

The House Committee on Judiciary Non-Civil offers the following substitute to HB 32:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-6-5.1 of the Official Code of Georgia Annotated, relating to
2 sexual assault by persons with supervisory or disciplinary authority, so as to prohibit sexual
3 contact between school employees and students enrolled at such school; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 16-6-5.1 of the Official Code of Georgia Annotated, relating to sexual assault
8 by persons with supervisory or disciplinary authority, is amended by revising subsection (b)
9 and by adding a new subsection to read as follows:

10 "(b) A person who has supervisory or disciplinary authority over another individual
11 commits sexual assault when ~~that~~ such person:

12 ~~(1) Is a teacher, principal, assistant principal, or other administrator of any school and~~
13 ~~engages in sexual contact with such other individual who the actor knew or should have~~
14 ~~known is enrolled at the same school; provided, however, that such contact shall not be~~
15 ~~prohibited when the actor is married to such other individual;~~

16 ~~(2)~~(1) Is an employee or agent of any community supervision office, county juvenile
17 probation office, Department of Juvenile Justice juvenile probation office, or probation
18 office under Article 6 of Chapter 8 of Title 42 and engages in sexual contact with such
19 other individual who the actor knew or should have known is a probationer or parolee
20 under the supervision of any such office;

21 ~~(3)~~(2) Is an employee or agent of a law enforcement agency and engages in sexual
22 contact with such other individual who the actor knew or should have known is being
23 detained by or is in the custody of any law enforcement agency;

24 ~~(4)~~(3) Is an employee or agent of a hospital and engages in sexual contact with such
25 other individual who the actor knew or should have known is a patient or is being
26 detained in the same hospital; or

27 ~~(5)~~(4) Is an employee or agent of a correctional facility, juvenile detention facility,
28 facility providing services to a person with a disability, as such term is defined in Code
29 Section 37-1-1, or a facility providing child welfare and youth services, as such term is
30 defined in Code Section 49-5-3, who engages in sexual contact with such other individual
31 who the actor knew or should have known is in the custody of any such facility.

32 (b.1) A school employee who has lawful authority to enforce school rules and policies at
33 a school or give direction to students commits sexual assault when he or she engages in
34 sexual contact with a student who he or she knew or should have known is enrolled at the
35 same school; provided, however, that this subsection shall not apply to a school employee
36 who is enrolled as a student at such school."

37 **SECTION 2.**

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