serve for the unexpired term.

231 (c) Membership on the commission shall not constitute public office, and no member shall  
 232 be disqualified from holding public office by reason of his or her membership.  
 233 (d) The Governor shall designate a chairperson of the commission from among the  
 234 members, which chairperson shall serve in that position at the pleasure of the Governor.  
 235 The commission may elect such other officers and committees as it considers appropriate.  
 236 (e) The commission, with the approval of the Governor, may employ such professional,  
 237 technical, or clerical personnel as deemed necessary to carry out the purposes of this  
 238 article.

239 15-21-204.

240 Members of the commission shall serve without compensation but shall receive the same  
 241 expense allowance per day as that received by a member of the General Assembly for each  
 242 day such member of the commission is in attendance at a meeting of such commission, plus  
 243 either reimbursement for actual transportation costs while traveling by public carrier or the  
 244 same mileage allowance for use of a personal car in connection with such attendance as  
 245 members of the General Assembly receive. Such expense and travel allowance shall be  
 246 paid in lieu of any per diem, allowance, or other remuneration now received by any such  
 247 member for such attendance. Expense allowances and other costs authorized in this Code  
 248 section shall be paid from moneys in the fund.

249 15-21-205.

250 (a) The commission shall:

- 251 (1) Meet at such times and places as it shall determine necessary or convenient to  
 252 perform its duties on the call of the chairperson or the Governor;  
 253 (2) Maintain minutes of its meetings;  
 254 (3) Adopt rules and regulations for the transaction of its business;  
 255 (4) Accept applications for disbursements of available money from the fund;  
 256 (5) Develop a state-wide protocol for helping to coordinate the delivery of services to  
 257 sexually exploited children;  
 258 (6) Provide oversight and accountability for any program that receives disbursements  
 259 from the fund;  
 260 (7) Maintain records of all its expenditures, funds received as gifts and donations, and  
 261 disbursements made from the fund; and  
 262 (8) Conform to the standards and requirements prescribed by the state accounting officer  
 263 pursuant to Chapter 5B of Title 50.

264 (b) The commission shall utilize existing state resources and staff of participating  
 265 departments whenever practicable.

266 15-21-206.

267 The commission may recommend to the Governor and the General Assembly changes in  
268 state programs, laws, policies, budgets, and standards relating to the care and rehabilitation  
269 of sexually exploited children, changes to improve coordination among state agencies that  
270 provide care and rehabilitative and social services to sexually exploited children, and  
271 changes to improve the condition of sexually exploited children who are in need of  
272 rehabilitative and social services.

273 15-21-207.

274 The commission may accept and solicit federal funds granted by Congress or executive  
275 order for the purposes of this article as well as gifts and donations from individuals, private  
276 organizations, or foundations. The acceptance and use of federal funds shall not commit  
277 state funds and shall not place an obligation upon the General Assembly to continue the  
278 purposes for which the federal funds are made available. All such funds received in the  
279 manner described in this Code section shall be transmitted to the state treasurer for deposit  
280 into the fund to be disbursed as other moneys in the fund.

281 15-21-208.

282 (a) In every case in which any court in this state shall impose a fine, which shall be  
283 construed to include costs, for trafficking a person for sexual servitude in violation of Code  
284 Section 16-5-46 or any violation of Code Section 16-6-10, 16-6-11, 16-6-12, 16-6-14,  
285 16-6-15, 16-6-16, or 16-12-100, there shall be imposed an additional penalty of \$2,500.00  
286 if the defendant was 18 years of age or older at the time of the offense.

287 (b) Such sums shall be in addition to any amount required to be paid into any pension,  
288 annuity, or retirement fund under Title 47 or any other law and in addition to any other  
289 amounts provided for in this chapter.

290 (c) The sums provided for in this Code section shall be assessed and collected by the clerk  
291 or court officer charged with the duty of collecting moneys arising from fines and shall be  
292 paid over by the last day of the following month to the Georgia Superior Court Clerks'  
293 Cooperative Authority for remittance to the Safe Harbor for Sexually Exploited Children  
294 Fund Commission, to be deposited into the Safe Harbor for Sexually Exploited Children  
295 Fund.

296 (d) Any person whose duty it is to collect and remit the sums provided for in this Code  
297 section who refuses to so remit shall be guilty of a misdemeanor.

298 15-21-209.  
 299 (a) By January 30 of each calendar year, each adult entertainment establishment shall pay  
 300 to the Department of Revenue a state operation fee equal to the greater of 1 percent of the  
 301 previous year's gross revenue or \$5,000.00. This state fee shall be in addition to any other  
 302 fees required by the county or municipality authorizing the operation of an adult  
 303 entertainment business.  
 304 (b) The previous year's gross revenue of an adult entertainment establishment shall be  
 305 determined based upon tax returns filed with the Department of Revenue. The  
 306 commissioner of revenue may audit the returns of an adult entertainment establishment if  
 307 he or she determines an audit to be necessary. The commissioner of revenue shall provide  
 308 for conducting periodic compliance audits by the Department of Revenue to verify  
 309 compliance with the requirements of this Code section.  
 310 (c) The fees collected pursuant to this Code section shall be remitted to the Safe Harbor  
 311 for Sexually Exploited Children Fund Commission, to be deposited into the Safe Harbor  
 312 for Sexually Exploited Children Fund.  
 313 (d) The commissioner of revenue shall be authorized to promulgate any rules and  
 314 regulations necessary to implement and administer the provisions of this Code section,  
 315 including the method of appeal by an adult entertainment establishment that is assessed a  
 316 fee pursuant to this Code section."

317 **SECTION 3-2.**

318 Code Section 15-6-95 of the Official Code of Georgia Annotated, relating to priorities of  
 319 distribution of fines, bond forfeitures, surcharges, additional fees, and costs in cases of partial  
 320 payments into the court, is amended by deleting "and" at the end of paragraph (13), by  
 321 replacing the period with "; and" at the end of paragraph (14), and by adding a new paragraph  
 322 (15) to read as follows:

323 "(15) The amount provided for in Code Section 15-21-208 for the Safe Harbor for  
 324 Sexually Exploited Children Fund."

325 **PART IV**

326 **SECTION 4-1.**

327 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,  
 328 is amended by revising subsection (c) of Code Section 16-6-13.2, relating to forfeiture and  
 329 seizure of property and in rem actions, as follows:

330 "(c)(1) Any motor vehicle operated by a person to facilitate a violation of Code Section  
 331 16-6-10, 16-6-11, 16-6-12, or 16-6-14 where the offense involved the pimping of a

332 ~~person under the age of 18 years to perform an act of prostitution and involved a motor~~  
 333 ~~vehicle or operated by a person who has been convicted of or pleaded nolo contendere~~  
 334 ~~for two previous violations of Code Section 16-6-11 or 16-6-12 involving a motor vehicle~~  
 335 ~~within a five-year period and who is convicted or pleads nolo contendere to a third~~  
 336 ~~violation of Code Section 16-6-11 or 16-6-12 involving a motor vehicle within the same~~  
 337 ~~five-year period~~ is declared to be contraband and subject to forfeiture to the state, as  
 338 provided in this Code section.

339 (2) For the purpose of this subsection, a violation of Code Section 16-6-10, 16-6-11, ~~or~~  
 340 16-6-12, or 16-6-14 involving a motor vehicle shall mean a violation of Code Section  
 341 16-6-10, 16-6-11, ~~or 16-6-12~~, or 16-6-14 in which a motor vehicle is used to violate said  
 342 Code section or in which the violation occurred."

#### 343 **SECTION 4-2.**

344 Said chapter is further amended by revising subsection (a) of Code Section 16-6-13.3,  
 345 relating to proceeds from pimping, forfeiture, and distribution, as follows:

346 "(a) Any proceeds or money which is ~~used, intended for use, used, directly or indirectly,~~  
 347 used or intended for use in any manner to facilitate; or derived from a violation of Code  
 348 Section 16-6-10, 16-6-11, ~~wherein any of the persons involved in performing an act of~~  
 349 ~~prostitution is under the age of 18, is 16-6-12, or 16-6-14 is declared to be~~ contraband and  
 350 shall be forfeited to the state and no person shall have a property interest in it such proceeds  
 351 or money. Such proceeds or money may be seized or detained in the same manner as  
 352 provided in Code Section 16-13-49 and shall not be subject to replevin, conveyance,  
 353 sequestration, or attachment."

#### 354 **SECTION 4-3.**

355 Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the State Sexual  
 356 Offender Registry, is amended in paragraph (10) of subsection (a) by revising subparagraph  
 357 (a)(10)(B) and adding a new subparagraph to read as follows:

358 "(B) 'Dangerous sexual offense' with respect to convictions occurring ~~after June 30,~~  
 359 between July 1, 2006, and June 30, 2015, means any criminal offense, or the attempt  
 360 to commit any criminal offense, under Title 16 as specified in this paragraph or any  
 361 offense under federal law or the laws of another state or territory of the United States  
 362 which consists of the same or similar elements of the following offenses:

- 363 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
- 364 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
- 365 is less than 14 years of age, except by a parent;

- 366 (iii) False imprisonment in violation of Code Section 16-5-41 which involves a  
 367 victim who is less than 14 years of age, except by a parent;
- 368 (iv) Rape in violation of Code Section 16-6-1;
- 369 (v) Sodomy in violation of Code Section 16-6-2;
- 370 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- 371 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted  
 372 of the offense is 21 years of age or older;
- 373 (viii) Child molestation in violation of Code Section 16-6-4;
- 374 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the  
 375 person was convicted of a misdemeanor offense;
- 376 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- 377 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
- 378 (xii) Incest in violation of Code Section 16-6-22;
- 379 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
- 380 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
- 381 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- 382 (xvi) Electronically furnishing obscene material to minors in violation of Code  
 383 Section 16-12-100.1;
- 384 (xvii) Computer pornography and child exploitation ~~prevention~~ in violation of Code  
 385 Section 16-12-100.2;
- 386 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
- 387 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a  
 388 minor or an attempt to commit a sexual offense against a victim who is a minor.
- 389 (B.1) 'Dangerous sexual offense' with respect to convictions occurring after June 30,  
 390 2015, means any criminal offense, or the attempt to commit any criminal offense, under  
 391 Title 16 as specified in this paragraph or any offense under federal law or the laws of  
 392 another state or territory of the United States which consists of the same or similar  
 393 elements of the following offenses:
- 394 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;  
 395 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who  
 396 is less than 14 years of age, except by a parent;  
 397 (iii) False imprisonment in violation of Code Section 16-5-41 which involves a  
 398 victim who is less than 14 years of age, except by a parent;  
 399 (iv) Trafficking a person for sexual servitude in violation of Code Section 16-5-46,  
 400 (v) Rape in violation of Code Section 16-6-1;  
 401 (vi) Sodomy in violation of Code Section 16-6-2;  
 402 (vii) Aggravated sodomy in violation of Code Section 16-6-2;

- 403 (viii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted  
 404 of the offense is 21 years of age or older;  
 405 (ix) Child molestation in violation of Code Section 16-6-4;  
 406 (x) Aggravated child molestation in violation of Code Section 16-6-4, unless the  
 407 person was convicted of a misdemeanor offense;  
 408 (xi) Enticing a child for indecent purposes in violation of Code Section 16-6-5;  
 409 (xii) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;  
 410 (xiii) Incest in violation of Code Section 16-6-22;  
 411 (xiv) A second conviction for sexual battery in violation of Code Section 16-6-22.1;  
 412 (xv) Aggravated sexual battery in violation of Code Section 16-6-22.2;  
 413 (xvi) Sexual exploitation of children in violation of Code Section 16-12-100;  
 414 (xvii) Electronically furnishing obscene material to minors in violation of Code  
 415 Section 16-12-100.1;  
 416 (xviii) Computer pornography and child exploitation in violation of Code Section  
 417 16-12-100.2;  
 418 (xix) Obscene telephone contact in violation of Code Section 16-12-100.3; or  
 419 (xx) Any conduct which, by its nature, is a sexual offense against a victim who is a  
 420 minor or an attempt to commit a sexual offense against a victim who is a minor."

#### 421 **SECTION 4-4.**

422 Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to  
 423 children and youth services, is amended by revising Code Section 49-5-8, relating to the  
 424 powers and duties of department, by adding a new subsection to read as follows:

425 "(d)(1) As used in this subsection, the term 'sexually exploited child' shall have the same  
 426 meaning as set forth in Code Section 15-21-201.

427 (2) The department, in consultation with the Office of the Child Advocate for the  
 428 Protection of Children, the Criminal Justice Coordinating Council, and law enforcement  
 429 officials, shall develop a plan for the delivery of services to sexually exploited children,  
 430 victims of trafficking of persons for labor servitude, and such children and persons who  
 431 are at risk of becoming victims of such offenses. In developing such plan, the department  
 432 shall work with state and federal agencies, public and private entities, and other  
 433 stakeholders as it deems appropriate and shall periodically review such plans to ensure  
 434 appropriate services are being delivered. Such plan shall include:

435 (A) Identifying children who need services;

436 (B) Providing assistance with applications for federal and state benefits, compensation,  
 437 and services;

- 438 (C) Coordinating the delivery of physical and mental health, housing, education, job  
439 training, child care, legal, and other services;  
440 (D) Preparing and disseminating educational and training materials to increase  
441 awareness of available services;  
442 (E) Developing and maintaining community based services;  
443 (F) Providing assistance with family reunification or repatriation to a country of origin;  
444 and  
445 (G) Providing law enforcement officials assistance in identifying children in need of  
446 such services."

447

**PART V**

448

**SECTION 5-1.**

449 Parts 1, 2, and 4 and this part of this Act shall become effective on July 1, 2015. Part 3 of  
450 this Act shall become effective on January 1, 2017, provided that a constitutional amendment  
451 is passed by the General Assembly and is ratified by the voters in the November, 2016,  
452 General Election amending the Constitution of Georgia to authorize the General Assembly  
453 to provide specific funding to the Safe Harbor for Sexually Exploited Children Fund. If such  
454 an amendment to the Constitution of Georgia is not so ratified, then Part 3 of this Act shall  
455 not become effective and shall stand repealed by operation of law.

456

**SECTION 5-2.**

457

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