

House Bill 1360

By: Representatives Cummings of the 39th, Smith of the 18th, Mughal of the 105th, Hitchens of the 161st, and Stoner of the 40th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia
2 Annotated, relating to schedules, offenses, and penalties regarding controlled substances, so
3 as to clarify that the sale, manufacture, delivery, or possession of four grams or more of
4 fentanyl and fentanyl analog structural class is within the prohibition of trafficking certain
5 drugs; to provide for an effective date; to provide for applicability; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated,
10 relating to schedules, offenses, and penalties regarding controlled substances, is amended by
11 revising subsection (b) of Code Section 16-13-31, relating to trafficking in cocaine, illegal
12 drugs, marijuana, or methamphetamine and penalties, as follows:

13 "(b) Except as authorized by this article, any person who sells, manufactures, delivers,
14 brings into this state, or has possession of four grams or more of any morphine, opium,
15 fentanyl or fentanyl analog structural class, or substance identified in subparagraph (RR)
16 or (SS) of paragraph (1) or paragraph (13), (14), or (15) of Code Section 16-13-25, or

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17 subparagraph (A), (C.5), (F), (U.1), (V), or (V.2) of paragraph (2) of Code Section
18 16-13-26 or any salt, isomer, or salt of an isomer thereof, including heroin, as described in
19 Schedules I and II, or four grams or more of any mixture containing any such substance in
20 violation of this article commits the felony offense of trafficking in illegal drugs and, upon
21 conviction thereof, shall be punished as follows:

22 (1) If the quantity of such substances involved is four grams or more, but less than 14
23 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of
24 five years and shall pay a fine of \$50,000.00;

25 (2) If the quantity of such substances involved is 14 grams or more, but less than 28
26 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of
27 ten years and shall pay a fine of \$100,000.00; and

28 (3) If the quantity of such substances involved is 28 grams or more, the person shall be
29 sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine
30 of \$500,000.00."

31 **SECTION 2.**

32 This Act shall become effective on July 1, 2024, and shall apply to all offenses committed
33 on or after such date.

34 **SECTION 3.**

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