

House Bill 258

By: Representatives Boddie of the 62nd, Kendrick of the 93rd, Dickerson of the 113th, Hugley of the 136th, Hutchinson of the 107th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 17 of the Official Code of Georgia Annotated, relating to
2 limitations on prosecution, so as to add aggravated sexual battery to the list of offenses for
3 which the statute of limitations is tolled if the victim is younger than 16 years of age; to
4 provide for related matters; to provide for an effective date and applicability; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Chapter 3 of Title 17 of the Official Code of Georgia Annotated, relating to limitations on
9 prosecution, is amended by revising Code Section 17-3-2.1, relating to exclusions for certain
10 offenses involving a victim under 16 years of age, as follows:

11 "17-3-2.1.

12 (a) For crimes committed during the period beginning on July 1, 1992, and ending on June
13 30, 2012, if the victim of a violation of:

14 (1) Cruelty to children, as defined in Code Section 16-5-70;

15 (2) Rape, as defined in Code Section 16-6-1;

16 (3) Sodomy or aggravated sodomy, as defined in Code Section 16-6-2;

17 (4) Statutory rape, as defined in Code Section 16-6-3;

18 (5) Child molestation or aggravated child molestation, as defined in Code
19 Section 16-6-4;

20 (6) Enticing a child for indecent purposes, as defined in Code Section 16-6-5; or

21 (7) Incest, as defined in Code Section 16-6-22,

22 is under 16 years of age on the date of the violation, the applicable period within which a
23 prosecution shall be commenced under Code Section 17-3-1 or other applicable statute
24 shall not begin to run until the victim has reached the age of 16 or the violation is reported
25 to a law enforcement agency, prosecuting attorney, or other governmental agency,

26 whichever occurs earlier. Such law enforcement agency or other governmental agency
 27 shall promptly report such allegation to the appropriate prosecuting attorney.

28 (b) For crimes committed ~~on and after~~ during the period beginning on July 1, 2012, and
 29 ending on June 30, 2019, if the victim of a violation of:

- 30 (1) Trafficking a person for sexual servitude, as defined in Code Section 16-5-46;
- 31 (2) Cruelty to children in the first degree, as defined in Code Section 16-5-70;
- 32 (3) Rape, as defined in Code Section 16-6-1;
- 33 (4) Aggravated sodomy, as defined in Code Section 16-6-2;
- 34 (5) Child molestation or aggravated child molestation, as defined in Code
- 35 Section 16-6-4;
- 36 (6) Enticing a child for indecent purposes, as defined in Code Section 16-6-5; or
- 37 (7) Incest, as defined in Code Section 16-6-22,

38 is under 16 years of age on the date of the violation and the violation is not subject to
 39 punishment as provided in paragraph (2) of subsection (b) of Code Section 16-6-4,
 40 paragraph (2) of subsection (d) of Code Section 16-6-4, or subsection (c) of Code
 41 Section 16-6-5, a prosecution may be commenced at any time.

42 (c) For crimes committed on or after July 1, 2019, if the victim of a violation of:

- 43 (1) Trafficking a person for sexual servitude, as defined in Code Section 16-5-46;
- 44 (2) Cruelty to children in the first degree, as defined in Code Section 16-5-70;
- 45 (3) Rape, as defined in Code Section 16-6-1;
- 46 (4) Aggravated sodomy, as defined in Code Section 16-6-2;
- 47 (5) Child molestation or aggravated child molestation, as defined in Code
- 48 Section 16-6-4;
- 49 (6) Enticing a child for indecent purposes, as defined in Code Section 16-6-5;
- 50 (7) Incest, as defined in Code Section 16-6-22; or
- 51 (8) Aggravated sexual battery, as defined in Code Section 16-6-22.2,

52 is under 16 years of age on the date of the violation and the violation is not subject to
 53 punishment as provided in paragraph (2) of subsection (b) of Code Section 16-6-4,
 54 paragraph (2) of subsection (d) of Code Section 16-6-4, or subsection (c) of Code
 55 Section 16-6-5, a prosecution may be commenced at any time."

56 SECTION 2.

57 This Act shall become effective on July 1, 2019, and shall apply to offenses which occur on
 58 or after that date. Any offense occurring before July 1, 2019, shall be governed by the statute
 59 in effect at the time of such offense.

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SECTION 3.

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