

House Bill 258 (COMMITTEE SUBSTITUTE)

By: Representatives Sainz of the 180th, Momtahan of the 17th, Camp of the 131st, Burchett of the 176th, Clark of the 147th, 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 provide a response to *State v. Williams*, 2020 Ga. LEXIS 85 (February 10,
3 2020); to provide that when an alleged victim is under the age of 16 years, consent of the
4 alleged victim shall not be a defense to a prosecution for sexual battery or for aggravated
5 sexual battery; to make conforming changes; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,
10 is amended in Code Section 16-6-22.1, relating to sexual battery, by adding a new subsection
11 to read as follows:

12 "(f) When the alleged victim is under the age of 16 years and the conduct is for the purpose
13 of sexual arousal on the part of the alleged offender or alleged victim, consent of the
14 alleged victim shall not be a defense to a prosecution under this Code section."

H. B. 258 (SUB)

SECTION 2.

Said chapter is further amended in Code Section 16-6-22.2, relating to aggravated sexual battery, by adding a new subsection to read as follows:

"(d) When the alleged victim is under the age of 16 years and the conduct is for the purpose of sexual arousal on the part of the alleged offender or alleged victim, consent of the alleged victim shall not be a defense to a prosecution under this Code section."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.