

Senate Bill 8

By: Senators Unterman of the 45th, Butler of the 55th, Miller of the 49th and Hill of the 32nd

AS PASSED SENATE

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. The General
45 Assembly finds that a correlation exists between adult live entertainment establishments and
46 the sexual exploitation of children. The General Assembly finds that adult live entertainment
47 establishments present a point of access for children to come into contact with individuals
48 seeking to sexually exploit children. The General Assembly further finds that individuals
49 seeking to exploit children utilize adult live entertainment establishments as a means of
50 locating children for the purpose of sexual exploitation.

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

58

59 **PART II**

60

SECTION 2-1.

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

64 "9-3-33.

65 Except as otherwise provided in this article, actions ~~Actions~~ for injuries to the person shall
 66 be brought within two years after the right of action accrues, except for injuries to the
 67 reputation, which shall be brought within one year after the right of action accrues, and
 68 except for actions for injuries to the person involving loss of consortium, which shall be
 69 brought within four years after the right of action accrues."

70

SECTION 2-2.

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

73 "9-3-33.1.

74 (a)(1) As used in this ~~Code section~~ subsection, the term 'childhood sexual abuse' means
 75 any act committed by the defendant against the plaintiff which ~~act~~ occurred when the
 76 plaintiff was under the age of 18 years of age and which ~~act~~ would ~~have been proscribed~~
 77 ~~by Code Section 16-6-1, relating to rape; Code Section 16-6-2, relating to sodomy and~~
 78 ~~aggravated sodomy; Code Section 16-6-3, relating to statutory rape; Code Section 16-6-4,~~
 79 ~~relating to child molestation and aggravated child molestation; Code Section 16-6-5,~~
 80 ~~relating to enticing a child for indecent purposes; Code Section 16-6-12, relating to~~
 81 ~~pandering; Code Section 16-6-14, relating to pandering by compulsion; Code Section~~
 82 ~~16-6-15, relating to solicitation of sodomy; Code Section 16-6-22, relating to incest; Code~~
 83 ~~Section 16-6-22.1, relating to sexual battery; or Code Section 16-6-22.2, relating to~~
 84 ~~aggravated sexual battery, or any prior laws of this state of similar effect which were in~~
 85 ~~effect at the time the act was committed~~ be in violation of:

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

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

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

89 (D) Child molestation or aggravated child molestation, as prohibited in Code Section
 90 16-6-4;

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

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

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

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

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

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

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

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

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

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

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

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

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

110 (E) Child molestation or aggravated child molestation, as prohibited in Code Section
111 16-6-4, unless the violation would be subject to punishment as provided in
112 paragraph (2) of subsection (b) of Code Section 16-6-4 or paragraph (2) of
113 subsection (d) of Code Section 16-6-4;

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

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

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

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

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

123 **SECTION 2-3.**

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

126 "9-3-90.

127 (a) Individuals ~~Minors and persons~~ who are legally incompetent because of mental
128 retardation or mental illness, who are such when the cause of action accrues, shall be

129 entitled to the same time after their disability is removed to bring an action as is prescribed
130 for other persons.

131 (b) Except as otherwise provided in Code Section 9-3-33.1, individuals who are less than
132 18 years of age when a cause of action accrues shall be entitled to the same time after he
133 or she reaches the age of 18 years to bring an action as is prescribed for other persons.

134 ~~(b)(c)~~ No action accruing to a ~~person~~ an individual imprisoned at the time of its accrual
135 which, ~~prior:~~

136 (1) Prior to July 1, 1984, has been barred by the provisions of this chapter ~~relating to~~
137 ~~limitations of actions~~ shall be revived by this chapter, as amended. ~~No action accruing~~
138 ~~to a person imprisoned at the time of its accrual which would; or~~

139 (2) Would be barred before July 1, 1984, by the provisions of this chapter, as amended,
140 but which would not be so barred by the provisions of this chapter in force immediately
141 prior to July 1, 1984, shall be barred until July 1, 1985."

142 **SECTION 2-4.**

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

145 "9-3-99.

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

153 **PART III**

154 **SECTION 3-1.**

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

157 "ARTICLE 11

158 15-21-200.

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

165 15-21-201.

166 As used in this article, the term:

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

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

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

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

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

181 (2) 'Commission' means the Safe Harbor for Sexually Exploited Children Fund
 182 Commission.

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

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

185 (5) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section
 186 16-12-100.

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

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

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

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

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

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

198 15-21-202.

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

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

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

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

223 15-21-203.

224 (a) The commission shall consist of eight members. Seven of the members shall serve for
225 terms of two years, except that with respect to the first members appointed, two members
226 shall be appointed for terms of three years, four members for terms of two years, and one
227 member for a term of one year. The director of the Division of Family and Children

228 Services of the Department of Human Services shall be a permanent member of the
 229 commission. The chairperson of the Criminal Justice Coordinating Council, the
 230 commissioner of behavioral health and developmental disabilities, and the director of the
 231 Division of Family and Children Services of the Department of Human Services shall each
 232 appoint one member of the commission; the remaining four members shall be appointed
 233 by the Governor. The Governor shall establish initial terms of office for all members of
 234 the commission within the limitations of this subsection.

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

238 (c) Membership on the commission shall not constitute public office, and no member shall
 239 be disqualified from holding public office by reason of his or her membership.

240 (d) The Governor shall designate a chairperson of the commission from among the
 241 members, which chairperson shall serve in that position at the pleasure of the Governor.
 242 The commission may elect such other officers and committees as it considers appropriate.

243 (e) The commission, with the approval of the Governor, may employ such professional,
 244 technical, or clerical personnel as deemed necessary to carry out the purposes of this
 245 article.

246 15-21-204.

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

256 15-21-205.

257 (a) The commission shall:

258 (1) Meet at such times and places as it shall determine necessary or convenient to
 259 perform its duties on the call of the chairperson or the Governor;

260 (2) Maintain minutes of its meetings;

261 (3) Adopt rules and regulations for the transaction of its business;

262 (4) Accept applications for disbursements of available money from the fund;

- 263 (5) Develop a state-wide protocol for helping to coordinate the delivery of services to
 264 sexually exploited children;
 265 (6) Provide oversight and accountability for any program that receives disbursements
 266 from the fund;
 267 (7) Maintain records of all its expenditures, funds received as gifts and donations, and
 268 disbursements made from the fund; and
 269 (8) Conform to the standards and requirements prescribed by the state accounting officer
 270 pursuant to Chapter 5B of Title 50.
 271 (b) The commission shall utilize existing state resources and staff of participating
 272 departments whenever practicable.

273 15-21-206.

274 The commission may recommend to the Governor and the General Assembly changes in
 275 state programs, laws, policies, budgets, and standards relating to the care and rehabilitation
 276 of sexually exploited children, changes to improve coordination among state agencies that
 277 provide care and rehabilitative and social services to sexually exploited children, and
 278 changes to improve the condition of sexually exploited children who are in need of
 279 rehabilitative and social services.

280 15-21-207.

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

288 15-21-208.

- 289 (a) In every case in which any court in this state shall impose a fine, which shall be
 290 construed to include costs, for trafficking a person for sexual servitude in violation of Code
 291 Section 16-5-46 or any violation of Code Section 16-6-10, 16-6-11, 16-6-12, 16-6-14,
 292 16-6-15, 16-6-16, or 16-12-100, there shall be imposed an additional penalty of \$2,500.00
 293 if the defendant was 18 years of age or older at the time of the offense.
 294 (b) Such sums shall be in addition to any amount required to be paid into any pension,
 295 annuity, or retirement fund under Title 47 or any other law and in addition to any other
 296 amounts provided for in this chapter.

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

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

305 15-21-209.

306 (a) By January 30 of each calendar year, each adult entertainment establishment shall pay
 307 to the Department of Revenue a state operation fee equal to the greater of 1 percent of the
 308 previous year's gross revenue or \$5,000.00. This state fee shall be in addition to any other
 309 fees required by the county or municipality authorizing the operation of an adult
 310 entertainment business.

311 (b) The previous year's gross revenue of an adult entertainment establishment shall be
 312 determined based upon tax returns filed with the Department of Revenue. The
 313 commissioner of revenue may audit the returns of an adult entertainment establishment if
 314 he or she determines an audit to be necessary. The commissioner of revenue shall provide
 315 for conducting periodic compliance audits by the Department of Revenue to verify
 316 compliance with the requirements of this Code section.

317 (c) The fees collected pursuant to this Code section shall be remitted to the Safe Harbor
 318 for Sexually Exploited Children Fund Commission, to be deposited into the Safe Harbor
 319 for Sexually Exploited Children Fund.

320 (d) The commissioner of revenue shall be authorized to promulgate any rules and
 321 regulations necessary to implement and administer the provisions of this Code section,
 322 including the method of appeal by an adult entertainment establishment that is assessed a
 323 fee pursuant to this Code section."

324 **SECTION 3-2.**

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

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

332 **PART IV**

333 **SECTION 4-1.**

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

337 "(c)(1) Any motor vehicle operated by a person to facilitate a violation of Code Section
 338 16-6-10, 16-6-11, 16-6-12, or 16-6-14 ~~where the offense involved the pimping of a~~
 339 ~~person under the age of 18 years to perform an act of prostitution and involved a motor~~
 340 ~~vehicle or operated by a person who has been convicted of or pleaded nolo contendere~~
 341 ~~for two previous violations of Code Section 16-6-11 or 16-6-12 involving a motor vehicle~~
 342 ~~within a five-year period and who is convicted or pleads nolo contendere to a third~~
 343 ~~violation of Code Section 16-6-11 or 16-6-12 involving a motor vehicle within the same~~
 344 ~~five-year period~~ is declared to be contraband and subject to forfeiture to the state, as
 345 provided in this Code section.

346 (2) For the purpose of this subsection, a violation of Code Section 16-6-10, 16-6-11, or
 347 16-6-12, or 16-6-14 involving a motor vehicle shall mean a violation of Code Section
 348 16-6-10, 16-6-11, or 16-6-12, or 16-6-14 in which a motor vehicle is used to violate said
 349 Code section or in which the violation occurred."

350 **SECTION 4-2.**

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

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

361 **SECTION 4-3.**

362 Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the State Sexual

363 Offender Registry, is amended in paragraph (10) of subsection (a) by revising subparagraph
 364 (a)(10)(B) and adding a new subparagraph to read as follows:

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

- 370 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
- 371 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
- 372 is less than 14 years of age, except by a parent;
- 373 (iii) False imprisonment in violation of Code Section 16-5-41 which involves a
- 374 victim who is less than 14 years of age, except by a parent;
- 375 (iv) Rape in violation of Code Section 16-6-1;
- 376 (v) Sodomy in violation of Code Section 16-6-2;
- 377 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- 378 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
- 379 of the offense is 21 years of age or older;
- 380 (viii) Child molestation in violation of Code Section 16-6-4;
- 381 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the
- 382 person was convicted of a misdemeanor offense;
- 383 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- 384 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
- 385 (xii) Incest in violation of Code Section 16-6-22;
- 386 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
- 387 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
- 388 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- 389 (xvi) Electronically furnishing obscene material to minors in violation of Code
- 390 Section 16-12-100.1;
- 391 (xvii) Computer pornography and child exploitation ~~prevention~~ in violation of Code
- 392 Section 16-12-100.2;
- 393 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
- 394 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a
- 395 minor or an attempt to commit a sexual offense against a victim who is a minor.

396 (B.1) 'Dangerous sexual offense' with respect to convictions occurring after June 30,
 397 2015, means any criminal offense, or the attempt to commit any criminal offense, under
 398 Title 16 as specified in this paragraph or any offense under federal law or the laws of

399 another state or territory of the United States which consists of the same or similar
 400 elements of the following offenses:

- 401 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
 402 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
 403 is less than 14 years of age, except by a parent;
 404 (iii) False imprisonment in violation of Code Section 16-5-41 which involves a
 405 victim who is less than 14 years of age, except by a parent;
 406 (iv) Trafficking a person for sexual servitude in violation of Code Section 16-5-46,
 407 (v) Rape in violation of Code Section 16-6-1;
 408 (vi) Sodomy in violation of Code Section 16-6-2;
 409 (vii) Aggravated sodomy in violation of Code Section 16-6-2;
 410 (viii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
 411 of the offense is 21 years of age or older;
 412 (ix) Child molestation in violation of Code Section 16-6-4;
 413 (x) Aggravated child molestation in violation of Code Section 16-6-4, unless the
 414 person was convicted of a misdemeanor offense;
 415 (xi) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
 416 (xii) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
 417 (xiii) Incest in violation of Code Section 16-6-22;
 418 (xiv) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
 419 (xv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
 420 (xvi) Sexual exploitation of children in violation of Code Section 16-12-100;
 421 (xvii) Electronically furnishing obscene material to minors in violation of Code
 422 Section 16-12-100.1;
 423 (xviii) Computer pornography and child exploitation in violation of Code Section
 424 16-12-100.2;
 425 (xix) Obscene telephone contact in violation of Code Section 16-12-100.3; or
 426 (xx) Any conduct which, by its nature, is a sexual offense against a victim who is a
 427 minor or an attempt to commit a sexual offense against a victim who is a minor."

428 **SECTION 4-4.**

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

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

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

442 (A) Identifying children who need services;

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

445 (C) Coordinating the delivery of physical and mental health, housing, education, job
 446 training, child care, legal, and other services;

447 (D) Preparing and disseminating educational and training materials to increase
 448 awareness of available services;

449 (E) Developing and maintaining community based services;

450 (F) Providing assistance with family reunification or repatriation to a country of origin;
 451 and

452 (G) Providing law enforcement officials assistance in identifying children in need of
 453 such services."

454 **PART V**

455 **SECTION 5-1.**

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

463 **SECTION 5-2.**

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