

House Bill 111

By: Representatives Marin of the 96th, Brooks of the 63rd, Thomas of the 100th, Williams of the 165th, Taylor of the 55th, 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 certain defendants guilty of crimes
5 which target a victim due to the victim's race, religion, gender, gender identity, sexual
6 orientation, or national origin; to provide for enhanced sentences in any case in which the
7 trier of fact determines beyond a reasonable doubt that the defendant intentionally selected
8 any victim or any property of the victim as the object of the offense because of the victim's
9 race, religion, gender, gender identity, sexual orientation, or national origin; to provide for
10 certain exceptions; to provide for applicability; to provide an effective date; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to
15 procedure for sentencing and imposition of punishment, is amended by revising Code
16 Section 17-10-17, relating to sentencing of defendants guilty of crimes involving bias or
17 prejudice, circumstances, and parole, as follows:

18 "17-10-17.

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

24 (1) If the offense for which the defendant was convicted is a misdemeanor, increase the
25 sentence and the fine normally imposed by the court through court policy or voluntary
26 sentencing guidelines by 50 percent up to the maximum authorized by law;

27 (2) If the offense for which the defendant was convicted is a misdemeanor of a high and
28 aggravated nature, increase the sentence and fine normally imposed by the court through
29 court policy or voluntary sentencing guidelines by 50 percent up to the maximum
30 authorized by law; or

31 (3) If the offense for which the defendant was convicted is a felony, increase the
32 sentence normally imposed by the court through court policy or voluntary sentencing
33 guidelines by up to five years, not to exceed the maximum authorized by law;
34 provided, however, that if the defendant was less than 18 years of age at the time of the
35 offense, the judge shall have the discretion to reduce the enhanced penalty provided for in
36 this subsection.

37 (b) ~~The judge~~ When the judge imposes the sentence, he or she shall state when the judge
38 imposes the sentence the amount of the increase of the sentence based on the application
39 of subsection (a) of this Code section.

40 (c) Any person convicted of a felony and given an enhanced sentence under this Code
41 section shall not be eligible for any form of parole or early release until such person has
42 served at least 90 percent of the sentence imposed by the sentencing court.

43 **SECTION 2.**

44 This Act shall not apply to any offense committed before July 1, 2009.

45 **SECTION 3.**

46 This Act shall become effective on July 1, 2009.

47 **SECTION 4.**

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