

Senate Bill 8

By: Senators Unterman of the 45th, Butler of the 55th, Miller of the 49th and Hill of the 32nd

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 3 of Title 9, Code Section 15-6-95, Chapter 21 of Title 15, Chapter 6 of
 2 Title 16, Code Section 42-1-12, and Article 1 of Chapter 5 of Title 49 of the Official Code
 3 of Georgia Annotated, relating to limitations of actions, priorities of distribution of fines,
 4 bond forfeitures, surcharges, additional fees, and costs in cases of partial payments into the
 5 court, payment and disposition of fines and forfeitures, sexual offenses, the State Sexual
 6 Offender Registry, and children and youth services, respectively, so as to increase protection
 7 and resources for children who have been sexually exploited; to extend the statute of
 8 limitations for actions for childhood sexual abuse; to change provisions relating to the statute
 9 of limitations for injuries to the person; to change provisions relating to tolling of limitations
 10 for a minor's cause of action; to change provisions relating to the tolling of limitations for tort
 11 actions while criminal prosecution is pending; to create the Safe Harbor for Sexually
 12 Exploited Children Fund and the Safe Harbor for Sexually Exploited Children Fund
 13 Commission; to provide for definitions; to provide for appointment of members of the
 14 commission and personnel; to provide for duties of the commission and allow for expenses;
 15 to provide for recommendations of changes in state programs, laws, and policies; to provide
 16 for acceptance of federal funds and individual donations; to provide for fines and penalties;
 17 to provide for collection of fines and disposition of moneys collected; to impose a state
 18 regulatory assessment on certain adult entertainment establishments; to provide for the
 19 powers, duties, and authority of the Department of Revenue and the commissioner of
 20 revenue; to provide for a duty to collect; to provide for the priority of the fund when partial
 21 payments are made; to expand forfeiture proceedings involving pimping under certain
 22 circumstances to include keeping a place of prostitution, pimping, pandering, and pandering
 23 by compulsion; to require registration on the State Sexual Offender Registry when an
 24 individual is convicted of trafficking a person for sexual servitude; to require the Department
 25 of Human Services to implement a plan to provide services to sexually exploited children;
 26 to provide for a short title; to provide for legislative findings and a purpose statement; to
 27 provide for related matters; to provide for an effective date and contingent effective date; to
 28 repeal conflicting laws; and for other purposes.

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

30 **PART I**

31 **SECTION 1-1.**

32 This Act shall be known and may be cited as the "Safe Harbor/Rachel's Law Act."

33 **SECTION 1-2.**

34 (a) The General Assembly finds that arresting, prosecuting, and incarcerating victimized
35 children serves to retraumatize children and increases their feelings of low self-esteem,
36 making the process of recovery more difficult. The General Assembly acknowledges that
37 both federal and state laws recognize that sexually exploited children are the victims of crime
38 and should be treated as victims. The General Assembly finds that sexually exploited
39 children deserve the protection of child welfare services, including family support, crisis
40 intervention, counseling, and emergency housing services. The General Assembly finds that
41 it is necessary and appropriate to adopt uniform and reasonable assessments and regulations
42 to help address the deleterious secondary effects, including but not limited to, prostitution
43 and sexual exploitation of children, associated with adult entertainment establishments that
44 allow the sale, possession, or consumption of alcohol on premises and that provide to their
45 patrons performances and interaction involving various forms of nudity. The General
46 Assembly finds that a correlation exists between adult live entertainment establishments and
47 the sexual exploitation of children. The General Assembly finds that adult live entertainment
48 establishments present a point of access for children to come into contact with individuals
49 seeking to sexually exploit children. The General Assembly further finds that individuals
50 seeking to exploit children utilize adult live entertainment establishments as a means of
51 locating children for the purpose of sexual exploitation. The General Assembly
52 acknowledges that many local governments in this state and in other states found deleterious
53 secondary effects of adult entertainment establishments are exacerbated by the sale,
54 possession, or consumption of alcohol in such establishments.

55 (b) The purpose of this Act is to protect a child from further victimization after he or she is
56 discovered to be a sexually exploited child by ensuring that a child protective response is in
57 place in this state. The purpose and intended effect of this Act in imposing assessments and
58 regulations on adult entertainment establishments is not to impose a restriction on the content
59 or reasonable access to any materials or performances protected by the First Amendment of
60 the United States Constitution or Article I, Section I, Paragraph V of the Constitution of this
61 state.

62 **PART II**

63 **SECTION 2-1.**

64 Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to limitations of
65 actions, is amended by revising Code Section 9-3-33, relating to limitations for actions for
66 injuries to the person, as follows:

67 "9-3-33.

68 Except as otherwise provided in this article, actions ~~Actions~~ for injuries to the person shall
69 be brought within two years after the right of action accrues, except for injuries to the
70 reputation, which shall be brought within one year after the right of action accrues, and
71 except for actions for injuries to the person involving loss of consortium, which shall be
72 brought within four years after the right of action accrues."

73 **SECTION 2-2.**

74 Said chapter is further amended by revising Code Section 9-3-33.1, relating to limitations for
75 actions for childhood sexual abuse, as follows:

76 "9-3-33.1.

77 (a)(1) As used in this ~~Code section~~ subsection, the term 'childhood sexual abuse' means
78 any act committed by the defendant against the plaintiff which ~~act~~ occurred when the
79 plaintiff was under ~~the age of 18 years~~ of age and which ~~act would have been proscribed~~
80 ~~by Code Section 16-6-1, relating to rape; Code Section 16-6-2, relating to sodomy and~~
81 ~~aggravated sodomy; Code Section 16-6-3, relating to statutory rape; Code Section 16-6-4,~~
82 ~~relating to child molestation and aggravated child molestation; Code Section 16-6-5,~~
83 ~~relating to enticing a child for indecent purposes; Code Section 16-6-12, relating to~~
84 ~~pandering; Code Section 16-6-14, relating to pandering by compulsion; Code Section~~
85 ~~16-6-15, relating to solicitation of sodomy; Code Section 16-6-22, relating to incest; Code~~
86 ~~Section 16-6-22.1, relating to sexual battery; or Code Section 16-6-22.2, relating to~~
87 ~~aggravated sexual battery, or any prior laws of this state of similar effect which were in~~
88 ~~effect at the time the act was committed~~ be in violation of:

89 (A) Rape, as prohibited in Code Section 16-6-1;

90 (B) Sodomy or aggravated sodomy, as prohibited in Code Section 16-6-2;

91 (C) Statutory rape, as prohibited in Code Section 16-6-3;

92 (D) Child molestation or aggravated child molestation, as prohibited in Code Section
93 16-6-4;

94 (E) Enticing a child for indecent purposes, as prohibited in Code Section 16-6-5;

95 (F) Pandering, as prohibited in Code Section 16-6-12;

96 (G) Pandering by compulsion, as prohibited in Code Section 16-6-14;

- 97 (H) Solicitation of sodomy, as prohibited in Code Section 16-6-15;
 98 (I) Incest, as prohibited in Code Section 16-6-22;
 99 (J) Sexual battery, as prohibited in Code Section 16-6-22.1; or
 100 (K) Aggravated sexual battery, as prohibited in Code Section 16-6-22.2.
- 101 ~~(b)(2)~~ Notwithstanding Code Section 9-3-33, any ~~Any~~ civil action for recovery of
 102 damages suffered as a result of childhood sexual abuse committed before July 1, 2015,
 103 shall be commenced ~~within five years of~~ on or before the date the plaintiff attains the age
 104 of majority 23.
- 105 (b)(1) As used in this subsection, the term 'childhood sexual abuse' means any act
 106 committed by the defendant against the plaintiff which occurred when the plaintiff was
 107 under 18 years of age and which would be in violation of:
- 108 (A) Trafficking a person for sexual servitude, as prohibited in Code Section 16-5-46;
 109 (B) Rape, as prohibited in Code Section 16-6-1;
 110 (C) Statutory rape, as prohibited in Code Section 16-6-3, if the defendant was 21 years
 111 of age or older at the time of the act;
 112 (D) Aggravated sodomy, as prohibited in Code Section 16-6-2;
 113 (E) Child molestation or aggravated child molestation, as prohibited in Code Section
 114 16-6-4, unless the violation would be subject to punishment as provided in
 115 paragraph (2) of subsection (b) of Code Section 16-6-4 or paragraph (2) of
 116 subsection (d) of Code Section 16-6-4;
 117 (F) Enticing a child for indecent purposes, as prohibited in Code Section 16-6-5, unless
 118 the violation would be subject to punishment as provided in subsection (c) of Code
 119 Section 16-6-5;
 120 (G) Incest, as prohibited in Code Section 16-6-22;
 121 (H) Aggravated sexual battery, as prohibited in Code Section 16-6-22.2; or
 122 (I) Part 2 of Article 3 of Chapter 12 of Title 16.
- 123 (2) Notwithstanding Code Section 9-3-33, any civil action for recovery of damages
 124 suffered as a result of childhood sexual abuse committed on or after July 1, 2015, shall
 125 be commenced on or before the date the plaintiff attains the age of 25."

126 SECTION 2-3.

127 Said chapter is further amended by revising Code Section 9-3-90, relating to persons under
 128 disability or imprisoned when cause of action accrues, as follows:

129 "9-3-90.

130 (a) Individuals ~~Minors and persons~~ who are legally incompetent because of mental
 131 retardation or mental illness, who are such when the cause of action accrues, shall be

132 entitled to the same time after their disability is removed to bring an action as is prescribed
 133 for other persons.

134 (b) Except as otherwise provided in Code Section 9-3-33.1, individuals who are less than
 135 18 years of age when a cause of action accrues shall be entitled to the same time after he
 136 or she reaches the age of 18 years to bring an action as is prescribed for other persons.

137 ~~(b)(c)~~ No action accruing to a ~~person~~ an individual imprisoned at the time of its accrual
 138 which, ~~prior:~~

139 (1) Prior to July 1, 1984, has been barred by the provisions of this chapter ~~relating to~~
 140 ~~limitations of actions~~ shall be revived by this chapter, as amended. ~~No action accruing~~
 141 ~~to a person imprisoned at the time of its accrual which would; or~~

142 (2) Would be barred before July 1, 1984, by the provisions of this chapter, as amended,
 143 but which would not be so barred by the provisions of this chapter in force immediately
 144 prior to July 1, 1984, shall be barred until July 1, 1985."

145 **SECTION 2-4.**

146 Said chapter is further amended by revising Code Section 9-3-99, relating to tolling of
 147 limitations for tort actions while criminal prosecution is pending, as follows:

148 "9-3-99.

149 The running of the period of limitations with respect to any cause of action in tort that may
 150 be brought by the victim of an alleged crime which arises out of the facts and
 151 circumstances relating to the commission of such alleged crime committed in this state
 152 shall be tolled from the date of the commission of the alleged crime or the act giving rise
 153 to such action in tort until the prosecution of such crime or act has become final or
 154 otherwise terminated, provided that such time does not exceed six years, except as
 155 otherwise provided in Code Section 9-3-33.1."

156 **PART III**

157 **SECTION 3-1.**

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

160 "ARTICLE 11

161 15-21-200.

162 This article is enacted pursuant to Article III, Section IX, Paragraph VI(o) of the
 163 Constitution, which provision authorizes additional penalty assessments for violations

164 relating to certain sexual crimes, authorizes assessments on certain businesses, and
 165 provides that the proceeds derived therefrom may be used for the purpose of meeting the
 166 costs of care and rehabilitative and social services for certain citizens of this state who have
 167 been sexually exploited.

168 15-21-201.

169 As used in this article, the term:

170 (1) 'Adult entertainment establishment' means any place of business or commercial
 171 establishment where alcoholic beverages of any kind are sold, possessed, or consumed
 172 wherein:

173 (A) The entertainment or activity therein consists of nude or substantially nude persons
 174 dancing with or without music or engaged in movements of a sexual nature or
 175 movements simulating sexual intercourse, oral copulation, sodomy, or masturbation;

176 (B) The patron directly or indirectly is charged a fee or required to make a purchase
 177 in order to view entertainment or activity which consists of persons exhibiting or
 178 modeling lingerie or similar undergarments; or

179 (C) The patron directly or indirectly is charged a fee to engage in personal contact by
 180 employees, devices, or equipment, or by personnel provided by the establishment.

181 Such term shall include, but shall not be limited to, bathhouses, lingerie modeling studios,
 182 and related or similar activities. Such term shall not include businesses or commercial
 183 establishments which have as their sole purpose the improvement of health and physical
 184 fitness through special equipment and facilities, rather than entertainment.

185 (2) 'Commission' means the Safe Harbor for Sexually Exploited Children Fund
 186 Commission.

187 (3) 'Fund' means the Safe Harbor for Sexually Exploited Children Fund.

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

189 (5) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section
 190 16-12-100.

191 (6) 'Sexually exploited child' means a person who is younger than 18 years of age who:

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

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

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

198 (7) 'Substantially nude' means dressed in a manner so as to display any portion of the
199 female breast below the top of the areola or displaying any portion of any person's pubic
200 hair, anus, cleft of the buttocks, vulva, or genitals.

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

202 15-21-202.

203 (a) There is established the Safe Harbor for Sexually Exploited Children Fund
204 Commission which is assigned to the Division of Family and Children Services of the
205 Department of Human Resources for administrative purposes only, as prescribed in Code
206 Section 50-4-3.

207 (b) There is created the Safe Harbor for Sexually Exploited Children Fund as a separate
208 fund in the state treasury. The state treasurer shall credit to the fund all amounts transferred
209 to the fund and shall invest the fund moneys in the same manner as authorized for investing
210 other moneys in the state treasury.

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

223 15-21-203.

224 (a) The commission shall consist of eight members. Seven of the members shall serve for
225 terms of two years, except that with respect to the first members appointed, two members
226 shall be appointed for terms of three years, four members for terms of two years, and one
227 member for a term of one year. The director of the Division of Family and Children
228 Services of the Department of Human Services shall be a permanent member of the
229 commission. The chairperson of the Criminal Justice Coordinating Council, the
230 commissioner of behavioral health and developmental disabilities, and the director of the
231 Division of Family and Children Services of the Department of Human Services shall each
232 appoint one member of the commission; the President of the Senate and the Speaker of the

233 House of Representatives shall each appoint two of the remaining four members. The
 234 Governor shall establish initial terms of office for all members of the commission within
 235 the limitations of this subsection.

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

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

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

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

247 15-21-204.

248 Members of the commission shall serve without compensation but shall receive the same
 249 expense allowance per day as that received by a member of the General Assembly for each
 250 day such member of the commission is in attendance at a meeting of such commission, plus
 251 either reimbursement for actual transportation costs while traveling by public carrier or the
 252 same mileage allowance for use of a personal car in connection with such attendance as
 253 members of the General Assembly receive. Such expense and travel allowance shall be
 254 paid in lieu of any per diem, allowance, or other remuneration now received by any such
 255 member for such attendance. Expense allowances and other costs authorized in this Code
 256 section shall be paid from moneys in the fund.

257 15-21-205.

258 (a) The commission shall:

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

261 (2) Maintain minutes of its meetings;

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

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

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

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

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

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

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

274 15-21-206.

275 The commission may recommend to the Governor and the General Assembly changes in
276 state programs, laws, policies, budgets, and standards relating to the care and rehabilitation
277 of sexually exploited children, changes to improve coordination among state agencies that
278 provide care and rehabilitative and social services to sexually exploited children, and
279 changes to improve the condition of sexually exploited children who are in need of
280 rehabilitative and social services.

281 15-21-207.

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

289 15-21-208.

290 (a) In every case in which any court in this state shall impose a fine, which shall be
291 construed to include costs, for trafficking a person for sexual servitude in violation of Code
292 Section 16-5-46 or any violation of Code Section 16-6-10, 16-6-11, 16-6-12, 16-6-14,
293 16-6-15, 16-6-16, or 16-12-100, there shall be imposed an additional penalty of \$2,500.00
294 if the defendant was 18 years of age or older at the time of the offense.

295 (b) Such sums shall be in addition to any amount required to be paid into any pension,
296 annuity, or retirement fund under Title 47 or any other law and in addition to any other
297 amounts provided for in this chapter.

298 (c) The sums provided for in this Code section shall be assessed and collected by the clerk
299 or court officer charged with the duty of collecting moneys arising from fines and shall be
300 paid over by the last day of the following month to the Georgia Superior Court Clerks'
301 Cooperative Authority for remittance to the Safe Harbor for Sexually Exploited Children

302 Fund Commission, to be deposited into the Safe Harbor for Sexually Exploited Children
 303 Fund.

304 (d) Any person whose duty it is to collect or remit the sums provided for in this Code
 305 section who intentionally refuses to collect or remit such sums shall be guilty of a
 306 misdemeanor.

307 15-21-209.

308 (a) By April 30 of each calendar year, each adult entertainment establishment shall pay to
 309 the commissioner of revenue a state operation assessment equal to the greater of 1 percent
 310 of the previous calendar year's gross revenue or \$5,000.00. This state assessment shall be
 311 in addition to any other fees and assessments required by the county or municipality
 312 authorizing the operation of an adult entertainment business.

313 (b) The previous year's gross revenue of an adult entertainment establishment shall be
 314 determined based upon tax returns filed with the Department of Revenue. The
 315 commissioner of revenue may, by rule or regulation, require other reports or returns to be
 316 filed by an adult entertainment establishment as he or she deems appropriate.

317 (c) The assessments collected pursuant to this Code section shall be remitted to the Safe
 318 Harbor for Sexually Exploited Children Fund Commission, to be deposited into the Safe
 319 Harbor for Sexually Exploited Children Fund.

320 (d) The assessments imposed by this Code section shall be assessed and collected in the
 321 same manner as taxes due the state in Title 48 and appeals of such assessments shall be
 322 within the jurisdiction of the Georgia Tax Tribunal in accordance with Chapter 13A of
 323 Title 50.

324 (e) The commissioner of revenue shall be authorized to promulgate any rules and
 325 regulations he or she deems necessary to implement and administer the provisions of this
 326 Code section."

327 **SECTION 3-2.**

328 Code Section 15-6-95 of the Official Code of Georgia Annotated, relating to priorities of
 329 distribution of fines, bond forfeitures, surcharges, additional fees, and costs in cases of partial
 330 payments into the court, is amended by deleting "and" at the end of paragraph (13), by
 331 replacing the period with "; and" at the end of paragraph (14), and by adding a new paragraph
 332 (15) to read as follows:

333 "(15) The amount provided for in Code Section 15-21-208 for the Safe Harbor for
 334 Sexually Exploited Children Fund."

335

PART IV

336

SECTION 4-1.

337 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 338 amended by revising subsection (b) of Code Section 16-3-6, relating to affirmative defenses
 339 to certain sexual crimes, as follows:

340 "(b) A person shall not be guilty of a sexual crime if the conduct upon which the alleged
 341 criminal liability is based was committed by an accused who was:

342 (1) Less than 18 years of age at the time of the conduct such person was being trafficked
 343 for sexual servitude in violation of subsection (c) of Code Section 16-5-46; or

344 (2) Acting under coercion or deception while the accused was being trafficked for sexual
 345 servitude in violation of subsection (c) of Code Section 16-5-46."

346

SECTION 4-2.

347 Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the State Sexual
 348 Offender Registry, is amended in paragraph (10) of subsection (a) by revising subparagraph
 349 (a)(10)(B) and adding a new subparagraph and by adding a new subsection to read as
 350 follows:

351 "(B) 'Dangerous sexual offense' with respect to convictions occurring ~~after June 30,~~
 352 between July 1, 2006, and June 30, 2015, means any criminal offense, or the attempt
 353 to commit any criminal offense, under Title 16 as specified in this paragraph or any
 354 offense under federal law or the laws of another state or territory of the United States
 355 which consists of the same or similar elements of the following offenses:

356 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;

357 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
 358 is less than 14 years of age, except by a parent;

359 (iii) False imprisonment in violation of Code Section 16-5-41 which involves a
 360 victim who is less than 14 years of age, except by a parent;

361 (iv) Rape in violation of Code Section 16-6-1;

362 (v) Sodomy in violation of Code Section 16-6-2;

363 (vi) Aggravated sodomy in violation of Code Section 16-6-2;

364 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
 365 of the offense is 21 years of age or older;

366 (viii) Child molestation in violation of Code Section 16-6-4;

367 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the
 368 person was convicted of a misdemeanor offense;

369 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;

- 370 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
 371 (xii) Incest in violation of Code Section 16-6-22;
 372 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
 373 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
 374 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
 375 (xvi) Electronically furnishing obscene material to minors in violation of Code
 376 Section 16-12-100.1;
 377 (xvii) Computer pornography and child exploitation ~~prevention~~ in violation of Code
 378 Section 16-12-100.2;
 379 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
 380 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a
 381 minor or an attempt to commit a sexual offense against a victim who is a minor.
- 382 (B.1) 'Dangerous sexual offense' with respect to convictions occurring after June 30,
 383 2015, means any criminal offense, or the attempt to commit any criminal offense, under
 384 Title 16 as specified in this paragraph or any offense under federal law or the laws of
 385 another state or territory of the United States which consists of the same or similar
 386 elements of the following offenses:
- 387 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
 388 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
 389 is less than 14 years of age, except by a parent;
 390 (iii) Trafficking a person for sexual servitude in violation of Code Section 16-5-46;
 391 (iv) Rape in violation of Code Section 16-6-1;
 392 (v) Sodomy in violation of Code Section 16-6-2;
 393 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
 394 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
 395 of the offense is 21 years of age or older;
 396 (viii) Child molestation in violation of Code Section 16-6-4;
 397 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the
 398 person was convicted of a misdemeanor offense;
 399 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
 400 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
 401 (xii) Incest in violation of Code Section 16-6-22;
 402 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
 403 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
 404 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
 405 (xvi) Electronically furnishing obscene material to minors in violation of Code
 406 Section 16-12-100.1;

407 (xvii) Computer pornography and child exploitation in violation of Code Section
 408 16-12-100.2;
 409 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
 410 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a
 411 minor or an attempt to commit a sexual offense against a victim who is a minor."
 412 "(r) Any violation of this Code section is declared to be a continuous offense, and venue
 413 for such offense shall be considered to have been committed in any county where:
 414 (1) A sexual offender is required to register;
 415 (2) An accused fails to comply with the requirements of this Code section; or
 416 (3) An accused provides false information."

417 **SECTION 4-3.**

418 Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to
 419 children and youth services, is amended by revising Code Section 49-5-8, relating to the
 420 powers and duties of department, by adding a new subsection to read as follows:

421 "(d)(1) As used in this subsection, the term 'sexually exploited child' shall have the same
 422 meaning as set forth in Code Section 15-21-201.
 423 (2) The department, in consultation with the Office of the Child Advocate for the
 424 Protection of Children, the Criminal Justice Coordinating Council, and law enforcement
 425 officials, shall develop a plan for the delivery of services to sexually exploited children,
 426 victims of trafficking of persons for labor servitude, and such children and persons who
 427 are at risk of becoming victims of such offenses. In developing such plan, the department
 428 shall work with state and federal agencies, public and private entities, and other
 429 stakeholders as it deems appropriate and shall periodically review such plans to ensure
 430 appropriate services are being delivered. Such plan shall include:
 431 (A) Identifying children who need services;
 432 (B) Providing assistance with applications for federal and state benefits, compensation,
 433 and services;
 434 (C) Coordinating the delivery of physical and mental health, housing, education, job
 435 training, child care, legal, and other services;
 436 (D) Preparing and disseminating educational and training materials to increase
 437 awareness of available services;
 438 (E) Developing and maintaining community based services;
 439 (F) Providing assistance with family reunification or repatriation to a country of origin;
 440 and
 441 (G) Providing law enforcement officials assistance in identifying children in need of
 442 such services."

443

PART VA

444

SECTION 5A-1.

445 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,
 446 is amended by revising subsection (c) of Code Section 16-6-13.2, relating to forfeiture and
 447 seizure of property and in rem actions, as follows:

448 "(c)(1) Any motor vehicle operated by a person to facilitate a violation of Code Section
 449 16-6-10, 16-6-11, 16-6-12, or 16-6-14 ~~where the offense involved the pimping of a~~
 450 ~~person under the age of 18 years to perform an act of prostitution and involved a motor~~
 451 ~~vehicle or operated by a person who has been convicted of or pleaded nolo contendere~~
 452 ~~for two previous violations of Code Section 16-6-11 or 16-6-12 involving a motor vehicle~~
 453 ~~within a five-year period and who is convicted or pleads nolo contendere to a third~~
 454 ~~violation of Code Section 16-6-11 or 16-6-12 involving a motor vehicle within the same~~
 455 ~~five-year period~~ is declared to be contraband and subject to forfeiture to the state, as
 456 provided in this Code section.

457 (2) For the purpose of this subsection, a violation of Code Section 16-6-10, 16-6-11, or
 458 16-6-12, or 16-6-14 involving a motor vehicle shall mean a violation of Code Section
 459 16-6-10, 16-6-11, or 16-6-12, or 16-6-14 in which a motor vehicle is used to violate said
 460 Code section or in which the violation occurred."

461

SECTION 5A-2.

462 Said chapter is further amended by revising subsection (a) of Code Section 16-6-13.3,
 463 relating to proceeds from pimping, forfeiture, and distribution, as follows:

464 "(a) Any proceeds or money which is ~~used, intended for use, used, directly or indirectly,~~
 465 used or intended for use in any manner to facilitate; or derived from a violation of Code
 466 Section 16-6-10, 16-6-11, wherein any of the persons involved in performing an act of
 467 prostitution is under the age of 18, is 16-6-12, or 16-6-14 is declared to be contraband and
 468 shall be forfeited to the state and no person shall have a property interest in it such proceeds
 469 or money. Such proceeds or money may be seized or detained in the same manner as
 470 provided in Code Section 16-13-49 and shall not be subject to replevin, conveyance,
 471 sequestration, or attachment."

472

PART VB

473

SECTION 5B-1.

474 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses
 475 is amended by repealing in its entirety Code Section 16-6-13.2, relating to forfeiture and

476 seizure of property involving pimping and pandering, and enacting a new Code Section
477 16-6-13.2 to read as follows:

478 "16-6-13.2.

479 (a) As used in this Code section, the term 'motor vehicle' shall have the same meaning as
480 set forth in Code Section 40-1-1.

481 (b) Any motor vehicle used by a person to facilitate a violation of Code Section 16-6-10,
482 16-6-11, 16-6-12, or 16-6-14 is declared to be contraband and no person shall have a
483 property right in it.

484 (c) Any property subject to forfeiture pursuant to subsection (b) of this Code section shall
485 be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9."

486 **SECTION 5B-2.**

487 Said chapter is further amended by repealing in its entirety Code Section 16-6-13.3, relating
488 to proceeds from pimping, forfeiture, and distribution, and enacting a new Code Section
489 16-6-13.3 to read as follows:

490 "16-6-13.3.

491 (a) As used in this Code section, the terms 'proceeds' and 'property' shall have the same
492 meanings as set forth in Code Section 9-16-2.

493 (b) Any property which is, directly or indirectly, used or intended for use in any manner
494 to facilitate a violation of Code Section 16-6-10, 16-6-11, 16-6-12, or 16-6-14 and any
495 proceeds are declared to be contraband and no person shall have a property right in them.

496 (c) Any property subject to forfeiture pursuant to subsection (b) of this Code section shall
497 be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9."

498 **PART VI**

499 **SECTION 6-1.**

500 (a) Except as provided in subsections (b) and (c) of this section, this Act shall become
501 effective on July 1, 2015.

502 (b) Part 3 of this Act shall become effective on January 1, 2017, provided that a
503 constitutional amendment is passed by the General Assembly and is ratified by the voters in
504 the November, 2016, General Election amending the Constitution of Georgia to authorize the
505 General Assembly to provide specific funding to the Safe Harbor for Sexually Exploited
506 Children Fund. If such an amendment to the Constitution of Georgia is not so ratified, then
507 Part 3 of this Act shall not become effective and shall stand repealed by operation of law on
508 January 1, 2017.

509 (c)(1) Part 5B of this Act shall become effective on July 1, 2015, only if HB 233 is
510 enacted by the General Assembly and becomes law in 2015, in which event Part 5A of
511 this Act shall not become effective and shall stand repealed on July 1, 2015.

512 (2) If HB 233 does not become law in 2015, then Part 5A of this Act shall become
513 effective on July 1, 2015, and Part 5B of this Act shall not become effective and shall
514 stand repealed on July 1, 2015.

515 **SECTION 6-2.**

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