

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

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 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 'victim of sexual exploitation' means a
43 person 18 years of age or younger who performs or offers or consents to perform a sexual

44 act, including, but not limited to, sexual intercourse or sodomy, for money or other items
45 of value. Reserved.

46 (2) A person convicted of any of the offenses enumerated in Code Sections 16-6-10
47 through 16-6-12 when such offense involves the conduct of a ~~person under the age of 18~~
48 ~~years shall~~ victim of sexual exploitation for a:

49 (A) First offense shall be guilty of a felony and shall be punished by imprisonment for
50 a period of not less than ten nor more than 30 years and a fine of not more than
51 \$100,000.00; and

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

62 **SECTION 2.**

63 All laws and parts of laws in conflict with this Act are repealed.