

House Bill 834

By: Representatives Powell of the 33rd, Smith of the 18th, and Leverett of the 123rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 24-4-414 of the Official Code of Georgia Annotated, relating to
2 evidence of similar transaction crimes in child molestation cases, so as to provide for the
3 grooming of a child to engage in sexual conduct be considered admissible evidence in
4 criminal proceedings; to provide for a definition; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 24-4-414 of the Official Code of Georgia Annotated, relating to evidence of
9 similar transaction crimes in child molestation cases, is amended as follows:

10 "24-4-414.

11 (a) In a criminal proceeding in which the accused is accused of an offense of child
12 molestation, evidence of the accused's commission of another offense of child molestation
13 or grooming of a child to engage in sexual conduct shall be admissible and may be
14 considered for its bearing on any matter to which it is relevant.

15 (b) In a proceeding in which the state intends to offer evidence under this Code section,
16 the prosecuting attorney shall disclose the evidence to the accused, including statements

H. B. 834

of witnesses or a summary of the substance of any testimony that the prosecuting attorney expects to offer, at least ten days in advance of trial, unless the time is shortened or lengthened or pretrial notice is excused by the judge upon good cause shown.

(c) This Code section shall not be the exclusive means to admit or consider evidence described under this Code section.

(d) For purposes of this Code section, the term:

(1) 'Grooming' means engaging in a pattern of behavior by an individual with either authority or influence over a child, including but not limited to through age, a position of trust, or other means, to normalize sexual advances or sexual contact toward such child.

(2) 'Offense of child molestation' means any conduct or attempt or conspiracy to engage in:

~~(d) As used in this Code section, the term 'offense of child molestation' means any conduct or attempt or conspiracy to engage in:~~

~~(1)(A)~~ Conduct that would be a violation of Code Section 16-6-4, 16-6-5, 16-12-100, 16-12-100.2, or 16-12-100.3;

~~(2)(B)~~ Any crime that involves contact between any part of the accused's body or an object and the genitals or anus of a child;

~~(3)(C)~~ Any crime that involves contact between the genitals or anus of the accused and any part of the body of a child; or

~~(4)(D)~~ Any crime that involves deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child."

SECTION 2.

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