

Senate Bill 378

By: Senators Harbin of the 16th, Robertson of the 29th, Dolezal of the 27th, Burns of the 23rd, Gooch of the 51st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-5-46 of the Official Code of Georgia Annotated, relating to
2 trafficking of persons for labor or sexual servitude, so as to provide for increased sentences
3 for persons convicted of trafficking a minor or a developmentally disabled person for sexual
4 servitude; to provide for an effective date and applicability; to provide for related matters;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 16-5-46 of the Official Code of Georgia Annotated, relating to trafficking of
9 persons for labor or sexual servitude, is amended by revising subsection (f) as follows:

10 "(f)(1) Except as provided in paragraph (2) of this subsection, any person who commits
11 the offense of trafficking an individual for labor servitude or sexual servitude shall be
12 guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for
13 not less than ten nor more than 20 years and a fine not to exceed \$100,000.00.

14 (2)(A) Any person who commits the offense of trafficking an individual for labor
15 servitude ~~or sexual servitude~~ against an individual who is under 18 years of age or if the
16 offense is committed against an individual who has a developmental disability, ~~the~~
17 ~~person~~ shall be guilty of a felony, and upon conviction thereof, shall be punished by

18 imprisonment for not less than 25 nor more than 50 years or life imprisonment and a
19 fine not to exceed \$100,000.00.

20 (B) Any person who commits the offense of trafficking an individual for sexual
21 servitude against an individual who is under 18 years of age or if the offense is
22 committed against an individual who has a developmental disability shall be guilty of
23 a felony, and upon conviction thereof, shall be punished by imprisonment for life or by
24 a split sentence that is a term of imprisonment for not less than 30 years and not
25 exceeding life imprisonment, followed by probation for life, and a fine not to exceed
26 \$250,000.00. As a condition of probation, the court shall impose the requirement of
27 electronic monitoring as set forth in paragraph (14) of subsection (a) of Code Section
28 42-8-35.

29 (3)(A) As used in this paragraph, the term 'sexual felony' shall have the same meaning
30 as set forth in paragraph (2) of subsection (j) of Code Section 16-5-21.

31 (B) Any person having been previously convicted of a sexual felony who is convicted
32 of the offense of trafficking of persons for sexual servitude shall be punished by
33 imprisonment for life or a split sentence that is a term of imprisonment followed by
34 probation for life. As a condition of probation, the court shall impose the requirement
35 of electronic monitoring as set forth in paragraph (14) of subsection (a) of Code Section
36 42-8-35."

37 **SECTION 2.**

38 This Act shall become effective upon its approval by the Governor or upon its becoming law
39 without such approval, and shall apply to all offenses committed on or after such date.

40 **SECTION 3.**

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