

The House Committee on Judiciary offers the following substitute to HB 840:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to
2 general provisions as pertaining to torts, so as to provide for a right of action against any
3 person who knowingly or negligently engages in restricted sexual conduct in the presence
4 of a minor or who knowingly or negligently allows, permits, encourages, or requires a minor
5 to be present while another engages in sexually explicit conduct in the presence of such
6 minor; to provide for the Department of Revenue to fine or suspend or revoke certain
7 business licenses where such establishment admits a minor to be present while another
8 engages in sexually explicit conduct or restricted sexual conduct; to provide for penalties;
9 to provide for defenses; to provide for damages; to provide for limitations; to provide for
10 definitions; to provide for applicability; to provide for related matters; to repeal conflicting
11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
15 provisions as pertaining to torts, is amended by adding a new Code section to read as
16 follows:

H. B. 840 (SUB)

17 "51-1-58.

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

19 (1) 'Minor' means any person under the age of 18 years.

20 (2) 'Restricted sexual conduct' means:

21 (A) Sexually explicit conduct and sexually explicit descriptions of sexually explicit
22 conduct; or

23 (B) Sexually provocative dances or gestures performed with sexually explicit nudity
24 or sexual conduct as such terms are defined in Code Section 16-12-102.

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

27 (b) Any person who knowingly or negligently engages in sexually explicit conduct in the
28 presence of a minor shall be liable for the injury or damages caused by or resulting from
29 such engagement.

30 (c) Any person who knowingly or negligently allows, permits, encourages, or requires a
31 minor to be present while another engages in sexually explicit conduct in the presence of
32 such minor shall be liable for the injury or damages caused by or resulting from such
33 allowance, permission, encouragement, or requirement.

34 (d) Any person who knowingly or negligently engages in restricted sexual conduct in the
35 presence of a minor shall be liable for the injury or damages caused by or resulting from
36 such engagement.

37 (e) Any person who knowingly or negligently allows, permits, encourages, or requires a
38 minor to be present while another engages in restricted sexual conduct in the presence of
39 such minor shall be liable for the injury or damages caused by or resulting from such
40 allowance, permission, encouragement, or requirement.

41 (f)(1) The Department of Revenue may fine or suspend or revoke the license of any
42 hotel, as defined in Code Section 3-9-10, or food service establishment if the hotel or
43 establishment admits a minor to be present while another engages in sexually explicit

44 conduct or restricted sexual conduct in violation of this Code section, which violation
45 constitutes an immediate, serious threat to the public health, safety, and welfare. The
46 Department of Revenue may issue a \$50,000.00 fine for a first violation of this Code
47 section and a \$100,000.00 fine for a second or subsequent violation of this Code section.

48 (2) The Department of Revenue is given full power and authority to suspend or revoke
49 the license of any establishment holding a license for the sale of alcohol when it is
50 determined that such establishment admitted a minor to be present while another engaged
51 in sexually explicit conduct or restricted sexual conduct in violation of this Code section.

52 (g) It shall be a complete defense to any action brought pursuant to subsection (d) or (e)
53 of this Code section that:

54 (1) The person accused had reasonable cause to believe the minor involved was 18 years
55 of age or older; or

56 (2) Such minor presented a driver's license, state issued identification card, birth
57 certificate, passport, selective service card, or other official document to the accused
58 purporting to establish that such minor was 18 years of age or older.

59 (h) It shall not be a defense to any action brought pursuant to this Code section that the
60 minor on whose behalf such action is brought was accompanied by his or her parent or
61 legal guardian.

62 (i) An individual who is the prevailing party in his or her cause of action brought pursuant
63 to this Code section shall be entitled to an award of court costs, costs of litigation, and
64 reasonable attorney's fees.

65 (j) Any action brought pursuant to this Code section shall be brought within four years
66 after the cause of action has accrued."

67 **SECTION 2.**

68 This Act shall apply to causes of action accruing on or after July 1, 2024.

69

SECTION 3.

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