

A RESOLUTION

Councilmember Derrick Boatman

A Resolution amending the City of Atlanta's 2001 Legislative Package to support Senate Bill 35 by Senators Fort of the 39<sup>th</sup>, Thomas of the 10<sup>th</sup>, Hecht of the 34<sup>th</sup>, Tate of the 38<sup>th</sup> and Price of the 56<sup>th</sup>

WHEREAS, the problem of child prostitution is a growing phenomenon in the Nation, the State and the City of Atlanta; and

WHEREAS, children are being induced, coerced or compelled to perform sexual acts for the financial benefit of third parties; and

WHEREAS, the courts have consistently punished the (children) victim, while the persons arranging the services (pimps) are not prosecuted; and

WHEREAS, prostitution of children is not a victimless crime, and those adults who profit from it should held accountable for those deeds; and

WHEREAS, Senators Fort, Hecht, Thomas, Tate and Price have introduced Senate Bill 35 which would impose a higher penalty on those who traffic these services;

WHEREAS, the Atlanta City Council fully supports Senate Bill 35.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA that the City's of Atlanta's 2001 Legislative be amended to support Senate Bill 35

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to forward copies of this Resolution to the Governor, the Lt. Governor, and all members of the 2001 Georgia General Assembly.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

JAN 16, 2001  
JAN 23, 2001

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LC 10 3322

**Senate Bill 35**

By: Senators Fort of the 39<sup>th</sup>, Hecht of the 34<sup>th</sup>, Thomas of the 10<sup>th</sup>, Tate of the 38<sup>th</sup> and Price of the 56<sup>th</sup>

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual  
2 offenses, so as to provide for the "Child Sexual Commerce Prevention Act of 2001"; to  
3 provide for legislative intent; to change the definition of the offense of prostitution; to change  
4 certain penalty provisions applicable to the offenses of pimping and pandering when such  
5 offenses under certain circumstances involve persons under the age of 18 years; to change  
6 the definition of the offense of pandering by compulsion; to provide an effective date; to  
7 repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Child Sexual Commerce Prevention Act  
11 of 2001."

12 **SECTION 2.**

13 The General Assembly acknowledges that children are increasingly induced, coerced, or  
14 compelled to perform sexual acts for the financial benefit of third parties. The General  
15 Assembly enacts this law to express its abhorrence for these practices and to better protect  
16 children from sexual exploitation.

17 **SECTION 3.**

18 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,  
19 is amended by striking in its entirety Code Section 16-6-9, relating to the offense of  
20 prostitution, and inserting in lieu thereof a new Code Section 16-6-9 to read as follows:

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1 '16-6-9.

2 A person commits the offense of prostitution when he or she performs or offers or consents  
3 to perform an a sexual act, including of sexual intercourse, for money or other items of  
4 value.

## 5 SECTION 4.

6 Said chapter is further amended by striking in its entirety subsection (b) of Code Section  
7 16-6-13, relating to penalties for violating Code Sections 16-6-9 through 16-6-12, and  
8 inserting in lieu thereof a new subsection (b) to read as follows:

9 '(b) A person convicted of pimping or pandering when such offense involves the pimping  
10 for or the solicitation of a person under the age of ~~17~~ 18 years to perform an act of  
11 prostitution or the assembly of two or more persons under the age of ~~17~~ 18 years at a fixed  
12 place for the purpose of being solicited by others to perform an act of prostitution shall be  
13 guilty of a felony and shall be punished by imprisonment for a period of not less than five  
14 nor more than 20 years, provided that the minimum sentence shall be increased by two  
15 years for each year in age below 17 years that the individual or individuals who form the  
16 basis of a person's conviction is at the time the offense is committed. In addition, such  
17 convicted person may be fined not less than \$2,500.00 nor more than \$10,00.00 or shall be  
18 imprisoned for not less than one year nor more than five years, or both fined and  
19 imprisoned plus three times all proceeds that the convicted person has received from any  
20 acts of pimping or pandering. Adjudication of guilt or imposition of a sentence for a  
21 subsequent offense of pimping or pandering involving a person under the age of ~~17~~ 18  
22 years pursuant to this subsection, including a plea of nolo contendere, shall not be  
23 suspended, probated, deferred, or withheld.'

## 24 SECTION 5.

25 Said chapter is further amended by striking in its entirety Code Section 16-6-14, relating to  
26 the offense of pandering by compulsion, and inserting in lieu thereof a new Code Section  
27 16-6-14 to read as follows:

28 '16-6-14.

29 A person commits the offense of pandering by compulsion when he or she by duress or  
30 coercion causes a female person to perform an act of prostitution and, upon conviction  
31 thereof, shall be punished by imprisonment for not less than one nor more than ten years.'

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**SECTION 6.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law  
3 without such approval.

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**SECTION 7.**

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

01-~~R~~-0084

(Do Not Write Above This Line)

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Councilmember Derrick Boazman

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1/16/01  
Unanimously  
Adopted  
by Voice Vote

**ADOPTED BY  
JAN 16 2001  
COUNCIL**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

**First Reading**

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred to \_\_\_\_\_

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

**FINAL COUNCIL ACTION**

- 2nd
- 1st & 2nd Readings
- Consent
- 3rd
- V Vote
- RC Vote

CERTIFIED

**CERTIFIED**  
 JAN 16 2001  
 ATLANTA CITY COUNCIL PRESIDENT  
*Derrick Boazman*

**CERTIFIED**  
 JAN 16 2001  
*Rachel Dunbar Johnson*  
 MUNICIPAL CLERK

MAYOR'S ACTION

**CERTIFIED**  
 JAN 23 2001  
*Raymond A. Spivey*  
 MAYOR