

House Bill 141

By: Representatives Lindsey of the 54th and Brockway of the 102nd

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 certain
3 businesses and establishments post a model notice so as to enable persons who are the
4 subject of human trafficking to obtain help and services; to provide for the Department of
5 Public Safety to develop and post the model notice on its website; to provide for penalties;
6 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 3 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
11 kidnapping, false imprisonment, and related offenses, is amended by adding a new Code
12 section to read as follows:

13 "16-5-47.

14 (a) As used in this Code section, the term:

15 (1) 'Bar' means an establishment that is devoted to the serving of alcoholic beverages for
16 consumption by guests on the premises and in which the serving of food is only
17 incidental to the consumption of those beverages, including, but not limited to, taverns,
18 nightclubs, cocktail lounges, and cabarets.

19 (2) 'Day hauler' means any person who is employed by a farm labor contractor to
20 transport, or who for a fee transports, by motor vehicle, workers to render personal
21 services in connection with the production of any farm products to, for, or under the
22 direction of a third person.

23 (3) 'Farm labor contractor' means any person who, for a fee, employs workers to render
24 personal services in connection with the production of any farm products to, for, or under
25 the direction of a third person, or who recruits, solicits, supplies, or hires workers on
26 behalf of an employer engaged in the growing or producing of farm products, and who,

27 for a fee, provides in connection therewith one or more of the following services:
 28 furnishes board, lodging, or transportation for those workers; supervises, times, checks,
 29 counts, weighs, or otherwise directs or measures their work; or disburses wage payments
 30 to such persons.

31 (4) 'Hotel' means any hotel, inn, or other establishment which offers overnight
 32 accommodations to the public for hire.

33 (5) 'Massage therapist' means a person licensed pursuant to Chapter 24A of Title 43.

34 (6) 'Primary airport' shall have the same meaning as set forth in 49 U.S.C. Section
 35 47102(16).

36 (7) 'Truck stop' means a privately owned and operated facility that provides food, fuel,
 37 shower or other sanitary facilities, and lawful overnight truck parking.

38 (b) The following businesses and other establishments shall, upon the availability of the
 39 model notice described in subsection (c) of this Code section, post a notice in English,
 40 Spanish, and any other language deemed appropriate by the commissioner of public safety
 41 that complies with the requirements of this Code section in each public restroom for the
 42 business or establishment and either in a conspicuous place near the public entrance of the
 43 business or establishment or in another conspicuous location in clear view of the public and
 44 employees where similar notices are customarily posted:

45 (1) Bars;

46 (2) Primary airports;

47 (3) Passenger rail or light rail stations;

48 (4) Bus stations;

49 (5) Truck stops;

50 (6) Emergency rooms within general acute care hospitals;

51 (7) Urgent care centers;

52 (8) Farm labor contractors and day haulers;

53 (9) Privately operated job recruitment centers;

54 (10) Safety rest areas located along interstate highways in this state;

55 (11) Hotels; and

56 (12) Businesses and establishments that offer massage or bodywork services by a
 57 massage therapist.

58 (c) On or before August 1, 2013, the Department of Public Safety shall develop a model
 59 notice that complies with the requirements of this subsection and make the model notice
 60 available for download on the department's Internet website. Such notice shall be at least
 61 8 1/2 inches by 11 inches in size, printed in a 16 point font in English, Spanish, and any
 62 other language deemed appropriate by the commissioner of public safety, and state the
 63 following:

64 If you or someone you know is being forced to engage in any activity and cannot
 65 leave—whether it is commercial sex, housework, farm work, construction, factory, retail,
 66 or restaurant work, or any other activity—call the National Human Trafficking Resource
 67 Center at 1-888-373-7888 to access help and services.

68 Victims of slavery and human trafficking are protected under United States and Georgia
 69 law.

70 The hotline is:

71 (1) Available 24 hours a day, seven days a week;

72 (2) Toll free;

73 (3) Operated by a nonprofit, nongovernmental organization;

74 (4) Anonymous and confidential;

75 (5) Accessible in 170 languages; and

76 (6) Able to provide help, referral to services, training, and general information.'

77 (d) Any person failing to comply with the requirements of this Code section shall be
 78 notified in writing by a law enforcement officer that he or she is not in compliance with this
 79 Code section and if he or she does not correct the violation within 30 days from the date
 80 the notice of violation is mailed he or she shall be charged with a violation of this Code
 81 section and upon conviction shall be guilty of the misdemeanor offense of failure to post
 82 the National Human Trafficking Resource Center hotline number and may be punished by
 83 a fine of not more than \$500.00; but the provisions of Chapter 11 of Title 17 and any other
 84 provision of law to the contrary notwithstanding, the costs of such prosecution shall not be
 85 taxed nor shall any additional penalty, fee, or surcharge to a fine for such offense be
 86 assessed against a person for conviction thereof. Upon a second or subsequent conviction,
 87 the offense shall be punishable by a fine of not more than \$1,000.00, imprisonment for not
 88 more than 30 days, or both."

89 **SECTION 2.**

90 This Act shall become effective upon its approval by the Governor or upon its becoming law
 91 without such approval.

92 **SECTION 3.**

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