

Senate Bill 512

By: Senators Still of the 48th, Kennedy of the 18th, Gooch of the 51st, Esteves of the 6th,
Dolezal of the 27th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to
2 payment and disposition of fines and forfeitures, so as to create the Victims of Human
3 Trafficking Fund and the Victims of Human Trafficking Fund Commission; to provide for
4 definitions; to provide for appointment of members of the commission and personnel; to
5 provide for duties of the commission and allow for expenses; to provide for
6 recommendations of changes in state programs, laws, and policies; to provide for acceptance
7 of federal funds and individual donations; to provide for fines and penalties; to provide for
8 collection of fines and disposition of moneys collected; to provide for a duty to collect; to
9 provide for a cause of action and forfeiture; to amend Code Section 16-6-13.3 of the Official
10 Code of Georgia Annotated, relating to civil forfeiture of proceeds and property, so as to
11 provide for the forfeiture of proceeds or money which is used, intended for use, used in any
12 manner to facilitate, or derived from the criminal offense of trafficking of persons for labor
13 or sexual servitude; to provide for related matters; to provide for a contingent effective date
14 and automatic repeal; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 512

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SECTION 1.

Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to payment and disposition of fines and forfeitures, is amended by adding a new article to read as follows:

"ARTICLE 12

15-21-220.

This article is enacted pursuant to Article III, Section IX, Paragraph VI(o) of the Constitution, which provision authorizes additional penalty assessments for violations relating to certain sexual crimes and provides that the proceeds derived therefrom may be used for the purpose of meeting the costs of care and rehabilitative and social services for certain individuals in this state who have been sexually exploited.

15-21-221.

As used in this article, the term:

(1) 'Commission' means the Victims of Human Trafficking Fund Commission.

(2) 'Fund' means the Victims of Human Trafficking Fund.

(3) 'Safe house' means a licensed residential facility that provides safe and secure shelter.

(4) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section 16-12-100.

(5) 'Sexually exploited victim' means a person who:

(A) Has been the victim of trafficking of persons for sexual servitude in violation of Code Section 16-5-46;

(B) Has engaged in sodomy, prostitution, solicitation of sodomy, or masturbation for hire; or

(C) Has been the victim of sexually explicit conduct for the purpose of producing any print or visual medium.

(6) 'Visual medium' shall have the same meaning as set forth in Code Section 16-12-100.

15-21-222.

(a) There is established the Victims of Human Trafficking Fund Commission which is assigned to the Division of Family and Children Services of the Department of Human Resources for administrative purposes only, as prescribed in Code Section 50-4-3.

(b) There is created the Victims of Human Trafficking Fund as a separate fund in the state treasury. The state treasurer shall credit to the fund all amounts transferred to the fund and shall invest the fund moneys in the same manner as authorized for investing other moneys in the state treasury.

(c) The commission may authorize the disbursement of available money from the fund, after appropriation thereof, for purposes of providing care, rehabilitative services, residential housing, health services, and social services, including establishing safe houses, to sexually exploited victims and to a person, entity, or program eligible pursuant to criteria to be set by the commission. The commission shall also consider disbursement of available money from the fund to a person, entity, or program devoted to awareness and prevention of becoming a sexually exploited victim. The commission may also authorize the disbursement of fund money for the actual and necessary operating expenses that the commission incurs in performing its duties; provided, however, that such disbursements shall be kept at a minimum in furtherance of the primary purpose of the fund, which is to disburse money to provide care and rehabilitative and social services to sexually exploited victims.

15-21-223.

(a) The commission shall consist of six members. Five of the members shall serve for terms of two years, except that, with respect to the first members appointed, two members shall be appointed for terms of three years, two members for terms of two years, and one

member for a term of one year. The director of the Division of Family and Children Services of the Department of Human Services shall be a permanent member of the commission. The chairperson of the Criminal Justice Coordinating Council, the commissioner of behavioral health and developmental disabilities, the director of the Division of Family and Children Services of the Department of Human Services, the President of the Senate, and the Speaker of the House of Representatives shall each appoint one member of the commission. The Governor shall establish initial terms of office for all members of the commission within the limitations of this subsection.

(b) In the event of death, resignation, disqualification, or removal for any reason of any member of the commission, the vacancy shall be filled in the same manner as the original appointment, and the successor shall serve for the unexpired term.

(c) Membership on the commission shall not constitute public office, and no member shall be disqualified from holding public office by reason of his or her membership.

(d) The Governor shall designate a chairperson of the commission from among the members, which chairperson shall serve in that position at the pleasure of the Governor. The commission may elect such other officers and committees as it considers appropriate.

(e) The commission, with the approval of the Governor, may employ such professional, technical, or clerical personnel as deemed necessary to carry out the purposes of this article.

15-21-224.

Members of the commission shall serve without compensation but shall receive the same expense allowance per day as that received by a member of the General Assembly for each day such member of the commission is in attendance at a meeting of such commission, plus either reimbursement for actual transportation costs while traveling by public carrier or the same mileage allowance for use of a personal car in connection with such attendance as members of the General Assembly receive. Such expense and travel allowance shall be

paid in lieu of any per diem, allowance, or other remuneration now received by any such member for such attendance. Expense allowances and other costs authorized in this Code section shall be paid from moneys in the fund.

15-21-225.

(a) The commission shall:

(1) Meet at such times and places as it shall determine necessary or convenient to perform its duties on the call of the chairperson or the Governor;

(2) Maintain minutes of its meetings;

(3) Adopt rules and regulations for the transaction of its business;

(4) Accept applications for disbursements of available money from the fund;

(5) Develop a state-wide protocol for helping to coordinate the delivery of services to sexually exploited victims;

(6) Provide oversight and accountability for any program that receives disbursements from the fund;

(7) Maintain records of all its expenditures, funds received as gifts and donations, and disbursements made from the fund; and

(8) Conform to the standards and requirements prescribed by the state accounting officer pursuant to Chapter 5B of Title 50.

(b) The commission shall utilize existing state resources and staff of participating departments whenever practicable.

15-21-226.

The commission may recommend to the Governor and the General Assembly changes in state programs, laws, policies, budgets, and standards relating to the care and rehabilitation of sexually exploited victims, changes to improve coordination among state agencies that provide care and rehabilitative and social services to sexually exploited victims, and

116 changes to improve the condition of sexually exploited victims who are in need of
117 rehabilitative and social services.

118 15-21-227.

119 The commission may accept and solicit federal funds granted by Congress or executive
120 order for the purposes of this article as well as gifts and donations from individuals, private
121 organizations, or foundations. The acceptance and use of federal funds shall not commit
122 state funds and shall not place an obligation upon the General Assembly to continue the
123 purposes for which the federal funds are made available. All such funds received in the
124 manner described in this Code section shall be transmitted to the state treasurer for deposit
125 into the fund to be disbursed as other moneys in the fund.

126 15-21-228.

127 (a) In every case in which any court in this state imposes a fine, including costs, for
128 trafficking a person for sexual servitude in violation of Code Section 16-5-46 or any
129 violation of Code Section 16-6-10, 16-6-11, 16-6-12, 16-6-15, 16-6-16, or 16-12-100, there
130 shall be imposed an additional penalty of \$2,500.00 if the defendant was 18 years of age
131 or older at the time of the offense.

132 (b) The penalty provided for in subsection (a) of this Code section shall be in addition to
133 any amount required to be paid into any pension, annuity, or retirement fund under Title
134 47 or any other law and in addition to any other amounts provided for in this chapter.

135 (c) The penalty provided for in subsection (a) of this Code section shall be assessed and
136 collected by the clerk or court officer charged with the duty of collecting moneys arising
137 from fines and shall be paid over by the last day of the following month to the Georgia
138 Superior Court Clerks' Cooperative Authority for remittance to the Victims of Human
139 Trafficking Fund Commission, to be deposited into the Victims of Human Trafficking
140 Fund.

(d) Any person whose duty it is to collect and remit the penalty provided for in subsection (a) of this Code section who intentionally refuses to so remit shall be guilty of a misdemeanor.

(e)(1) In addition to the costs and fees assessed in subsections (a) through (c) of this Code section, an individual who is a victim of a violation of Code Section 16-5-46 shall have a cause of action against any perpetrator and may recover damages and reasonable attorney's fees.

(2) Any real or personal property utilized by a person who has been convicted of any of the offenses provided in subsection (a) of this Code section is declared to be contraband and subject to forfeiture in accordance with the procedures set forth in Chapter 16 of Title 9."

SECTION 2.

Code Section 16-6-13.3 of the Official Code of Georgia Annotated, relating to civil forfeiture of proceeds and property, is amended by revising subsection (b) as follows:

"(b) Any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of Code Section 16-6-10, 16-6-11, ~~or 16-6-12,~~ or 16-5-46 and any proceeds are declared to be contraband and no person shall have a property right in them."

SECTION 3.

(a) Except as provided in subsection (b) of this section, this Act shall become effective on July 1, 2024.

(b) Section 1 of this Act shall become effective on July 1, 2025, provided that a constitutional amendment is passed by the General Assembly and is ratified by the voters in the November, 2024, General Election amending the Constitution of Georgia to authorize the General Assembly to provide specific funding to the Victims of Human Trafficking Fund.

165 If such an amendment to the Constitution of Georgia is not so ratified, Section 1 of this Act
166 shall not become effective and shall stand repealed by operation of law on January 1, 2025.

167 **SECTION 4.**

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