

Senate Bill 36

By: Senators Robertson of the 29th, Albers of the 56th, Kirkpatrick of the 32nd, Echols of the 49th, Hatchett of the 50th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-6-13 of the Official Code of Georgia Annotated, relating to
2 penalties for violating Code Sections 16-6-9 through 16-6-12, so as to increase the penalty
3 provisions relating to pimping and pandering; to provide for a definition; 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 16-6-13 of the Official Code of Georgia Annotated, relating to penalties for
8 violating Code Sections 16-6-9 through 16-6-12, is amended by revising subsections (a)
9 and (b) as follows:

10 "(a) Except as otherwise provided in subsection (b) of this Code section, a person
11 convicted of violating:

12 (1) Code Section 16-6-10 shall be punished as for a misdemeanor of a high and
13 aggravated nature, and at the sole discretion of the judge, all but 24 hours of any term of
14 imprisonment imposed may be suspended, stayed, or probated;

15 (2) Code Section 16-6-9 shall be punished as for a misdemeanor;

16 (3) Code Section 16-6-11 for a:

17 (A) First offense shall be ~~punished as for a misdemeanor of a high and aggravated~~
18 ~~nature, and at the sole discretion of the judge, all but 72 hours of any term of~~
19 ~~imprisonment imposed may be suspended, stayed, or probated~~ guilty of a felony and
20 shall be punished by a term of imprisonment of not less than one nor more than ten
21 years; and

22 (B) Second or subsequent offense shall be guilty of a felony and shall be punished by
23 a term of imprisonment of not less than one year nor more than ten years and shall be
24 sentenced to a mandatory minimum term of imprisonment of one year and no portion
25 of the mandatory minimum sentence imposed shall be suspended, stayed, or probated
26 by the sentencing court; provided, however, that in the court's discretion, the court may
27 depart from such mandatory minimum sentence when the prosecuting attorney and
28 defendant have agreed to a sentence that is below such mandatory minimum; or

29 (4) Code Section 16-6-12 for a:

30 (A) First offense shall be ~~punished as for a misdemeanor of a high and aggravated~~
31 ~~nature, and at the sole discretion of the judge, all but 72 hours of any term of~~
32 ~~imprisonment imposed may be suspended, stayed, or probated~~ guilty of a felony and
33 shall be punished by a term of imprisonment of not less than one nor more than ten
34 years; and

35 (B) Second or subsequent offense shall be guilty of a felony and shall be punished by
36 a term of imprisonment of not less than one year nor more than ten years and shall be
37 sentenced to a mandatory minimum term of imprisonment of one year and no portion
38 of the mandatory minimum sentence imposed shall be suspended, stayed, or probated
39 by the sentencing court; provided, however, that in the court's discretion, the court may
40 depart from such mandatory minimum sentence when the prosecuting attorney and
41 defendant have agreed to a sentence that is below such mandatory minimum.

42 (b)(1) For purposes of this subsection, the term 'sex worker' shall have the same meaning
43 as provided in Code Section 16-6-9. Reserved.

44 (2) A person convicted of any of the offenses enumerated in Code Sections 16-6-10
45 through 16-6-12 when such offense involves the conduct of a ~~person~~ sex worker under
46 the age of 18 years ~~shall~~ for a:

47 (A) First offense shall be guilty of a felony and shall be punished by imprisonment for
48 a period of not less than ten nor more than 30 years and a fine of not more than
49 \$100,000.00; and

50 (B) Second or subsequent offense shall be guilty of a felony and shall be punished by
51 imprisonment for a period of not less than ten nor more than 30 years and a fine of not
52 more than \$100,000.00 and shall be sentenced to a mandatory minimum term of
53 imprisonment of one year and no portion of the mandatory minimum sentence imposed
54 shall be suspended, stayed, or probated by the sentencing court; provided, however, that
55 in the court's discretion, the court may depart from such mandatory minimum sentence
56 when the prosecuting attorney and defendant have agreed to a sentence that is below
57 such mandatory minimum; and provided, further, that the mandatory minimum
58 sentence provided for in this subparagraph shall not apply to the offenses enumerated
59 in Code Section 16-6-10."

60

SECTION 2.

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