

Senate Bill 347

By: Senators Kirk of the 13th, Black of the 8th, Albers of the 56th, Kennedy of the 18th, Ligon, Jr. of the 3rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-7-21 of the Official Code of Georgia Annotated, relating to
2 criminal trespass, so as to provide for increased punishment applicable to criminal trespass
3 upon certain military graves; to provide for the new crime of criminal trespass upon
4 nonmilitary graves; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 16-7-21 of the Official Code of Georgia Annotated, relating to criminal
9 trespass, is amended by revising subsections (d) and (e) and adding a new subsection to read
10 as follows:

11 "(d) Except as provided in subsection (e) of this Code section, a person convicted ~~A person~~
12 ~~who commits the offense~~ of criminal trespass shall be ~~guilty of~~ punished as for a
13 misdemeanor.

14 (e) A person commits the offense of criminal trespass when he or she intentionally
15 defaces, mutilates, or defiles any grave marker, monument, or memorial ~~to recognizing one~~
16 or more deceased persons who served in the military service of this state, the United States
17 of America or any of the states thereof, or the Confederate States of America or any of the
18 states thereof, or a monument, plaque, marker, or memorial which is dedicated to, honors,
19 or recounts the military service of any past or present military personnel of this state, the
20 United States of America or any of the states thereof, or the Confederate States of America
21 or any of the states thereof if such grave marker, monument, memorial, plaque, or marker
22 is privately owned or located on land which is privately owned. A person convicted of
23 criminal trespass in violation of this subsection shall be punished as for a misdemeanor of
24 a high and aggravated nature.

25 (f) A person commits the offense of criminal trespass when he or she intentionally defaces,
26 mutilates, or defiles any grave marker, monument, or memorial recognizing one or more

27 deceased persons if such grave marker, monument, or memorial is privately owned or
28 located on land which is privately owned."

29 **SECTION 2.**

30 All laws and parts of laws in conflict with this Act are repealed.