

House Bill 258

By: Representatives Sainz of the 180<sup>th</sup>, Momtahan of the 17<sup>th</sup>, Camp of the 131<sup>st</sup>, Burchett of the 176<sup>th</sup>, and Clark of the 147<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual  
2 offenses, so as to provide a response to *State v. Williams*, 2020 Ga. LEXIS 85 (February 10,  
3 2020); to provide that, when a victim is under the age of 16, consent of the victim shall not  
4 be a defense to a prosecution for sodomy, aggravated sodomy, child molestation, aggravated  
5 child molestation, sexual battery, and aggravated sexual battery; to make conforming  
6 changes; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,  
10 is amended in Code Section 16-6-2, relating to sodomy, aggravated sodomy, and medical  
11 expenses, by adding a new subsection to read as follows:

12 "(e) When the alleged victim is under the age of 16 years, consent of the victim shall not  
13 be a defense to a prosecution under this Code section."

14 **SECTION 2.**

15 Said chapter is further amended in Code Section 16-6-4, relating to child molestation and  
16 aggravated child molestation, by adding a new subsection to read as follows:

17 "(f) When the alleged victim is under the age of 16 years, consent of the victim shall not  
18 be a defense to a prosecution under this Code section."

19 **SECTION 3.**

20 Said chapter is further amended in Code Section 16-6-22.1, relating to sexual battery, by  
21 adding a new subsection to read as follows:

22 "(f) When the alleged victim is under the age of 16 years, consent of the victim shall not  
23 be a defense to a prosecution under this Code section."

24 **SECTION 4.**

25 Said chapter is further amended in Code Section 16-6-22.2, relating to aggravated sexual  
26 battery, by adding a new subsection to read as follows:

27 "(d) When the alleged victim is under the age of 16 years, consent of the victim shall not  
28 be a defense to a prosecution under this Code section."

29 **SECTION 5.**

30 All laws and parts of laws in conflict with this Act are repealed.