

House Bill 398

By: Representatives Miller of the 106<sup>th</sup>, Ralston of the 7<sup>th</sup>, Willard of the 49<sup>th</sup>, Smith of the 129<sup>th</sup>, and Mumford of the 95<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 16 of the Official Code of Georgia Annotated, relating to  
2 criminal attempt, conspiracy, and solicitation, so as to change the penalties for criminal  
3 solicitation; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 4 of Title 16 of the Official Code of Georgia Annotated, relating to criminal attempt,  
7 conspiracy, and solicitation, is amended by striking in its entirety Code Section 16-4-7,  
8 relating to criminal solicitation, and inserting in lieu thereof the following:

9 "16-4-7.

10 (a) A person commits the offense of criminal solicitation when, with intent that another  
11 person engage in conduct constituting a felony, he or she solicits, requests, commands,  
12 importunes, or otherwise attempts to cause the other person to engage in such conduct.

13 (b) A person convicted of the offense of criminal solicitation to commit a crime punishable  
14 by death or by life imprisonment shall be punished by imprisonment for not less than one  
15 year nor more than 20 years.

16 (c) A person convicted of the offense of criminal solicitation to commit a felony shall be  
17 punished by imprisonment for not less than one ~~nor more than three years~~ year nor more  
18 than one-half the maximum period of time for which he or she could have been sentenced  
19 if he or she had been convicted of the crime which he or she solicited the other person to  
20 commit, by one-half the maximum fine to which he or she could have been subjected if he  
21 or she had been convicted of such crime, or both. ~~A person convicted of the offense of~~  
22 ~~criminal solicitation to commit a crime punishable by death or by life imprisonment shall~~  
23 ~~be punished by imprisonment for not less than one nor more than five years.~~

24 (e)(d) It is no defense to a prosecution for criminal solicitation that the person solicited  
25 could not be guilty of the crime solicited.

