

House Bill 840

By: Representatives Fleming of the 114<sup>th</sup>, McDonald of the 26<sup>th</sup>, Scoggins of the 14<sup>th</sup>, Barrett of the 24<sup>th</sup>, Crowe of the 118<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to  
2 general provisions as pertaining to torts, so as to provide for a right of action against any  
3 person who knowingly or negligently engages in sexually explicit conduct in the presence  
4 of a minor or who knowingly or negligently allows, permits, encourages, or requires a minor  
5 to be present while another engages in sexually explicit conduct in the presence of such  
6 minor; to provide for defenses; to provide for damages; to provide for limitations; to provide  
7 for definitions; to provide for applicability; to provide for related matters; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
12 provisions as pertaining to torts, is amended by adding a new Code section to read as  
13 follows:

14 "51-1-57.

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

16 (1) 'Minor' means any person under the age of 18 years.

17 (2) 'Restricted sexual conduct' means:

18 (A) Sexually explicit descriptions of sexually explicit conduct; or

19 (B) Sexually provocative dances or gestures performed with accessories that  
20 exaggerate male or female primary or secondary sexual characteristics.

21 (3) 'Sexually explicit conduct' shall have the same meaning as in Code Section  
22 16-12-100.

23 (b) Any person who knowingly or negligently engages in sexually explicit conduct in the  
24 presence of a minor shall be liable for the injury or damages caused by or resulting from  
25 such engagement.

26 (c) Any person who knowingly or negligently allows, permits, encourages, or requires a  
27 minor to be present while another engages in sexually explicit conduct in the presence of  
28 such minor shall be liable for the injury or damages caused by or resulting from such  
29 allowance, permission, encouragement, or requirement.

30 (d) Any person who knowingly or negligently engages in restricted sexual conduct in the  
31 presence of a minor shall be liable for the injury or damages caused by or resulting from  
32 such engagement.

33 (e) Any person who knowingly or negligently allows, permits, encourages, or requires a  
34 minor to be present while another engages in restricted sexual conduct in the presence of  
35 such minor shall be liable for the injury or damages caused by or resulting from such  
36 allowance, permission, encouragement, or requirement.

37 (f) It shall be a complete defense to any action brought pursuant to subsection (d) or (e)  
38 of this Code section that:

39 (1) The person accused had reasonable cause to believe the minor involved was 18 years  
40 old or older; or

41 (2) Such minor presented a driver's license, state issued identification card, birth  
42 certificate, passport, selective service card, or other official document to the accused  
43 purporting to establish that such minor was 18 years of age or older.

44 (g) It shall not be a defense to any action brought pursuant to this Code section that the  
45 minor on whose behalf such action is brought was accompanied by his or her parent or  
46 legal guardian.

47 (h) An individual who is the prevailing party in his or her cause of action brought pursuant  
48 to this Code section shall be entitled to an award of court costs, costs of litigation, and  
49 reasonable attorney's fees.

50 (i) Any action brought pursuant to this Code section shall be brought within four years  
51 after the cause of action has accrued."

52 **SECTION 2.**

53 This Act shall apply to causes of action accruing on or after July 1, 2023.

54 **SECTION 3.**

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