

S.B. 304 & H.B. 582 Under Fire from Conservatives

Bills Decriminalizing "Kiddie" Prostitution Would Turn Morality Upside Down

The author promised to have a new version of S.B. 304 available February 8th. Hopefully, the new bill will not include the decriminalization of juvenile prostitution. If it does, the opposition will proceed. The following facts explain the persistent opposition to her original version.

S.B. 304¹ decriminalizing juvenile prostitution would drastically affect the law as follows:

- *Minors under age 16 could not be charged with the offense of prostitution even when caught soliciting or committing the act. They could engage in and practice the full spectrum of sex acts, including but not limited to sexual intercourse or sodomy, and receive payment for it.*
- *Minors under age 16 could not be charged with the offense of masturbation, whether as a masseur, masseuse or "sex worker." They could commit the offense of masturbation for hire (exclusive of sexual intercourse) and receive payment in money or other items.*

During a press conference at the State Capitol, February 1, 2010 conservatives announced their opposition to a proposed legal change they never dreamed could occur in Georgia – the decriminalization of "kiddie prostitution²." If S.B. 304 passes, juvenile prostitution would not be a crime in Georgia and law enforcement officers would have no jurisdiction over it.

Conservative Leaders Oppose Decriminalizing Juvenile Prostitution

Calling All Moms, Leader Pat Tippett

"We cannot repeal the prostitution law for children, because that law acts as a very real barrier that protects children from sexual predators that would, otherwise, feel free to lure them into prostitution. Removing this law is like taking down a guardrail that keeps cars from going over a cliff. Once the guardrail is gone, runaway cars will be over the cliff before their drivers know they're headed for trouble they can't get out of. Why would we want to stop warning children about the affects of prostitution, after we've spent our whole lives telling boys and girls to stay out of the street, because there's danger on every corner? We met with Sen. Unterman today and look forward to working with her on new legislation that does not include the decriminalization of prostitution for any age."

Eagle Forum of Georgia, President Nancy Schaefer

"Atlanta already has sex trafficking and child pornography problems. If we decriminalize juvenile prostitution, every pimp, pedophile and panderer will be in Georgia. In recent months in a speech, I spoke of a 14-year-old girl who had a prostitution ring and she was the madam. Should she not be charged? What about the girls she brought into the brothel? Should they not be disciplined? Have we forgotten that correction oftentimes turns a life around?"

"Now, both of these bills, H.B. 582 and S.B. 304, are bad bills. Who would benefit from their passage? Children would not. Actually child prostitution would increase. Georgia would not benefit because to decriminalize juvenile prostitution would be an embarrassment to the state."

¹ H.B. 582 sets the minimum age for prostitution at 18. Prostitutes under 18 would not be charged.

² A phrase coined by Jerry McQuire, Christian Coalition of Georgia.

Eagle Forum of Georgia & Georgia Insight, Capitol Correspondent Sue Ella Deadwyler

“Decriminalizing juvenile prostitution would be unimaginably bad. It would indicate cultural acceptance of a dangerous, destructive, unhealthy and immoral lifestyle. It would require law enforcement to turn a blind eye to children involved in prostitution. Children could not be arrested, charged, detained or picked up or taken home or to a safe house or rehabilitation center. Law enforcement would have no power to take them into protective custody and there would be no way to prevent permanent physical and emotional damage to the minors involved.

“S.B. 304 removes a strong legal barrier that deters minors, as well as adults, from engaging in prostitution, simply, because they don’t want to go to jail or have a police record. It would increase their vulnerability to alternate lifestyles, including homosexuality. It would multiply the number of juvenile prostitutes just as providing birth control to children increased sexual activity. Result: teen pregnancy is common, almost half of all births are to unwed girls, unwed couples cohabit, STDs are off the chart and colleges and universities have coed dorms. Rehabilitation is available now, but boy prostitutes should be among those rehabilitated.”

Eagle Forum of Georgia, Past President Anne Perry

“S.B. 304 discriminates on the basis of sex. The question is this. If an activity is not illegal for a young girl, why is it illegal for an older woman? We don’t need legislation to increase the age under which it becomes legal, because judges have power to interpret and apply current law.

“Law is a fabric. Tear part of it out and the rest unravels. If teenage prostitution does not equal a crime, why is any prostitution a crime? If the prostitute is not committing a crime, the ‘pimp’ and the ‘john’ aren’t either. The concept of statutory rape becomes an absurdity.

Decriminalizing juvenile prostitution removes the last stigma for sexual promiscuity. The world wide legalization of prostitution is a goal of the National Organization of Women (NOW) for the radical restructuring of society – one step at a time.”

Georgia Christian Alliance, State Chairman Sadie Fields, Presented by Judy Craft

“We know that the authors of these bills are well intentioned, but we believe the way this legislation is written would do more harm than good. We have an honest disagreement with this approach. Young, vulnerable and being afraid of getting arrested may be the only way these young girls can get off the street and away from their pimps.

“Decriminalizing or legalizing prostitution is not the answer. In effect, it would normalize practices that have always been immoral. While we disagree with the content and approach of the bills, we applaud Sen. Unterman and Rep. Willard for bringing this emotional issue to the attention of the public and press. It is our hope that the authors of S.B. 304 and H.B. 582 will go back to the drawing board and work on legislation that accomplishes what we all want – rescuing young girls from a life of degradation and despair.”

Georgia Christian Coalition, Chairman Jerry Luquire

“I welcome this bill. It provides a forum for the discussion of ‘kiddie’ prostitution. Without this bill we wouldn’t have an opportunity to discuss a dangerous lifestyle that destroys the lives of many young people and adults. We need something to bring down the wrath of the law for anyone committing the crime of statutory rape against young girls. We should hold such adults accountable. By publishing the pictures of johns, their family, friends and business associates would know what they’re doing. That would be better than sending them to jail.”

Georgia Conservatives in Action, Leader Kay Godwin

“We realize that what we are dealing with is far more serious than cheating on tests in school. Would we consider decriminalization of stealing for children under the age of 16 or alcohol usage or drug abuse? Certainly not! The laws we have in place are there for a reason – to allow children to be guided through the system to where they can get the help they need.

“But we, also, realize that far more needs to be done and we applaud Sen. Unterman and Rep. Willard for bringing this issue to the forefront. We need more funding for shelters and more man-power on the ground. We need to be proactive to help rescue and rehabilitate and [we need] more people trained to recognize the signs of abuse.

“There is much work to be done, but decriminalizing prostitution is not the answer. We look forward to working with Sen. Unterman and Rep. Willard to get these goals accomplished.”

Faith and Freedom Coalition, Chairman Ralph Reed

“We join with the many pro-family groups opposing the decriminalization of prostitution for minors under the age of 16. While the advocates of this legislation have laudable motives and goals, namely cracking down on human sex trafficking, we believe this is best done through targeted law enforcement, not creating a loophole in the law for prostitution involving minors.

“This legislation will have the opposite of its intended effect, aiding and abetting the exploitation of minors in sex crimes rather than abating it. For these reasons, we oppose it. We favor the Georgia Bureau of Investigation and local law enforcement targeting resources more effectively to crack down on sex trafficking in Georgia.”

Juvenile Records Can Be Expunged

In early discussions of S.B. 304, the argument was made that children should not be arrested, because a police record might negatively affect their future. But the fact is that Georgia law provides for specific circumstances under which police records may be expunged.

Juveniles are eligible for expungement of records if a petition alleging delinquency is not filed or the proceedings are dismissed after either a petition is filed or the case is transferred to the juvenile court as provided under the law or the child is adjudicated not to be a delinquent.

Expungement does not cause records to disappear, but they cannot be accessed for general law enforcement or civil use. Fingerprint cards, photographs, and documents relating exclusively to the arrest are destroyed. Any material that cannot be physically destroyed or which the prosecuting attorney determines must be preserved for constitutional reasons are restricted and not disclosed to any person, unless a prosecuting attorney or a court orders their disclosure.

Status of S.B. 304

During our conversation on February 3rd, Senator Unterman said her bill is being rewritten to include a rehabilitation system patterned after New York’s Safe Harbor program. However, if the new version continues to decriminalize juvenile prostitution, S.B. 304 must be defeated.

ACTION - Oppose S.B. 304, if decriminalization of prostitution is in it. Call Judiciary Committee Senators Smith, Ch., 404 656-0034; Harp, 463-3931; Hamrick, 656-0036; Adelman, 463-1376; Brown, 656-5035; Cowsert, 651-7738; Crosby, 463-5258; Fort, 656-5091; Judson Hill, 656-0150; Ramsey, 463-2598; Seabaugh, 656-6446; Wiles 657-0406.

Should Sick Folks be Denied Water, Food, Pain-killing Procedures & Drugs?

H.B. 999 provides immunity for administering portable medical orders. Portable orders are medical orders, specifically, intended for use in various locations, including but not limited to hospitals, rehabilitation facilities or nursing homes.

However, there's more to this bill than "portable medical orders." The major thrust of H.B. 999 is to legally define life-sustaining procedures and provide immunity to those that withhold such procedures. If this passes, Georgia's life-and-death laws would drastically change as follows:

Candidates for withholding life-sustaining procedures include any individual whose medical condition can reasonably be expected to result in immediate death; for whom life-sustaining procedures would be medically futile and likely unsuccessful in changing the patient's terminal condition; or who is in a state of permanent unconsciousness.

Life-sustaining procedures means medications, machines, or other medical procedures or interventions that could keep a terminally ill or permanently unconscious patient alive, but could not cure him. Life-sustaining procedures that could be withdrawn include water, nourishment, pain-killing medication or procedures necessary to alleviate pain.

ACTION – Oppose. Call House Judiciary Committee Representatives Willard, Ch., 404 656-5125; Jacobs, 656-0152; Allison, 656-0177; Golick, 656-5943; Wilkinson, 656-8143; Bruce, 656-0314; Crawford, 656-0265; Dobbs, 656-7859; Hatfield, 656-7859; Lane, 656-5087; Lindsey, 656-5024; Maddox, 656-0109; McKillip, 656-0220; Nix, 656-0177; Oliver, 656-0265; O'Neal, 656-5103; Powell, 656-0177; Stephenson, 656-0126; Teilhet, 656-0568; and Weldon, 656-0152.

Gambling by Land or Sea

H.B. 1011 introduced by Representative Cecily Hill January 28th allows **cruise ships** at least 160 feet in length that are engaged in lawful gambling outside the state to provide the same within or outside Georgia waters. Ships must be in transit to or from a Georgia dock and have U.S. permits allowing the use of gambling devices outside the territorial waters of any state.

ACTION – Oppose. Passed State Planning & Community Affairs Committee 2-4-10. In Rules. Call Representatives Hembree, Ch., 404 656-5141; Willard, V-Ch., 656-5125; Mills, Sec., 656-5099; Bearden, 656-0287; Burkhalter, 656-7146; Coan, 656-6801; Ehrhart, 463-2247; Keen, 656-5052; Lunsford, 656-0213; Rice, 656-5912; and Walker, 656-5146.

H.R. 1177 introduced by Representative Geisinger proposes a constitutional amendment to allow the General Assembly to pass laws that legalize **pari-mutuel betting on horse racing**. Net revenues and proceeds would be presented as a separate budget category entitled "Pari-mutuel Wagering Proceeds" and the governor would specify programs to be funded with it. If it passes both House and Senate, voters would answer this question in a November referendum:

"Shall the Constitution of Georgia be amended so as to authorize the General Assembly to provide by law for pari-mutuel wagering in Georgia on horse racing?"

ACTION – Oppose. Call Non Civil Judiciary Representatives listed under H.B. 987 below.

H.B. 987 introduced by Representative Bryant to **prohibit cockfighting** and related conduct, including ownership of participant gamecocks, advertising or promoting an event and gambling on the results.

ACTION – Support. Call Non Civil Judiciary Representatives Golick, Ch., 404 656-5943; Hatfield, 656-0109; Levitas, 656-0202; Abdul-Salaam, 656-0325; Abrams, 656-0220; Bearden, 656-0287; Byrd, 656-0298; Cole, 651-7737; Collins, 656-0188; Cooper, 656-5069; Everson, 656-0188; Franklin, 656-0152; Knox, 656-0188; Lunsford, 656-0213; Mangham, 656-0127; Ramsey, 651-7737; Randall, 656-0109; Setzler, 656-0177; Stuckey Benfield, 656-7859; Thompson, 656-6377.

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