

Senate Bill 39

By: Senators Unterman of the 45th, Shafer of the 48th, Beach of the 21st, Orrock of the 36th, Butler of the 55th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-6-13 of the Official Code of Georgia Annotated, relating to
2 penalties for violating Code Sections 16-6-9 through 16-6-12, so as to increase the penalty
3 provisions relating to pimping and pandering; to amend Code Section 42-1-12 of the Official
4 Code of Georgia Annotated, relating to the State Sexual Offender Registry, so as to require
5 registration on the State Sexual Offender Registry when an individual is convicted for the
6 second time for pandering; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 16-6-13 of the Official Code of Georgia Annotated, relating to penalties for
11 violating Code Sections 16-6-9 through 16-6-12, is amended by revising subsection (a) and
12 paragraph (2) of subsection (b) as follows:

13 "(a) Except as otherwise provided in subsection (b) of this Code section, a person
14 convicted of ~~any of the offenses enumerated in Code Sections:~~

15 (1) Violating Code Section 16-6-10 through 16-6-12 shall be punished as for a
16 misdemeanor of a high and aggravated nature. A person convicted of the offense
17 enumerated in:

18 (2) Violating Code Section 16-6-9 shall be punished as for a misdemeanor;

19 (3) Violating Code Section 16-6-11 shall be guilty of a felony and shall be punished by
20 a term of imprisonment of not less than one nor more than ten years; or

21 (4) Violating Code Section 16-6-12 for a first offense shall be punished as for a
22 misdemeanor of a high and aggravated nature, provided that upon a second or subsequent
23 conviction for such offense he or she shall be guilty of a felony and punished by
24 imprisonment of not less than one nor more than ten years."

25 "(2) A person convicted of any of the offenses enumerated in Code Sections 16-6-10
26 through 16-6-12 when such offense involves the conduct of a person under the age of 16
27 years shall be guilty of a felony and shall be punished by imprisonment for a period of

28 not less than ten nor more than 30 years; and a fine of not more than \$100,000.00, ~~or~~
 29 ~~both.~~"

30 **SECTION 2.**

31 Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the State Sexual
 32 Offender Registry, is amended by revising subparagraph (a)(10)(B.1) and adding a new
 33 subparagraph to read as follows:

34 "(B.1) 'Dangerous sexual offense' with respect to convictions occurring ~~after June 30,~~
 35 between July 1, 2015, and June 30, 2017, means any criminal offense, or the attempt
 36 to commit any criminal offense, under Title 16 as specified in this paragraph or any
 37 offense under federal law or the laws of another state or territory of the United States
 38 which consists of the same or similar elements of the following offenses:

- 39 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
- 40 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
- 41 is less than 14 years of age, except by a parent;
- 42 (iii) Trafficking a person for sexual servitude in violation of Code Section 16-5-46;
- 43 (iv) Rape in violation of Code Section 16-6-1;
- 44 (v) Sodomy in violation of Code Section 16-6-2;
- 45 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- 46 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
- 47 of the offense is 21 years of age or older;
- 48 (viii) Child molestation in violation of Code Section 16-6-4;
- 49 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the
- 50 person was convicted of a misdemeanor offense;
- 51 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- 52 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
- 53 (xii) Incest in violation of Code Section 16-6-22;
- 54 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
- 55 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
- 56 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- 57 (xvi) Electronically furnishing obscene material to minors in violation of Code
- 58 Section 16-12-100.1;
- 59 (xvii) Computer pornography and child exploitation in violation of Code Section
- 60 16-12-100.2;
- 61 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
- 62 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a
- 63 minor or an attempt to commit a sexual offense against a victim who is a minor.

64 (B.2) 'Dangerous sexual offense' with respect to convictions occurring after June 30,
 65 2017, means any criminal offense, or the attempt to commit any criminal offense, under
 66 Title 16 as specified in this paragraph or any offense under federal law or the laws of
 67 another state or territory of the United States which consists of the same or similar
 68 elements of the following offenses:

- 69 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
 70 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
 71 is less than 14 years of age, except by a parent;
 72 (iii) Trafficking a person for sexual servitude in violation of Code Section 16-5-46;
 73 (iv) Rape in violation of Code Section 16-6-1;
 74 (v) Sodomy in violation of Code Section 16-6-2;
 75 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
 76 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
 77 of the offense is 21 years of age or older;
 78 (viii) Child molestation in violation of Code Section 16-6-4;
 79 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the
 80 person was convicted of a misdemeanor offense;
 81 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
 82 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
 83 (xii) A second or subsequent conviction for pandering in violation of Code Section
 84 16-6-12;
 85 (xiii) Incest in violation of Code Section 16-6-22;
 86 (xiv) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
 87 (xv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
 88 (xvi) Sexual exploitation of children in violation of Code Section 16-12-100;
 89 (xvii) Electronically furnishing obscene material to minors in violation of Code
 90 Section 16-12-100.1;
 91 (xviii) Computer pornography and child exploitation in violation of Code Section
 92 16-12-100.2;
 93 (xix) Obscene telephone contact in violation of Code Section 16-12-100.3; or
 94 (xx) Any conduct which, by its nature, is a sexual offense against a victim who is a
 95 minor or an attempt to commit a sexual offense against a victim who is a minor."

96 **SECTION 3.**

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