

OFFENDERS IN GEORGIA: CHILD SEX OFFENDERS

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.



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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.

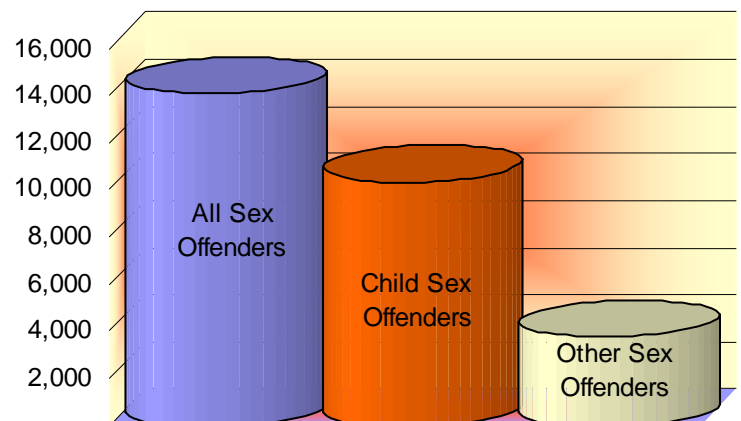


Figure 1

Table 1. Georgia's code and legal definition of sex offenses related to Children

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 subsequent convictions.
Aggravated child molestation: an offense of child molestation 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 marriage. 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 producing 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.

A perfect storm of enforcement, policy, and statute . . .

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 number of admissions to prison for child sex offenses (figure 2).

Indeed, between 1980 and 2006, new admissions to prison for convicted child sex offenders grew at an average annual rate of 35% (69 to 701), in contrast to 3% (149 to 264) for other sex offenders (figure 2). The growth can be partially explained by a national crack down on sexual offenders in the late 1970s. "It is ok to tell" was the slogan used to encourage parents to talk to their children about inappropriate touches and to encourage them to report sexual abuses. Instrumental law reforms were also made to foster reporting. The rules of evidentiary admissibility in rape cases, for example, were changed in many states. Now, references to the victim's past could only be made if they were related to the incident in question. Sexual offenses law reforms also included tougher punishments to keep sexual offenders off the streets.

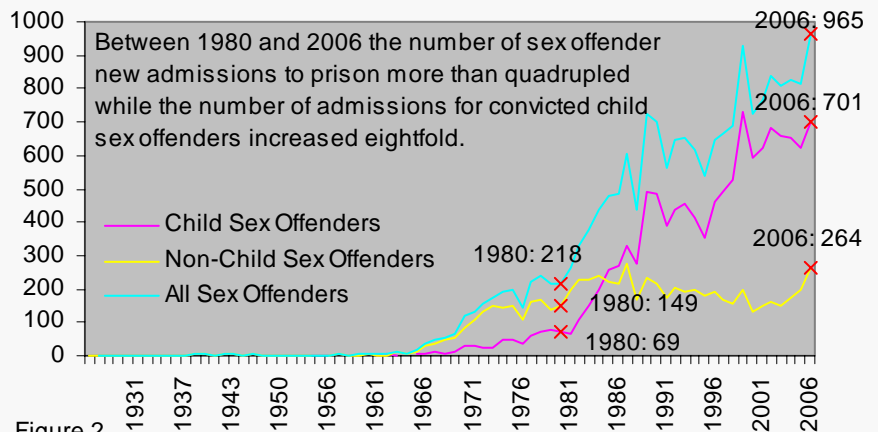


Figure 2

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.

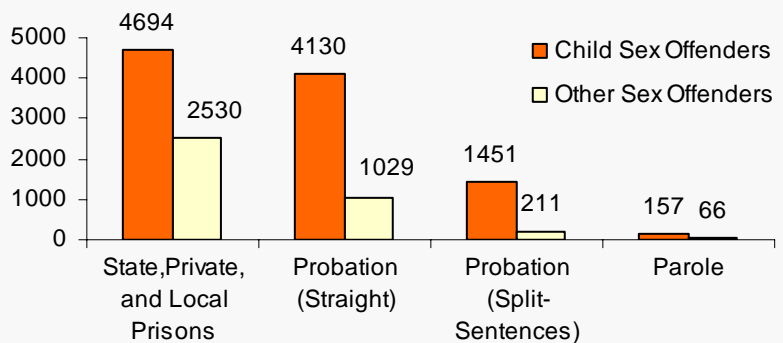


Figure 3

... made child sex offender population explode

Sentence length and prison time served

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.

Average Sentence Received* for Child Molestation and Time Served in Prison Prior to First Release (in Years): 1980-2006

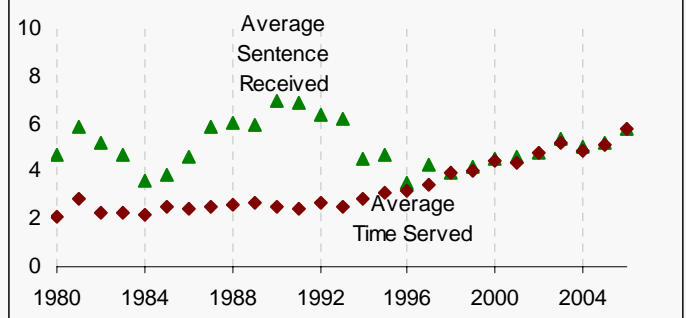


Figure 5

Average Sentence Received* for Aggravated Child Molestation and Time Served in Prison Prior to First Release (in Years): 1980-2006

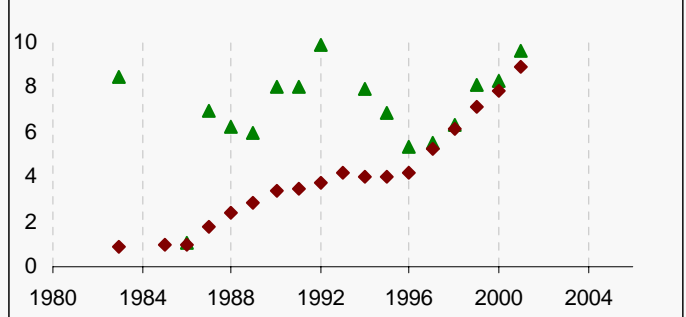


Figure 6

Average Sentence Received* for Statutory Rape and Time Served in Prison Prior to First Release (in Years): 1980-2006

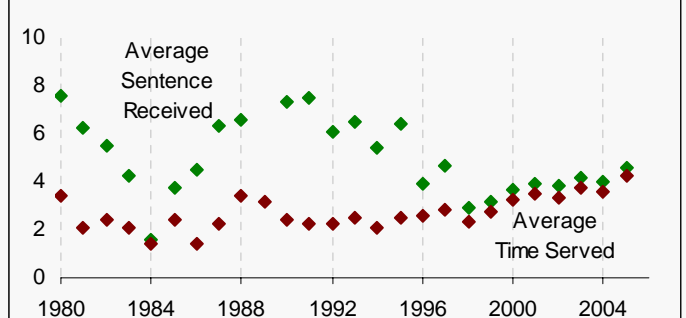


Figure 7

Average Sentence Received* for Other Child Sex Offenses and Time Served in Prison Prior to First Release (in Years): 1980-2006

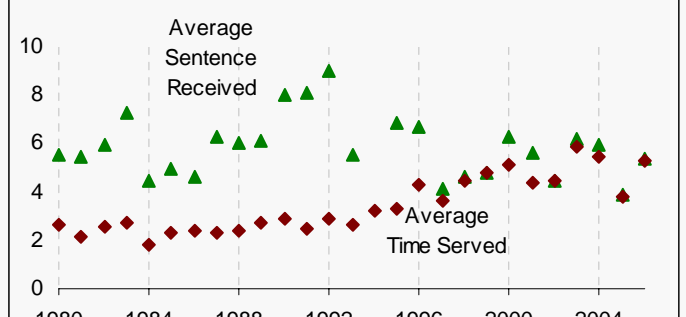


Figure 8

* Average Sentence received by prisoners who entered GDC’s system with a new commitment.

Average Percentage of Sentence Served by Inmate Sex Offenders Who Were New Court Commitments and Who Received a Sentence with a Specific Length of Stay : 1980-2006

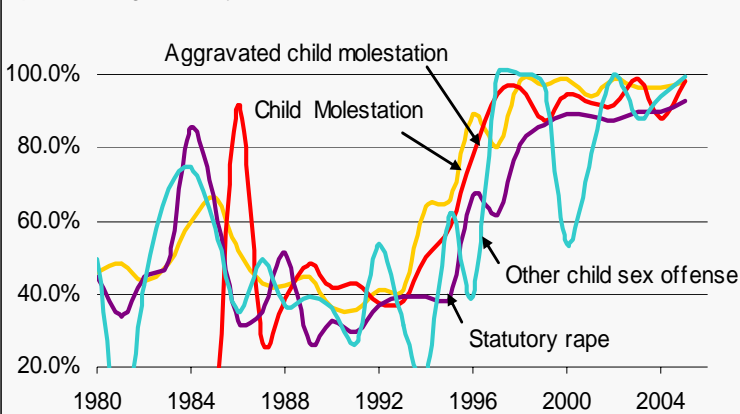


Figure 4

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.

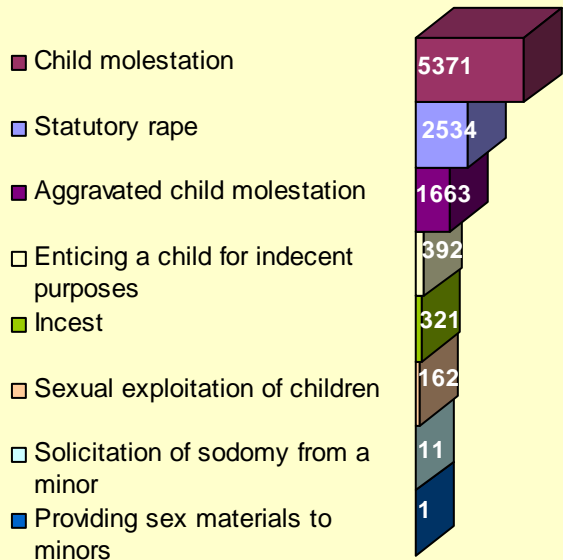


Figure 9

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

Table 2. Characteristics of Georgia's Imprisoned Child Sex offenders

Characteristics	Offenders in State and Private Prisons		
	Child Molestation/Aggravated Child Molestation	Statutory Rape	Other Child Sex Offenses
Number of offenders, October 2007	3,603	798	293
Sex			
Female	1.9%	1.3%	3.4%
Male	98.1	98.7	96.6
Race			
White	67.3%	44.5%	63.4%
Black	31.8	55.2	36.3
Other	0.8	0.3	0.3
Age at Sentencing			
Less than 17	1.6%	0.9%	1.3%
17-19	5.8	13.7	3.4
20-24	10.4	35.7	6.9
25-29	12.1	16.3	8.2
30-34	17.5	12.6	15.5
35-39	17.5	8.9	20.7
40-44	13.6	7.4	16.8
45-49	9.0	2.0	9.9
50-54	5.4	1.3	9.1
55-59	3.7	1.1	5.2
60-64	2.0	0.0	2.6
65 or older	1.4	0.2	0.4
Average at sentencing	35.9	27.5	38.5
Marital Status			
Single	37.3%	64.0%	27.2%
Married	22.0	14.2	29.7
Common Law	5.2	4.6	3.4
Separated	8.7	5.0	11.6
Divorced	24.0	10.0	24.6
Widowed	1.1	0.4	1.7
Unknown	1.6	1.8	1.7
Education Level			
No Education	0.2%	0.2%	0.4%
Grade 1- 5	2.2	0.9	2.6
Grade 6 - 8	16.5	11.6	16.4
Grade 9 - 12	62.5	73.2	57.3
Some College or Technical	10.2	7.0	12.9
Bachelor or Completed Technical	5.2	4.3	6.0
Advanced Degree	1.2	0.4	1.7
Unknown	2.0	2.4	2.6

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.

This paper was produced by the Office of Planning and Strategic Management of the Georgia Department of Corrections.