

House Bill 236 (AS PASSED HOUSE AND SENATE)

By: Representative Golick of the 34<sup>th</sup>, 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 amend Chapter 1 of Title 33 of the Official Code of Georgia  
5 Annotated, relating to general provisions of insurance, so as to clarify definitions relating to  
6 insurance fraud; to provide an effective date; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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

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

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

1 (xxxiii) Code Section 16-10-32, relating to tampering with witnesses, victims, or  
 2 informants;  
 3 (xxxiv) Code Section 16-10-97, relating to intimidation of grand or petit juror or  
 4 court officer;  
 5 (xxxv) Article 11 of Chapter 1 of Title 7 and Sections 5311 through 5330 of Title 31  
 6 of the United States Code relating to records and reports of currency transactions; ~~or~~  
 7 (xxxvi) Article 8 of Chapter 9 of this title, relating to identity fraud, and Section 1028  
 8 of Title 18 of the United States Code, relating to fraudulent identification documents  
 9 and information; or  
 10 (xxxvii) Code Section 33-1-9, relating to insurance fraud."

### 11 SECTION 1.1.

12 Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general  
 13 provisions of insurance, is amended by adding a new paragraph (4.1) to Code Section 33-1-2,  
 14 relating to definitions, to read as follows:

15 "(4.1) 'Natural person' means an individual human being and does not include any firm,  
 16 partnership, association, corporation, or trust."

### 17 SECTION 1.2.

18 Said chapter is further amended by striking subsection (c) of Code Section 33-1-9, relating  
 19 to insurance fraud, venue, and penalties, and inserting in lieu thereof the following:

20 "(c) A natural person convicted of a violation of subsection (a) of this Code section shall  
 21 be guilty of a felony and shall be punished by imprisonment for not less than two nor more  
 22 than ten years, or by a fine of not more than \$10,000.00, or both."

### 23 SECTION 2.

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

### 26 SECTION 3.

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