

House Bill 278

By: Representatives Rice of the 51st, Dollar of the 45th, Murphy of the 23rd, and Parham of the 141st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated,
2 relating to criminal offenses involving controlled substances, so as to prohibit owning or
3 operating vehicles containing false or secret compartments; to prohibit installing false or
4 secret compartments in a vehicle; to subject such vehicles to forfeiture; to provide a penalty
5 for violations; to provide for related matters; to provide an effective date; to provide for
6 applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
10 criminal offenses involving controlled substances, is amended by inserting immediately
11 following Code Section 16-13-49 a new Code Section 16-13-49.1 to read as follows:

12 "16-13-49.1.

13 (a) As used in this Code section, the term:

14 (1) 'False or secret compartment' means any enclosure that is intended and designed to
15 be used to conceal, hide, or prevent discovery by law enforcement officers of the false
16 or secret compartment, or its contents, and which is integrated into or attached to a
17 vehicle. The term 'false or secret compartment' includes, but is not limited to:

18 (A) False, altered, or modified fuel tanks;

19 (B) Any original factory equipment on a vehicle that has been modified to conceal,
20 hide, or prevent discovery of its contents; and

21 (C) Any compartment, space, or box that is added or attached to existing
22 compartments, spaces, or boxes integrated into or attached to a vehicle.

23 (2) 'Vehicle' includes, but is not limited to, cars, trucks, buses, motorcycles, bicycles,
24 aircraft, helicopters, boats, ships, yachts, and other vessels.

1 (b) For purpose of this Code section, a person's intention to use a false or secret
2 compartment to conceal the contents of the compartment from a law enforcement officer
3 may be inferred from factors including, but not limited to, the discovery of:

4 (1) A person, firearm, controlled substance, or other contraband within the false or secret
5 compartment; or

6 (2) Evidence of the previous placement of a person, firearm, controlled substance, or
7 other contraband within the false or secret compartment.

8 (c) It is unlawful for any person to own or operate any vehicle he or she knows to contain
9 a false or secret compartment. It is unlawful for any person to knowingly install, create,
10 build, or fabricate in any vehicle a false or secret compartment.

11 (d) Any vehicle containing a false or secret compartment, as well as any items within that
12 compartment, shall be subject to seizure by any law enforcement agency or law
13 enforcement officer within whose jurisdiction that property is found. Any property seized
14 under this Code section shall be subject to the forfeiture procedures contained in Code
15 Section 16-13-49. The removal of the false or secret compartment from the motor vehicle,
16 or the promise to do so, shall not be the basis for a defense to forfeiture of the vehicle or
17 its contents and shall not be the basis for the court to release the vehicle to the owner.

18 (e) A violation of this Code section is punishable by a fine of not more than \$10,000.00
19 or by imprisonment for up to two years, or both."

20 **SECTION 2.**

21 This Act shall become effective on July 1, 2005, and applies to offenses occurring on or after
22 that date.

23 **SECTION 3.**

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