

Senate Bill 320

By: Senators Johnson of the 1st, Price of the 56th, Stephens of the 51st, Lamutt of the 21st, Seabaugh of the 28th and others

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

1 To enact "Georgia's Homeland Defense Act"; to enact and revise provisions of law to guard
2 against, deter, and punish acts of domestic terrorism and related offenses and to provide law
3 enforcement investigatory tools for such purposes; to amend Title 16 of the Official Code of
4 Georgia Annotated, relating to crimes and offenses, so as to define the activity of domestic
5 terrorism; to define, prohibit, and punish domestic terrorism; to provide that the commission
6 of murder in the course of domestic terrorism shall be an aggravating circumstance for
7 purposes of application of the death penalty; to provide that domestic terrorism activities
8 shall be subject to the "Georgia RICO (Racketeer Influenced and Corrupt Organizations)
9 Act"; to provide for other related matters; to provide for an effective date and for
10 applicability; to repeal conflicting laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 This Act shall be known and may be cited as "Georgia's Homeland Defense Act."

14 **SECTION 2.**

15 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
16 amended by inserting after Code Section 16-4-9 a new Code Section 16-4-10 to read as
17 follows:

18 "16-4-10.

19 (a) As used in this Code section, 'domestic terrorism' means any violation of, or attempt
20 to violate, the laws of this state or of the United States which:

21 (1) Is intended or reasonably likely to injure or kill not less than ten individuals as part
22 of a single unlawful act or a series of unlawful acts which are interrelated by
23 distinguishing characteristics; and

24 (2)(A) Is intended to intimidate the civilian population of this state, any of its political
25 subdivisions, or of the United States;

(B) Is intended to alter, change, or coerce the policy of the government of this state or any of its political subdivisions by intimidation or coercion; or

(C) Is intended to affect the conduct of the government of this state or any of its political subdivisions by use of destructive devices, assassination, or kidnapping.

(b) Notwithstanding any other provision of law, any person who commits, attempts to commit, conspires to commit, or solicits, coerces, or intimidates another to commit a violation of the laws of this state or of the United States for the purpose of domestic terrorism shall, except in cases for which the death penalty may be imposed and the state has served notice of its intention to seek the death penalty, be sentenced to the maximum term of imprisonment and a fine not to exceed the amount prescribed by Code Section 17-10-8, which penalty shall not be suspended, stayed, probated, or withheld.

(c) In addition to any other provision of law, evidence that a person committed an offense for which the death penalty may be imposed under the laws of this state for the purpose of domestic terrorism shall be admissible during the sentencing phase as a statutory aggravating circumstance. It shall be the duty of the judge to consider, or to instruct the jury to consider, in addition to the statutory aggravating circumstances provided in Code Section 17-10-30, that the offense was committed for the purpose of domestic terrorism."

SECTION 3.

Said Title 16 is further amended by striking paragraph (8) of Code Section 16-14-3, relating to definitions applicable to the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act," and inserting in its place a new paragraph to read as follows:

"(8) 'Pattern of racketeering activity' means:

(A) Engaging ~~engaging~~ in at least two acts of racketeering activity in furtherance of one or more incidents, schemes, or transactions that have the same or similar intents, results, accomplices, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one of such acts occurred after July 1, 1980, and that the last of such acts occurred within four years, excluding any periods of imprisonment, after the commission of a prior act of racketeering activity; or

(B) Engaging in any one or more acts of domestic terrorism as described in subsection (a) of Code Section 16-4-10 or any criminal attempt, criminal solicitation, or criminal conspiracy related thereto."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. The provisions of this Act defining, redefining, or changing the

1 punishment for crimes shall apply with respect to acts committed on or after that effective
2 date; and in these respects prior law shall continue to apply with respect to acts committed
3 prior to that effective date.

4 **SECTION 5.**

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