

ADOPTED

Senators Jordan of the 6th and Strickland of the 17th offered the following amendment:

Amend HB 363

1 By inserting on line 5 after “purposes.” the following: And to amend Title 16 relating to
2 crimes and offenses so as to revise the offense of improper sexual contact by employee,
3 agent, or foster parent; to revise and provide for definitions; to prohibit improper sexual
4 contact within programs and facilities used by individuals as a condition of their
5 probation or parole; to provide for a response to *Bully v. State*, 2020 Ga. App. LEXIS
6 628 (2020).

7 By inserting at line 57 a new “Section 6” at line 57 to Code Section 16-6-5.1 by revising
8 paragraph (4) of, and adding a new paragraph to, subsection (a) as follows:

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

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

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

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

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

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

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

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

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