

House Bill 594

By: Representatives Squires of the 78<sup>th</sup> and Hembree of the 98<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes  
2 against the person, and Chapter 10 of Title 17 of the Official Code of Georgia Annotated,  
3 relating to sentence and punishment, so as to classify the offense of hijacking a motor vehicle  
4 as a serious violent felony; to change penalties for such offense; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against  
9 the person, is amended in Code Section 16-5-44.1, relating to the offense of hijacking a  
10 motor vehicle, by striking subsection (c) in its entirety and inserting in lieu thereof the  
11 following:

12 "(c) A person convicted of the offense of hijacking a motor vehicle shall be punished by  
13 imprisonment for not less than ten nor more than 20 years and a fine of not less than  
14 \$10,000.00 nor more than \$100,000.00, ~~provided that any person who has previously~~  
15 ~~committed an offense under the laws of the United States or of Georgia or of any of the~~  
16 ~~several states or of any foreign nation recognized by the United States which if committed~~  
17 ~~in Georgia would have constituted the offense of hijacking a motor vehicle shall be~~  
18 ~~punished by imprisonment for life and a fine of not less than \$100,000.00 nor more than~~  
19 ~~\$500,000.00. For purposes of this subsection, 'state' shall include the District of Columbia~~  
20 ~~and any territory, possession, or dominion of the United States. Any person convicted~~  
21 ~~under this Code section shall, in addition, be subject to the sentencing and punishment~~  
22 ~~provisions of Code Sections 17-10-6.1 and 17-10-7.~~"

23 **SECTION 2.**

24 Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to sentence and  
25 punishment, is amended in Code Section 17-10-6.1, relating to punishment for serious

1 violent offenders, by striking subsections (a) and (b) in their entirety and inserting in lieu  
2 thereof the following:

3 "(a) As used in this Code section, the term 'serious violent felony' means:

4 (1) Murder or felony murder, as defined in Code Section 16-5-1;

5 (2) Armed robbery, as defined in Code Section 16-8-41;

6 (3) Kidnapping, as defined in Code Section 16-5-40;

7 (4) Rape, as defined in Code Section 16-6-1;

8 (5) Aggravated child molestation, as defined in Code Section 16-6-4;

9 (6) Aggravated sodomy, as defined in Code Section 16-6-2; ~~or~~

10 (7) Aggravated sexual battery, as defined in Code Section 16-6-22.2; or

11 (8) Hijacking a motor vehicle, as defined in Code Section 16-5-44.1.

12 (b) Notwithstanding any other provisions of law to the contrary, any person convicted of  
13 a serious violent felony as defined in paragraphs (2) through ~~(7)~~ (8) of subsection (a) of this  
14 Code section shall be sentenced to a mandatory minimum term of imprisonment of ten  
15 years and no portion of the mandatory minimum sentence imposed shall be suspended,  
16 stayed, probated, deferred, or withheld by the sentencing court and shall not be reduced by  
17 any form of pardon, parole, or commutation of sentence by the State Board of Pardons and  
18 Paroles. No person convicted of a serious violent felony as defined in subsection (a) of this  
19 Code section shall be sentenced as a first offender pursuant to Article 3 of Chapter 8 of  
20 Title 42, relating to probation for first offenders, or any other provision of Georgia law  
21 relating to the sentencing of first offenders. The State of Georgia shall have the right to  
22 appeal any sentence which is imposed by the superior court which does not conform to the  
23 provisions of this subsection in the same manner as is provided for other appeals by the  
24 state in accordance with Chapter 7 of Title 5, relating to appeals or certiorari by the state."

25 **SECTION 3.**

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