

Senate Bill 104

By: Senators James of the 35th and Rhett of the 33rd

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 3 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
 2 relating to kidnapping, false imprisonment, and related offenses, so as to require the posting
 3 of the human trafficking hotline model notice in government buildings; to provide for
 4 definitions; to provide for exceptions; to require government entities to have a hyperlink to
 5 the human trafficking hotline model notice on their websites; to delete the sunset provision;
 6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
 10 kidnapping, false imprisonment, and related offenses, is amended by revising Code Section
 11 16-5-47, relating to posting model notice with human trafficking hotline information in
 12 businesses and on Internet and termination, as follows:

13 "16-5-47.

14 (a) As used in this Code section, the term:

15 (1) 'Adult entertainment establishment' means any place of business or commercial
 16 establishment wherein:

17 (A) The entertainment or activity therein consists of nude or substantially nude persons
 18 dancing with or without music or engaged in movements of a sexual nature or
 19 movements simulating sexual intercourse, oral copulation, sodomy, or masturbation;

20 (B) The patron directly or indirectly is charged a fee or required to make a purchase
 21 in order to view entertainment or activity which consists of persons exhibiting or
 22 modeling lingerie or similar undergarments; or

23 (C) The patron directly or indirectly is charged a fee to engage in personal contact by
 24 employees, devices, or equipment, or by personnel provided by the establishment.

25 Such term shall include, but shall not be limited to, bathhouses, lingerie modeling studios,
 26 and related or similar activities. Such term shall not include businesses or commercial

27 establishments which have as their sole purpose the improvement of health and physical
 28 fitness through special equipment and facilities, rather than entertainment.

29 (2) 'Agricultural products' means raising, growing, harvesting, or storing of crops;
 30 feeding, breeding, or managing livestock, equine, or poultry; producing or storing feed
 31 for use in the production of livestock, including, but not limited to, cattle, calves, swine,
 32 hogs, goats, sheep, equine, and rabbits, or for use in the production of poultry, including,
 33 but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, Christmas
 34 trees, fowl, equine, or animals; or ~~the production of~~ producing aquacultural, horticultural,
 35 viticultural, silvicultural, grass sod, dairy, livestock, poultry, egg, and apiarian products.

36 (3) 'Bar' means an establishment that is devoted to the serving of alcoholic beverages for
 37 consumption by guests on the premises and in which the serving of food is only
 38 incidental to the consumption of those beverages, including, but not limited to, taverns,
 39 nightclubs, cocktail lounges, and cabarets.

40 (4) 'Day hauler' means any person who is employed by a farm labor contractor to
 41 transport, or who for a fee transports, by motor vehicle, workers to render personal
 42 services in connection with the production of any farm products to, for, or under the
 43 direction of a third person; provided, however, that such term shall not include a person
 44 who produces agricultural products.

45 (5) 'Farm labor contractor' means any person who, for a fee, employs workers to render
 46 personal services in connection with the production of any farm products to, for, or under
 47 the direction of a third person, or who recruits, solicits, supplies, or hires workers on
 48 behalf of an employer engaged in the growing or producing of farm products, and who,
 49 for a fee, provides in connection therewith one or more of the following services:
 50 furnishes board, lodging, or transportation for those workers; supervises, times, checks,
 51 counts, weighs, or otherwise directs or measures their work; or disburses wage payments
 52 to such persons; provided, however, that such term shall not include a person who
 53 produces agricultural products.

54 (5.1) 'Government building with public access' means a building or portion of a building
 55 owned or leased by a government entity.

56 (5.2) 'Government entity' means an office, agency, authority, department, commission,
 57 board, body, division, instrumentality, or institution of the executive, legislative, or
 58 judicial branch of the state government and any county, municipal corporation, or
 59 consolidated government within this state.

60 (6) 'Hotel' means any hotel, inn, or other establishment which offers overnight
 61 accommodations to the public for hire.

62 (7) 'Massage therapist' means a person licensed pursuant to Chapter 24A of Title 43.

63 (8) 'Primary airport' shall have the same meaning as set forth in 49 U.S.C. Section
64 47102(16).

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

68 (10) 'Truck stop' means a privately owned and operated facility that provides food, fuel,
69 shower or other sanitary facilities, and lawful overnight truck parking.

70 (b) Effective September 15, 2013, the following businesses and other establishments shall
71 post the notice described in subsection (c) of this Code section, or a substantially similar
72 notice, in English, Spanish, and any other language deemed appropriate by the director of
73 the Georgia Bureau of Investigation, in each public restroom for the business or
74 establishment and either in a conspicuous place near the public entrance of the business or
75 establishment or in another conspicuous location in clear view of the public and employees
76 where similar notices are customarily posted:

77 (1) Adult entertainment establishments;

78 (2) Bars;

79 (3) Primary airports;

80 (4) Passenger rail or light rail stations;

81 (5) Bus stations;

82 (6) Truck stops;

83 (7) Emergency rooms within general acute care hospitals;

84 (8) Urgent care centers;

85 (9) Farm labor contractors and day haulers;

86 (10) Privately operated job recruitment centers;

87 (11) Safety rest areas located along interstate highways in this state;

88 (12) Hotels; ~~and~~

89 (13) Businesses and establishments that offer massage or bodywork services by a person
90 who is not a massage therapist; ~~and~~

91 (14) Government buildings; provided, however, that in the case of leased property, this
92 paragraph shall only apply to public restrooms that are a part of such lease for exclusive
93 use by the government entity.

94 (c) On or before August 1, 2013, the Georgia Bureau of Investigation shall develop a
95 model notice that complies with the requirements of this subsection and make the model
96 notice available for download on its ~~Internet~~ website. Such notice shall be at least 8
97 1/2 inches by 11 inches in size, printed in a 16 point font in English, Spanish, and any other
98 language deemed appropriate by the director of the Georgia Bureau of Investigation, and
99 state the following:

100 'Are you or someone you know being sold for sex or made/forced to work for little or no
 101 pay and cannot leave? Call the National Human Trafficking Resource Center or the
 102 Statewide Georgia Hotline for Domestic Minor Trafficking 1-888-373-7888 for help. All
 103 victims of slavery and human trafficking have rights and are protected by international,
 104 federal, and state law.

105 The hotline is:

- 106 (1) Anonymous and confidential;
- 107 (2) Available 24 hours a day, seven days a week;
- 108 (3) Able to provide help, referral to services, training, and general information;
- 109 (4) Accessible in 170 languages;
- 110 (5) Operated by a nonprofit, nongovernmental organization; and
- 111 (6) Toll free.'

112 (c.1) Every government entity shall, on the homepage of its website, provide an identified
 113 hyperlink to the model notice that is on the Georgia Bureau of Investigation website as
 114 provided for in subsection (c) of this Code section.

115 (d)(1) A law enforcement officer shall notify, in writing, any business or establishment
 116 that has failed to comply with this Code section that it has failed to comply with the
 117 requirements of this Code section and if it does not correct the violation within 30 days
 118 from the date of receipt of the notice, the owner of such business or establishment shall
 119 be charged with a violation of this Code section and upon conviction shall be guilty of
 120 the misdemeanor offense of failure to post the National Human Trafficking Resource
 121 Center hotline number and may be punished by a fine of not more than \$500.00; but the
 122 provisions of Chapter 11 of Title 17 and any other provision of law to the contrary
 123 notwithstanding, the costs of such prosecution shall not be taxed nor shall any additional
 124 penalty, fee, or surcharge to a fine for such offense be assessed against an owner for
 125 conviction thereof. Upon a second or subsequent conviction, the owner shall be guilty
 126 of a high and aggravated misdemeanor and shall be punished by a fine not to exceed
 127 \$5,000.00. The notice required by this subsection may be hand delivered to the
 128 noncomplying business or establishment or mailed to it at the address of such business
 129 or establishment.

130 (2) This subsection shall not apply to government entities.

131 ~~(e) This Code section shall be repealed in its entirety on January 1, 2019, unless extended~~
 132 ~~by an Act of the General Assembly."~~

133 SECTION 2.

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