

House Bill 744

By: Representatives Chandler of the 105<sup>th</sup>, Dudgeon of the 25<sup>th</sup>, Clark of the 101<sup>st</sup>, Carter of the 175<sup>th</sup>, Efstoration of the 104<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-6-5.1 of the Official Code of Georgia Annotated, relating to  
2 sexual assault by persons with supervisory or disciplinary authority, so as to prohibit sexual  
3 contact between school personnel and students enrolled at such school; to provide for related  
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 16-6-5.1 of the Official Code of Georgia Annotated, relating to sexual assault  
8 by persons with supervisory or disciplinary authority, is amended by revising subsection (b)  
9 and by adding a new subsection to read as follows:

10 "(b) A person who has supervisory or disciplinary authority over another individual  
11 commits sexual assault when that person:

12 (1) ~~Is a teacher, principal, assistant principal, or other administrator of any school and~~  
13 ~~engages in sexual contact with such other individual who the actor knew or should have~~  
14 ~~known is enrolled at the same school; provided, however, that such contact shall not be~~  
15 ~~prohibited when the actor is married to such other individual;~~

16 (2) Is an employee or agent of any community supervision office, county juvenile  
17 probation office, Department of Juvenile Justice juvenile probation office, or probation  
18 office under Article 6 of Chapter 8 of Title 42 and engages in sexual contact with such  
19 other individual who the actor knew or should have known is a probationer or parolee  
20 under the supervision of ~~the~~ any such office;

21 (3) Is an employee or agent of a law enforcement agency and engages in sexual  
22 contact with such other individual who the actor knew or should have known is being  
23 detained by or is in the custody of any law enforcement agency;

24 (4) Is an employee or agent of a hospital and engages in sexual contact with such  
25 other individual who the actor knew or should have known is a patient or is being  
26 detained in the same hospital; or

27 ~~(5)~~(4) Is an employee or agent of a correctional facility, juvenile detention facility,  
28 facility providing services to a person with a disability, as such term is defined in Code  
29 Section 37-1-1, or a facility providing child welfare and youth services, as such term is  
30 defined in Code Section 49-5-3, who engages in sexual contact with such other individual  
31 who the actor knew or should have known is in the custody of any such facility.

32 (b.1) A person who is a teacher, principal, assistant principal, administrator, or employee  
33 of any school commits sexual assault when he or she engages in sexual contact with  
34 another individual who the actor knew or should have known is enrolled at the same  
35 school; provided, however, that such contact shall not be prohibited when the actor is  
36 married to such other individual."

37 **SECTION 2.**

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