

The Senate Committee on Public Safety offered the following substitute to SB 512:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to
2 payment and disposition of fines and forfeitures, so as to create the Victims of Human
3 Trafficking Fund and the Victims of Human Trafficking Fund Commission; to provide for
4 definitions; to provide for appointment of members of the commission and personnel; to
5 provide for duties of the commission and allow for expenses; to provide for
6 recommendations of changes in state programs, laws, and policies; to provide for acceptance
7 of federal funds and individual donations; to provide for fines and penalties; to provide for
8 collection of fines and disposition of moneys collected; to provide for a duty to collect; to
9 provide for a cause of action and forfeiture; to amend Code Section 16-6-13.3 of the Official
10 Code of Georgia Annotated, relating to civil forfeiture of proceeds and property, so as to
11 provide for the forfeiture of proceeds or money which is used, intended for use, used in any
12 manner to facilitate, or derived from the criminal offense of trafficking of persons for labor
13 or sexual servitude; to amend Title 16 of the Official Code of Georgia Annotated, relating
14 to crimes and offenses, so as to provide for a required human trafficking training program
15 for hotels; to provide for definitions; to provide for retraining; to provide that the provisions
16 of Code Section 16-6-16, relating to masturbation for hire, shall be applicable only to persons
17 above a certain age; to provide for related matters; to provide for a contingent effective date
18 and automatic repeal; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **PART I**
21 **SECTION 1-1.**

22 Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to payment and
23 disposition of fines and forfeitures, is amended by adding a new article to read as follows:

24 "ARTICLE 12

25 15-21-220.

26 This article is enacted pursuant to Article III, Section IX, Paragraph VI(o) of the
27 Constitution, which provision authorizes additional penalty assessments for violations
28 relating to certain sexual crimes and provides that the proceeds derived therefrom may be
29 used for the purpose of meeting the costs of care and rehabilitative and social services for
30 certain individuals in this state who have been sexually exploited.

31 15-21-221.

32 As used in this article, the term:

33 (1) 'Commission' means the Victims of Human Trafficking Fund Commission.

34 (2) 'Fund' means the Victims of Human Trafficking Fund.

35 (3) 'Safe house' means a licensed residential facility that provides safe and secure shelter.

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

38 (5) 'Sexually exploited victim' means a person who:

39 (A) Has been the victim of trafficking of persons for sexual servitude in violation of
40 Code Section 16-5-46;

41 (B) Has engaged in sodomy, prostitution, solicitation of sodomy, or masturbation for
42 hire; or

43 (C) Has been the victim of sexually explicit conduct for the purpose of producing any
44 print or visual medium.

45 (6) 'Visual medium' shall have the same meaning as set forth in Code Section 16-12-100.

46 15-21-222.

47 (a) There is established the Victims of Human Trafficking Fund Commission which is
48 assigned to the Division of Family and Children Services of the Department of Human
49 Resources for administrative purposes only, as prescribed in Code Section 50-4-3.

50 (b) There is created the Victims of Human Trafficking Fund as a separate fund in the state
51 treasury. The state treasurer shall credit to the fund all amounts transferred to the fund and
52 shall invest the fund moneys in the same manner as authorized for investing other moneys
53 in the state treasury.

54 (c) The commission may authorize the disbursement of available money from the fund,
55 after appropriation thereof, for purposes of providing care, rehabilitative services,
56 residential housing, health services, and social services, including establishing safe houses,
57 to sexually exploited victims and to a person, entity, or program eligible pursuant to criteria
58 to be set by the commission. The commission shall also consider disbursement of available
59 money from the fund to a person, entity, or program devoted to awareness and prevention
60 of becoming a sexually exploited victim. The commission may also authorize the
61 disbursement of fund money for the actual and necessary operating expenses that the
62 commission incurs in performing its duties; provided, however, that such disbursements
63 shall be kept at a minimum in furtherance of the primary purpose of the fund, which is to
64 disburse money to provide care and rehabilitative and social services to sexually exploited
65 victims.

66 15-21-223.

67 (a) The commission shall consist of six members. Five of the members shall serve for
68 terms of two years, except that, with respect to the first members appointed, two members
69 shall be appointed for terms of three years, two members for terms of two years, and one
70 member for a term of one year. The director of the Division of Family and Children
71 Services of the Department of Human Services shall be a permanent member of the
72 commission. The chairperson of the Criminal Justice Coordinating Council, the
73 commissioner of behavioral health and developmental disabilities, the director of the
74 Division of Family and Children Services of the Department of Human Services, the
75 President of the Senate, and the Speaker of the House of Representatives shall each appoint
76 one member of the commission. The Governor shall establish initial terms of office for all
77 members of the commission within the limitations of this subsection.

78 (b) In the event of death, resignation, disqualification, or removal for any reason of any
79 member of the commission, the vacancy shall be filled in the same manner as the original
80 appointment, and the successor shall serve for the unexpired term.

81 (c) Membership on the commission shall not constitute public office, and no member shall
82 be disqualified from holding public office by reason of his or her membership.

83 (d) The Governor shall designate a chairperson of the commission from among the
84 members, which chairperson shall serve in that position at the pleasure of the Governor.
85 The commission may elect such other officers and committees as it considers appropriate.

86 (e) The commission, with the approval of the Governor, may employ such professional,
87 technical, or clerical personnel as deemed necessary to carry out the purposes of this
88 article.

89 15-21-224.

90 Members of the commission shall serve without compensation but shall receive the same
91 expense allowance per day as that received by a member of the General Assembly for each

92 day such member of the commission is in attendance at a meeting of such commission, plus
93 either reimbursement for actual transportation costs while traveling by public carrier or the
94 same mileage allowance for use of a personal car in connection with such attendance as
95 members of the General Assembly receive. Such expense and travel allowance shall be
96 paid in lieu of any per diem, allowance, or other remuneration now received by any such
97 member for such attendance. Expense allowances and other costs authorized in this Code
98 section shall be paid from moneys in the fund.

99 15-21-225.

100 (a) The commission shall:

101 (1) Meet at such times and places as it shall determine necessary or convenient to
102 perform its duties on the call of the chairperson or the Governor;

103 (2) Maintain minutes of its meetings;

104 (3) Adopt rules and regulations for the transaction of its business;

105 (4) Accept applications for disbursements of available money from the fund;

106 (5) Develop a state-wide protocol for helping to coordinate the delivery of services to
107 sexually exploited victims;

108 (6) Provide oversight and accountability for any program that receives disbursements
109 from the fund;

110 (7) Maintain records of all its expenditures, funds received as gifts and donations, and
111 disbursements made from the fund; and

112 (8) Conform to the standards and requirements prescribed by the state accounting officer
113 pursuant to Chapter 5B of Title 50.

114 (b) The commission shall utilize existing state resources and staff of participating
115 departments whenever practicable.

116 15-21-226.

117 The commission may recommend to the Governor and the General Assembly changes in
118 state programs, laws, policies, budgets, and standards relating to the care and rehabilitation
119 of sexually exploited victims, changes to improve coordination among state agencies that
120 provide care and rehabilitative and social services to sexually exploited victims, and
121 changes to improve the condition of sexually exploited victims who are in need of
122 rehabilitative and social services.

123 15-21-227.

124 The commission may accept and solicit federal funds granted by Congress or executive
125 order for the purposes of this article as well as gifts and donations from individuals, private
126 organizations, or foundations. The acceptance and use of federal funds shall not commit
127 state funds and shall not place an obligation upon the General Assembly to continue the
128 purposes for which the federal funds are made available. All such funds received in the
129 manner described in this Code section shall be transmitted to the state treasurer for deposit
130 into the fund to be disbursed as other moneys in the fund.

131 15-21-228.

132 (a) In every case in which any court in this state imposes a fine, including costs, for
133 trafficking a person for sexual servitude in violation of Code Section 16-5-46 or any
134 violation of Code Section 16-6-10, 16-6-11, 16-6-12, 16-6-15, 16-6-16, or 16-12-100, there
135 shall be imposed an additional penalty of \$2,500.00 if the defendant was 18 years of age
136 or older at the time of the offense.

137 (b) The penalty provided for in subsection (a) of this Code section shall be in addition to
138 any amount required to be paid into any pension, annuity, or retirement fund under Title 47
139 or any other law and in addition to any other amounts provided for in this chapter.

140 (c) The penalty provided for in subsection (a) of this Code section shall be assessed and
141 collected by the clerk or court officer charged with the duty of collecting moneys arising
142 from fines and shall be paid over by the last day of the following month to the Georgia
143 Superior Court Clerks' Cooperative Authority for remittance to the Victims of Human
144 Trafficking Fund Commission, to be deposited into the Victims of Human Trafficking
145 Fund.

146 (d) Any person whose duty it is to collect and remit the penalty provided for in
147 subsection (a) of this Code section who intentionally refuses to so remit shall be guilty of
148 a misdemeanor.

149 (e)(1) In addition to the costs and fees assessed in subsections (a) through (c) of this
150 Code section, an individual who is a victim of a violation of Code Section 16-5-46 shall
151 have a cause of action against any perpetrator and may recover damages and reasonable
152 attorney's fees.

153 (2) Upon a conviction of any of the offenses provided in subsection (a) of this Code
154 section, any real or personal property which is, directly or indirectly, used or intended for
155 use in any manner to facilitate such offense is declared to be contraband and subject to
156 forfeiture in accordance with the procedures set forth in Chapter 16 of Title 9."

157 **SECTION 1-2.**

158 Code Section 16-6-13.3 of the Official Code of Georgia Annotated, relating to civil forfeiture
159 of proceeds and property, is amended by revising subsection (b) as follows:

160 "(b) Any property which is, directly or indirectly, used or intended for use in any manner
161 to facilitate a violation of Code Section 16-6-10, 16-6-11, ~~or 16-6-12,~~ or 16-5-46 and any
162 proceeds are declared to be contraband and no person shall have a property right in them."

PART II

SECTION 2-1.

163

164

165 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
166 amended by revising Article 3 of Chapter 5, relating to kidnapping, false imprisonment, and
167 related offenses, by adding a new Code section to read as follows:

168 "16-5-48.

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

170 (1) 'Employee' means any person employed by a hotel that:

171 (A) Has frequent or regular interactions with guests, such as front desk staff, hotel
172 porters, hotel concierges, restaurant waiting and bartending staff, room service staff,
173 and temporary employees;

174 (B) Is in a management position; or

175 (C) Has access to the guests' rooms, including housekeeping staff.

176 (2) 'Hotel' shall have the same meaning as defined in Code Section 16-5-47.

177 (b) Every hotel proprietor shall require its employees to complete a training course on
178 recognizing and reporting instances of suspected human trafficking. Such training course
179 shall be an online course provided by the Criminal Justice Coordinating Council at no cost
180 to the hotel proprietor nor employees or an alternative online or in-person training course
181 approved by the Georgia Bureau of Investigation. The Criminal Justice Coordinating
182 Council shall approve or deny the use of any alternative online or in-person training course
183 within 60 days of the submission of such training course for approval.

184 (c) Each hotel employee shall complete the required training course described in
185 subsection (b) of this Code section within six months of being employed by a hotel and
186 thereafter at least once during each consecutive period of two calendar years, commencing
187 with the date on which he or she last completed the required training course, for as long as
188 he or she is employed by a hotel."

189

SECTION 2-2.

190 Said title is further amended by revising Code Section 16-6-16, relating to masturbation for
191 hire, as follows:

192 "16-6-16.

193 (a) A person 18 years of age or older, including a masseur or masseuse, commits the
194 offense of masturbation for hire when he or she erotically stimulates the genital organs of
195 another, whether resulting in orgasm or not, by manual or other bodily contact exclusive
196 of sexual intercourse or by instrumental manipulation for money or the substantial
197 equivalent thereof.

198 (b) A person committing the offense of masturbation for hire shall be guilty of a
199 misdemeanor."

200

PART III

201

SECTION 3-1.

202 (a) Except as provided in subsection (b) of this section, this Act shall become effective on
203 July 1, 2024.

204 (b) Section 1-1 of this Act shall become effective on July 1, 2025, provided that a
205 constitutional amendment is passed by the General Assembly and is ratified by the voters in
206 the November, 2024, General Election amending the Constitution of Georgia to authorize the
207 General Assembly to provide specific funding to the Victims of Human Trafficking Fund.
208 If such an amendment to the Constitution of Georgia is not so ratified, Section 1-1 of this Act
209 shall not become effective and shall stand repealed by operation of law on January 1, 2025.

210

SECTION 3-2.

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