

House Bill 1171

By: Representatives Ralston of the 7th, Levitas of the 82nd, and Bearden of the 68th

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 regulation of controlled substances, so as to provide for life sentences for persons
3 twice convicted of trafficking offenses; to change provisions relating to trafficking in
4 cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy; to provide for penalties; to
5 for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
9 regulation of controlled substances, is amended by revising subsection (h) of Code Section
10 16-13-31, relating to trafficking in cocaine, illegal drugs, marijuana, methamphetamine, and
11 penalties, as follows:

12 "(h)(1) Any person who violates any provision of this Code section in regard to
13 trafficking in cocaine, illegal drugs, marijuana, or methamphetamine shall be punished
14 by imprisonment for not less than five years nor more than 30 years and by a fine not to
15 exceed \$1 million.

16 (2) Any person who is convicted of a second or subsequent violation of this Code section
17 shall be punished by imprisonment for life."

18 **SECTION 2.**

19 Said article is further amended by revising Code Section 16-13-31.1, relating to the penalty
20 for selling, possessing, distributing, or other offenses associated with ecstasy, as follows:

21 "16-13-31.1.

22 (a) Any person who knowingly sells, manufactures, delivers, brings into this state, or has
23 possession of 28 grams or more of 3, 4-methylenedioxyamphetamine or 3,
24 4-methylenedioxymethamphetamine, or any mixture containing 3,
25 4-methylenedioxyamphetamine or 3, 4-methylenedioxymethamphetamine as described in

1 Schedule I, in violation of this article commits the felony offense of trafficking in 3,
2 4-methylenedioxyamphetamine or 3, 4-methylenedioxymethamphetamine and, upon
3 conviction thereof, shall be punished as follows:

4 (1) If the quantity of such substance involved is 28 grams or more, but less than 200
5 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of
6 three years but not more than 30 years and shall pay a fine of not less than \$25,000.00 nor
7 more than \$250,000.00;

8 (2) If the quantity of such substance involved is 200 grams or more, but less than 400
9 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of
10 five years but not more than 30 years and shall pay a fine of not less than \$50,000.00 nor
11 more than \$250,000.00; and

12 (3) If the quantity of such substance involved is 400 grams or more, the person shall be
13 sentenced to a mandatory minimum term of imprisonment of ten years but not more than
14 30 years and shall pay a fine of not less than \$100,000.00 nor more than \$250,000.00.

15 (b) Any person who is convicted of a second or subsequent violation of this Code section
16 shall be punished by imprisonment for life."

17 **SECTION 3.**

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