

Senate Bill 9 - Prefile

By: Senator Jones II of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to invasion of privacy, so as to prohibit sexual extortion; to provide for
3 definitions; to provide for elements of the crime; to provide for penalties; to provide for
4 venue; to amend Code Section 42-1-12 of the Official Code of Georgia Annotated, relating
5 to the State Sexual Offender Registry, so as to provide a conforming cross-reference; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 3 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
10 relating to invasion of privacy, is amended by adding a new Code section to read as follows:
11 "16-11-92.

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

13 (1) 'Coerce' means:

14 (A) Exposing or threatening to expose any fact or information that if revealed would
15 tend to subject an individual to criminal or immigration proceedings, hatred, contempt,
16 or ridicule;

17 (B) Destroying, concealing, removing, confiscating, or possessing any actual or
18 purported passport or other immigration document, or any other actual or purported
19 government identification document, of any individual; or

20 (C) Exposing or threatening to expose any photograph, video, or other image depicting
21 an individual in a state of nudity or engaged in sexually explicit conduct.

22 (2) 'Distribute' means to sell, lend, rent, lease, give, advertise, publish, exhibit, or
23 otherwise disseminate.

24 (3) 'Nudity' shall have the same meaning as set forth in Code Section 16-11-90.

25 (4) 'Sexually explicit conduct' shall have the same meaning as set forth in Code
26 Section 16-12-100.

27 (b) No person shall intentionally coerce another individual who is more than 18 years of
 28 age to:

29 (1) Engage in sexually explicit conduct; or

30 (2) Distribute any photograph, video, or other image that depicts such individual in a
 31 state of nudity or engaged in sexually explicit conduct.

32 (c)(1) Any person that violates paragraph (1) of subsection (b) of this Code section shall
 33 be guilty of a felony and upon conviction shall be punished by imprisonment for not less
 34 than one year and not more than 15 years.

35 (2) Any person that violates paragraph (2) of subsection (b) of this Code section, upon
 36 the first offense, shall be guilty of and punished as for a misdemeanor and upon a second
 37 or subsequent offense shall be guilty of a felony and upon conviction shall be punished
 38 by imprisonment for not less than one year and not more than ten years.

39 (d) A person shall be subject to prosecution in this state pursuant to Code Section 17-2-1
 40 for any conduct made unlawful by this Code section in which the person engages while:

41 (1) Within or outside this state if, by such conduct, the person commits a violation of this
 42 Code section that involves an individual who resides in this state; or

43 (2) Within this state if, by such conduct, the person commits a violation of this Code
 44 section that involves an individual who resides within or outside this state.

45 (e) Each violation of this Code section shall be considered a separate offense and shall not
 46 merge with any other offense."

47 **SECTION 2.**

48 Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the State Sexual
 49 Offender Registry, is amended by revising subparagraph (a)(10)(B.2) and adding a new
 50 subparagraph to read as follows:

51 "(B.2) 'Dangerous sexual offense' with respect to convictions occurring ~~after June 30,~~
 52 ~~2017~~ between July 1, 2017, and June 30, 2019, means any criminal offense, or the
 53 attempt to commit any criminal offense, under Title 16 as specified in this subparagraph
 54 or any offense under federal law or the laws of another state or territory of the United
 55 States which consists of the same or similar elements of the following offenses:

56 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;

57 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
 58 is less than 14 years of age, except by a parent;

59 (iii) Trafficking an individual for sexual servitude in violation of Code Section
 60 16-5-46;

61 (iv) Rape in violation of Code Section 16-6-1;

62 (v) Sodomy in violation of Code Section 16-6-2;

- 63 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- 64 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
- 65 of the offense is 21 years of age or older;
- 66 (viii) Child molestation in violation of Code Section 16-6-4;
- 67 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the
- 68 person was convicted of a misdemeanor offense;
- 69 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- 70 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
- 71 (xii) Incest in violation of Code Section 16-6-22;
- 72 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
- 73 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
- 74 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- 75 (xvi) Electronically furnishing obscene material to minors in violation of Code
- 76 Section 16-12-100.1;
- 77 (xvii) Computer pornography and child exploitation in violation of Code Section
- 78 16-12-100.2;
- 79 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
- 80 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a
- 81 minor or an attempt to commit a sexual offense against a victim who is a minor.
- 82 (B.3) 'Dangerous sexual offense' with respect to convictions occurring after June 30,
- 83 2019, means any criminal offense, or the attempt to commit any criminal offense, under
- 84 Title 16 as specified in this subparagraph or any offense under federal law or the laws
- 85 of another state or territory of the United States which consists of the same or similar
- 86 elements of the following offenses:
- 87 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
- 88 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
- 89 is less than 14 years of age, except by a parent;
- 90 (iii) Trafficking an individual for sexual servitude in violation of Code
- 91 Section 16-5-46;
- 92 (iv) Rape in violation of Code Section 16-6-1;
- 93 (v) Sodomy in violation of Code Section 16-6-2;
- 94 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- 95 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
- 96 of the offense is 21 years of age or older;
- 97 (viii) Child molestation in violation of Code Section 16-6-4;
- 98 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the
- 99 person was convicted of a misdemeanor offense;

- 100 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
101 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
102 (xii) Incest in violation of Code Section 16-6-22;
103 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
104 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
105 (xv) Sexual extortion in violation of Code Section 16-11-92;
106 (xvi) Sexual exploitation of children in violation of Code Section 16-12-100;
107 (xvii) Electronically furnishing obscene material to minors in violation of Code
108 Section 16-12-100.1;
109 (xviii) Computer pornography and child exploitation in violation of Code
110 Section 16-12-100.2;
111 (xix) Obscene telephone contact in violation of Code Section 16-12-100.3; or
112 (xx) Any conduct which, by its nature, is a sexual offense against a victim who is a
113 minor or an attempt to commit a sexual offense against a victim who is a minor."

114 **SECTION 3.**

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