Foreword

The report was constructed from datasets maintained by the Division of Operations, Planning, and Training of the Georgia Department of Corrections (GDC), to provide an overview of the prevalence of sexual assaults on children, the characteristics of those who prey on young victims, and the types of sentences they receive. Data used is pertinent to offenders who committed felony crimes, as defined by Georgia law, and whose major offense was a sex crime.

This report reinforces striking observations on the alarming growth rate of the number of sexual assault convictions in Georgia. Since GDC’s last published review of the state’s sex offender population in 1992, the number of active sex offenders has grown by 161% (from about 5,455 to about 14,268). The report also reiterates observations made in previous studies that children are more often than not the target of sexual predators. Statistics pulled from GDC’s data warehouse demonstrate that in 74% of active sex offending cases, the victim was a child.

“Child Sex Offenders” is the first segment in a series of comprehensive papers on Georgia’s offenders.

Highlights

- Between 1980 and 2006, the number of prison admissions due to sex offenses increased by 343% (from about 218 to about 965). Admissions for child sex offenses grew by 916% (from about 69 to about 701).
- Child molestation and aggravated child molestation offenses account for 50% of convicted sex offense cases among active inmates, probationers, and parolees.
- Aggravated child molestation offenders receive longer sentences than other child sex offenders, as required by statute.
- Due to changes in the sexual assault laws, child sex offenders now serve about 90% to 100% of their sentence.
- Child sex offenders, particularly child molestation and aggravated child molestation offenders are more likely to be male, white, and in their thirties.

As of mid October 2007, there were about 14,268 felony convicted sex offenders under the care of the Georgia Department of Corrections (GDC). Nearly three fourths of them are child sex offenders.
16-5-27. Female Genital Mutilation
Circumcising, excising, or infibulating, the labia majora or
minora, or clitoris of a female under 18 years of age; or
giving permission to do so by a guardian. Sentence range: 5
to 20 years.

16-6-3. Statutory rape
Engaging in sexual intercourse with any person under the
age of 16 years and not his or her spouse; no conviction
shall be made on the unsupported testimony of the victim.
Sentence range: 1 to 20 years*.

16-6-4. Child molestation; Aggravated child molestation
Child molestation: any immoral or indecent act to or in the
presence of or with any child under the age of 16 years with
the intent to arouse or satisfy the sexual desires of either the
child or the person. Sentence range: 5-20 years for the first
conviction; 10-30 or life imprisonment for a second or sub-
sequent convictions.
Aggravated child molestation: an offense of child molesta-
tion which act physically injures the child or involves an act
of sodomy. Sentence range: split sentence, 25 years to life
imprisonment,** with a mandatory 10 years in prison with
no parole.

16-6-5. Enticing a child for indecent purposes
Soliciting, enticing, or taking any child under the age of 16
years to any place for child molestation or indecent acts.
Sentence range: 10 to 30 years*.

16-6-15.b Solicitation of sodomy (from minor)
Soliciting a person under the age of 18 years to perform or
submit to an act of sodomy for money. Sentence range: 5
to 20 years and a fine of $2,500.00 to $10,000.00.

16-6-22. Incest
Engaging in sexual intercourse with a person to whom he or
she knows he or she is related either by blood or by mar-
riage. Sentence range: 10 to 30 years; 25 to 50 years if the
offense is committed with a child under the age of 14 years.

16-12 -100 Sexual exploitation of children
Knowingly employ, use, persuade, induce, entice, or coerce
any minor to engage in or assist any other person to engage
in any sexually explicit conduct for the purpose of produc-
ing any visual medium depicting such conduct. Sentence
range: 5 to 20 years and a fine of not more than $100,000.00
(no fine for a immediate family members of the victim).

16-12 -103a Selling, loaning, distributing, or exhibiting;
duties of video game retailers (to minors)
knowingly sell or loan for monetary reasons or otherwise
furnish or disseminate to a minor any visual image which
depicts sexually explicit nudity or sexual conduct, any
sound recording which contains explicit accounts of sexual
conduct; knowingly sell or furnish an admission ticket to, or
admit a minor to an event of sexual nature; falsely represent
his or her age or another person’s age with the intent to
unlawfully procure sexual material. Penalty: fine of $250 to
$500 per violation per day.

* The offender shall be guilty of a misdemeanor if the victim is at
least 14 and the convicted is 18 years of age or younger.
** Misdemeanor offense if the victim is at least 13, the convicted is
18 years of age or younger, and it is an act of sodomy.

Overview of Georgia’s child sex offender population

Georgia’s convicted sex offender population has grown at a dramatic
rate in the last 27 years. In fact, since GDC’s 1992 statistical research
paper on the state’s sex offender population, the number of convicted
sex offenders has increased by 8,813, from about 5,455 in 1992, to
about 14,268, in October 2007 (figure 1). This equates to an average
increase of 587 convictions or 11% per year. This rapid rise of the
sex offender population is primarily due to an escalation of the num-Number of Convictions
Between 1980 and 2006 the number of sex offender
new admissions to prison more than quadrupled
while the number of admissions for convicted child
sex offenders increased eightfold.

As of mid October 2007, 50.6% active sex offenders reside in state or private
prisons and 49.4% are under supervision in the community. 24% of the
probationers had a split sentence.
To demonstrate their toughness on crime, Georgia’s lawmakers made a major sentencing reform in 1995, by passing senate bill 441 (SB 441), called the “seven deadly sins” law. The new law created mandatory minimum sentences of ten years in prison with no parole for certain serious violent crimes, such as aggravated child molestation, and a life sentence for a second conviction on one of the seven offenses (murder, voluntary manslaughter, kidnapping, armed robbery, rape, aggravated sexual battery, and aggravated child molestation).

Since enacting SB 441, the average sentence received for a new conviction on aggravated child molestation has jumped from about 12 years to about 19 years. In contrast, the average sentences received for child molestation only went from about 6 years to about 7 years. Sentence length for statutory rape even dropped from about 6 years to 5; while the average sentence received for other child sex offenses remained around 4 years. However, the percent of sentence served by all convicted child sex offenders has substantially increased. Before 1996, child sex offenders, on average, served less than 60% of their sentence (figure 4). Since that time, they serve 90% to 100% of their sentence.

In effect, looking at prisoners that had entered GDC’s system with a new commitment to prison and were released between 1980 and 2006, the average time served has gradually increased over the years (figure 5-8). Starting in 1996, their average time served was only slightly lower than the average sentence they had received. For example, the average sentence received for convicted aggravated child molester, who were released between 1980 and 2006 fluctuated around 10 years, while their average time served increased from about 1 year to about 10 years. The same phenomenon occurred for other sex offenders released during that period.
Child molestation, aggravated child molestation and statutory rape encompass 91% of the number of active child sex offenses cases and 67% of all sex offenders. Child molesters alone make up for about 67% of the number of incarcerated child sex offenders.

Characteristics of imprisoned child molestation, statutory rape, and other child sex offenders

Imprisoned child molesters are more likely to be male, white and in their thirties (table 2). Those incarcerated for other child sex offenses, except for statutory rape, are also likely to be male and white, but in their late thirties. In contrast, a little more than half of those incarcerated for statutory rape are male and black. They are also about ten years younger than child molesters and other child sex offenders, usually in their early to mid-twenties at sentencing.

The difference in age between offenses is also striking when we look at older offenders. About 11% of child molesters and 17% of other child sex offenders were 50 and older when sentenced. However, around 2% of statutory rape offenders were age 50 or over at the time of their sentencing.

There is also a noticeable difference in marital status among child sex offenders. Approximately 6 in 10 offenders incarcerated for statutory rape have never been married. However, fewer than 4 in 10 child molesters and about 3 in 10 offenders convicted of other child sex offenses reported being single. Around 55% of child molesters and 66% of other offenders reported being married, separated, or divorced.

Finally, child sex offenders are most likely to be high school drop outs. About 64% of child sex offenders ended their education at the high school level. This includes 63% of child molesters and 73% of those incarcerated for statutory rape. Only around 12% of statutory rape offenders pursued a higher education. However about 17% of child molesters and 21% of other child sex offenders attended college. Less than 1% of all child sex offenders have an advanced degree and less than 1% of them are illiterate.

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