

Georgia insight

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*"She hath done what she could."
Mark, 14:8a*

Unbelievable: Two Georgia Bills Decriminalize Juvenile Prostitution

See H.B. 582 of 2009 and S.B. 304 of 2010

Want to protect juveniles? Enforce prostitution laws. Don't decriminalize it.

H.B. 582, introduced on February 26, 2009 by Representative Wendell Willard, remains in his Judiciary Committee for action this session. With eight words, "who is 18 years of age or older," he wants to amend Title 16, Chapter 6 of the Official Code of Georgia to eliminate all penalties for prostitution for anyone under age 18. Result: with no pesky law to restrict them, minors caught for prostitution could prostitute themselves with impunity.

ACTION – Oppose. Call Representative Willard at 404 656-5125 and ask him to keep H.B. 582 in his committee.

S.B. 304, introduced by Senator Renee Unterman on January 12, 2010 for action this session, also decriminalizes prostitution for minors, but she chooses the cut-off age of under 16, since 16 is the legal age of consent in Georgia.

Legalized and decriminalized are not identical terms. Government is involved in a legalized entity. Decriminalizing prostitution means removal of governmental interest, restrictions, and penalties. Double standard: prostitutes under 16 would be outside the law, not penalized, not arrested. However, prostitution for ages 16 and up would continue to be *illegal and penalized*.

Also, S.B. 304 amends three other laws – Code Sections 19-7-5 concerning domestic relations, 19-15-1 about child abuse and 49-5-40 relating to social services – to avoid their being used to bring prostitution charges against offenders under 16.

ACTION – Oppose. Call Judiciary Committee Senators listed at the bottom of page 4.

Georgia Must NOT Decriminalize Child Prostitution

Both of the above bills decriminalize child prostitution, so they won't have a police record. Yes, some minors involved in prostitution are forced into it, but Georgia law currently requires harsh penalties for human trafficking. Also, it must be acknowledged that some boys and girls know the law, defy the law and decide to choose prostitution as a way to make money.

Changing laws to accommodate illegal, immoral, unhealthy, destructive and degrading acts will not prevent permanent physical and emotional damage to the minors involved. Legalizing prostitution for boys and girls removes a strong legal barrier that deters some minors, as well as some adults, from engaging in prostitution, simply because they don't want to go to jail or have a police record. Removing penalties for boys and girls will increase their vulnerability to alternate lifestyles, including homosexuality, and they will prostitute themselves accordingly.

Arguments for decriminalizing prostitution are similar to those used for giving contraceptives to children. The result of that – teen pregnancy is common, almost half of all births are to unwed girls, couples cohabit before marriage, STDs are off the chart and colleges have coed dorms.

Do we want more under-age prostitution or less? To reduce prostitution, enforce the law.

Laws, when enforced, *do* lower the crime rate and prostitution is a crime for all ages.

Decriminalizing Prostitution for Minors would be a Disaster

Needed: Additional Officers to Enforce Current Law

Juvenile prostitution has already been studied and addressed. S.R. 445 introduced in 2007 by Senator Renee Unterman passed April 4, 2008 created the 12-member Joint Commercial Sexual Exploitation of Minors Study Commission that held five public hearings at the Capitol in 2008. Their end-of-the-year report described the situation and the remedies already in place.

Committee findings. Georgia's strong laws against child sexual exploitation include the Child Sexual Commerce Prevention Act of 2001, a 2006 statute that penalizes two additional human trafficking practices and another that charges johns with statutory rape or child molestation, if the prostitute involved is under 16. An Atlanta assistant district attorney had the answer to this juvenile prostitution situation: put more officers on the Police Child Exploitation Task Force.

Rehabilitation is available now. The varied services of the non-profit Juvenile Justice Fund (JJF) are provided through its several programs – *A Future. Not A Past.* Campaign (sic); Center to End Adolescent Sexual Exploitation Program (CEASE); the Family Visitation Program, Family Drug Court – Project Ready, Set, Go; and the Atlanta Fulton Family Connection (AFFC). At the end of 2009, the JJF reported, “Today, more girls are being identified and placed in rehabilitative care, giving them the opportunity to look forward with hope ... today, these girls have *A Future. Not a Past.*” But, there's no mention of services for boy prostitutes.

Angela's House is a group home run by Inner Harbour in Douglas County. It provides care to female victims between ages 13 and 17. The Wellspring Living for Girls Program, that began in October 2008, receives girls at the Palmetto campus of Georgia Baptist Children's Homes and Family Ministries. But, there's no similar program for boys in Georgia.

The latest. On December 29, 2009, the Governor's Office for Children and Families identified the Georgia Care Connection Office as the coordination point for services to commercially sexually exploited girls and their families. While some juvenile prostitutes may be victims of unscrupulous pimps or human trafficking, roughly half of the girls are still in parental custody.

State law. Georgia Statute 15-11-83 allows records to be expunged at the offender's request.

Gwinnett County. Senator Unterman is from Gwinnett County, which has a compassionate, fair, common sense approach to under-age prostitution. A county official revealed that only three juvenile prostitutes were arrested in Gwinnett during the last five years.

Fortunately, first offense arrests of juvenile prostitutes are confidential in Gwinnett County, where sealed records of juveniles arrested before age 17 may be expunged after two years, provided the juveniles are not arrested between their 17th and 19th birthdays. Whatever the case, when juveniles reach age 28, Gwinnett County destroys their juvenile delinquency records.

Conclusion: Arrest is a Valuable Life-Changing Tool

Georgia law is sufficient to solve juvenile prostitution problems. Enforcing laws against johns, pimps, prostitutes and traffickers reduces sex crime. The threat of arrest, public humiliation and a police record has “scared straight” many minors and adults. Arrest is a valuable life-saving tool that must continue. So, if necessary, hire enough officers to arrest prostitutes of all ages. Then use, fund and expand services that rescue, rehabilitate and redirect both boys and girls.

ACTION – Oppose H.B. 582 and S.B. 304 as indicated on page 1. Also, ask local officials how juvenile prostitution is handled in their jurisdiction.

A Sobering Lesson: Rhode Island's 30 Years of Legal Prostitution

"The bottom has fallen out of any way of regulating [brothels]. I read what the johns say about the women. I've seen the conditions of the women. It bothers me so much because I just feel like nothing can be done about it."

– Donna Hughes, University of Rhode Island Professor of Women's Studies

Since Georgia law against juvenile prostitution is under attack, a parallel must be drawn between a 30-year problem in Rhode Island and what will happen here if H.B. 582 or S.B. 304 passes. The Rhode Island problem oozed through a loophole in its 1980 law to ban prostitution outdoors, but decriminalize it indoors, putting it beyond police arrest, interference or scrutiny.

The parallel with Georgia is this: Rhode Island's experience with removing the penalty for indoor prostitution, while punishing outdoor prostitution, will be a mirror image of the situation in Georgia if juvenile prostitution is decriminalized.

Under Rhode Island's law, indoor prostitution multiplied and flourished, while officials had no way to stop it. A similar result will occur here, if juvenile prostitution is decriminalized.

Pimps, panderers, johns and prostitutes will, simply, solicit and use juveniles instead of adults, because adults could be arrested, jailed and fined.

The title said it all. The title of an August 10, 2009 article posted on *National Review Online* at 4:00 a.m. was this, "Not a Victimless Crime: Why the libertarian idea of decriminalizing prostitution is not so good." That should be a "shot across the bow" to forewarn Georgians about the consequences of passing either H.B. 582 or S.B. 304.

Without decriminalizing prostitution, Rhode Island yielded to pressure from a prostitute's rights group that filed suite in 1980. To accommodate them, the law was changed to ban prostitutes from outdoor solicitation and sex acts, but said nothing about solicitation or sex for money in private. With that obvious loophole in the law, Rhode Island's 30-year problem began.

Prostitution didn't diminish, wasn't more pristine or pure and was no less profitable. Only its location changed. So, johns, pimps, panderers and prostitutes simply moved their business *indoors* and, though embarrassed, Rhode became a prostitute's paradise and a cultural disaster.

Only two new places offering prostitution opened in Rhode Island in all of 2004, but by 2005 nine "houses of prostitution" had emerged, joining the four strip clubs and one gay bathhouse that had been in that state since the early 1990s. In addition to the 40 *known* establishments that offer prostitution, another 12 opened during the first six months of 2009 and an unknown number of brothels operate in residences and hotels.

After decades, they fixed it. It took 30 years, but by mid-2009 the climate was right and Rhode Island changed its law last fall. A December 11, 2009 *Associated Press* article boasted this title, "14 RI arrests since anti-prostitution law enacted." The new law was signed in November to make prostitution a misdemeanor crime, regardless of where it occurs. From that signing 'til December 11th, eight men, five women and one 17-year-old girl had been arrested for prostitution, and the reporter seemed ecstatic with the progress!

ACTION – Oppose any decriminalization of prostitution for any age. Services are in place to rescue, rehabilitate, educate and redirect all juvenile prostitutes who choose rehabilitation. Those services are appropriate answers to the juvenile prostitution problem. Laws against human trafficking, johns, pimps and panderers penalize those who force juveniles or adults into prostitution or other servitude. Those laws should be diligently enforced.

Gun-Carrying in Georgia

The Comprehensive Firearms Law Study Committee was created during the 2008 legislative session to examine Georgia's firearms laws and their application in Georgia. During a series of public hearings, the committee, chaired by Senator Mitch Seabaugh, clarified carry areas, centralized permit systems, and affirmed property owners' rights to allow pistols, revolvers and knives on their property. Valuable testimony was heard from several constituent groups, such as Georgians for Gun Safety, Georgia Trial Lawyers, Georgia Sheriff's Association, Georgia Carry, the University System of Georgia and various religious groups.

S.B. 308, introduced January 13th by Senator Seabaugh, simplifies and reaffirms current law. It *permits* individuals with a weapons license to carry their licensed weapons in parks, historic sites, or recreational areas; while hunting during archery or primitive hunting season; and on public fishing areas.

Local control of licensure, gone. A major change centralizes the licensure of weapons, moving it to the state level. Currently, that responsibility is in the hands of probate court judges in each of the 159 counties, but would be moved to the office of the Secretary of State.

It *prohibits* weapons in government buildings, courtrooms, jails or prisons, schools, dormitories, or residential housing on campus at public colleges, universities or postsecondary education facilities, unless the dormitory or residence is considered to be family housing. To enter such buildings, weapons would be temporarily surrendered, secured and stored for recovery upon exiting. Anyone carrying an unlicensed weapon would be subject to arrest.

A weapons license would not be issued to a person (a) under age 21; (b) a registered sex offender. Or (c) anyone with three or more convictions for DUI in five years – while operating a motor vehicle on the road, on the water or in the air; (d) a person with an arrest record for controlled substances or (e) any of 15 misdemeanors listed in the bill.

Federal laws and regulations about firearms would continue to apply. School safety zones remain off-limits for firearms and a tediously complete list of street-fighting weapons, such as spring sticks, brass knuckles, flailing instruments that have two or more rigid parts, etc.

Restaurant owners, church officials and other private property owners would be allowed to choose whether to permit or prohibit lawfully carried weapons on their property.

Parking lot storage. Law-abiding citizens will be authorized to secure their weapons in a locked compartment in a vehicle parked in the parking facility of a government building, courtroom, jail, prison, any public school or private entity that prohibits their weapons.

ACTION – To affect the passage of S.B. 308, call Special Judiciary Committee Senators Wiles, Ch., 404 657-0406; Adelman, 463-1376; Hill, Judson, 656-0150; Cowser, 651-7738; Harp, 463-3931; Ramsey, 463-2598; Thompson, Curt, 463-1318; & Weber 463-2260. To suggest changes to this bill, contact Senator Seabaugh at 656-6446.

Resisting Federal Take-Over of Health Care

S.R. 795, introduced by Senator Harp January 14th is a constitutional amendment preserving individuals' freedom to choose private health care systems or plans, without penalty or fine.

ACTION – Support. Call Judiciary Committee Senators Smith, Ch., 404 656-0034; Harp, 463-3931; Hamrick, 656-0036; Adelman, 463-1376; Brown, 656-5035; Cowser, 651-7738; Crosby, 463-5258; Fort, 656-5091; Hill, Judson, 656-0150; Seabaugh, 646-6446; and Wiles 657-0406.

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