

The House Committee on Judiciary Non-Civil offers the following substitute to HB 446:

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 subsection (a)  
10 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

H. B. 446 (SUB)

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, an  
19 occupied motor vehicle, or persons occupied building."

20 **SECTION 2.**

21 Said title is further amended in Code Section 16-7-22, relating to criminal damage to  
22 property in the first degree, by revising subsection (b) as follows:

23 "(b) A person commits the offense of criminal damage to property in the first degree when  
24 he or she:

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

27 (2) Knowingly and without authority and by either force or violence or by electronic  
28 means interferes with the proper operation of any critical infrastructure or any vital public  
29 service; or

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

32 **SECTION 3.**

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

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

37 **SECTION 4.**

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

40 "16-15-4.1.

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

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

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

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

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

50 (2) A dwelling, building, or motor vehicle such person knew or should have known to  
51 be occupied; or

52 (3) A person.

53 (c) A person convicted of the offense of drive-by shooting shall be punished by  
54 imprisonment for not less than five nor more than 20 years."

55 **SECTION 5.**

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