

House Bill 942

By: Representatives Mainor of the 56th, Lott of the 131st, Daniel of the 117th, Dempsey of the 13th, Hagan of the 156th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-11-92 of the Official Code of Georgia Annotated, relating to
2 sexual extortion, so as to provide for enhanced penalties; to provide for a civil action; to
3 provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Code Section 16-11-92 of the Official Code of Georgia Annotated, relating to sexual
7 extortion, is amended by revising subsections (c), (d), and (e) as follows:

8 "(c) Any person that violates paragraph (1) of subsection (b) of this Code section shall:

9 (1) Upon the first offense, be guilty of and punished as for a misdemeanor of a high and
10 aggravated nature, be required to undergo a psychological evaluation from a certified
11 physician at the expense of the defendant, and be required to perform community service
12 with a court approved family violence organization; or

13 (2) Upon a second or subsequent offense, be guilty of a felony and upon conviction; be
14 punished by imprisonment for not less than one year ~~and not~~ nor more than five years and
15 be required to register with the state sexual offender registry; and

16 (3) Upon conviction under paragraph (1) or (2) of this subsection, be guilty of a felony
17 and be punished by imprisonment for not less than five nor more than ten years if the
18 defendant's actions resulted in the suicide or death of the victim.

19 (d) In any civil action in any court of record of this state, reasonable and necessary
20 attorney's fees and expenses of litigation shall be awarded to any plaintiff against any
21 defendant when the plaintiff proves by a preponderance of the evidence that the defendant's
22 actions giving rise to the civil action constitute one or more criminal acts set forth in this
23 Code section. Such plaintiff shall also be awarded any restitution as would be authorized
24 under Title 16 or Title 17 in a criminal action. In addition, the following fees shall be
25 assessed and submitted to the Georgia Crime Victims Compensation Board as follows:

26 (1) When the defendant's actions constitute a misdemeanor of a high and aggravated
27 nature, an additional fee of \$5,000.00; and

28 (2) When the defendant's actions constitute a felony, an additional fee of at least
29 \$10,000.00 to be determined by the court.

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

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

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

36 ~~(e)~~(f) Each violation of this Code section shall be considered a separate offense and shall
37 not merge with any other offense."

38 **SECTION 2.**

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