

Senate Bill 381

By: Senators Robertson of the 29th, Albers of the 56th, Kennedy of the 18th, Payne of the 54th, Hickman of the 4th and others

AS PASSED SENATE

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 related matters; to repeal
4 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 subsection (a) and
9 paragraph (2) of subsection (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:

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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; provided,
25 however, that in the court's discretion, the court may depart from such mandatory
26 minimum sentence when the prosecuting attorney and defendant have agreed to a
27 sentence that is below such mandatory minimum; or

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

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

34 (B) Second or subsequent offense shall be guilty of a felony and shall be punished by
35 a term of imprisonment of not less than one year nor more than ten years and shall be
36 sentenced to a mandatory minimum term of imprisonment of one year; provided,
37 however, that in the court's discretion, the court may depart from such mandatory
38 minimum sentence when the prosecuting attorney and defendant have agreed to a
39 sentence that is below such mandatory minimum."

40 "(2) A person convicted of any of the offenses enumerated in Code Sections 16-6-10
41 through 16-6-12 when such offense involves the conduct of a person under the age of 18
42 years ~~shall~~ for a:

43 (A) First offense shall be guilty of a felony and shall be punished by imprisonment for
44 a period of not less than ten nor more than 30 years and a fine of not more than
45 \$100,000.00; and

46 (B) Second or subsequent offense shall be guilty of a felony and shall be punished by
47 imprisonment for a period of not less than ten nor more than 30 years and a fine of not
48 more than \$100,000.00 and shall be sentenced to a mandatory minimum term of
49 imprisonment of one year; provided, however, that in the court's discretion, the court
50 may depart from such mandatory minimum sentence when the prosecuting attorney and
51 defendant have agreed to a sentence that is below such mandatory minimum; and
52 provided, further, that the mandatory minimum sentence provided for in this
53 subparagraph shall not apply to the offenses enumerated in Code Section 16-6-10."

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SECTION 2.

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