

House Bill 499

By: Representatives Pinholster of the 15th and Stancil of the 16th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to carrying and possession of firearms, so as to increase the criminal
3 penalty with respect to possession of firearms by convicted felons and first offender
4 probationers; to increase the criminal penalty for certain persons convicted of certain crimes
5 who have prior convictions; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
9 relating to carrying and possession of firearms, is amended by striking subsection (b) of Code
10 Section 16-11-131, relating to possession of firearms by convicted felons and first offender
11 probationers, and inserting in its place a new subsection (b) to read as follows:

12 "(b) Any person who is on probation as a felony first offender pursuant to Article 3 of
13 Chapter 8 of Title 42 or who has been convicted of a felony by a court of this state or any
14 other state; by a court of the United States including its territories, possessions, and
15 dominions; or by a court of any foreign nation and who receives, possesses, or transports
16 any firearm commits a felony and, upon conviction thereof, shall be imprisoned for not less
17 than ~~one~~ five nor more than ~~five~~ ten years; provided, however, that if the felony as to which
18 the person is on probation or has been previously convicted is a forcible felony, then upon
19 conviction of receiving, possessing, or transporting a firearm, such person shall be
20 imprisoned for a period of ~~five~~ ten years."

21 **SECTION 2.**

22 Said part is further amended by striking subsection (b) of Code Section 16-11-133, relating
23 to minimum periods of confinement for persons convicted who have prior convictions, and
24 inserting in its place a new subsection (b) to read as follows:

1 "(b) Any person who has previously been convicted of or who has previously entered a
2 guilty plea to the offense of murder, armed robbery, kidnapping, rape, aggravated child
3 molestation, aggravated sodomy, aggravated sexual battery, or any felony involving the use
4 or possession of a firearm and who shall have on or within arm's reach of his or her person
5 a firearm during the commission of, or the attempt to commit:

- 6 (1) Any crime against or involving the person of another;
- 7 (2) The unlawful entry into a building or vehicle;
- 8 (3) A theft from a building or theft of a vehicle;
- 9 (4) Any crime involving the possession, manufacture, delivery, distribution, dispensing,
10 administering, selling, or possession with intent to distribute any controlled substance as
11 provided in Code Section 16-13-30; or
- 12 (5) Any crime involving the trafficking of cocaine, marijuana, or illegal drugs as
13 provided in Code Section 16-13-31,

14 and which crime is a felony, commits a felony and, upon conviction thereof, shall be
15 punished by confinement for a period of ~~15~~ 20 years, such sentence to run consecutively
16 to any other sentence which the person has received."

17 **SECTION 3.**

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