

House Bill 1193 (COMMITTEE SUBSTITUTE)

By: Representatives Knight of the 126th, Rice of the 51st, Coleman of the 97th, Ralston of the 7th, and Talton of the 145th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
2 relating to dangerous instrumentalities and practices, so as to prohibit owning or operating
3 vehicles containing false or secret compartments; to provide for definitions; to provide for
4 proof of intent under certain circumstances; to prohibit operating any vehicle containing false
5 or secret compartments, installing false or secret compartments in a vehicle, or selling a
6 vehicle with false or secret compartments; to provide for a penalty; to provide for disposition
7 of a vehicle containing a false or secret compartment; to provide for related matters; to
8 provide 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 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
12 dangerous instrumentalities and practices, is amended by adding a new Code section to read
13 as follows:

14 "16-11-112.

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

16 (1)(A) 'False or secret compartment' means any enclosure which is integrated into or
17 attached to a vehicle and the purpose of the compartment is to conceal, hide, or prevent
18 discovery by law enforcement officers of:

19 (i) A person concealed for an unlawful purpose;

20 (ii) Controlled substances possessed in violation of Article 2 of Chapter 13 of this
21 title; or

22 (iii) Other contraband.

23 (B) Examples of 'false or secret compartment' may include, but are not limited to:

24 (i) False, altered, or modified fuel tanks;

25 (ii) Original factory equipment on a vehicle that has been modified; or

- 1 (iii) Any compartment, space, or box that is added or attached to existing
2 compartments, spaces, or boxes of the vehicle.
- 3 (2) 'Vehicle' includes, but is not limited to, cars, trucks, buses, motorcycles, bicycles,
4 aircraft, helicopters, boats, ships, yachts, and other vessels.
- 5 (b) It may be inferred that the accused intended to use a false or secret compartment if a
6 person knowingly has a false or secret compartment which:
- 7 (1) Is concealing a person for an unlawful purpose;
8 (2) Is concealing a controlled substance in violation of Article 2 of Chapter 13 of this
9 title;
10 (3) Is concealing other contraband;
11 (4) Shows evidence of the previous concealment of a person for an unlawful purpose;
12 (5) Shows evidence of the previous concealment of controlled substances in violation of
13 Article 2 of Chapter 13 of this title; or
14 (6) Shows evidence of the previous concealment of other contraband.
- 15 (c)(1) It is unlawful for any person to knowingly own or operate any vehicle containing
16 a false or secret compartment.
- 17 (2) It is unlawful for any person to knowingly install, create, build, or fabricate in any
18 vehicle a false or secret compartment.
- 19 (3) It is unlawful for any person to knowingly sell, trade, or otherwise dispose of a
20 vehicle which is in violation of this Code section.
- 21 (d) Any person who violates this Code section shall, upon conviction thereof, be punished
22 by imprisonment for not less than one nor more than two years, by a fine not to exceed
23 \$10,000.00, or both.
- 24 (e) Upon the arrest of a person who owns or is operating a vehicle which is in violation of
25 this Code section, if the vehicle is not otherwise subject to forfeiture under other provisions
26 of law, or not determined to be needed to be held as evidence, the law enforcement officer
27 shall seize the license plate and registration for such vehicle and shall issue a citation for
28 violation of this Code section and a temporary license plate for the vehicle. The temporary
29 license plate shall be on a form as prescribed by the state revenue commissioner. The
30 temporary license plate shall be valid for 30 days or until the owner of the vehicle provides
31 verification that such vehicle has been repaired so as to eliminate any violation of this Code
32 section, whichever occurs first. Such vehicle shall be subject to inspection by law
33 enforcement and if it is determined that such vehicle has been repaired, the license plate
34 and registration shall be returned to the owner at such time."

1 **SECTION 2.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 3.**

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