Senate Bill 281

By: Senators Kemp of the 3rd, Tanksley of the 32nd, Harp of the 16th, Hooks of the 14th and Cheeks of the 23rd

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, so as to prohibit the sale or offer for sale of a child by any person; to provide for penalties; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, is amended by striking in its entirety Code Section 19-8-24, relating to unlawful advertisements and inducements, and inserting in lieu thereof a new Code section to read as follows:

"19-8-24.

(a) It shall be unlawful for any person, organization, corporation, hospital, or association of any kind whatsoever which has not been established as a child-placing agency by the department to:

(1) Advertise, whether in a periodical, by television, by radio, or by any other public medium or by any private means, including letters, circulars, handbills, and oral statements, that the person, organization, corporation, hospital, or association will adopt children or will arrange for or cause children to be adopted or placed for adoption; or

(2) Directly or indirectly hold out inducements to parents to part with their children.

As used in this subsection, 'inducements' shall include any financial assistance, either direct or indirect, from whatever source, except payment or reimbursement of the medical expenses directly related to the mother´s pregnancy and hospitalization for the birth of the child and medical care for the child.

(b) It shall be unlawful for any person to sell, offer to sell, or conspire with another to sell or offer to sell a child for money or anything of value, except as otherwise provided in this chapter.

~~(b)~~(c) Any person who violates subsection (a) or (b) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed

$10,000.00 or imprisonment for not more than ten years, or both, in the discretion of the court.

~~(c)~~(d)(1) Paragraph (1) of subsection (a) of this Code section shall not apply to communication by private means, including only written letters or oral statements, by an individual seeking to:

(A) Adopt a child or children; or

(B) Place that individual´s child or children for adoption,

whether the communication occurs before or after the birth of such child or children.

(2) Paragraph (1) of subsection (a) of this Code section shall not apply to any communication described in paragraph (1) of this subsection which contains any attorney´s name, address, telephone number, or any combination of such information and which requests any attorney named in such communication to be contacted to facilitate the carrying out of the purpose, as described in subparagraph (A) or (B) of paragraph (1) of this subsection, of the individual making such personal communication.″

SECTION 2.

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