

House Bill 1282

By: Representatives Smith of the 18<sup>th</sup>, Gunter of the 8<sup>th</sup>, Hong of the 103<sup>rd</sup>, Scoggins of the 14<sup>th</sup>, and Sainz of the 180<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 17-3-2.1 of the Official Code of Georgia Annotated, relating to  
2 exclusions for certain offenses involving a victim under 16 years of age, so as to include the  
3 offense of aggravated sexual battery; to provide for related matters; to repeal conflicting  
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 17-3-2.1 of the Official Code of Georgia Annotated, relating to exclusions for  
8 certain offenses involving a victim under 16 years of age, is amended by revising said Code  
9 section as follows:

10 "17-3-2.1.

11 (a) For crimes committed during the period beginning on July 1, 1992, and ending on  
12 June 30, 2012, if the victim of a violation of:

13 (1) Cruelty to children, as defined in Code Section 16-5-70;

14 (2) Rape, as defined in Code Section 16-6-1;

15 (3) Sodomy or aggravated sodomy, as defined in Code Section 16-6-2;

16 (4) Statutory rape, as defined in Code Section 16-6-3;

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17 (5) Child molestation or aggravated child molestation, as defined in Code Section  
18 16-6-4;

19 (6) Enticing a child for indecent purposes, as defined in Code Section 16-6-5; or

20 (7) Incest, as defined in Code Section 16-6-22; or

21 (8) Aggravated sexual battery, as defined in Code Section 16-6-22.2,

22 is under 16 years of age on the date of the violation, the applicable period within which a  
23 prosecution shall be commenced under Code Section 17-3-1 or other applicable statute shall  
24 not begin to run until the victim has reached the age of 16 or the violation is reported to a law  
25 enforcement agency, prosecuting attorney, or other governmental agency, whichever occurs  
26 earlier. Such law enforcement agency or other governmental agency shall promptly report  
27 such allegation to the appropriate prosecuting attorney.

28 (b) For crimes committed on and after July 1, 2012, if the victim of a violation of:

29 (1) Trafficking a person for sexual servitude, as defined in Code Section 16-5-46;

30 (2) Cruelty to children in the first degree, as defined in Code Section 16-5-70;

31 (3) Rape, as defined in Code Section 16-6-1;

32 (4) Aggravated sodomy, as defined in Code Section 16-6-2;

33 (5) Child molestation or aggravated child molestation, as defined in Code Section  
34 16-6-4;

35 (6) Enticing a child for indecent purposes, as defined in Code Section 16-6-5; or

36 (7) Incest, as defined in Code Section 16-6-22; or

37 (8) Aggravated sexual battery, as defined in Code Section 16-6-22.2,

38 is under 16 years of age on the date of the violation and the violation is not subject to  
39 punishment as provided in paragraph (2) of subsection (b) of Code Section 16-6-4,  
40 paragraph (2) of subsection (d) of Code Section 16-6-4, or subsection (c) of Code Section  
41 16-6-5, a prosecution may be commenced at any time."

42

**SECTION 2.**

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