

House Bill 1185

By: Representatives Wix of the 33<sup>rd</sup>, Teilhet of the 40<sup>th</sup>, Jenkins of the 8<sup>th</sup>, Powell of the 29<sup>th</sup>, Borders of the 175<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to burglary, so as to increase the punishment and modify sentencing requirements  
3 for persons committing burglaries and to change certain provisions relating to sanctions for  
4 burglary; to amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia  
5 Annotated, relating to offenses involving theft, so as to increase the punishment for those  
6 receiving or transporting into the state property stolen from a residence; to change certain  
7 provisions relating to sanctions for theft; to provide for related matters; to provide for  
8 applicability and an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Article 1 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to  
12 burglary, is amended by striking subsection (b) of Code Section 16-7-1, relating to burglary,  
13 and inserting in its place a new subsection (b) to read as follows:

14 "(b) Upon a second conviction for a crime of burglary occurring after the first conviction,  
15 a person shall be punished by imprisonment for not less than ~~two~~ three nor more than 20  
16 years. Upon a third conviction for the crime of burglary occurring after the first conviction,  
17 a person shall be punished by imprisonment for not less than ~~five~~ ten nor more than 20  
18 years. Any person convicted under this Code section shall, in addition, be subject to the  
19 sentencing and punishment provisions of Code Section 17-10-7. Adjudication of guilt or  
20 imposition of sentence shall not be suspended, probated, deferred, or withheld for any  
21 offense punishable under this subsection."

22 style="text-align:center">**SECTION 2.**

23 Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to  
24 offenses involving theft, is amended in Code Section 16-8-12, relating to penalties for  
25 violation of Code Sections 16-8-2 through 16-8-9, by striking "or" from the end of paragraph

1 (7), by striking the period and inserting in its place "; or" at the end of paragraph (8), and by  
2 inserting a new paragraph (9) in subsection (a) to read as follows:

3 "(9) If the crime committed was a violation of Code Sections 16-8-7 through 16-8-9 and  
4 if the property which was the subject of the theft was property removed from within a  
5 dwelling or residence, by imprisonment for not less than one nor more than ten years or,  
6 in the discretion of the trial judge, as for a misdemeanor; provided, however, that any  
7 person who is convicted of a second or subsequent offense under this paragraph shall be  
8 punished by imprisonment for not less than two nor more than 20 years."

9 **SECTION 3.**

10 This Act shall become effective on July 1, 2006, and shall apply to crimes and offenses  
11 committed on or after that date.

12 **SECTION 4.**

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