

Senate Bill 207

By: Senators Hill of the 4th, Hooks of the 14th, Dean of the 31st, Marable of the 52nd, Lee of the 29th and others

AS PASSED SENATE

**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, and Code Section 16-8-12 of the Official Code of Georgia Annotated,
3 relating to penalties for theft offenses, so as to provide for penalties for intentionally
4 defacing, mutilating, defiling, or committing any of certain theft offenses with regard to any
5 grave marker, monument, or memorial to one or more deceased persons who served in the
6 military service or a monument, plaque, marker, or memorial which is dedicated to, honors,
7 or recounts the military service of any past or present military personnel of this state, the
8 United States of America or any of the states thereof, or the Confederate States of America
9 or any of the states thereof; to provide for related matters; to repeal conflicting laws; and for
10 other purposes.

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

12 **SECTION 1.**

13 Code Section 16-7-21 of the Official Code of Georgia Annotated, relating to criminal
14 trespass, is amended by inserting a new subsection to be designated subsection (e) to read as
15 follows:

16 "(e) A person commits the offense of criminal trespass when he or she intentionally
17 defaces, mutilates, or defiles any grave marker, monument, or memorial to one or more
18 deceased persons who served in the military service of this state, the United States of
19 America or any of the states thereof, or the Confederate States of America or any of the
20 states thereof, or a monument, plaque, marker, or memorial which is dedicated to, honors,
21 or recounts the military service of any past or present military personnel of this state, the
22 United States of America or any of the states thereof, or the Confederate States of America
23 or any of the states thereof if such grave marker, monument, memorial, plaque, or marker
24 is privately owned or located on land which is privately owned."

SECTION 2.

Code Section 16-8-12 of the Official Code of Georgia Annotated, relating to penalties for theft offenses, is amended in subsection (a) by striking paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4)(A) The provisions of paragraph (1) of this subsection notwithstanding, if the property which was the subject of the theft was a motor vehicle or was a motor vehicle part or component which exceeded \$100.00 in value or if the theft or unlawful activity was committed in violation of subsection (b) of Code Section 10-1-393.5 or in violation of subsection (b) of Code Section 10-1-393.6 or while engaged in telemarketing conduct in violation of Chapter 5B of Title 10, by imprisonment for not less than one nor more than ten years or, in the discretion of the trial judge, as for a misdemeanor; provided, however, that any person who is convicted of a second or subsequent offense under this paragraph shall be punished by imprisonment for not less than one year nor more than 20 years.

(B) Subsequent offenses committed under this paragraph, including those which may have been committed after prior felony convictions unrelated to this paragraph, shall be punished as provided in Code Section 17-10-7; ~~or~~

(5)(A) As used in this paragraph, the term:

(i) 'Destructive device' means a destructive device as such term is defined by Code Section 16-7-80.

(ii) 'Explosive' means an explosive as such term is defined by Code Section 16-7-80.

(iii) 'Firearm' means any rifle, shotgun, pistol, or similar device which propels a projectile or projectiles through the energy of an explosive.

(B) If the property which was the subject of the theft offense was a destructive device, explosive, or firearm, by imprisonment for not less than one nor more than ten years; or

(6) If the property which was the subject of the theft is a grave marker, monument, or memorial to one or more deceased persons who served in the military service of this state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof, or a monument, plaque, marker, or memorial which is dedicated to, honors, or recounts the military service of any past or present military personnel of this state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof, and if such grave marker, monument, memorial, plaque, or marker is privately owned or located on privately owned land, by imprisonment for not less than one nor more than three years if the value of the property which was the subject of the theft is \$300.00 or less, and by imprisonment for

1 not less than three years and not more than five years if the value of the property which
2 was the subject of the theft is more than \$300.00."

3 **SECTION 3.**

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