

## AN ACT

To amend Chapter 3 of Title 9, Code Section 15-6-95, Chapter 21 of Title 15, Chapter 6 of Title 16, Code Section 42-1-12, and Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to limitations of actions, priorities of distribution of fines, bond forfeitures, surcharges, additional fees, and costs in cases of partial payments into the court, payment and disposition of fines and forfeitures, sexual offenses, the State Sexual Offender Registry, and children and youth services, respectively, so as to increase protection and resources for children who have been sexually exploited; to extend the statute of limitations for actions for childhood sexual abuse; to change provisions relating to the statute of limitations for injuries to the person; to change provisions relating to tolling of limitations for a minor's cause of action; to change provisions relating to the tolling of limitations for tort actions while criminal prosecution is pending; to create the Safe Harbor for Sexually Exploited Children Fund and the Safe Harbor for Sexually Exploited Children Fund Commission; to provide for definitions; to provide for appointment of members of the commission and personnel; to provide for duties of the commission and allow for expenses; to provide for recommendations of changes in state programs, laws, and policies; to provide for acceptance of federal funds and individual donations; to provide for fines and penalties; to provide for collection of fines and disposition of moneys collected; to impose a state regulatory assessment on certain adult entertainment establishments; to provide for the powers, duties, and authority of the Department of Revenue and the commissioner of revenue; to provide for a duty to collect; to provide for the priority of the fund when partial payments are made; to expand forfeiture proceedings involving pimping under certain circumstances to include keeping a place of prostitution, pimping, pandering, and pandering by compulsion; to require registration on the State Sexual Offender Registry when an individual is convicted of trafficking a person for sexual servitude; to require the Department of Human Services to implement a plan to provide services to sexually exploited children; to provide for a short title; to provide for legislative findings and a purpose statement; to provide for related matters; to provide for an effective date and contingent effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**  
**SECTION 1-1.**

This Act shall be known and may be cited as the "Safe Harbor/Rachel's Law Act."

**SECTION 1-2.**

(a) The General Assembly finds that arresting, prosecuting, and incarcerating victimized children serves to retraumatize children and increases their feelings of low self-esteem, making the process of recovery more difficult. The General Assembly acknowledges that both federal and state laws recognize that sexually exploited children are the victims of crime and should be treated as victims. The General Assembly finds that sexually exploited children deserve the protection of child welfare services, including family support, crisis intervention, counseling, and emergency housing services. The General Assembly finds that it is necessary and appropriate to adopt uniform and reasonable assessments and regulations to help address the deleterious secondary effects, including but not limited to, prostitution and sexual exploitation of children, associated with adult entertainment establishments that allow the sale, possession, or consumption of alcohol on premises and that provide to their patrons performances and interaction involving various forms of nudity. The General Assembly finds that a correlation exists between adult live entertainment establishments and the sexual exploitation of children. The General Assembly finds that adult live entertainment establishments present a point of access for children to come into contact with individuals seeking to sexually exploit children. The General Assembly further finds that individuals seeking to exploit children utilize adult live entertainment establishments as a means of locating children for the purpose of sexual exploitation. The General Assembly acknowledges that many local governments in this state and in other states found deleterious secondary effects of adult entertainment establishments are exacerbated by the sale, possession, or consumption of alcohol in such establishments.

(b) The purpose of this Act is to protect a child from further victimization after he or she is discovered to be a sexually exploited child by ensuring that a child protective response is in place in this state. The purpose and intended effect of this Act in imposing assessments and regulations on adult entertainment establishments is not to impose a restriction on the content or reasonable access to any materials or performances protected by the First Amendment of the United States Constitution or Article I, Section I, Paragraph V of the Constitution of this state.

**PART II**  
**SECTION 2-1.**

Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to limitations of actions, is amended by revising Code Section 9-3-33, relating to limitations for actions for injuries to the person, as follows:

"9-3-33.

Except as otherwise provided in this article, actions for injuries to the person shall be brought within two years after the right of action accrues, except for injuries to the reputation, which shall be brought within one year after the right of action accrues, and except for actions for injuries to the person involving loss of consortium, which shall be brought within four years after the right of action accrues."

**SECTION 2-2.**

Said chapter is further amended by revising Code Section 9-3-33.1, relating to limitations for actions for childhood sexual abuse, as follows:

"9-3-33.1.

(a)(1) As used in this subsection, the term 'childhood sexual abuse' means any act committed by the defendant against the plaintiff which occurred when the plaintiff was under 18 years of age and which would be in violation of:

- (A) Rape, as prohibited in Code Section 16-6-1;
- (B) Sodomy or aggravated sodomy, as prohibited in Code Section 16-6-2;
- (C) Statutory rape, as prohibited in Code Section 16-6-3;
- (D) Child molestation or aggravated child molestation, as prohibited in Code Section 16-6-4;
- (E) Enticing a child for indecent purposes, as prohibited in Code Section 16-6-5;
- (F) Pandering, as prohibited in Code Section 16-6-12;
- (G) Pandering by compulsion, as prohibited in Code Section 16-6-14;
- (H) Solicitation of sodomy, as prohibited in Code Section 16-6-15;
- (I) Incest, as prohibited in Code Section 16-6-22;
- (J) Sexual battery, as prohibited in Code Section 16-6-22.1; or
- (K) Aggravated sexual battery, as prohibited in Code Section 16-6-22.2.

(2) Notwithstanding Code Section 9-3-33, any civil action for recovery of damages suffered as a result of childhood sexual abuse committed before July 1, 2015, shall be commenced on or before the date the plaintiff attains the age of 23.

(b)(1) As used in this subsection, the term 'childhood sexual abuse' means any act committed by the defendant against the plaintiff which occurred when the plaintiff was under 18 years of age and which would be in violation of:

- (A) Trafficking a person for sexual servitude, as prohibited in Code Section 16-5-46;
- (B) Rape, as prohibited in Code Section 16-6-1;
- (C) Statutory rape, as prohibited in Code Section 16-6-3, if the defendant was 21 years of age or older at the time of the act;
- (D) Aggravated sodomy, as prohibited in Code Section 16-6-2;
- (E) Child molestation or aggravated child molestation, as prohibited in Code Section 16-6-4, unless the violation would be subject to punishment as provided in paragraph (2) of subsection (b) of Code Section 16-6-4 or paragraph (2) of subsection (d) of Code Section 16-6-4;
- (F) Enticing a child for indecent purposes, as prohibited in Code Section 16-6-5, unless the violation would be subject to punishment as provided in subsection (c) of Code Section 16-6-5;
- (G) Incest, as prohibited in Code Section 16-6-22;
- (H) Aggravated sexual battery, as prohibited in Code Section 16-6-22.2; or
- (I) Part 2 of Article 3 of Chapter 12 of Title 16.

(2) Notwithstanding Code Section 9-3-33, any civil action for recovery of damages suffered as a result of childhood sexual abuse committed on or after July 1, 2015, shall be commenced on or before the date the plaintiff attains the age of 25."

### **SECTION 2-3.**

Said chapter is further amended by revising Code Section 9-3-90, relating to persons under disability or imprisoned when cause of action accrues, as follows:

"9-3-90.

- (a) Individuals who are legally incompetent because of mental retardation or mental illness, who are such when the cause of action accrues, shall be entitled to the same time after their disability is removed to bring an action as is prescribed for other persons.
- (b) Except as otherwise provided in Code Section 9-3-33.1, individuals who are less than 18 years of age when a cause of action accrues shall be entitled to the same time after he or she reaches the age of 18 years to bring an action as is prescribed for other persons.
- (c) No action accruing to an individual imprisoned at the time of its accrual which:
  - (1) Prior to July 1, 1984, has been barred by the provisions of this chapter shall be revived by this chapter, as amended; or

(2) Would be barred before July 1, 1984, by the provisions of this chapter, as amended, but which would not be so barred by the provisions of this chapter in force immediately prior to July 1, 1984, shall be barred until July 1, 1985."

#### **SECTION 2-4.**

Said chapter is further amended by revising Code Section 9-3-99, relating to tolling of limitations for tort actions while criminal prosecution is pending, as follows:

"9-3-99.

The running of the period of limitations with respect to any cause of action in tort that may be brought by the victim of an alleged crime which arises out of the facts and circumstances relating to the commission of such alleged crime committed in this state shall be tolled from the date of the commission of the alleged crime or the act giving rise to such action in tort until the prosecution of such crime or act has become final or otherwise terminated, provided that such time does not exceed six years, except as otherwise provided in Code Section 9-3-33.1."

### **PART III**

#### **SECTION 3-1.**

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

#### **"ARTICLE 11**

15-21-200.

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

15-21-201.

As used in this article, the term:

(1) 'Adult entertainment establishment' means any place of business or commercial establishment where alcoholic beverages of any kind are sold, possessed, or consumed wherein:

- (A) The entertainment or activity therein consists of nude or substantially nude persons dancing with or without music or engaged in movements of a sexual nature or movements simulating sexual intercourse, oral copulation, sodomy, or masturbation;
- (B) The patron directly or indirectly is charged a fee or required to make a purchase in order to view entertainment or activity which consists of persons exhibiting or modeling lingerie or similar undergarments; or
- (C) The patron directly or indirectly is charged a fee to engage in personal contact by employees, devices, or equipment, or by personnel provided by the establishment.

Such term shall include, but shall not be limited to, bathhouses, lingerie modeling studios, and related or similar activities. Such term shall not include businesses or commercial establishments which have as their sole purpose the improvement of health and physical fitness through special equipment and facilities, rather than entertainment.

(2) 'Commission' means the Safe Harbor for Sexually Exploited Children Fund Commission.

(3) 'Fund' means the Safe Harbor for Sexually Exploited Children Fund.

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

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

(6) 'Sexually exploited child' means a person who is younger than 18 years of age who:

- (A) Has been the victim of trafficking of persons for sexual servitude in violation of Code Section 16-5-46;
- (B) Has engaged in sodomy, prostitution, solicitation of sodomy, or masturbation for hire; or
- (C) Has been the victim of sexually explicit conduct for the purpose of producing any print or visual medium.

(7) 'Substantially nude' means dressed in a manner so as to display any portion of the female breast below the top of the areola or displaying any portion of any person's pubic hair, anus, cleft of the buttocks, vulva, or genitals.

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

15-21-202.

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

(b) There is created the Safe Harbor for Sexually Exploited Children Fund as a separate fund in the state treasury. The state treasurer shall credit to the fund all amounts transferred

to the fund and shall invest the fund moneys in the same manner as authorized for investing other moneys in the state treasury.

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

15-21-203.

(a) The commission shall consist of eight members. Seven of the members shall serve for terms of two years, except that with respect to the first members appointed, two members shall be appointed for terms of three years, four members for terms of two years, and one member for a term of one year. The director of the Division of Family and Children Services of the Department of Human Services shall be a permanent member of the commission. The chairperson of the Criminal Justice Coordinating Council, the commissioner of behavioral health and developmental disabilities, and the director of the Division of Family and Children Services of the Department of Human Services shall each appoint one member of the commission; the President of the Senate and the Speaker of the House of Representatives shall each appoint two of the remaining four members. The Governor shall establish initial terms of office for all members of the commission within the limitations of this subsection.

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

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

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

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

15-21-204.

Members of the commission shall serve without compensation but shall receive the same expense allowance per day as that received by a member of the General Assembly for each day such member of the commission is in attendance at a meeting of such commission, plus either reimbursement for actual transportation costs while traveling by public carrier or the same mileage allowance for use of a personal car in connection with such attendance as members of the General Assembly receive. Such expense and travel allowance shall be paid in lieu of any per diem, allowance, or other remuneration now received by any such member for such attendance. Expense allowances and other costs authorized in this Code section shall be paid from moneys in the fund.

15-21-205.

(a) The commission shall:

- (1) Meet at such times and places as it shall determine necessary or convenient to perform its duties on the call of the chairperson or the Governor;
- (2) Maintain minutes of its meetings;
- (3) Adopt rules and regulations for the transaction of its business;
- (4) Accept applications for disbursements of available money from the fund;
- (5) Develop a state-wide protocol for helping to coordinate the delivery of services to sexually exploited children;
- (6) Provide oversight and accountability for any program that receives disbursements from the fund;
- (7) Maintain records of all its expenditures, funds received as gifts and donations, and disbursements made from the fund; and
- (8) Conform to the standards and requirements prescribed by the state accounting officer pursuant to Chapter 5B of Title 50.

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

15-21-206.

The commission may recommend to the Governor and the General Assembly changes in state programs, laws, policies, budgets, and standards relating to the care and rehabilitation of sexually exploited children, changes to improve coordination among state agencies that



provide care and rehabilitative and social services to sexually exploited children, and changes to improve the condition of sexually exploited children who are in need of rehabilitative and social services.

15-21-207.

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

15-21-208.

(a) In every case in which any court in this state shall impose a fine, which shall be construed to include costs, for trafficking a person for sexual servitude in violation of Code Section 16-5-46 or any violation of Code Section 16-6-10, 16-6-11, 16-6-12, 16-6-14, 16-6-15, 16-6-16, or 16-12-100, there shall be imposed an additional penalty of \$2,500.00 if the defendant was 18 years of age or older at the time of the offense.

(b) Such sums shall be in addition to any amount required to be paid into any pension, annuity, or retirement fund under Title 47 or any other law and in addition to any other amounts provided for in this chapter.

(c) The sums provided for in this Code section shall be assessed and collected by the clerk or court officer charged with the duty of collecting moneys arising from fines and shall be paid over by the last day of the following month to the Georgia Superior Court Clerks' Cooperative Authority for remittance to the Safe Harbor for Sexually Exploited Children Fund Commission, to be deposited into the Safe Harbor for Sexually Exploited Children Fund.

(d) Any person whose duty it is to collect or remit the sums provided for in this Code section who intentionally refuses to collect or remit such sums shall be guilty of a misdemeanor.

15-21-209.

(a) By April 30 of each calendar year, each adult entertainment establishment shall pay to the commissioner of revenue a state operation assessment equal to the greater of 1 percent of the previous calendar year's gross revenue or \$5,000.00. This state assessment shall be

in addition to any other fees and assessments required by the county or municipality authorizing the operation of an adult entertainment business.

(b) The previous year's gross revenue of an adult entertainment establishment shall be determined based upon tax returns filed with the Department of Revenue. The commissioner of revenue may, by rule or regulation, require other reports or returns to be filed by an adult entertainment establishment as he or she deems appropriate.

(c) The assessments collected pursuant to this Code section shall be remitted to the Safe Harbor for Sexually Exploited Children Fund Commission, to be deposited into the Safe Harbor for Sexually Exploited Children Fund.

(d) The assessments imposed by this Code section shall be assessed and collected in the same manner as taxes due the state in Title 48 and appeals of such assessments shall be within the jurisdiction of the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50.

(e) The commissioner of revenue shall be authorized to promulgate any rules and regulations he or she deems necessary to implement and administer the provisions of this Code section."

### **SECTION 3-2.**

Code Section 15-6-95 of the Official Code of Georgia Annotated, relating to priorities of distribution of fines, bond forfeitures, surcharges, additional fees, and costs in cases of partial payments into the court, is amended by deleting "and" at the end of paragraph (13), by replacing the period with "; and" at the end of paragraph (14), and by adding a new paragraph (15) to read as follows:

"(15) The amount provided for in Code Section 15-21-208 for the Safe Harbor for Sexually Exploited Children Fund."

## **PART IV**

### **SECTION 4-1.**

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising subsection (b) of Code Section 16-3-6, relating to affirmative defenses to certain sexual crimes, as follows:

"(b) A person shall not be guilty of a sexual crime if the conduct upon which the alleged criminal liability is based was committed by an accused who was:

(1) Less than 18 years of age at the time of the conduct such person was being trafficked for sexual servitude in violation of subsection (c) of Code Section 16-5-46; or

(2) Acting under coercion or deception while the accused was being trafficked for sexual servitude in violation of subsection (c) of Code Section 16-5-46."

#### **SECTION 4-2.**

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

"(B) 'Dangerous sexual offense' with respect to convictions occurring between July 1, 2006, and June 30, 2015, means any criminal offense, or the attempt to commit any criminal offense, under Title 16 as specified in this paragraph or any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of the following offenses:

- (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
- (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who is less than 14 years of age, except by a parent;
- (iii) False imprisonment in violation of Code Section 16-5-41 which involves a victim who is less than 14 years of age, except by a parent;
- (iv) Rape in violation of Code Section 16-6-1;
- (v) Sodomy in violation of Code Section 16-6-2;
- (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted of the offense is 21 years of age or older;
- (viii) Child molestation in violation of Code Section 16-6-4;
- (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the person was convicted of a misdemeanor offense;
- (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
- (xii) Incest in violation of Code Section 16-6-22;
- (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
- (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
- (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- (xvi) Electronically furnishing obscene material to minors in violation of Code Section 16-12-100.1;
- (xvii) Computer pornography and child exploitation in violation of Code Section 16-12-100.2;
- (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or

(xix) Any conduct which, by its nature, is a sexual offense against a victim who is a minor or an attempt to commit a sexual offense against a victim who is a minor.

(B.1) 'Dangerous sexual offense' with respect to convictions occurring after June 30, 2015, means any criminal offense, or the attempt to commit any criminal offense, under Title 16 as specified in this paragraph or any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of the following offenses:

- (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
- (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who is less than 14 years of age, except by a parent;
- (iii) Trafficking a person for sexual servitude in violation of Code Section 16-5-46;
- (iv) Rape in violation of Code Section 16-6-1;
- (v) Sodomy in violation of Code Section 16-6-2;
- (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted of the offense is 21 years of age or older;
- (viii) Child molestation in violation of Code Section 16-6-4;
- (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the person was convicted of a misdemeanor offense;
- (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
- (xii) Incest in violation of Code Section 16-6-22;
- (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
- (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
- (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- (xvi) Electronically furnishing obscene material to minors in violation of Code Section 16-12-100.1;
- (xvii) Computer pornography and child exploitation in violation of Code Section 16-12-100.2;
- (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
- (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a minor or an attempt to commit a sexual offense against a victim who is a minor."

"(r) Any violation of this Code section is declared to be a continuous offense, and venue for such offense shall be considered to have been committed in any county where:

- (1) A sexual offender is required to register;
- (2) An accused fails to comply with the requirements of this Code section; or
- (3) An accused provides false information."

### **SECTION 4-3.**

Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to children and youth services, is amended by revising Code Section 49-5-8, relating to the powers and duties of department, by adding a new subsection to read as follows:

"(d)(1) As used in this subsection, the term 'sexually exploited child' shall have the same meaning as set forth in Code Section 15-21-201.

(2) The department, in consultation with the Office of the Child Advocate for the Protection of Children, the Criminal Justice Coordinating Council, and law enforcement officials, shall develop a plan for the delivery of services to sexually exploited children, victims of trafficking of persons for labor servitude, and such children and persons who are at risk of becoming victims of such offenses. In developing such plan, the department shall work with state and federal agencies, public and private entities, and other stakeholders as it deems appropriate and shall periodically review such plans to ensure appropriate services are being delivered. Such plan shall include:

(A) Identifying children who need services;

(B) Providing assistance with applications for federal and state benefits, compensation, and services;

(C) Coordinating the delivery of physical and mental health, housing, education, job training, child care, legal, and other services;

(D) Preparing and disseminating educational and training materials to increase awareness of available services;

(E) Developing and maintaining community based services;

(F) Providing assistance with family reunification or repatriation to a country of origin; and

(G) Providing law enforcement officials assistance in identifying children in need of such services."

### **PART VA**

#### **SECTION 5A-1.**

Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, is amended by revising subsection (c) of Code Section 16-6-13.2, relating to forfeiture and seizure of property and in rem actions, as follows:

"(c)(1) Any motor vehicle operated by a person to facilitate a violation of Code Section 16-6-10, 16-6-11, 16-6-12, or 16-6-14 is declared to be contraband and subject to forfeiture to the state, as provided in this Code section.

(2) For the purpose of this subsection, a violation of Code Section 16-6-10, 16-6-11, 16-6-12, or 16-6-14 involving a motor vehicle shall mean a violation of Code Section 16-6-10, 16-6-11, 16-6-12, or 16-6-14 in which a motor vehicle is used to violate said Code section or in which the violation occurred."

#### **SECTION 5A-2.**

Said chapter is further amended by revising subsection (a) of Code Section 16-6-13.3, relating to proceeds from pimping, forfeiture, and distribution, as follows:

"(a) Any proceeds or money which is, directly or indirectly, used or intended for use in any manner to facilitate or derived from a violation of Code Section 16-6-10, 16-6-11, 16-6-12, or 16-6-14 is declared to be contraband and shall be forfeited to the state and no person shall have a property interest in such proceeds or money. Such proceeds or money may be seized or detained in the same manner as provided in Code Section 16-13-49 and shall not be subject to replevin, conveyance, sequestration, or attachment."

### **PART VB**

#### **SECTION 5B-1.**

Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses is amended by repealing in its entirety Code Section 16-6-13.2, relating to forfeiture and seizure of property involving pimping and pandering, and enacting a new Code Section 16-6-13.2 to read as follows:

"16-6-13.2.

(a) As used in this Code section, the term 'motor vehicle' shall have the same meaning as set forth in Code Section 40-1-1.

(b) Any motor vehicle used by a person to facilitate a violation of Code Section 16-6-10, 16-6-11, 16-6-12, or 16-6-14 is declared to be contraband and no person shall have a property right in it.

(c) Any property subject to forfeiture pursuant to subsection (b) of this Code section shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9."

#### **SECTION 5B-2.**

Said chapter is further amended by repealing in its entirety Code Section 16-6-13.3, relating to proceeds from pimping, forfeiture, and distribution, and enacting a new Code Section 16-6-13.3 to read as follows:

"16-6-13.3.

(a) As used in this Code section, the terms 'proceeds' and 'property' shall have the same meanings as set forth in Code Section 9-16-2.

(b) Any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of Code Section 16-6-10, 16-6-11, 16-6-12, or 16-6-14 and any proceeds are declared to be contraband and no person shall have a property right in them.

(c) Any property subject to forfeiture pursuant to subsection (b) of this Code section shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9."

**PART VI**  
**SECTION 6-1.**

(a) Except as provided in subsections (b) and (c) of this section, this Act shall become effective on July 1, 2015.

(b) Part 3 of this Act shall become effective on January 1, 2017, provided that a constitutional amendment is passed by the General Assembly and is ratified by the voters in the November, 2016, General Election amending the Constitution of Georgia to authorize the General Assembly to provide specific funding to the Safe Harbor for Sexually Exploited Children Fund. If such an amendment to the Constitution of Georgia is not so ratified, then Part 3 of this Act shall not become effective and shall stand repealed by operation of law on January 1, 2017.

(c)(1) Part 5B of this Act shall become effective on July 1, 2015, only if HB 233 is enacted by the General Assembly and becomes law in 2015, in which event Part 5A of this Act shall not become effective and shall stand repealed on July 1, 2015.

(2) If HB 233 does not become law in 2015, then Part 5A of this Act shall become effective on July 1, 2015, and Part 5B of this Act shall not become effective and shall stand repealed on July 1, 2015.

**SECTION 6-2.**

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