

House Bill 173

By: Representatives Hill of the 81<sup>st</sup>, Snow of the 1<sup>st</sup>, Dodson of the 84<sup>th</sup>, Post 1, Williams of the 128<sup>th</sup>, Coleman of the 118<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-11-160 of the Official Code of Georgia Annotated, relating to  
2 use or possession of certain firearms during commission of certain offenses and enhanced  
3 criminal penalties therefor, so as to provide that it shall be unlawful for any person to possess  
4 or use a bulletproof vest during the commission or attempted commission of certain offenses;  
5 to provide penalties; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 16-11-160 of the Official Code of Georgia Annotated, relating to use or  
10 possession of certain firearms during commission of certain offenses and enhanced criminal  
11 penalties therefor, is amended by striking said Code section in its entirety and inserting in  
12 lieu thereof the following:

13 "16-11-160.

14 (a)(1) It shall be unlawful for any person to possess or to use a machine gun, sawed-off  
15 rifle, sawed-off shotgun, or a firearm equipped with a silencer, as those terms are defined  
16 in Code Section 16-11-121, during the commission or the attempted commission of any  
17 of the following offenses:

18 ~~(1)~~(A) Aggravated assault as defined in Code Section 16-5-21;

19 ~~(2)~~(B) Aggravated battery as defined in Code Section 16-5-24;

20 ~~(3)~~(C) Robbery as defined in Code Section 16-8-40;

21 ~~(4)~~(D) Armed robbery as defined in Code Section 16-8-41;

22 ~~(5)~~(E) Murder or felony murder as defined in Code Section 16-5-1;

23 ~~(6)~~(F) Voluntary manslaughter as defined in Code Section 16-5-2;

24 ~~(7)~~(G) Involuntary manslaughter as defined in Code Section 16-5-3;

1 ~~(8)~~(H) Sale, possession for sale, transportation, manufacture, offer for sale, or offer to  
 2 manufacture controlled substances in violation of any provision of Article 2 of Chapter  
 3 13 of this title, the 'Georgia Controlled Substances Act';

4 ~~(9)~~(I) Terroristic threats or acts as defined in Code Section 16-11-37;

5 ~~(10)~~(J) Arson as defined in Code Sections 16-7-60, 16-7-61, and 16-7-62;

6 ~~(11)~~(K) Influencing witnesses as defined in Code Section 16-10-93; and

7 ~~(12)~~(L) Participation in criminal gang activity as defined in Code Section 16-15-4.

8 (2)(A) As used in this paragraph, the term 'bulletproof vest' means a bullet-resistant  
 9 soft body armor providing, as a minimum standard, the level of protection known as  
 10 'threat level I,' which means at least seven layers of bullet-resistant material providing  
 11 protection from at least three shots of 158-grain lead ammunition fired from a .38  
 12 caliber handgun at a velocity of 850 feet per second.

13 (B) It shall be unlawful for any person to possess or to use a bulletproof vest during the  
 14 commission or the attempted commission of any of the following offenses:

15 (i) Any crime against or involving the person of another in violation of any of the  
 16 provisions of this title;

17 (ii) The unlawful entry into a building or a motor vehicle in violation of any of the  
 18 provisions of this title;

19 (iii) Theft from a building or theft of or from a motor vehicle in violation of this title;

20 (iv) Purchase, manufacture, delivery, distribution, dispensing, administering, selling,  
 21 or possession with intent to distribute controlled substances or marijuana as provided  
 22 in Code Section 16-13-30; or

23 (v) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine as provided  
 24 in Code Section 16-13-31.

25 (b) Any person who violates paragraph (1) of subsection (a) of this Code section shall be  
 26 guilty of a felony, and, upon conviction thereof, shall be punished by confinement for a  
 27 period of ten years, such sentence to run consecutively to any other sentence which the  
 28 person has received. Any person who violates paragraph (2) of subsection (a) of this Code  
 29 section shall be guilty of a felony, and, upon conviction thereof, shall be punished by  
 30 confinement for a period of five years, such sentence to run consecutively to any other  
 31 sentence which the person has received.

32 (c) Upon the second or subsequent conviction of a person under this Code section, the  
 33 person shall be punished by life imprisonment. Notwithstanding any other law to the  
 34 contrary, the sentence of any person which is imposed for violating this Code section a  
 35 second or subsequent time shall not be suspended by a court or a probationary sentence  
 36 imposed in lieu thereof.

- 1 (d) The punishment prescribed for the violation of subsections (a) and (c) of this Code  
2 section shall not be probated or suspended as is provided by Code Section 17-10-7.  
3 (e) Any crime committed in violation of this Code section shall be considered a separate  
4 offense."

- 5 **SECTION 2.**  
6 All laws and parts of laws in conflict with this Act are repealed.