

House Bill 993 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 33<sup>rd</sup>, Smith of the 18<sup>th</sup>, Ridley of the 6<sup>th</sup>, McCollum of the 30<sup>th</sup>, Collins of the 71<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to offenses related to minors generally, so as to provide for limitations  
3 of defense that a sexually exploitive visual medium is digitally altered for the offense of  
4 sexual exploitation of children; to provide for the offense of grooming a minor; to provide  
5 for definitions; to provide for a penalty; to prohibit a certain defense; to provide for venue  
6 for certain conduct involving a minor; to provide for related matters; to repeal conflicting  
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 2 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,  
11 relating to offenses related to minors generally, is amended by adding a new subsection to  
12 Code Section 16-12-100, relating to sexual exploitation of children, reporting violation, civil  
13 forfeiture, and penalties, to read as follows:

14 "(b.2) It shall not constitute a defense in a prosecution for a violation of this Code section  
15 that prior to or during the accused's creation, reproduction, publishing, promotion, selling,  
16 distributing, giving, exhibiting, possessing with the intent to sell or distribute, bringing or

17 causing to be brought into this state, or possession or control of such visual medium that  
18 such visual medium was created, adapted, or modified to appear that an identifiable minor  
19 is engaging in sexually explicit conduct."

20

## SECTION 2.

21 Said part is further amended by adding a new Code section to read as follows:

22 "16-12-100.5.

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

24 (1) 'Computer' has the same meaning as provided in Code Section 16-9-92.

25 (2) 'Electronic device' has the same meaning as provided in Code Section 16-12-100.2.

26 (3) 'Minor' means any person under the age of 18 years.

27 (4) 'Pattern of conduct or communication' means a pattern of conduct composed of a  
28 series of acts over a period of time, however short, evidencing a continuity of purpose.

29 (5) 'Sexual offense' has the same meaning as provided in Code Section 17-10-6.2.

30 (6) 'Sexual servitude' has the same meaning as provided in Code Section 16-5-46.

31 (b) A person over the age of 18 and no less than 48 months older than the alleged victim  
32 commits the offense of grooming of a minor when such person knowingly and intentionally  
33 engages in a pattern of conduct or communication in person; through a third party; through  
34 the use of an electronic device, a computer, social media, or text messages; or by any other  
35 means to gain access to, to gain the compliance of, to prepare, to persuade, to induce, or  
36 to coerce a minor to engage in a sexual offense or trafficking of persons for sexual  
37 servitude.

38 (c) Any person who violates this Code section shall be guilty of a felony and punished by  
39 imprisonment for not less than one nor more than five years.

40 (d) It shall not be a defense to prosecution under this Code section that no sexual offense  
41 or trafficking of persons for sexual servitude was accomplished or attempted.

42 (e) A person shall be subject to prosecution in this state pursuant to Code Section 17-2-1  
43 for any conduct made unlawful by this Code section which the person engages in while:  
44 (1) Either within or outside of this state if such conduct involves a minor who resides in  
45 this state or another person believed by such person to be a minor residing in this state;  
46 or  
47 (2) Within this state if such conduct involves a minor who resides within or outside this  
48 state or another person believed by such person to be a minor residing within or outside  
49 this state."

50 **SECTION 3.**

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