

House Bill 364

By: Representatives Mitchell of the 61st, Post 3, Sailor of the 61st, Post 1, Benfield of the 56th,
Post 1 and Orrock of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to crimes
2 against property, so as to provide that a person who has been convicted of certain offenses
3 relating to the sale of controlled substances shall, during any period of probation, parole, or
4 supervised release, be guilty of criminal trespass if such person enters upon any property that
5 has been set aside as a park, playground, or for other recreational purposes; to amend Title
6 42 of the Official Code of Georgia Annotated, relating to penal institutions, so as to provide
7 for notice to parolees and probationers; to provide for other related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against
12 property, is amended in Code Section 16-7-21, relating to criminal trespass, by inserting a
13 new subsection to be designated subsection (b.1) to read as follows:

14 "(b.1) A person who has been convicted of a violation of Code Section 16-13-30 or Code
15 Section 16-13-31, who is placed on parole, supervised release, or probation shall, while
16 under such conditional release, be guilty of criminal trespass when he or she knowingly and
17 without authority enters upon any real property which has been dedicated and set apart by
18 the governing authority of any municipality or county for use as a park, playground,
19 recreation center, or for any other recreational purposes."

20 **SECTION 2.**

21 Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to general
22 provisions relative to penal institutions, is amended by inserting at the end thereof a new
23 Code Section 42-1-13 to read as follows:

1 "42-1-13.

2 Whenever a person who has been convicted of violating Code Section 16-13-30 or
3 16-13-31 is placed on parole, supervised release, or probation for either of such offenses,
4 the appropriate state official shall inform such person that he or she shall be guilty of
5 criminal trespass under Code Section 16-7-21 if he or she knowingly and without authority
6 enters upon any real property that has been dedicated and set apart by the governing
7 authority of a county or municipality for use as a park, playground, recreation center, or for
8 any other recreational purposes; require such person to read and sign a form stating that this
9 provision has been explained; and cause a copy of such form to be forwarded to the
10 Georgia Bureau of Investigation."

11 **SECTION 3.**

12 Article 2 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to
13 grants of pardons, paroles, and other relief, is amended by inserting at the end thereof a new
14 Code Section 42-9-61 to read as follows:

15 "42-9-61.

16 The board shall adopt rules providing that with respect to any person who has been
17 convicted of a violation of Code Section 16-13-30 or 16-13-31, as a condition of parole,
18 the offender shall be ordered to avoid entering upon any area that has been dedicated and
19 set apart by the governing authority of any municipality or county for use as a park,
20 playground, recreation center, or for any other recreational purposes and providing that
21 entering upon such real property knowingly and without authority shall constitute a
22 violation of parole. Before his or her release or parole, a person convicted of violating
23 Code Section 16-13-30 or 16-13-31 shall be informed of the provisions of this Code section
24 and of Code Section 16-7-21."

25 **SECTION 4.**

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