

House Bill 173 (AS PASSED HOUSE AND SENATE)

By: Representatives Hill of the 81st and Stokes of the 72nd

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 wear
4 a bulletproof vest during the commission or attempted commission of certain offenses; to
5 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 wear 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 for which a sentence of life imprisonment may be imposed;

17 (ii) Any felony involving the manufacture, delivery, distribution, administering, or
 18 selling of controlled substances or marijuana as provided in Code Section 16-13-30;

19 or

20 (iii) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine as
 21 provided in Code Section 16-13-31.

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

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

34 (d) The punishment prescribed for the violation of subsections (a) and (c) of this Code
 35 section shall not be probated or suspended as is provided by Code Section 17-10-7.

36 (e) Any crime committed in violation of this Code section shall be considered a separate
 37 offense."

1 **SECTION 2.**

2 All laws and parts of laws in conflict with this Act are repealed.