

House Bill 671

By: Representatives Rice of the 139<sup>th</sup>, Fleming of the 114<sup>th</sup>, McDonald III of the 26<sup>th</sup>, Kelley of the 16<sup>th</sup>, Smith of the 18<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to  
2 general provisions as pertaining to torts, so as to provide for a right of action against any  
3 person who knowingly or negligently engages in restricted sexual conduct in the presence  
4 of a minor or who knowingly or negligently allows, permits, encourages, or requires a minor  
5 to be present while another engages in sexually explicit conduct in the presence of such  
6 minor; to provide for the Department of Revenue to fine or suspend or revoke certain  
7 business licenses where such establishment admits a minor to be present while another  
8 engages in sexually explicit conduct or restricted sexual conduct; to provide for penalties;  
9 to provide for defenses; to provide for damages; to provide for limitations; to provide for  
10 definitions; to provide for applicability; to provide for related matters; to repeal conflicting  
11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
15 provisions as pertaining to torts, is amended by adding a new Code section to read as  
16 follows:

H. B. 671

17 "51-1-58.

18 (a) As used in this Code section, the term:

19 (1) 'Minor' means any person under the age of 18 years.

20 (2) 'Restricted sexual conduct' means:

21 (A) Sexually explicit conduct and sexually explicit descriptions of sexually explicit  
22 conduct; or

23 (B) Sexually provocative dances or gestures performed with sexually explicit nudity  
24 or sexual conduct as such terms are set forth in Code Section 16-12-102.

25 (3) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section  
26 16-12-100.

27 (b) Any person who knowingly or negligently engages in sexually explicit conduct in the  
28 presence of a minor shall be liable for the injury or damages caused by or resulting from  
29 such engagement.

30 (c) Any person who knowingly or negligently allows, permits, encourages, or requires a  
31 minor to be present while another engages in sexually explicit conduct in the presence of  
32 such minor shall be liable for the injury or damages caused by or resulting from such  
33 allowance, permission, encouragement, or requirement.

34 (d) Any person who knowingly or negligently engages in restricted sexual conduct in the  
35 presence of a minor shall be liable for the injury or damages caused by or resulting from  
36 such engagement.

37 (e) Any person who knowingly or negligently allows, permits, encourages, or requires a  
38 minor to be present while another engages in restricted sexual conduct in the presence of  
39 such minor shall be liable for the injury or damages caused by or resulting from such  
40 allowance, permission, encouragement, or requirement.

41 (f)(1) The Department of Revenue may fine or suspend or revoke the license of any  
42 hotel, as defined in Code Section 3-9-10, or food service establishment if the hotel or  
43 food service establishment admits a minor to be present while another engages in

44 sexually explicit conduct or restricted sexual conduct in violation of this Code section,  
45 which violation constitutes an immediate, serious threat to the public health, safety, and  
46 welfare. The Department of Revenue may issue a \$50,000.00 fine for a first violation of  
47 this Code section and a \$100,000.00 fine for a second or subsequent violation of this  
48 Code section.

49 (2) The Department of Revenue is given full power and authority to suspend or revoke  
50 the license of any establishment holding a license for the sale of alcohol when it is  
51 determined that such establishment admitted a minor to be present while another engaged  
52 in sexually explicit conduct or restricted sexual conduct in violation of this Code section.

53 (g) It shall be a complete defense to any action brought pursuant to subsection (d) or (e)  
54 of this Code section that:

55 (1) The person accused had reasonable cause to believe the minor involved was 18 years  
56 of age or older; or

57 (2) Such minor presented a driver's license, state issued identification card, birth  
58 certificate, passport, selective service card, or other official document to the accused  
59 purporting to establish that such minor was 18 years of age or older.

60 (h) It shall not be a defense to any action brought pursuant to this Code section that the  
61 minor on whose behalf such action is brought was accompanied by his or her parent or  
62 legal guardian.

63 (i) An individual who is the prevailing party in his or her action brought pursuant to this  
64 Code section shall be entitled to an award of court costs, costs of litigation, and reasonable  
65 attorney's fees.

66 (j) Any action brought pursuant to this Code section shall be brought within four years  
67 after the cause of action has accrued."

68 **SECTION 2.**

69 This Act shall apply to causes of action accruing on or after July 1, 2025.

70

**SECTION 3.**

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