

House Bill 994

By: Representatives Reeves of the 34th, Fleming of the 121st, Efstoration of the 104th, Welch of the 110th, and Ehrhart of the 36th

A BILL TO BE ENTITLED
AN ACT

1 To revise provisions to advance the enforcement of laws and responses to certain criminal
2 activities; to amend Part 9 of Article 6 of Chapter 11 of Title 15 of the Official Code of
3 Georgia Annotated, relating to transfers, so as to revise and to provide for provisions relating
4 to addressing criminal gang activities; to provide the superior court exclusive original
5 jurisdiction over the trial of certain children alleged to have participated in criminal gang
6 activity; to amend Chapter 15 of Title 16 of the Official Code of Georgia Annotated, relating
7 to street gang terrorism and prevention, so as to revise the definition of "criminal gang
8 activity" and prohibited criminal gang activities in regards to street gang terrorism and
9 prevention; to subject persons who commit criminal gang activity to certain actions and
10 remedies; to provide for venue of criminal gang activity; to provide for enjoinder by the
11 superior court regarding participation in criminal gang activity; to amend Article 2 of
12 Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to death penalty
13 generally, so as to revise criminal procedure in regards to certain death penalty cases; to
14 amend Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating
15 to Sexual Offender Registration Review Board, so as to revise dangerous sexual offenses that
16 are applicable to the State Sexual Offender Registry; to provide for related matters; to repeal
17 conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

20 Part 9 of Article 6 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
21 relating to transfers, is amended by revising subsection (b) of Code Section 15-11-560,
22 relating to concurrent and original jurisdiction of superior court, as follows:

23 "(b) The superior court shall have exclusive original jurisdiction over the trial of any child
24 13 to 17 years of age who is alleged to have committed any of the following offenses:

- 25 (1) Murder;
26 (2) Murder in the second degree;

- 27 (3) Voluntary manslaughter;
- 28 (4) Rape;
- 29 (5) Aggravated sodomy;
- 30 (6) Aggravated child molestation;
- 31 (7) Aggravated sexual battery;
- 32 (8) Armed robbery if committed with a firearm;
- 33 (9) Aggravated assault if committed with a firearm upon a public safety officer as such
- 34 acts are prohibited under subsection (c) of Code Section 16-5-21; ~~or~~
- 35 (10) Aggravated battery upon a public safety officer as such acts are prohibited under
- 36 subsection (c) of Code Section 16-5-24; or
- 37 (11) Participating in criminal gang activity in violation of Code Section 16-15-4 when
- 38 such violation involves:
- 39 (A) Any felony which involves the use or threat of physical force or violence against
- 40 any person and further includes, without limitation, murder; murder in the second
- 41 degree; burglary in any degree; robbery; armed robbery; home invasion in any degree;
- 42 kidnapping; hijacking of an aircraft or hijacking a motor vehicle in the first degree;
- 43 aggravated stalking; rape; aggravated child molestation; aggravated sexual battery;
- 44 arson in the first degree; the manufacturing, transporting, distribution, or possession of
- 45 explosives with intent to kill, injure, or intimidate individuals or destroy a public
- 46 building; terroristic threats; or acts of treason or insurrection; or
- 47 (B) The commission of any of the following offenses:
- 48 (i) Aggravated assault in violation of Code Section 16-5-21;
- 49 (ii) Aggravated battery in violation of Code Section 16-5-24;
- 50 (iii) Any offense involving trafficking of persons in violation of Code Section
- 51 16-5-46;
- 52 (iv) Any offense involving trafficking in illegal drugs in violation of Code
- 53 Section 16-13-31;
- 54 (v) Cruelty to children in the first degree in violation of Code Section 16-5-70; and
- 55 (vi) Any felony offense involving the possession of a weapon."

56 **SECTION 2.**

57 Chapter 15 of Title 16 of the Official Code of Georgia Annotated, relating to street gang

58 terrorism and prevention, is amended by revising Code Section 16-15-3, relating to

59 definitions, as follows:

60 "16-15-3.

61 As used in this chapter, the term:

62 (1) 'Criminal gang activity' means the commission, attempted commission, conspiracy
 63 to commit, or the solicitation, coercion, or intimidation of another person to commit any
 64 of the following offenses ~~on or after~~ between July 1, 2006, and June 30, 2020:

65 (A) Any offense defined as racketeering activity by Code Section 16-14-3;

66 (B) Any offense defined in Article 7 of Chapter 5 of this title, relating to stalking;

67 (C) Any offense defined in Code Section 16-6-1 as rape, 16-6-2 as aggravated sodomy,
 68 16-6-3 as statutory rape, or 16-6-22.2 as aggravated sexual battery;

69 (D) Any offense defined in Article 3 of Chapter 10 of this title, relating to escape and
 70 other offenses related to confinement;

71 (E) Any offense defined in Article 4 of Chapter 11 of this title, relating to dangerous
 72 instrumentalities and practices;

73 (F) Any offense defined in Code Section 42-5-15, 42-5-16, 42-5-17, 42-5-18, or
 74 42-5-19, relating to the security of state or county correctional facilities;

75 (G) Any offense defined in Code Section 49-4A-11, relating to aiding or encouraging
 76 a child to escape from custody;

77 (H) Any offense of criminal trespass or criminal damage to property resulting from any
 78 act of gang related painting on, tagging, marking on, writing on, or creating any form
 79 of graffiti on the property of another;

80 (I) Any criminal offense committed in violation of the laws of the United States or its
 81 territories, dominions, or possessions, any of the several states, or any foreign nation
 82 which, if committed in this state, would be considered criminal gang activity under this
 83 Code section; and

84 (J) Any criminal offense in the State of Georgia, any other state, or the United States
 85 that involves violence, possession of a weapon, or use of a weapon, whether designated
 86 as a felony or not, and regardless of the maximum sentence that could be imposed or
 87 actually was imposed.

88 (2) 'Criminal gang activity' ~~on and after~~ between April 18, 2019, and June 30, 2020, shall
 89 also mean the commission, attempted commission, conspiracy to commit, or the
 90 solicitation, coercion, or intimidation of another person to commit on and after April 18,
 91 2019, any offense defined in Code Section 16-5-46 as trafficking persons for labor
 92 servitude or sexual servitude, 16-6-10 as keeping a place of prostitution, 16-6-11 as
 93 pimping, or 16-6-12 as pandering.

94 (3) 'Criminal gang activity' means the commission, attempted commission, conspiracy
 95 to commit, or the solicitation, coercion, or intimidation of another person to commit any
 96 of the following offenses on or after July 1, 2020:

97 (A) Any offense defined as racketeering activity by Code Section 16-14-3;

98 (B) Any offense defined in Article 7 of Chapter 5 of this title, relating to stalking;

99 (C) Any offense defined in Code Section 16-5-46 as trafficking persons for labor
 100 servitude or sexual servitude, 16-6-10 as keeping a place of prostitution, 16-6-11 as
 101 pimping, or 16-6-12 as pandering;

102 (D) Any offense defined in Code Section 16-6-1 as rape, 16-6-2 as aggravated sodomy,
 103 16-6-3 as statutory rape, 16-6-4 as child molestation or aggravated child molestation,
 104 16-6-5 as enticing a child for indecent purposes, or 16-6-22.2 as aggravated sexual
 105 battery;

106 (E) Any offense defined in Article 3 of Chapter 10 of this title, relating to escape and
 107 other offenses related to confinement;

108 (F) Any offense defined in Article 4 of Chapter 11 of this title, relating to dangerous
 109 instrumentalities and practices;

110 (G) Any offense defined in Code Section 42-5-15, 42-5-16, 42-5-17, 42-5-18, or
 111 42-5-19, relating to the security of state or county correctional facilities;

112 (H) Any offense defined in Code Section 49-4A-11, relating to aiding or encouraging
 113 a child to escape from custody;

114 (I) Any offense of criminal trespass or criminal damage to property resulting from any
 115 act of gang related painting on, tagging, marking on, writing on, or creating any form
 116 of graffiti on the property of another;

117 (J) Any criminal offense committed in violation of the laws of the United States or its
 118 territories, dominions, or possessions, any of the several states, or any foreign nation
 119 which, if committed in this state, would be considered criminal gang activity under this
 120 Code section;

121 (K) Any criminal offense in the State of Georgia, any other state, or the United States
 122 that involves violence, possession of a weapon, or use of a weapon, whether designated
 123 as a felony or not, and regardless of the maximum sentence that could be imposed or
 124 actually was imposed; and

125 (L) Any criminal offense in the State of Georgia that involves obstructing or hindering
 126 law enforcement officers that is designated as a felony or any criminal offense in any
 127 other state or the United States that involves obstructing or hindering law enforcement
 128 officers which, if committed within this state, would constitute a felony.

129 ~~(3)~~(4) 'Criminal street gang' means any organization, association, or group of three or
 130 more persons associated in fact, whether formal or informal, which engages in criminal
 131 gang activity as defined in paragraph (1) of this Code section. The existence of such
 132 organization, association, or group of individuals associated in fact may be established
 133 by evidence of a common name or common identifying signs, symbols, tattoos, graffiti,
 134 or attire or other distinguishing characteristics, including, but not limited to, common
 135 activities, customs, or behaviors. Such term shall not include three or more persons,

136 associated in fact, whether formal or informal, who are not engaged in criminal gang
137 activity."

138 **SECTION 3.**

139 Said chapter is further amended by revising subsections Code Section 16-15-4, relating to
140 participation in criminal gang activity prohibited, as follows:

141 "16-15-4.

142 (a) It shall be unlawful for any person employed by or associated with a criminal street
143 gang to conduct or participate in criminal gang activity through the commission of any
144 offense enumerated in paragraph ~~(1)~~ (3) of Code Section 16-15-3.

145 (b) It shall be unlawful for any person to commit any offense enumerated in paragraph ~~(1)~~
146 (3) of Code Section 16-15-3 with the intent to obtain or earn membership ~~or maintain or~~
147 ~~increase his or her status~~ or position in a criminal street gang.

148 (c) It shall be unlawful for any person to commit any offense enumerated in paragraph (3)
149 of Code Section 16-15-3 with the intent to maintain his or her status or position in a
150 criminal street gang.

151 (d) It shall be unlawful for any person to commit any offense enumerated in paragraph (3)
152 of Code Section 16-15-3 with the intent to increase his or her status or position in a
153 criminal street gang.

154 ~~(e)~~(e) It shall be unlawful for any person to acquire or maintain, directly or indirectly,
155 through criminal gang activity or proceeds derived therefrom any interest in or control of
156 any real or personal property of any nature, including money.

157 ~~(d)~~(f) It shall be unlawful for any person who occupies a position of organizer, supervisory
158 position, or any other position of management or leadership with regard to a criminal street
159 gang to engage in, directly or indirectly, or conspire to engage in criminal gang activity.

160 ~~(e)~~(g) It shall be unlawful for any person to cause, encourage, solicit, recruit, or coerce
161 another to become a member or associate of a criminal street gang, to participate in a
162 criminal street gang, or to conduct or participate in criminal gang activity.

163 ~~(f)~~(h) It shall be unlawful for any person to communicate, directly or indirectly; with
164 another, any threat of injury or damage to the person or property of the other person or of
165 any associate or relative of the other person with the intent to deter such person from
166 assisting a member or associate of a criminal street gang to withdraw from such criminal
167 street gang.

168 ~~(g)~~(i) It shall be unlawful for any person to communicate, directly or indirectly; with
169 another, any threat of injury or damage to the person or property of the other person or of
170 any associate or relative of the other person with the intent to punish or retaliate against
171 such person for having withdrawn from a criminal street gang.

172 ~~(h)~~(j) It shall be unlawful for any person to communicate, directly or indirectly; with
 173 another, any threat of injury or damage to the person or property of the other person or of
 174 any associate or relative of the other person with the intent to punish or retaliate against
 175 such person for refusing to or encouraging another to refuse to become or obtain the status
 176 of a member or associate of a criminal street gang.

177 ~~(i)~~(k) It shall be unlawful for any person to communicate, directly or indirectly; with
 178 another, any threat of injury or damage to the person or property of the other person or of
 179 any associate or relative of the other person with the intent to punish or retaliate against
 180 such person for providing statements or testimony against criminal street gangs or any
 181 criminal street gang member or associate.

182 ~~(j)~~(l) In addition to the prohibitions set forth in Code Section 16-10-93, it shall be unlawful
 183 for any person to communicate, directly or indirectly; with another, any threat of injury or
 184 damage to the person or property of the other person or of any associate or relative of the
 185 other person with the intent to intimidate, deter, or prevent such person from
 186 communicating to any law enforcement or corrections officer, prosecuting attorney, or
 187 judge information relating to criminal street gangs, criminal street gang members or
 188 associates, or criminal gang activity.

189 ~~(k)~~(m)(1) Any person who violates subsection (a), (b), ~~or (c), or (d)~~ of this Code section
 190 shall be guilty of a felony and, upon conviction thereof, in addition to any other penalty
 191 imposed, shall be sentenced to imprisonment for five years but not more than 20 years
 192 or pay a fine of not less than \$10,000.00 nor more than \$15,000.00, or both.

193 (2) Any person who violates subsection (a) of this Code section through the commission
 194 of a violation of Code Section 42-5-18 shall be guilty of a felony and upon conviction
 195 thereof, in addition to any other penalty imposed, shall be sentenced to a mandatory
 196 minimum term of imprisonment of two years but not more than 20 years which shall be
 197 served consecutively to any other sentence imposed, and no portion of the mandatory
 198 minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld
 199 by the sentencing court.

200 (3) Any person who violates subsection ~~(d)~~ (f) of this Code section shall be guilty of a
 201 felony and upon conviction thereof, in addition to any other penalty imposed, shall be
 202 sentenced to imprisonment for five years but not more than 20 years which shall be
 203 served consecutively to any other sentence imposed.

204 (4) Any person who violates subsection ~~(e), (f), (g), (h), (i), or (j)~~ (g), (h), (i), (j), (k), or
 205 (l) of this Code section shall be guilty of a felony and upon conviction thereof, in addition
 206 to any other penalty imposed, shall be sentenced to imprisonment for five years but not
 207 more than 20 years.

208 ~~(n)~~ In addition to any other penalty provided by this Code section, all sentences imposed
 209 under this Code section shall require as a special condition of the sentence that the person
 210 sentenced shall not knowingly have contact of any kind or character with any other
 211 member or associate of a criminal street gang, shall not participate in any criminal gang
 212 activity, and, in cases involving a victim, shall not knowingly have contact of any kind or
 213 character with any such victim or any member of any such victim's family or household.
 214 ~~(m)~~(o) Any crime committed in violation of this Code section shall be considered a
 215 separate offense and shall not merge with any other offense."

216 **SECTION 4.**

217 Said chapter is further amended by revising Code Section 16-15-7, relating to real property
 218 used by criminal street gangs declared public nuisance, abatement, and persons injured by
 219 gangs entitled to treble damages, as follows:

220 "16-15-7.

221 (a) Any person who commits criminal gang activity and any real property which is erected,
 222 established, maintained, owned, leased, or used by any criminal street gang for the purpose
 223 of conducting criminal gang activity shall constitute a public nuisance and may be abated
 224 or enjoined as provided by Title 41, relating to nuisances, and subject to any and all actions
 225 and remedies set forth in Title 41.

226 (b) An action to abate or enjoin a nuisance pursuant to this Code section may be brought
 227 by the district attorney, solicitor-general, prosecuting attorney of a municipal court or city,
 228 or county attorney in any superior, state, or municipal court.

229 (c) Any person who is injured by reason of criminal gang activity shall have a cause of
 230 action for three times the actual damages sustained and, where appropriate, punitive
 231 damages; provided, however, that no cause of action shall arise under this subsection as a
 232 result of an otherwise legitimate commercial transaction between parties to a contract or
 233 agreement for the sale of lawful goods or property or the sale of securities regulated by
 234 Chapter 5 of Title 10 or by the federal Securities and Exchange Commission. Such person
 235 shall also recover attorney's fees in the trial and appellate court and costs of investigation
 236 and litigation reasonably incurred. All averments of a cause of action under this subsection
 237 shall be stated with particularity. No judgment shall be awarded unless the finder of fact
 238 determines that the action is consistent with the intent of the General Assembly as set forth
 239 in Code Section 16-15-2.

240 (d) The state, any political subdivision thereof, or any person aggrieved by a criminal
 241 street gang or criminal gang activity may bring an action to enjoin violations of this chapter
 242 in the same manner as provided in Code Section 16-14-6."

243 **SECTION 5.**

244 Said chapter is further amended by adding two new Code sections to read as follows:

245 "16-15-12.

246 In any criminal proceeding or civil proceeding brought pursuant to this chapter, the crime
 247 or other violation shall be considered to have been committed in any county in which an
 248 incident of criminal gang activity occurred or in which any violation of Code Section
 249 16-15-4 occurred.

250 16-15-13.

251 (a) Any superior court may, after making due provisions for the rights of innocent persons,
 252 enjoin violations of Code Section 16-15-4 by issuing appropriate orders and judgments,
 253 including, but not limited to:

254 (1) Ordering any defendant to divest himself or herself of any interest in any enterprise,
 255 real property, or personal property;

256 (2) Imposing reasonable restrictions upon the future activities or investments of any
 257 defendant, including, but not limited to, prohibiting any defendant from engaging in the
 258 same type of endeavor as the enterprise in which he or she was engaged in violation of
 259 Code Section 16-15-4;

260 (3) Ordering the dissolution or reorganization of any enterprise;

261 (4) Ordering the suspension or revocation of any license, permit, or prior approval
 262 granted to any enterprise by any agency of the state; or

263 (5) Ordering the forfeiture of the charter of a corporation organized under the laws of this
 264 state or the revocation of a certificate authorizing a foreign corporation to conduct
 265 business within this state upon a finding that the board of directors or a managerial agent
 266 acting on behalf of the corporation, in conducting affairs of the corporation, has
 267 authorized or engaged in conduct in violation of Code Section 16-15-4 and that, for the
 268 prevention of future criminal activity, the public interest requires that the charter of the
 269 corporation be forfeited and that the corporation be dissolved or the certificate be
 270 revoked.

271 (b) The state may institute a civil action under subsection (a) of this Code section. In such
 272 civil action, relief shall be granted in conformity with the principles that govern the
 273 granting of injunctive relief from threatened loss or damage in other civil cases, provided
 274 that no showing of special or irreparable damage to the person shall have to be made.
 275 Upon the execution of proper bond against damages for an injunction improvidently
 276 granted and a showing of immediate danger of significant loss or damage, a temporary
 277 restraining order and a preliminary injunction may be issued in any such action before a
 278 final determination on the merits.

279 (c) A conviction in any criminal proceeding shall estop the defendant in any subsequent
 280 civil action or civil forfeiture proceeding under this chapter as to all matters proved in the
 281 criminal proceeding."

282

SECTION 6.

283 Article 2 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to
 284 death penalty generally, is amended by revising subsection (b) of Code Section 17-10-30,
 285 relating to procedure for imposition of death penalty generally, as follows:

286 "(b) In all cases of other offenses for which the death penalty may be authorized, the judge
 287 shall consider, or he or she shall include in his or her instructions to the jury for it to
 288 consider, any mitigating circumstances or aggravating circumstances otherwise authorized
 289 by law and any of the following statutory aggravating circumstances which may be
 290 supported by the evidence:

291 (1) The offense of murder, rape, armed robbery, or kidnapping was committed by a
 292 person with a prior record of conviction for a capital felony;

293 (2) The offense of murder, rape, armed robbery, or kidnapping was committed while the
 294 offender was engaged in the commission of another capital felony or aggravated battery,
 295 or the offense of murder was committed while the offender was engaged in the
 296 commission of burglary in any degree or arson in the first degree;

297 (3) The offender, by his or her act of murder, armed robbery, or kidnapping, knowingly
 298 created a great risk of death to more than one person in a public place by means of a
 299 weapon or device which would normally be hazardous to the lives of more than one
 300 person;

301 (4) The offender committed the offense of murder for himself or herself or another, for
 302 the purpose of receiving money or any other thing of monetary value;

303 (5) The murder of a judicial officer, former judicial officer, district attorney or
 304 solicitor-general, or former district attorney, solicitor, or solicitor-general was committed
 305 during or because of the exercise of his or her official duties;

306 (6) The offender caused or directed another to commit murder or committed murder as
 307 an agent or employee of another person;

308 (7) The offense of murder, rape, armed robbery, or kidnapping was outrageously or
 309 wantonly vile, horrible, or inhuman in that it involved torture, depravity of mind, or an
 310 aggravated battery to the victim;

311 (8) The offense of murder was committed against any peace officer, corrections
 312 employee, or firefighter while engaged in the performance of his or her official duties;

313 (9) The offense of murder was committed by a person in, or who ~~has~~ escaped from, the
 314 lawful custody of a peace officer or place of lawful confinement;

315 (10) The murder was committed for the purpose of avoiding, interfering with, or
 316 preventing a lawful arrest or custody in a place of lawful confinement, of himself or
 317 herself or another;

318 (11) The offense of murder, rape, or kidnapping was committed by a person previously
 319 convicted of rape, aggravated sodomy, aggravated child molestation, or aggravated
 320 sexual battery; ~~or~~

321 (12) The murder was committed during an act of domestic terrorism; or

322 (13) The murder was committed by a person while that person was acting in violation
 323 of Chapter 15 of Title 16."

324 **SECTION 7.**

325 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to
 326 Sexual Offender Registration Review Board, is amended by revising subparagraph
 327 (a)(10)(B.3) and adding a new subparagraph to paragraph (10) of subsection (a) of Code
 328 Section 42-1-12, relating to State Sexual Offender Registry, as follows:

329 "(B.3) 'Dangerous sexual offense' with respect to convictions occurring ~~after June 30,~~
 330 ~~2019~~ between July 1, 2019, and June 30, 2020, means any criminal offense, or the
 331 attempt to commit any criminal offense, under Title 16 as specified in this subparagraph
 332 or any offense under federal law or the laws of another state or territory of the United
 333 States which consists of the same or similar elements of the following offenses:

- 334 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
- 335 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
 336 is less than 14 years of age, except by a parent;
- 337 (iii) Trafficking an individual for sexual servitude in violation of Code
 338 Section 16-5-46;
- 339 (iv) Rape in violation of Code Section 16-6-1;
- 340 (v) Sodomy in violation of Code Section 16-6-2;
- 341 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- 342 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
 343 of the offense is 21 years of age or older;
- 344 (viii) Child molestation in violation of Code Section 16-6-4;
- 345 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the
 346 person was convicted of a misdemeanor offense;
- 347 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- 348 (xi) Improper sexual contact by employee or agent in the first or second degree in
 349 violation of Code Section 16-6-5.1, unless the punishment imposed was not subject
 350 to Code Section 17-10-6.2;

- 351 (xii) Incest in violation of Code Section 16-6-22;
- 352 (xiii) A second or subsequent conviction for sexual battery in violation of Code
353 Section 16-6-22.1;
- 354 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
- 355 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- 356 (xvi) Electronically furnishing obscene material to minors in violation of Code
357 Section 16-12-100.1;
- 358 (xvii) Computer pornography and child exploitation in violation of Code
359 Section 16-12-100.2;
- 360 (xviii) A second or subsequent conviction for obscene telephone contact in violation
361 of Code Section 16-12-100.3; or
- 362 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a
363 minor or an attempt to commit a sexual offense against a victim who is a minor.
- 364 (B.4) 'Dangerous sexual offense' with respect to convictions occurring after June 30,
365 2020, means any criminal offense, or the attempt to commit any criminal offense under
366 Title 16 as specified in this subparagraph, or any offense under federal law or the laws
367 of another state or territory of the United States which consists of the same or similar
368 elements of the following offenses:
- 369 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
- 370 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
371 is less than 14 years of age, except by a parent;
- 372 (iii) Trafficking an individual for sexual servitude in violation of Code
373 Section 16-5-46;
- 374 (iv) Burglary with the intent to commit a sexual offense in violation of any Code
375 section under Chapter 6 of Title 16;
- 376 (v) Rape in violation of Code Section 16-6-1;
- 377 (vi) Sodomy in violation of Code Section 16-6-2;
- 378 (vii) Aggravated sodomy in violation of Code Section 16-6-2;
- 379 (viii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
380 of the offense is 21 years of age or older;
- 381 (ix) Child molestation in violation of Code Section 16-6-4;
- 382 (x) Aggravated child molestation in violation of Code Section 16-6-4, unless the
383 person was convicted of a misdemeanor offense;
- 384 (xi) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- 385 (xii) Improper sexual contact by employee or agent in the first or second degree in
386 violation of Code Section 16-6-5.1, unless the punishment imposed was not subject
387 to Code Section 17-10-6.2;

- 388 (xiii) Keeping a place of prostitution in violation of Code Section 16-6-10;
 389 (xiv) Pimping in violation of Code Section 16-6-11;
 390 (xv) Pandering in violation of Code Section 16-6-12;
 391 (xvi) Incest in violation of Code Section 16-6-22;
 392 (xvii) A second or subsequent conviction for sexual battery in violation of Code
 393 Section 16-6-22.1;
 394 (xviii) Aggravated sexual battery in violation of Code Section 16-6-22.2;
 395 (xiv) Sexual exploitation of children in violation of Code Section 16-12-100;
 396 (xx) Electronically furnishing obscene material to minors in violation of Code
 397 Section 16-12-100.1;
 398 (xxi) Computer pornography and child exploitation in violation of Code
 399 Section 16-12-100.2;
 400 (xxii) A second or subsequent conviction for obscene telephone contact in violation
 401 of Code Section 16-12-100.3;
 402 (xxiii) Any conduct which, by its nature, is a sexual offense against a victim who is
 403 a minor or an attempt to commit a sexual offense against a victim who is a minor; or
 404 (xxiv) Any conduct which involves a violation under Chapter 15 of Title 16, the
 405 'Georgia Street Gang Terrorism and Prevention Act,' and which involves an
 406 underlying sexual offense or the intent to commit a sexual offense."

407

SECTION 8.

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