

Senate Bill 442

By: Senators Hamrick of the 30th, Reed of the 35th, Harp of the 16th, Smith of the 52nd,  
Hall of the 22nd and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Code Section 16-5-1 of the Official Code of Georgia Annotated, relating to  
2 murder and felony murder, so as to provide that persons convicted of murder who have three  
3 or more prior felony convictions shall be sentenced to life without parole under certain  
4 circumstances; to provide for related matters; 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 16-5-1 of the Official Code of Georgia Annotated, relating to murder and  
9 felony murder, is amended by striking subsection (d) and adding new subsections (d) and (e)  
10 to read as follows:

11 "(d) A person convicted of the offense of murder shall be punished by death, ~~or~~ by  
12 imprisonment for life, or by imprisonment for life without parole.

13 (e) In addition to the provisions of paragraph (2) of subsection (b) of Code Section 17-10-7  
14 and Code Section 17-10-30.1, a person convicted of the offense of murder, who is not  
15 sentenced to death and who previously has been convicted under the laws of this state of  
16 three or more felonies or under the laws of any other state or of the United States of three  
17 or more crimes which if committed in this state would be felonies, shall be sentenced to  
18 imprisonment for life without parole."

19 **SECTION 2.**

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

22 **SECTION 3.**

23 All laws and parts of laws in conflict with this Act are repealed.