

The Senate Committee on Judiciary offered the following substitute to SB 314:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to invasions of privacy, so as to prohibit sexual extortion; to provide for  
3 definitions; to provide for elements of the crime; to provide for penalties; to provide for  
4 venue; to amend Code Section 42-1-12 of the Official Code of Georgia Annotated, relating  
5 to the State Sexual Offender Registry, so as to provide a conforming cross-reference; to  
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Part 3 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
10 relating to invasions of privacy, is amended by adding a new Code section to read as follows:

11 "16-11-92.

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

13 (1) 'Coerce' means:

14 (A) Causing or threatening to cause bodily harm to any individual, physically  
15 restraining or confining any individual, or threatening to physically restrain or confine  
16 any individual;

17 (B) Exposing or threatening to expose any fact or information that if revealed would  
18 tend to subject an individual to criminal or immigration proceedings, hatred, contempt,  
19 or ridicule;

20 (C) Destroying, concealing, removing, confiscating, or possessing any actual or  
21 purported passport or other immigration document, or any other actual or purported  
22 government identification document, of any individual; or

23 (D) Exposing or threatening to expose any photograph, video, or other image depicting  
24 an individual in a state of nudity or engaged in sexually explicit conduct.

25 (2) 'Distribute' means to sell, lend, rent, lease, give, advertise, publish, exhibit, or  
26 otherwise disseminate.

- 27 (3) 'Nudity' shall have the same meaning as set forth in Code Section 16-11-90.
- 28 (4) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section
- 29 16-12-100.
- 30 (b) No person shall intentionally coerce another individual who is more than 18 years of
- 31 age to:
- 32 (1) Engage in sexually explicit conduct; or
- 33 (2) Distribute any photograph, video, or other image that depicts such individual in a
- 34 state of nudity or engaged in sexually explicit conduct.
- 35 (c)(1) Any person that violates paragraph (1) of subsection (b) of this Code section shall
- 36 be guilty of a felony and upon conviction shall be punished by imprisonment for not less
- 37 than one year and not more than 15 years.
- 38 (2) Any person that violates paragraph (2) of subsection (b) of this Code section, upon
- 39 the first offense, shall be guilty of and punished as for a misdemeanor and upon a second
- 40 or subsequent offense shall be guilty of a felony and upon conviction shall be punished
- 41 by imprisonment for not less than one year and not more than ten years.
- 42 (d) A person shall be subject to prosecution in this state pursuant to Code Section 17-2-1
- 43 for any conduct made unlawful by this Code section in which the person engages while:
- 44 (1) Within or outside this state if, by such conduct, the person commits a violation of this
- 45 Code section that involves an individual who resides in this state; or
- 46 (2) Within this state if, by such conduct, the person commits a violation of this Code
- 47 section that involves an individual who resides within or outside this state.
- 48 (e) Each violation of this Code section shall be considered a separate offense and shall not
- 49 merge with any other offense."

## 50 SECTION 2.

51 Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the State Sexual  
 52 Offender Registry, is amended by revising subparagraph (a)(10)(B.2) and adding a new  
 53 subparagraph to read as follows:

54 "(B.2) 'Dangerous sexual offense' with respect to convictions occurring after June 30,  
 55 2017 between July 1, 2017, and June 30, 2018, means any criminal offense, or the  
 56 attempt to commit any criminal offense, under Title 16 as specified in this subparagraph  
 57 or any offense under federal law or the laws of another state or territory of the United  
 58 States which consists of the same or similar elements of the following offenses:

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

- 62 (iii) Trafficking an individual for sexual servitude in violation of Code Section  
 63 16-5-46;
- 64 (iv) Rape in violation of Code Section 16-6-1;
- 65 (v) Sodomy in violation of Code Section 16-6-2;
- 66 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- 67 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted  
 68 of the offense is 21 years of age or older;
- 69 (viii) Child molestation in violation of Code Section 16-6-4;
- 70 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the  
 71 person was convicted of a misdemeanor offense;
- 72 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- 73 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
- 74 (xii) Incest in violation of Code Section 16-6-22;
- 75 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
- 76 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
- 77 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- 78 (xvi) Electronically furnishing obscene material to minors in violation of Code  
 79 Section 16-12-100.1;
- 80 (xvii) Computer pornography and child exploitation in violation of Code Section  
 81 16-12-100.2;
- 82 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
- 83 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a  
 84 minor or an attempt to commit a sexual offense against a victim who is a minor.
- 85 (B.3) 'Dangerous sexual offense' with respect to convictions occurring after June 30,  
 86 2018, means any criminal offense, or the attempt to commit any criminal offense, under  
 87 Title 16 as specified in this subparagraph or any offense under federal law or the laws  
 88 of another state or territory of the United States which consists of the same or similar  
 89 elements of the following offenses:
- 90 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;  
 91 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who  
 92 is less than 14 years of age, except by a parent;  
 93 (iii) Trafficking an individual for sexual servitude in violation of Code Section  
 94 16-5-46;  
 95 (iv) Rape in violation of Code Section 16-6-1;  
 96 (v) Sodomy in violation of Code Section 16-6-2;  
 97 (vi) Aggravated sodomy in violation of Code Section 16-6-2;

- 98 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted  
99 of the offense is 21 years of age or older;  
100 (viii) Child molestation in violation of Code Section 16-6-4;  
101 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the  
102 person was convicted of a misdemeanor offense;  
103 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;  
104 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;  
105 (xii) Incest in violation of Code Section 16-6-22;  
106 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;  
107 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;  
108 (xv) Sexual extortion in violation of Code Section 16-11-92;  
109 (xvi) Sexual exploitation of children in violation of Code Section 16-12-100;  
110 (xvii) Electronically furnishing obscene material to minors in violation of Code  
111 Section 16-12-100.1;  
112 (xviii) Computer pornography and child exploitation in violation of Code Section  
113 16-12-100.2;  
114 (xix) Obscene telephone contact in violation of Code Section 16-12-100.3; or  
115 (xx) Any conduct which, by its nature, is a sexual offense against a victim who is a  
116 minor or an attempt to commit a sexual offense against a victim who is a minor."

117

**SECTION 3.**

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