



Senate Bill 69 Summary and Analysis¹

Origins of Senate Bill 69

Senate Bill 69 (“SB 69”) was introduced by Senator Renee Unterman on January 30 in the Georgia 2009 General Assembly Legislative Session. The bill is a result of recommendations made by the 2008 Joint Study Commission on the Commercial Sexual Exploitation of Minors created by Senate Resolution 445 during the 2008 Legislative Session, for which Senator Unterman served as Chair. SB 69 passed both the Senate and the House and was signed into law by Governor Perdue on May 5, 2009.

Legislative Purpose

The proposed bill, if enacted, would amend Titles 19 and 49 of the Official Code of Georgia Annotated (O.C.G.A.), to expand the definition of child abuse with regard to the sexual exploitation of children and to expand reporting requirements for mandatory child abuse reporters. The purpose of SB 69 is to increase the identification of sexually exploited children in Georgia and allow them access to treatment, housing, and other needed services.

Summary and Explanation of Proposed Changes

SB 69 would require that mandatory reporters alert the Department of Human Resources when they identify a victim of child sexual exploitation. SB 69 would achieve this goal by expanding the current definition of child abuse to include all child victims of sexual exploitation and requiring mandatory reporters to report them as abused children. This expansion of the definition of child abuse would make the treatment of child victims of sexual exploitation consistent with the treatment of other sexually abused children.

Specifically, the bill proposes to amend language in three sections of the O.C.G.A. in the following ways:

1. **Changing the requirements for mandatory reporting of child abuse to include the reporting of all sexually exploited children, regardless of the relationship between the child and the exploiter.**
 - a. **Current law:** Presently, mandatory reporters are required to alert authorities when they have reasonable cause to believe that a child is being sexually exploited by a parent or care-taker.
 - i. The following persons are considered “mandatory reporters:” physicians, hospital and medical personnel, podiatrists, dentists, or nurses; school teachers, administrators, guidance counselors, school social workers, or psychologists; psychologists, counselors, social workers, or marriage and family therapists; child welfare agency personnel (including any child-caring institution, child-placing agency,

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maternity home, family daycare home, group daycare home, and daycare center), child-counseling personnel, or child service organization personnel; law enforcement personnel.

- b. **Proposed changes:** SB 69 changes the language in O.C.G.A. § 19-7-5 relating to the mandatory reporting of child abuse by striking the words “parent or care-taker” and replacing them with “any person” so as to require mandatory reporters to alert authorities of reasonable suspicions of child sexual exploitation no matter the relationship between the exploited child and the exploiter.

2. Making the definition of sexual exploitation consistent with the definition of sexual abuse.

- a. **Current law:** Presently, the definition of sexual exploitation is inconsistent with the definition of sexual abuse. In the current statute, children who have been sexually abused by anyone are considered to be victims of child abuse. The same statute, however, assumes that a child who has been sexually exploited is only a victim of abuse if he or she is being exploited by a parent of care-taker.
- b. **Proposed changes:** SB 69 changes the language in O.C.G.A. §§ 19-7-5, 19-15-1 and 49-5-40 relating to the definition of child abuse by striking the words “parent or care-taker” and replacing them with “any person” with regards to sexual exploitation, allowing sexual exploitation to be treated in the same manner as sexual abuse.
 - i. O.C.G.A. § 19-7-5 requires the reporting of child abuse by certain professionals as described above in (1).
 - ii. O.C.G.A. § 19-15-1 provides general definitions, including definitions of child abuse and sexual exploitation.
 - iii. O.C.G.A. § 49-5-40 protects the confidentiality of child abuse reports, including reports of children who have been sexually exploited.
- c. Sexual exploitation and sexual abuse are very similar acts of violence and both types of victims are in need of identification by the proper authorities and access to treatment and other services. Moreover, many victims of sexual exploitation have a history of sexual abuse. The reporting of children who have been sexually exploited will increase the chances that victims of other forms of abuse are identified and referred to treatment and other services as well.

Conclusion

SB 69’s amendments to the O.C.G.A. benefit children in two significant ways. First, more child victims of sexual exploitation will be recognized as abused children and subsequently reported and referred to appropriate treatment services. Second, the issue of child sexual exploitation will become part of larger child maltreatment discussions and research, offering the issue, and at-risk children, greater exposure to public outreach and prevention initiatives. The Barton Clinic supports adoption of the SB 69.