

A BILL TO BE ENTITLED

AN ACT

To amend Code Title 26, known as the "Criminal Code of Georgia," as amended, so as to prohibit the display or sale of certain materials to minors; to provide for definitions; to provide for penalties; to provide for other matters relative to the foregoing; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Code Title 26, known as the "Criminal Code of Georgia," as amended, is hereby amended by adding immediately following Code Chapter 26-34 a new Code Chapter 26-35 to read as follows:

"Chapter 26-35. Sale or display of certain materials to minors prohibited.

26-3501. Definitions. For the purposes of this Code Chapter:

(1) 'Minor' means any person under the age of 18 years.

(2) 'Illicit sex or sexual immorality' means:

(A) Human genitals in a state of sexual stimulation or arousal; or

(B) Acts of human masturbation, sexual intercourse, or sodomy; or

(C) Fondling or other erotic touching of human genitals, pubic regions, buttock, or female breast; or

(D) Display of human genitals or pubic region to a member of the opposite sex.

(3) 'Nude or partially denuded figures'

means:

(A) Less than completely and opaquely covered:

(i) Human genitals; or

(ii) Pubic regions; or

(iii) Buttocks; or

(iv) Female breast below a point immediately above the top of the areola;

or

(B) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(4) 'Knowingly' means actual or constructive knowledge and 'constructive knowledge' means knowledge of facts which would put a reasonable and prudent person on notice of violation of this Code Chapter.

26-3502. Unlawful disposition of material to minors. It shall be unlawful for any person knowingly to engage in the business of selling, lending, giving away, showing, advertising for sale, or distributing to any minor; or to have in his possession with intent to engage in the said business; or otherwise to offer for sale or commercial distribution to any minor; or to display in public or at newsstands or any other business establishment frequented by minors or where minors are or may be invited as a part of the general public any motion picture or live show, or any still picture, drawing, sculpture, photograph, or any book, pocket book, pamphlet, or magazine the cover or content of which contains descriptions or depictions of illicit sex or sexual immorality or which is lewd, lascivious, or indecent, or which contains pictures of nude or

partially denuded figures posed or presented in a manner to provoke or arouse lust or passion or to exploit sex, lust, or perversion for commercial gain, or any article or instrument of indecent or immoral use.

26-3503. Unlawful admission of minors. It shall be unlawful for any person knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor to the premises whereon there is exhibited a motion picture, show, or other presentation the exhibition of which to a minor would violate any of the provisions of this Code Chapter.

26-3504. Punishment. Any person convicted for the violation of any provision of this Code Chapter shall be punished as for a misdemeanor of a high and aggravated nature."

Section 2. An Act prohibiting the sale or delivery of certain harmful material to minors, approved April 2, 1969 (Ga. Laws 1969, p. 222), is hereby repealed in its entirety.

Section 3. All laws and parts of laws in conflict with this Act are hereby repealed.