

The House Committee on Juvenile Justice offers the following substitute to SB 28:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15, Title 19, and Article 2 of Chapter 5 of Title 49 of the
2 Official Code of Georgia Annotated, relating to the Juvenile Code, domestic relations, and
3 child abuse records, respectively, so as to strengthen, clarify, and update provisions relating
4 to the protection of children; to require annual training for juvenile court intake officers; to
5 provide for the consideration of evidence, including hearsay evidence, in certain juvenile
6 proceedings; to revise provisions relative to the Juvenile Code and the reporting of child
7 abuse; to revise the definition of "sexual exploitation" in various statutes; to provide for
8 related matters; to provide for an effective date; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile
13 Code, is amended by revising paragraphs (41), (70), and (73.1) of Code Section 15-11-2,
14 relating to definitions, as follows:

15 "(41) 'Juvenile court intake officer' means the juvenile court judge, associate juvenile
16 court judge, court service worker, DJJ staff member serving as an intake officer in a

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17 delinquency or child in need of services proceeding, or person employed as a juvenile
 18 probation or intake officer designated by the juvenile court judge or, where there is none,
 19 the superior court judge, who is on duty for the purpose of determining whether any child
 20 taken into custody should be released or detained and, if detained, the appropriate place
 21 of detention."

22 "(70) 'Sexual exploitation' means conduct by a caregiver or other person responsible for
 23 the care of a child who allows, permits, encourages, or requires a child to engage in:

24 (A) ~~Prostitution, in violation of Code Section 16-6-9~~ Sexual servitude, as defined in
 25 Code Section 16-5-46; or

26 (B) Sexually explicit conduct for the purpose of producing any visual or print medium
 27 depicting such conduct, in violation of Code Section 16-12-100."

28 "(73.1) 'Temporary alternatives to foster care' means measures that a juvenile court may
 29 order in lieu of removal of ~~or placement of~~ a child or children alleged to be dependent in
 30 protective custody which will prevent or reduce the trauma ~~or of~~ of removal; allow a child
 31 to be cared for by persons with whom the child has an existing bond or attachment; or
 32 that ensure the safety of the child pending further action by the court on the dependency
 33 complaint or petition."

34 **SECTION 2.**

35 Said chapter is further amended by revising subsection (c) of Code Section 15-11-68, relating
 36 to duties of juvenile court intake officers and training, as follows:

37 "(c) Each juvenile court intake officer exercising the authority to remove a child pursuant
 38 to the provisions of Articles 1 and 3 of this chapter shall:

39 (1) First first successfully complete, ~~each year,~~ an initial eight hours of appropriate
 40 training; and

41 (2) Annually thereafter complete a minimum of two hours of training each year during
 42 which he or she serves as a juvenile court intake officer.

43 Such initial and annual training shall be relevant to the performance of such
44 determinations, including, but not limited to, training concerning contrary to the welfare
45 determinations, reasonable efforts to prevent removal of a child and diligent search
46 requirements consistent with Article 3 of this chapter, reasonable alternatives to foster care,
47 and DFCS policies and procedures related to the removal of a child and placement of such
48 child in foster care."

49 **SECTION 3.**

50 Said chapter is further amended by revising Code Section 15-11-133.1, relating to temporary
51 alternatives to foster care, as follows:

52 "15-11-133.1.

53 (a) Temporary alternatives to foster care may be ordered by the court ex parte, prior to a
54 preliminary protective hearing, or may be ordered following a preliminary protective
55 hearing. An order for temporary alternatives ~~A temporary alternative~~ to foster care may
56 include one or more of the following:

57 (1) A temporary order authorizing or continuing any voluntary agreement between the
58 parent, guardian, or legal custodian and DFCS ~~the child to be cared for by a relative or~~
59 ~~fictive kin;~~

60 (2) Where an order for temporary alternatives to foster care is entered, a ~~A~~ temporary
61 protective order ~~pursuant to the provisions of Code Section 15-11-29~~ imposing conditions
62 or limitations on the conduct of the parent, guardian, or legal custodian, including
63 requiring the individual to:

64 (A) Prohibit access to the child by an individual;

65 (B) Comply with any existing visitation agreement associated with the voluntary
66 placement;

67 (C) Abstain from offensive conduct against a child or his or her parent, guardian, or
68 legal custodian;

- 69 (D) Give proper attention to the care of his or her home;
70 (E) Cooperate in good faith with DFCS;
71 (F) Refrain from acts of commission or omission that may render a home an improper
72 place for a child; or
73 (G) Ensure that a child attends school pursuant to any valid law relating to compulsory
74 attendance; or
75 (3) An order that the DFCS investigate and report to the court whether removal is
76 necessary; or
77 (4) An order that the DFCS provide services designed to allow the child to remain safely
78 in the child's home.
79 (b) An order pursuant to paragraph (1) of subsection (a) of this Code section requiring
80 authorizing or continuing any voluntary agreement between the parent, guardian, or legal
81 custodian and DFCS for the child to be cared for by a relative or fictive kin shall be based
82 upon a finding by the court that continuation of the child in his or her home would be
83 contrary to his or her welfare. Such findings shall be made on an individualized basis and
84 shall be documented in the court's written order.
85 (c) When entering an order pursuant to paragraph (1) of subsection (a) of this Code section
86 authorizing or continuing any voluntary agreement between the parent, guardian, or legal
87 custodian and DFCS for the child to be cared for by a relative or fictive kin, the court shall
88 order a preliminary assessment of the person who is to provide care for the child by a
89 probation officer, or such other individual or agency as the court may designate, which
90 shall include, at a minimum:
91 (1) A walk-through of such person's residence to identify safety hazards;
92 (2) An in-state criminal record check, pursuant to subsection (a) or (c) of Code Section
93 35-3-34, of such person and all other adults living in such person's residence;
94 (3) A search of the Georgia Sex Offender Registry for the name of such person and all
95 other adults living in such person's residence; and

96 (4) A search of data provided electronically to the public by the Department of
97 Community Supervision and the Department of Corrections for information concerning
98 such person and all adults living in such person's residence.
99 Such preliminary assessment shall be completed no later than 72 hours after the time such
100 order is entered except that if such order is entered on a weekend, such preliminary
101 assessment may be completed no later than five days after the order is entered.

102 (d) Upon issuance of an order for a temporary alternative to foster care, a preliminary
103 protective hearing shall be completed as provided in Code Section 15-11-145, ~~except that~~
104 ~~such preliminary protective hearing shall be held within five days of the order for a~~
105 ~~temporary alternative to foster care.~~

106 (e) ~~Unless modified by the court, temporary~~ Temporary alternatives to foster care ordered
107 by the court in accordance with this Code section shall remain in effect until modified by
108 the court or until the court has held the preliminary protective hearing. If probable cause
109 exists, DFCS shall file a petition alleging dependency in accordance with subsection (b)
110 of Code Section 15-11-151 following the preliminary protective hearing. The court may
111 continue to impose the temporary alternatives to foster care after the preliminary protective
112 hearing in accordance with subsection (b) of Code Section 15-11-146."

113 **SECTION 4.**

114 Said chapter is further amended by adding a new subsection to Code Section 15-11-145,
115 relating to preliminary protective hearings, to read as follows:

116 "(h) The court may consider any evidence, including hearsay evidence, that the court finds
117 to be relevant, reliable, and necessary to determine the needs of an alleged dependent child
118 or to make determinations or findings required by Code Section 15-11-146."

119 **SECTION 5.**

120 Said chapter is further amended by revising subsection (c) of Code Section 15-11-146,
121 relating to preliminary protective hearings and findings, as follows:

122 "(c) A court's order removing a child from his or her home or ordering a temporary
123 alternative to foster care ~~in accordance with~~ authorizing or continuing any voluntary
124 agreement between the parent, guardian, or legal custodian and DFCS for the child to be
125 cared for by a relative or fictive kin pursuant to paragraph (1) of subsection (a) of Code
126 Section 15-11-133.1 shall be based upon a finding that:

- 127 (1) Continuation in his or her home would be contrary to such child's welfare; or
128 (2) Removal is in such child's best interests."

129 **SECTION 6.**

130 Said chapter is further amended by revising subsection (a) of Code Section 15-11-181,
131 relating to adjudication hearings, as follows:

132 "(a) The court shall fix a time for an adjudication hearing. If the alleged dependent child
133 is in foster care, the hearing shall be scheduled for no later than ten days after the filing of
134 the petition alleging dependency. If the alleged dependent child is not in foster care, ~~but~~
135 ~~the court has ordered a temporary alternative to foster care, the adjudication hearing shall~~
136 ~~be held no later than 30 days after the filing of the petition alleging dependency.~~
137 ~~Otherwise,~~ the adjudication hearing shall be held no later than 60 days after the filing of
138 the petition alleging dependency. If adjudication is not completed within 60 days from the
139 date such child was taken into protective custody, the petition alleging dependency may be
140 dismissed without prejudice."

141 **SECTION 7.**

142 Said chapter is further amended by revising Code Section 15-11-215, relating to notice of
143 change in placement hearings and presumptions, as follows:

144 "15-11-215.

145 (a) Not less than five days in advance of any placement change, DFCS shall, in writing,
146 notify the court; a child who is 14 years of age or older; the child's parent, guardian, or
147 legal custodian; the person or agency with physical custody of the child; the child's
148 attorney; the child's guardian ad litem, if any; and any other attorney of record of such
149 change in the location of the child's placement while the child is in DFCS custody. The
150 notice required by this subsection may include notice via email if the caregiver or other
151 party who will receive the notification has agreed to receive notice via email.

152 (b) If a child's health or welfare may be endangered by any delay in changing his or her
153 placement, the court and all attorneys of record shall be notified of such placement change
154 within 24 hours of such change.

155 (c) A child adjudicated as a dependent child who is 14 years of age or older, his or her
156 parent, guardian, or legal custodian; the person or agency with physical custody of the
157 child; such child's attorney; such child's guardian ad litem, if any; and any attorney of
158 record may request a hearing pertaining to such child's case plan or the permanency plan
159 in order for the court to consider the change in the location of such child's placement and
160 any changes to the case plan or permanency plan resulting from such child's change in
161 placement location. The hearing shall be held within five days of receiving notice of a
162 change in the location of such child's placement and prior to any such placement change,
163 unless such child's health or welfare may be endangered by any delay in changing such
164 child's placement.

165 (d) The Council of Juvenile Court Judges shall by rule provide for methods by which
166 persons entitled to notice, including those not represented by counsel, may electronically
167 file an objection to the placement change. Such rule shall provide for the use of a standard
168 form that the objector may file electronically with the clerk of court and which upon filing
169 shall be distributed electronically to all parties and others entitled to notice.

170 (e) At the hearing to consider the case plan and permanency plan of a child adjudicated as
171 a dependent ~~child's case plan and permanency plan~~, the court shall consider the case plan
172 and permanency plan recommendations made by DFCS, including a recommendation as
173 to the location of the placement of such child, and shall make findings of fact upon which
174 the court relied in determining to reject or accept the case plan or permanency plan and the
175 recommendations made by DFCS, including the location of such child's placement. The
176 court shall specifically consider any objections filed to the change of placement and shall
177 consider evidence pertaining to such objections, including, but not limited to, evidence
178 from the child and the foster parent, relative, or caregiver.

179 (f) The court may consider any evidence, including hearsay evidence, that the court finds
180 to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a
181 dependent child and the most appropriate case plan and permanency plan.

182 ~~(f)~~(g) If the court rejects DFCS recommendations, the court shall demonstrate that DFCS
183 recommendations were considered and explain why it did not follow such
184 recommendations. If the court rejects the DFCS case plan and permanency plan
185 recommendations, including the change in the location of the placement of a child
186 adjudicated as a dependent child, the court may order DFCS to devise a new case plan and
187 permanency plan recommendation, including a new recommendation as to the location of
188 such child within the resources of the department, or make any other order relative to
189 placement or custody outside the department as the court finds to be in the best interests
190 of such child and consistent with the policy that children in DFCS custody should have
191 stable placements.

192 ~~(g)~~(h) If the court finds that the child has been living in a stable home environment with
193 his or her current caregivers for the past 12 months and that removal of the child from such
194 caregivers would be detrimental to the child's emotional well-being, the court may presume
195 that continuation of the child's placement with his or her current caregivers is in the child's
196 best interests and shall enter a finding that a change of placement is a failure by DFCS to

197 make reasonable efforts to finalize the permanency plan which is in effect at the time of the
198 hearing; provided, however, that such presumption shall not apply to prevent the return of
199 the child to his or her parent, guardian, or legal custodian.

200 ~~(h)~~(i) Placement or a change of legal custody by the court outside DFCS shall relieve
201 DFCS of further responsibility for a child adjudicated as a dependent child except for any
202 provision of services ordered by the court to ensure the continuation of reunification
203 services to such child's family when appropriate.

204 ~~(i)~~(j) A placement change shall not include a temporary absence from the child's identified
205 and ongoing foster care placement, including, but not limited to, visitation with a friend,
206 sibling, relative, or other caretaker, including a preplacement visit to a possible foster or
207 adoptive placement; hospitalization for medical, acute psychiatric episodes or diagnosis;
208 respite care when the child is expected to return to his or her foster care placement; day or
209 overnight camp; temporary travel with the foster family or child care institution personnel,
210 church, school, or other persons or groups approved by DFCS; trial home visits with the
211 court's permission, if required by subsection (b) of Code Section 15-11-212; and runaway
212 episodes."

213 **SECTION 8.**

214 Said chapter is further amended by adding a new subsection to Code Section 15-11-216,
215 relating to periodic review hearing and required evidence, to read as follows:

216 "(f) The court may consider any evidence, including hearsay evidence, that the court finds
217 to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a
218 dependent child and the most appropriate case plan and permanency plan."

219 **SECTION 9.**

220 Said chapter is further amended by adding a new subsection to Code Section 15-11-230,
221 relating to permanency plan hearing, to read as follows:

222 "(f) The court may consider any evidence, including hearsay evidence, that the court finds
223 to be relevant, reliable, and necessary to determine the needs of a child adjudicated as a
224 dependent child and the most appropriate permanency plan."

225 **SECTION 10.**

226 Said chapter is further amended by adding a new subsection to Code Section 15-11-321,
227 relating to custody of a child following termination proceedings or surrender of parental
228 rights, to read as follows:

229 "(a.1) The court may consider any evidence, including hearsay evidence, that the court
230 finds to be relevant, reliable, and necessary to determine the needs of a child and the
231 permanency and custody of a child whose parents have had their parental rights terminated
232 or who have surrendered their parental rights."

233 **SECTION 11.**

234 Said chapter is further amended by revising Code Section 15-11-322, relating to continuing
235 court review when child not adopted, as follows:

236 "15-11-322.

237 If a petition seeking the adoption of a child whose parents have had their parental rights
238 terminated or surrendered is not filed within six months after the date of the disposition
239 order, the court shall then, and at least every six months thereafter so long as such child
240 remains unadopted, review the circumstances of such child to determine what efforts have
241 been made to assure that such child will be adopted. The court shall:

242 (1) Make written findings regarding whether reasonable efforts have been made to move
243 such child to permanency;

244 (2) Evaluate whether, in light of any change in circumstances, the permanency plan for
245 such child remains appropriate; and

246 (3) Enter such orders as it deems necessary to further adoption or if appropriate, other
247 permanency options, including, but not limited to, another placement.
248 The court may consider any evidence, including hearsay evidence, that the court finds to
249 be relevant, reliable, and necessary to determine the needs of a child and the permanency
250 and custody of a child whose parents have had their parental rights terminated or who have
251 surrendered their parental rights."

252 **SECTION 12.**

253 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
254 amended in Code Section 19-7-5, relating to the reporting of child abuse, when mandated or
255 authorized, content of report, to whom made, immunity from liability, report based upon
256 privileged communication, and penalty for failure to report, by revising subsection (b) and
257 adding a new subsection to read as follows:

258 "(b) As used in this Code section, the term:

259 (1) 'Abandonment' means any conduct on the part of a parent, guardian, or legal
260 custodian showing an intent to forgo parental duties or relinquish parental claims. Intent
261 to forgo parental duties or relinquish parental claims may be evidenced by:

262 (A) Failure, for a period of at least six months, to communicate meaningfully with a
263 child;

264 (B) Failure, for a period of at least six months, to maintain regular visitation with a
265 child;

266 (C) Leaving a child with another person without provision for his or her support for a
267 period of at least six months;

268 (D) Failure, for a period of at least six months, to participate in any court ordered plan
269 or program designed to reunite a child with his or her parent, guardian, or legal
270 custodian;

271 (E) Leaving a child without affording means of identifying such child or his or her
 272 parent, guardian, or legal custodian and:

273 (i) The identity of such child's parent, guardian, or legal custodian cannot be
 274 ascertained despite diligent searching; and

275 (ii) A parent, guardian, or legal custodian has not come forward to claim such child
 276 within three months following the finding of such child;

277 (F) Being absent from the home of his or her child for a period of time that creates a
 278 substantial risk of serious harm to a child left in the home;

279 (G) Failure to respond, for a period of at least six months, to notice of child protective
 280 proceedings; or

281 (H) Any other conduct indicating an intent to forgo parental duties or relinquish
 282 parental claims.

283 ~~(1)~~(2) 'Abortion' shall have the same meaning as set forth in Code Section 15-11-681.

284 ~~(2)~~(3) 'Abused' means subjected to child abuse.

285 ~~(3)~~(4) 'Child' means any person under 18 years of age.

286 ~~(4)~~(5) 'Child abuse' means:

287 (A) Physical injury or death inflicted upon a child by a parent, guardian, legal
 288 custodian, or other person responsible for the care of such child ~~or caretaker thereof~~ by
 289 other than accidental means; provided, however, that physical forms of discipline may
 290 be used as long as there is no physical injury to the child;

291 (B) Neglect ~~or exploitation~~ of a child by a parent, guardian, legal custodian, or other
 292 person responsible for the care of such child ~~or caretaker thereof~~;

293 (C) ~~Endangering a child~~ Emotional abuse of a child;

294 (D) Sexual abuse ~~or sexual exploitation~~ of a child; ~~or~~

295 (E) ~~Sexual exploitation of a child~~ Prenatal abuse of a child by a parent;

296 (F) An act or failure to act that presents an imminent risk of serious harm to the child's
 297 physical, mental, or emotional health; or

298 (G) Trafficking a child for labor servitude.

299 ~~However, no child who in good faith is being treated solely by spiritual means through~~
300 ~~prayer in accordance with the tenets and practices of a recognized church or religious~~
301 ~~denomination by a duly accredited practitioner thereof shall, for that reason alone, be~~
302 ~~considered to be an abused child.~~

303 ~~(5)(6)~~ 'Child service organization personnel' means persons employed by or volunteering
304 at a business or an organization, whether public, private, for profit, not for profit, or
305 voluntary, that provides care, treatment, education, training, supervision, coaching,
306 counseling, recreational programs, or shelter to children.

307 ~~(6)(7)~~ 'Clergy' means ministers, priests, rabbis, imams, or similar functionaries, by
308 whatever name called, of a bona fide religious organization.

309 ~~(6.1)~~ 'Endangering a child' means:

310 ~~(A) Any act described by subsection (d) of Code Section 16-5-70;~~

311 ~~(B) Any act described by Code Section 16-5-73;~~

312 ~~(C) Any act described by subsection (l) of Code Section 40-6-391; or~~

313 ~~(D) Prenatal abuse, as such term is defined in Code Section 15-11-2.~~

314 (8) 'Emotional abuse' means acts or omissions by a parent, guardian, legal custodian, or
315 other person responsible for the care of a child that cause any mental injury to such child's
316 intellectual or psychological capacity as evidenced by an observable and significant
317 impairment in such child's ability to function within a child's normal range of
318 performance and behavior or that create a substantial risk of impairment.

319 (9) 'Labor servitude' means work or service of economic or financial value which is
320 performed or provided by another individual and is induced or obtained by coercion or
321 deception.

322 (10) 'Legal custodian' means:

323 (A) A person to whom legal custody of a child has been given by order of a court; or

324 (B) A public or private agency or other private organization licensed or otherwise
325 authorized by law to receive and provide care for a child to which legal custody of such
326 child has been given by order of a court.

327 (11) 'Neglect' means:

328 (A) The failure to provide proper parental care or control, subsistence, education as
329 required by law, or other care or control necessary for a child's physical, mental, or
330 emotional health or morals;

331 (B) The failure to provide a child with adequate supervision necessary for such child's
332 well-being; or

333 (C) The abandonment of a child by his or her parent, guardian, or legal custodian.

334 (12) 'Person responsible for the care of a child' means:

335 (A) An adult member of a child's household;

336 (B) A person exercising supervision over a child for any part of the 24 hour day; or

337 (C) Any adult who, based on his or her relationship to the parent, guardian, or legal
338 custodian or a member of a child's household, has access to such child.

339 ~~(7)~~(13) 'Pregnancy resource center' means an organization or facility that:

340 (A) Provides pregnancy counseling or information as its primary purpose, either for a
341 fee or as a free service;

342 (B) Does not provide or refer for abortions;

343 (C) Does not provide or refer for FDA approved contraceptive drugs or devices; and

344 (D) Is not licensed or certified by the state or federal government to provide medical
345 or health care services and is not otherwise bound to follow the federal Health
346 Insurance Portability and Accountability Act of 1996, P.L. 104-191, or other state or
347 federal laws relating to patient confidentiality.

348 (14) 'Prenatal abuse' means exposure to chronic or severe use of alcohol or the unlawful
349 use of any controlled substance, as such term is defined in Code Section 16-13-21, which
350 results in:

351 (A) Symptoms of withdrawal in a newborn or the presence of a controlled substance
352 or a metabolite thereof in a newborn's body, blood, urine, or meconium that is not the
353 result of medical treatment; or

354 (B) Medically diagnosed and harmful effects in a newborn's physical appearance or
355 functioning.

356 ~~(8)~~(15) 'Reproductive health care facility' means any office, clinic, or any other physical
357 location that provides abortions, abortion counseling, abortion referrals, or gynecological
358 care and services.

359 ~~(9)~~(16) 'School' means any public or private pre-kindergarten, elementary school,
360 secondary school, technical school, vocational school, college, university, or institution
361 of postsecondary education.

362 ~~(10)~~(17) 'Sexual abuse' means a person's employing, using, persuading, inducing,
363 enticing, or coercing any minor who is not such person's spouse to engage in any act
364 which involves:

365 (A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or
366 oral-anal, whether between persons of the same or opposite sex;

367 (B) Bestiality;

368 (C) Masturbation;

369 (D) Lewd exhibition of the genitals or pubic area of any person;

370 (E) Flagellation or torture by or upon a person who is nude;

371 (F) Condition of being fettered, bound, or otherwise physically restrained on the part
372 of a person who is nude;

373 (G) Physical contact in an act of apparent sexual stimulation or gratification with any
374 person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed
375 or unclothed breasts;

376 (H) Defecation or urination for the purpose of sexual stimulation;

377 (I) Penetration of the vagina or rectum by any object except when done as part of a
 378 recognized medical procedure; or

379 (J) Any act described by subsection (c) of Code Section 16-5-46.

380 Sexual abuse shall include consensual sex acts when the sex acts are between minors if
 381 any individual is less than 14 years of age; provided, however, that it shall not include
 382 consensual sex acts when the sex acts are between a minor and an adult who is not more
 383 than four years older than the minor. This provision shall not be deemed or construed to
 384 repeal any law concerning the age or capacity to consent.

385 ~~(H)~~(18) 'Sexual exploitation' means conduct by any person who allows, permits,
 386 encourages, or requires a child to engage in:

387 (A) ~~Prostitution, as defined in Code Section 16-6-9~~ Sexual servitude, as defined in
 388 Code Section 16-5-46; or

389 (B) Sexually explicit conduct for the purpose of producing any visual or print medium
 390 depicting such conduct, as defined in Code Section 16-12-100."

391 "(j) The treatment of a child in good faith solely by spiritual means through prayer in
 392 accordance with the tenets and practices of a recognized church or religious denomination
 393 by a duly accredited practitioner thereof shall not in and of itself be considered child
 394 abuse."

395 **SECTION 13.**

396 Said title is further amended by revising paragraph (12) of Code Section 19-15-1, relating
 397 to definitions, as follows:

398 "(12) 'Sexual exploitation' means conduct by any person who allows, permits,
 399 encourages, or requires a child to engage in:

400 (A) ~~Prostitution, as defined in Code Section 16-6-9~~ Sexual servitude, as defined in
 401 Code Section 16-5-46; or

402 (B) Sexually explicit conduct for the purpose of producing any visual or print medium
403 depicting such conduct, as defined in Code Section 16-12-100."

404 **SECTION 14.**

405 Article 2 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to child
406 abuse records, is amended by revising paragraph (11) of subsection (a) of Code Section
407 49-5-40, relating to definitions, confidentiality of records, and restricted access to records,
408 as follows:

409 "(11) 'Sexual exploitation' means conduct by any individual who allows, permits,
410 encourages, or requires any child to engage in:

411 (A) Trafficking of persons for labor or sexual servitude, in violation of Code Section
412 16-5-46;

413 (B) ~~Prostitution, in violation of Code Section 16-6-9~~ Sexual servitude, as defined in
414 Code Section 16-5-46;

415 (C) Obscene depiction of a minor, in violation of Code Section 16-11-40.1;

416 (D) Nude or sexually explicit electronic transmission, in violation of Code Section
417 16-11-90; or

418 (E) Sexually explicit conduct for the purpose of producing any visual or print medium
419 depicting such conduct, in violation of Code Section 16-12-100."

420 **SECTION 15.**

421 This Act shall become effective on January 1, 2022.

422 **SECTION 16.**

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