

House Bill 1289

By: Representatives Cummings of the 39<sup>th</sup>, Campbell of the 35<sup>th</sup>, Dawson of the 65<sup>th</sup>,  
Flournoy of the 74<sup>th</sup>, Beckles of the 96<sup>th</sup>, and others

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 modify provisions for the offense of rape; to provide for penalties; to  
3 provide for a limitation on defense; to provide for related matters; to repeal conflicting laws;  
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,  
8 is amended by revising subsections (a) and (b) of Code Section 16-6-1, relating to rape, as  
9 follows:

10 "(a) A person commits the offense of rape when he or she has forceful nonconsensual  
11 contact with another's vagina, penis, or anus with his or her vagina, penis, anus, or mouth.  
12 Such offense also includes the forcible performance of oral sex, including the mouth of an  
13 individual making contact with the vagina, penis, or anus of another. ~~has carnal knowledge~~  
14 ~~of:~~

15 (1) ~~A female forcibly and against her will; or~~

16 (2) ~~A female who is less than ten years of age.~~

17 ~~Carnal knowledge in rape occurs when there is any penetration of the female sex organ by~~  
18 ~~the male sex organ. The fact that the person allegedly raped is the wife of the defendant~~  
19 ~~shall not be a defense to a charge of rape. The fact that the person allegedly raped is the~~  
20 ~~spouse of the defendant shall not be a defense to a charge of rape.~~

21 (b) A person convicted of the offense of rape shall be punished ~~by death,~~ by imprisonment  
22 for life without parole, by imprisonment for life, or by a split sentence that is a term of  
23 imprisonment for not less than 25 years and not exceeding life imprisonment, followed by  
24 probation for life. Any person convicted under this Code section shall, in addition, be  
25 subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and  
26 17-10-7."

27 **SECTION 2.**

28 All laws and parts of laws in conflict with this Act are repealed.