

Senate Bill 211

By: Senators Fort of the 39th, Brown of the 26th, Reed of the 35th, Orrock of the 36th,
Thomas of the 2nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated,
2 relating to procedure for sentencing and imposition of punishment, so as to repeal certain
3 provisions regarding sentencing of defendants guilty of crimes involving bias or prejudice,
4 circumstances, and parole; to provide for sentencing of defendants guilty of crimes which
5 target a victim due to the victim's race, religion, gender, national origin, or sexual
6 orientation, circumstances, and parole; to provide for enhanced sentences in any case in
7 which the trier of fact determines beyond a reasonable doubt that the defendant intentionally
8 selected any victim or any property as the object of the offense because of the victim's race,
9 religion, gender, national origin, or sexual orientation; to provide for applicability; to provide
10 an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to
14 procedure for sentencing and imposition of punishment, is amended by repealing in its
15 entirety Code Section 17-10-17, relating to sentencing of defendants guilty of crimes
16 involving bias or prejudice, circumstances, and parole.

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

18 Said article is further amended by adding a new Code Section 17-10-17 to read as follows:
19 "17-10-17.

20 (a) Subject to the notice requirement provided in Code Section 17-10-18 and in
21 enhancement of the penalty imposed, if the trier of fact determines beyond a reasonable
22 doubt that the defendant intentionally selected any victim or any property of the victim as
23 the object of the offense because of the victim's race, religion, gender, national origin, or
24 sexual orientation, the judge imposing sentence shall:

- 1 (1) If the offense for which the defendant was convicted is a misdemeanor, increase the
2 sentence and the fine normally imposed by the court through court policy or voluntary
3 sentencing guidelines by 50 percent up to the maximum authorized by law;
- 4 (2) If the offense for which the defendant was convicted is a misdemeanor of a high and
5 aggravated nature, increase the sentence and fine normally imposed by the court through
6 court policy or voluntary sentencing guidelines by 50 percent up to the maximum
7 authorized by law; or
- 8 (3) If the offense for which the defendant was convicted is a felony, increase the
9 sentence normally imposed by the court through court policy or voluntary sentencing
10 guidelines by up to five years, not to exceed the maximum authorized by law.
- 11 (b) The judge shall state when the judge imposes the sentence the amount of the increase
12 of the sentence based on the application of subsection (a) of this Code section.
- 13 (c) Any person convicted of a felony and given an enhanced sentence under this Code
14 section shall not be eligible for any form of parole or early release until such person has
15 served at least 90 percent of the sentence imposed by the sentencing court."

16 **SECTION 3.**

17 This Act shall not apply to any offense committed before July 1, 2007.

18 **SECTION 4.**

19 This Act shall become effective on July 1, 2007.

20 **SECTION 5.**

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