

With substantial immigrant and refugee populations as well as large agricultural industries Georgia is considered both a major destination and transit state for U.S. human trafficking.¹ Fortunately, Georgia has been proactive in criminalizing the trafficking of persons, increasing penalties and working towards eradicating modern day slavery. In 2011, Georgia passed a comprehensive bill aimed at eradicating human trafficking within the state. This document provides an overview of legislation related to human trafficking in Georgia.

2011-2012 Regular Session

House Bill 200²: This bill offers several key provisions:

- Provides an expanded definition of “coercion” in the human trafficking statute, to include causing or threatening financial harm.
- Prohibits defense by blood relation – such as parents exploiting their children – or by marriage – such as a husband “selling” his wife.
- Significantly beefs up penalties for human traffickers who target minors. If the victim is at least 16 but less than 18 years old, the crime is a felony and punishable by 5-20 years in prison and a fine of \$2,500 to \$10,000. If the victim is under 16 years old, the crime is a felony and punishable by 10-30 years in prison and a fine of up to \$100,000.
- Treats those in sexual servitude as victims, not criminals, by offering them recovery under the state crime victim’s fund.
- Provides an affirmative defense for victims when coming forward to the sexual crimes of prostitution, sodomy, solicitation of sodomy and masturbation for hire, if the defendant was being trafficked for sexual servitude.
- Allows the state to seize any real or personal property that a trafficker used for, or bought with the proceeds of the crime.
- Requires law enforcement agencies to receive training on how to relate to human trafficking victims.
- It expands the definition of “coercion” in the human trafficking statute, to include threatening or causing financial harm, it prohibits defense by blood relation - such as parents exploiting their children or a husband “selling” his wife, there are increased fines and prison sentences for human traffickers who target minors, treatment of those in sexual servitude

2007-2008 Regular Session

Senate Resolution 445³: A RESOLUTION creating the Joint Commercial Sexual Exploitation of Minors Study Commission; to provide for the membership, powers, duties, and mission of the commission; to provide for related matters; and for other purposes. To view the final report visit:

Senate Bill 529⁴:

Effective July 1, 2007, Section 3 of SB 529 defines human trafficking to include coercion, deception, labor servitude and sexual servitude, especially as these activities relate to child prostitution. A person convicted of human trafficking shall be guilty of a felony and, if the offense involves a child under 18, the convicted person shall be imprisoned for not less than ten years nor more than 20 years. If the offense does not involve a child, the convict-

ed person shall be imprisoned for not less than one year nor more than 20 years. A corporation may be charged only if an agent acts within his scope of employment or knows, or should know, the illegal activity that was occurring.

Senate Bill 270⁵: A BILL to be entitled an Act to amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so as to provide for the Office of Runaway Children Assistance within the Department of Juvenile Justice; to provide for certain duties and structure; to provide for an alert system for runaway children; to provide for a procedure of sharing material information regarding runaway children; to provide for a process to maintain certain records; to provide for the procedure for the taking and releasing of custody of runaway children; to provide for related matters; to repeal conflicting laws; and for other purposes. To view the full bill visit:

Georgia Sexual Offenses Statutes⁶

16-6-10: A person having or exercising control over the use of any place or conveyance which would offer seclusion or shelter for the practice of prostitution commits the offense of keeping a place of prostitution when he knowingly grants or permits the use of such place for the purpose of prostitution.

16-6-11: A person commits the offense of pimping when he or she performs any of the following acts: (1) Offers or agrees to procure a prostitute for another; (2) Offers or agrees to arrange a meeting of persons for the purpose of prostitution; (3) Directs or transports another person to a place when he or she knows or should know that the direction or transportation is for the purpose of prostitution; (4) Receives money or other thing of value from a prostitute, without lawful consideration, knowing it was earned in whole or in part from prostitution; or (5) Aids or abets, counsels, or commands another in the commission of prostitution or aids or assists in prostitution where the proceeds or profits derived therefrom are to be divided on a pro rata basis.

16-6-12: A person commits the offense of pandering when he or she solicits a person to perform an act of prostitution in his or her own behalf or in behalf of a third person or when he or she knowingly assembles persons at a fixed place for the purpose of being solicited by others to perform an act of prostitution.

16-6-13: (a) Except as otherwise provided in subsection (b) of this Code section, a person convicted of any of the offenses enumerated in Code Sections 16-6-10 through 16-6-12 shall be punished as for a misdemeanor of a high and aggravated nature. A person convicted of the offense enumerated in Code Section 16-6-9 shall be punished as for a misdemeanor. (b) A person convicted of keeping a place of prostitution, pimping, or pandering when such offense involves keeping a place of prostitution for, the pimping for, or the solicitation of a person under the age of 18 years to perform an act of prostitution or the assembly of two or more persons under the age of 18 years at a fixed place for the purpose of being solicited by others to perform an act of prostitution shall be guilty of a felony and shall be punished by imprisonment for a period of not less than five nor more than 20 years and such convicted person shall be fined not less than \$2,500.00 nor more than \$10,000.00. Adjudication of guilt or imposition of a sentence for a conviction of a second or subsequent offense when such offense involves keeping a place of prostitution for, the pimping for, or pandering of a person under the age of 18 years pursuant to this subsection, including a plea of nolo contendere, shall not be suspended, probated, deferred, or withheld.

16-6-14: A person commits the offense of pandering by compulsion when he or she by duress or coercion causes a person to perform an act of prostitution and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years. *(On July 1, 2011, a new and tougher law went into effect in the state*

Georgia. Anyone who has been forced into prostitution as a result of being victimized into sex trafficking, should not and will not be prosecuted.)

16-6-17: Giving massages in place used for lewdness, prostitution, assignation, or masturbation for hire

(a) It shall be unlawful for any masseur or masseuse to massage any person in any building, structure, or place used for the purpose of lewdness, assignation, prostitution, or masturbation for hire. (b) As used in this Code section, the term: (1) “Masseur” means a male who practices massage or physiotherapy, or both. (2) “Masseuse” means a female who practices massage or physiotherapy, or both. (c) Any person who violates this Code section shall be guilty of a misdemeanor.

Georgia Human Trafficking-Related Statutes⁷

16-5-46: Includes the definitions of trafficking of persons for labor or sexual servitude and sentencing minimum and maximums.

19-7-5(b)(4): ‘Sexual exploitation’ means conduct by a child’s parent or caretaker who allows, permits, encourages, or requires that child to engage in: (A) Prostitution, as defined in Code Section 16-6-9; or (B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct as defined in Code Section 16-12-100.

35-1-16: Training law enforcement officers investigating crimes involving trafficking persons for labor or sexual servitude.

H.R. 1151: Resolution develops and defines the responsibilities of the Georgia Human Trafficking Task Force.

17-17-6: Notification to victim of accused’s pretrial release and of victims’ rights and the availability of victims’ compensation and services.

References

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