

House Bill 1290

By: Representatives Hilton of the 48th, Cooper of the 45th, LaHood of the 175th, and Fincher of the 23rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to protection of elder persons, so as to revise the definition of sexual abuse; to amend
3 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the
4 Sexual Offender Risk Review Board, so as to provide for dangerous sexual offenses
5 occurring after June 30, 2026; to provide for a definition; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 8 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
10 protection of elder persons, is amended by revising paragraph (9) of subsection (a) of Code
11 Section 16-5-100, relating to definitions, as follows:

12 "(9) 'Sexual abuse' means ~~the coercion for the purpose of self-gratification by a guardian~~
13 ~~or other person supervising the welfare or having immediate charge, control, or custody~~
14 ~~of a disabled adult, elder person, or resident to engage without consent,~~ in any of the
15 following conduct with an elder person, disabled adult, or resident:

16 (A) Lewd exhibition of the genitals or pubic area of any person;

- 17 (B) Flagellation or torture by or upon a person who is unclothed or partially unclothed;
 18 (C) Condition of being fettered, bound, or otherwise physically restrained on the part
 19 of a person who is unclothed or partially clothed unless physical restraint is medically
 20 indicated;
 21 (D) Physical contact in an act of sexual stimulation or gratification with any person's
 22 unclothed genitals, pubic area, or buttocks or with a female's nude breasts;
 23 (E) Defecation or urination for the purpose of sexual stimulation of the viewer; or
 24 (F) Penetration of the vagina or rectum by any object except when done as part of a
 25 recognized medical or nursing procedure."

26 SECTION 2.

27 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the
 28 Sexual Offender Risk Review Board, is amended in Code Section 42-1-12, relating to the
 29 State Sexual Offender Registry, by adding a new subparagraph to paragraph (10) of
 30 subsection (a) to read as follows:

31 "(B.5) 'Dangerous sexual offense' with respect to convictions occurring after June 30,
 32 2026, means any criminal offense, or the attempt to commit any criminal offense, under
 33 Title 16 as specified in this subparagraph or any offense under federal law or the laws
 34 of another state or territory of the United States which consists of the same or similar
 35 elements of the following offenses:

- 36 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
 37 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
 38 is less than 14 years of age, except by a parent;
 39 (iii) Trafficking an individual for sexual servitude in violation of Code Section
 40 16-5-46;
 41 (iv) Rape in violation of Code Section 16-6-1;
 42 (v) Sodomy in violation of Code Section 16-6-2;

- 43 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
44 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
45 of the offense is 21 years of age or older;
46 (viii) Child molestation in violation of Code Section 16-6-4;
47 (ix) Aggravated child molestation in violation of Code Section 16-6-4;
48 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
49 (xi) Improper sexual contact by employee or agent in the first or second degree or
50 improper sexual contact by person in a position of trust in the first or second degree
51 in violation of Code Section 16-6-5.1, unless the punishment imposed was not subject
52 to Code Section 17-10-6.2;
53 (xii) Incest in violation of Code Section 16-6-22;
54 (xiii) A second or subsequent conviction for sexual battery in violation of Code
55 Section 16-6-22.1;
56 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
57 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
58 (xvi) Computer pornography and child exploitation in violation of Code Section
59 16-12-100.2;
60 (xvii) A second or subsequent conviction for obscene telephone contact in violation
61 of Code Section 16-12-100.3;
62 (xviii) Any conduct which, by its nature, is a felony sexual offense against a victim
63 who is a minor or an attempt to commit a felony sexual offense against a victim who
64 is a minor; or
65 (xix) Willfully inflicting sexual abuse upon a disabled adult, elder person, or resident
66 in violation of Code Section 16-5-102."

67 **SECTION 3.**

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