

House Bill 258 (AS PASSED HOUSE AND SENATE)

By: Representatives Sainz of the 180<sup>th</sup>, Momtahan of the 17<sup>th</sup>, Camp of the 131<sup>st</sup>, Burchett of the 176<sup>th</sup>, Clark of the 147<sup>th</sup>, and others

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 a response to *State v. Williams*, 2020 Ga. LEXIS 85 (February 10,  
3 2020); to provide that when an alleged victim is under the age of 16 years, consent of the  
4 alleged victim shall not be a defense to a prosecution for sexual battery or for aggravated  
5 sexual battery; to make conforming changes; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,  
10 is amended in Code Section 16-6-22.1, relating to sexual battery, by adding a new subsection  
11 to read as follows:

12 "(f) When the alleged victim is under the age of 16 years and the conduct is for the purpose  
13 of sexual arousal on the part of the alleged offender or alleged victim, consent of the  
14 alleged victim shall not be a defense to a prosecution under this Code section; provided,  
15 however, that if at the time of the offense the alleged victim is at least 13 but less than 16

16 years of age and the accused is 18 years of age or younger and no more than 48 months  
17 older than the alleged victim, this subsection shall not be applicable."

18 **SECTION 2.**

19 Said chapter is further amended in Code Section 16-6-22.2, relating to aggravated sexual  
20 battery, by adding a new subsection to read as follows:

21 "(d) When the alleged victim is under the age of 16 years and the conduct is for the  
22 purpose of sexual arousal on the part of the alleged offender or alleged victim, consent of  
23 the alleged victim shall not be a defense to a prosecution under this Code section; provided,  
24 however, that if at the time of the offense the alleged victim is at least 13 but less than 16  
25 years of age and the accused is 18 years of age or younger and no more than 48 months  
26 older than the alleged victim, this subsection shall not be applicable."

27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.