

Senate Bill 440

By: Senators Hamrick of the 30th, Adelman of the 42nd, Harp of the 16th, Smith of the 52nd and Hall of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-13-30 of the Official Code of Georgia Annotated, relating to
2 penalties for purchase, possession, manufacture, distribution, and sale of controlled
3 substances and marijuana, so as to provide for the application of the recidivist provisions of
4 Code Section 17-10-7 under certain circumstances; to provide for applicability; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 16-13-30 of the Official Code of Georgia Annotated, relating to penalties for
9 purchase, possession, manufacture, distribution, and sale of controlled substances and
10 marijuana, is amended by striking subsection (d) and inserting in lieu thereof a new
11 subsection (d) to read as follows:

12 "(d) Except as otherwise provided, any person who violates subsection (b) of this Code
13 section with respect to a controlled substance in Schedule I or Schedule II shall be guilty
14 of a felony and, upon conviction thereof, shall be punished by imprisonment for not less
15 than five years nor more than 30 years. Upon conviction of a second or subsequent offense,
16 he or she shall be imprisoned for not less than ten years nor more than 40 years or life
17 imprisonment. The provisions of subsection (a) of Code Section 17-10-7 shall not apply
18 to a sentence imposed for a second such offense; ~~provided, however,~~ but that subsection
19 and the remaining provisions of Code Section 17-10-7 shall apply for any subsequent
20 offense."

21 **SECTION 2.**

22 This Act shall become effective on July 1, 2004, and shall apply to all crimes committed on
23 or after July 1, 2004.

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SECTION 3.

2 All laws and parts of laws in conflict with this Act are repealed.