

House Bill 236

By: Representative Golick of the 34th, Post 3

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-14-3 of the Official Code of Georgia Annotated, relating to
2 definitions, so as to include insurance fraud within the definition of racketeering activity
3 under the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act"; to provide
4 for related matters; to provide an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 16-14-3 of the Official Code of Georgia Annotated, relating to definitions, is
9 amended by striking subparagraph (A) of paragraph (9) and inserting in lieu thereof a new
10 subparagraph (A) to read as follows:

11 "(A) 'Racketeering activity' means to commit, to attempt to commit, or to solicit,
12 coerce, or intimidate another person to commit any crime which is chargeable by
13 indictment under the following laws of this state:

- 14 (i) Article 2 of Chapter 13 of this title, relating to controlled substances;
- 15 (ii) Article 3 of Chapter 13 of this title, known as the 'Dangerous Drugs Act';
- 16 (iii) Subsection (j) of Code Section 16-13-30, relating to marijuana;
- 17 (iv) Article 1 of Chapter 5 of this title, relating to homicide;
- 18 (v) Article 2 of Chapter 5 of this title, relating to bodily injury and related offenses;
- 19 (vi) Articles 3 and 4 of Chapter 7 of this title, relating to arson and destructive
20 devices, respectively;
- 21 (vii) Code Section 16-7-1, relating to burglary;
- 22 (viii) Code Section 16-9-1, relating to forgery in the first degree;
- 23 (ix) Article 1 of Chapter 8 of this title, relating to theft;
- 24 (x) Article 2 of Chapter 8 of this title, relating to robbery;
- 25 (xi) Code Sections 16-6-9 through 16-6-12 and 16-6-14, relating to prostitution and
26 pandering;

- 1 (xii) Code Section 16-12-80, relating to distributing obscene materials;
2 (xiii) Code Section 16-10-2, relating to bribery;
3 (xiv) Code Section 16-10-93, relating to influencing witnesses;
4 (xv) Article 4 of Chapter 10 of this title and Code Sections 16-10-20, 16-10-23,
5 16-10-91, and 16-10-95, relating to perjury and other falsifications;
6 (xvi) Code Section 16-10-94, relating to tampering with evidence;
7 (xvii) Code Section 16-12-22, relating to commercial gambling;
8 (xviii) Code Section 3-3-27, relating to distilling or making liquors;
9 (xix) Part 2 of Article 4 of Chapter 11 of this title, known as the 'Georgia Firearms
10 and Weapons Act';
11 (xx) Code Section 16-8-60, relating to unauthorized transfers and reproductions of
12 recorded material;
13 (xxi) Code Section 10-5-24, relating to violations of the 'Georgia Securities Act of
14 1973';
15 (xxii) Code Section 3-3-27, relating to the unlawful distillation, manufacture, and
16 transportation of alcoholic beverages;
17 (xxiii) Code Sections 16-9-31, 16-9-32, 16-9-33, and 16-9-34, relating to the
18 unlawful use of financial transaction cards;
19 (xxiv) Code Section 40-3-90, relating to certain felonies involving certificates of title,
20 security interest, or liens concerning motor vehicles;
21 (xxv) Code Section 40-4-21, relating to removal or falsification of identification
22 numbers;
23 (xxvi) Code Section 40-4-22, relating to possession of motor vehicle parts from
24 which the identification has been removed;
25 (xxvii) Code Section 16-9-70, relating to use of an article with an altered
26 identification mark;
27 (xxviii) Article 6 of Chapter 9 of this title, known as the 'Georgia Computer Systems
28 Protection Act';
29 (xxix) Any conduct defined as 'racketeering activity' under 18 U.S.C. Section 1961
30 (1)(A), (B), (C), and (D);
31 (xxx) Article 3 of Chapter 5 of this title, relating to kidnapping, false imprisonment,
32 and related offenses, except for Code Section 16-5-44, relating to aircraft hijacking;
33 (xxxi) Code Section 16-11-37, relating to terroristic threats and acts;
34 (xxxii) Code Section 16-5-44.1, relating to motor vehicle hijacking;
35 (xxxiii) Code Section 16-10-32, relating to tampering with witnesses, victims, or
36 informants;

1 (xxxiv) Code Section 16-10-97, relating to intimidation of grand or petit juror or
2 court officer;
3 (xxxv) Article 11 of Chapter 1 of Title 7 and Sections 5311 through 5330 of Title 31
4 of the United States Code relating to records and reports of currency transactions; ~~or~~
5 (xxxvi) Article 8 of Chapter 9 of this title, relating to identity fraud, and Section 1028
6 of Title 18 of the United States Code, relating to fraudulent identification documents
7 and information; or
8 (xxxvii) Code Section 33-1-9, relating to insurance fraud."

9 **SECTION 2.**

10 This Act shall become effective upon its approval by the Governor or upon its becoming law
11 without such approval.

12 **SECTION 3.**

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