

House Bill 208

By: Representatives Bannister of the 77th, Dix of the 76th, Parsons of the 40th, Davis of the 60th and Coleman of the 142nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4A of Article 4 of Chapter 11 of Title 16 of the Official Code of
2 Georgia Annotated, relating to enhanced criminal penalties, so as to prohibit the use
3 or possession of certain body armor during the commission or attempted commission
4 of certain offenses and provide enhanced criminal penalties therefor; to change
5 provisions relating to use or possession of certain firearms during the commission or
6 attempted commission of certain offenses and enhanced criminal penalties therefor;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

9 Part 4A of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
10 Annotated, is amended by striking Code Section 16-11-160, relating to use or
11 possession of certain firearms during commission of certain offenses and enhanced
12 criminal penalties therefor, and inserting in lieu thereof the following:
13

14 "16-11-160.

15 (a) It shall be unlawful for any person to possess or to use a machine gun, sawed-
16 off rifle, sawed-off shotgun, or a firearm equipped with a silencer, as those terms
17 are defined in Code Section 16-11-121, or any body armor or other protective
18 covering for the body or any part thereof which is designed to prevent, deflect, or
19 defer penetration by ammunition, knives, or other weapons, during the commission
20 or the attempted commission of any of the following offenses:

- 21 (1) Aggravated assault as defined in Code Section 16-5-21;
- 22 (2) Aggravated battery as defined in Code Section 16-5-24;
- 23 (3) Robbery as defined in Code Section 16-8-40;
- 24 (4) Armed robbery as defined in Code Section 16-8-41;
- 25 (5) Murder or felony murder as defined in Code Section 16-5-1;
- 26 (6) Voluntary manslaughter as defined in Code Section 16-5-2;

- 1 (7) Involuntary manslaughter as defined in Code Section 16-5-3;
- 2 (8) Sale, possession for sale, transportation, manufacture, offer for sale, or offer
3 to manufacture controlled substances in violation of any provision of Article 2 of
4 Chapter 13 of this title, the 'Georgia Controlled Substances Act';
- 5 (9) Terroristic threats or acts as defined in Code Section 16-11-37;
- 6 (10) Arson as defined in Code Sections 16-7-60, 16-7-61, and 16-7-62;
- 7 (11) Influencing witnesses as defined in Code Section 16-10-93; and
- 8 (12) Participation in criminal gang activity as defined in Code Section 16-15-4.
- 9 (b) Any person who violates subsection (a) of this Code section shall be guilty of
10 a felony, and, upon conviction thereof, shall be punished by confinement for a
11 period of ten years, such sentence to run consecutively to any other sentence which
12 the person has received.
- 13 (c) Upon the second or subsequent conviction of a person under this Code section,
14 the person shall be punished by life imprisonment. Notwithstanding any other law
15 to the contrary, the sentence of any person which is imposed for violating this Code
16 section a second or subsequent time shall not be suspended by a court or a
17 probationary sentence imposed in lieu thereof.
- 18 (d) The punishment prescribed for the violation of subsections (a) and (c) of this
19 Code section shall not be probated or suspended as is provided by Code Section
20 17-10-7.
- 21 (e) Any crime committed in violation of this Code section shall be considered a
22 separate offense."

23 **SECTION 2.**

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