

WITHDRAWN

Senators Jordan of the 6th and Strickland of the 17th

offered the following amendment:

Amend HB 363 (LC 33 8545):

by inserting a new “Section 6” at line 57 that will amend Code Section 16-6-5.1 of the Official Code of Georgia Annotated, relating to improper sexual contact by employee, agent, or foster parent, consent not a defense, and penalty, is amended by revising paragraph (4) of, and adding a new paragraph to, subsection (a) as follows:

“(4) ‘Employee’ means an individual who works for salary, wages, or other remuneration for an employer or sole proprietor.”

(11) “Sole proprietor” means an individual who is an owner or operator of a program or facility rendering services or housing to another as a condition of such other person’s probation or parole.

By revising subsection 16-6-5.1(b)(2) as follows:

(b) An employee or agent commits the offense of improper sexual contact by employee or agent in the first degree when such employee or agent knowingly engages in sexually explicit conduct with another person whom such employee or agent knows or reasonably should have known is contemporaneously:

(2) Under probation, parole, a program or within a facility as a condition of probation or parole, accountability court, or pretrial diversion supervision of the office or court of which he or she is an employee or agent;

(1) Enrolled as a student at a school of which he or she is an employee or agent;

(2) Under probation, parole, a program or within a facility as a condition of probation or parole, accountability court, or pretrial diversion supervision of the office or court of which he or she is an employee or agent;

By revising Code Section 16-6-5.1(c)(2) as follows:

c) A person commits the offence of improper sexual contact by employee or agent in the second degree when such employee or agent knowingly engages in sexual contact, excluding sexually explicit conduct, with another person whom such employee or agent knows or reasonably should have known is contemporaneously:

(2) Under probation, parole, a program or within a facility as a condition of probation or parole, accountability court, or pretrial diversion supervision of the office or court of

- 1 which he or she is an employee or agent;
- 2
- 3 By renumbering "Section 6" as "Section 7."