

House Bill 1188

By: Representatives Lott of the 122nd, Gravley of the 67th, Bazemore of the 63rd, Smith of the 18th, Momtahan of the 17th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-6-4 of the Official Code of Georgia Annotated, relating to child
2 molestation and aggravated child molestation, so as to provide that each act of child
3 molestation shall be charged as a separate offense; to amend Code Section 16-12-100 of the
4 Official Code of Georgia Annotated, relating to sexual exploitation of children, reporting
5 violation, civil forfeiture, and penalties, so as to specify that an offender can be charged and
6 convicted for each separate image or depiction; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 16-6-4 of the Official Code of Georgia Annotated, relating to child molestation
11 and aggravated child molestation, is amended by revising subsection (a) and by adding a new
12 subsection to read as follows:

13 "(a) A person commits the offense of child molestation when such person:

14 (1) Does ~~any~~ an immoral or indecent act to or in the presence of or with any child under
15 the age of 16 years with the intent to arouse or satisfy the sexual desires of either the child
16 or the person; or

H. B. 1188

17 (2) By means of an electronic device, transmits images of a person engaging in,
18 inducing, or otherwise participating in ~~any~~ an immoral or indecent act to a child under the
19 age of 16 years with the intent to arouse or satisfy the sexual desires of either the child
20 or the person.

21 (a.1) For purposes of this Code section, when a person does an immoral or indecent act
22 involving touching of any child under the age of 16 years with the intent to arouse or
23 satisfy the sexual desires of the child or the person, and such person touches such child in
24 multiple areas of such child's body, the touching of each area shall constitute a separate
25 offense of child molestation."

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SECTION 2.

27 Code Section 16-12-100 of the Official Code of Georgia Annotated, relating to sexual
28 exploitation of children, reporting violation, civil forfeiture, and penalties, is amended by
29 revising paragraphs (5), (6), (7), and (8) of subsection (b) and by adding a new subsection
30 to read as follows:

31 "(5) It is unlawful for any person knowingly to create, reproduce, publish, promote, sell,
32 distribute, give, exhibit, or possess with intent to sell or distribute ~~any~~ a visual medium
33 which depicts a minor or a portion of a minor's body engaged in any sexually explicit
34 conduct.

35 (6) It is unlawful for any person knowingly to advertise, sell, purchase, barter, or
36 exchange ~~any~~ a medium which provides information as to where any visual medium
37 which depicts a minor or a portion of a minor's body engaged in any sexually explicit
38 conduct can be found or purchased.

39 (7) It is unlawful for any person knowingly to bring or cause to be brought into this state
40 ~~any~~ a material which depicts a minor or a portion of a minor's body engaged in any
41 sexually explicit conduct.

42 (8) It is unlawful for any person knowingly to possess or control ~~any~~ a material which
43 depicts a minor or a portion of a minor's body engaged in any sexually explicit conduct."
44 "(b.1) For any violation of paragraph (5), (6), (7), or (8) of subsection (b) of this Code
45 section involving multiple visual mediums, mediums, or materials, each visual medium,
46 medium, or material connected to such violation shall constitute a separate offense."

47 **SECTION 3.**

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