

House Bill 446

By: Representatives Reeves of the 99th, Silcox of the 53rd, Hilton of the 48th, Daniel of the 117th, Crowe of the 118th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to provide for the offense of drive-by shooting; to modify the offense of
3 aggravated assault; to provide for enhanced criminal penalties in certain circumstances; to
4 provide for definitions; to provide for penalties; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
9 amended in Code Section 16-5-21, relating to aggravated assault, by revising subsections (a)
10 and (g) as follows:

11 "(a) A person commits the offense of aggravated assault when he or she assaults:

12 (1) With intent to murder, to rape, or to rob;

13 (2) With a deadly weapon or with any object, device, or instrument which, when used
14 offensively against a person, is likely to or actually does result in serious bodily injury;

15 (3) With any object, device, or instrument which, when used offensively against a
16 person, is likely to or actually does result in strangulation; or

17 (4) ~~A person or persons without~~ Without legal justification by discharging a firearm from
 18 within a motor vehicle or after immediately exiting a vehicle toward a person, a motor
 19 vehicle, or persons occupied building."

20 "(g) Except as provided in subsection (c) of this Code section, a person convicted of an
 21 offense described in paragraph (4) of subsection (a) of this Code section shall be punished
 22 by imprisonment for not less than ~~five~~ ten nor more than 20 years."

23 SECTION 2.

24 Said title is further amended by revising Code Section 16-7-22, relating to criminal damage
 25 to property in the first degree, as follows:

26 "16-7-22.

27 (a) A person commits the offense of criminal damage to property in the first degree when
 28 he:

29 (1) Knowingly and without authority interferes with any property in a manner so as to
 30 endanger human life; ~~or~~

31 (2) Knowingly and without authority and by force or violence interferes with the
 32 operation of any system of public communication, public transportation, sewerage,
 33 drainage, water supply, gas, power, or other public utility service or with any constituent
 34 property thereof; or

35 (3) Knowingly and without justification causes damage to a building by discharging a
 36 firearm while inside a vehicle or after immediately exiting a vehicle.

37 (b) A person convicted of the offense of criminal damage to property in the first degree
 38 shall be punished by imprisonment for not less than one nor more than ten years. A second
 39 and subsequent violation of paragraph (3) of subsection (a) of this Code section shall be
 40 punished by imprisonment for not less than ten nor more than 20 years."

41 **SECTION 3.**

42 Said title is further amended in Code Section 16-11-160, relating to use of machine guns,
43 sawed-off rifles, sawed-off shotguns, or firearms with silencers during the commission of
44 certain offenses, and enhanced criminal penalties, by revising subparagraph (a)(1)(L) as
45 follows:

46 "(L) Participation in criminal gang activity as defined in Code Section 16-15-4 or
47 16-15-4.1."

48 **SECTION 4.**

49 Said title is further amended in Code Section 16-15-3, relating to definitions regarding street
50 gang terrorism and prevention, by revising subparagraph (A) of paragraph (1) as follows:

51 "(A) Any offense defined as racketeering activity by Code Section 16-14-3, or any
52 offense defined in Code Section 16-15-4.1;"

53 **SECTION 5.**

54 Said title is further amended in Chapter 15, relating to street gang terrorism and prevention,
55 by adding a new Code section to read as follows:

56 "16-15-4.1.

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

58 (1) 'Dwelling' shall have the same meaning as provided in Code Section 16-7-1.

59 (2) 'Firearm' means any handgun, rifle, shotgun, or similar device or weapon which will
60 or can be converted to expel a projectile by the action of an explosive or electrical charge.

61 (b) A person commits the offense of drive-by shooting when he or she, while in a motor
62 vehicle or close to the motor vehicle that was used to transport the shooter or the firearm,
63 or both, with intent to injure another, or damage the property of another, discharges a
64 firearm at or toward:

65 (1) An occupied, or unoccupied, dwelling, building, or motor vehicle; or

