

The Senate Committee on Judiciary offered the following substitute to HB 1290:

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 amend Title 50 of the Official  
6 Code of Georgia Annotated, relating to state government, so as to provide for the public  
7 disclosure of certain records of the General Assembly; to provide for application; to provide  
8 for construction; to provide for related matters; to provide for an effective date; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 "(9) 'Sexual abuse' means ~~the coercion~~ for the purpose of self-gratification by a guardian  
16 ~~or other person supervising the welfare or having immediate charge, control, or custody~~

17 ~~of a disabled adult, elder person, or resident~~ to engage without consent, in any of the  
 18 following conduct with an elder person, disabled adult, or resident:

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

29 **SECTION 2.**

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

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

- 39 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;  
 40 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who  
 41 is less than 14 years of age, except by a parent;

- 42 (iii) Trafficking an individual for sexual servitude in violation of Code Section  
43 16-5-46;
- 44 (iv) Rape in violation of Code Section 16-6-1;
- 45 (v) Sodomy in violation of Code Section 16-6-2;
- 46 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- 47 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted  
48 of the offense is 21 years of age or older;
- 49 (viii) Child molestation in violation of Code Section 16-6-4;
- 50 (ix) Aggravated child molestation in violation of Code Section 16-6-4;
- 51 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- 52 (xi) Improper sexual contact by employee or agent in the first or second degree or  
53 improper sexual contact by person in a position of trust in the first or second degree  
54 in violation of Code Section 16-6-5.1, unless the punishment imposed was not subject  
55 to Code Section 17-10-6.2;
- 56 (xii) Incest in violation of Code Section 16-6-22;
- 57 (xiii) A second or subsequent conviction for sexual battery in violation of Code  
58 Section 16-6-22.1;
- 59 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
- 60 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- 61 (xvi) Computer pornography and child exploitation in violation of Code Section  
62 16-12-100.2;
- 63 (xvii) A second or subsequent conviction for obscene telephone contact in violation  
64 of Code Section 16-12-100.3;
- 65 (xviii) Any conduct which, by its nature, is a felony sexual offense against a victim  
66 who is a minor or an attempt to commit a felony sexual offense against a victim who  
67 is a minor; or

68 (xix) Willfully inflicting sexual abuse upon a disabled adult, elder person, or resident  
69 in violation of Code Section 16-5-102."

70 **SECTION 3.**

71 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
72 by adding a new Code section to read as follows:

73 "50-18-79.

74 (a) If any claim of an unlawful employment practice made against the General Assembly,  
75 the House of Representatives, the Senate, or any member, office, or employee thereof,  
76 including, but not limited to, a claim of sexual harassment, discriminatory harassment,  
77 discrimination, or retaliation, is resolved in whole or in part by a settlement agreement, a  
78 memorandum of agreement or understanding, or other similar document, however  
79 denominated, such agreement shall be subject to public disclosure with the claimant's  
80 identity redacted. For purposes of this subsection exclusively, the General Assembly shall  
81 be an agency. This subsection shall be applied retroactively.

82 (b) Except as provided for in subsection (a) of this Code section, nothing in this Code  
83 section shall be construed or applied so as to subject the General Assembly to the  
84 provisions of Code Sections 50-18-70 through 50-18-78 or Chapter 14 of this title."

85 **SECTION 4.**

86 This Act shall become effective upon its approval by the Governor or upon its becoming law  
87 without such approval.

88 **SECTION 5.**

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