

Senate Bill 104

By: Senator James of the 35th

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' means a building or portion of a building owned or leased  
55 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 at  
102 1-888-373-7888 for help. All victims of slavery and human trafficking have rights and  
103 are protected by international, federal, and state law.

104 The hotline is:

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

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

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

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

130 ~~(e) This Code section shall be repealed in its entirety on January 1, 2019, unless extended~~  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

## 132 SECTION 2.

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