

House Bill 575 (AS PASSED HOUSE AND SENATE)

By: Representatives Golick of the 34<sup>th</sup>, Ramsey of the 72<sup>nd</sup>, Levitas of the 82<sup>nd</sup>, Bearden of the 68<sup>th</sup>, Cooper of the 41<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to kidnapping, false imprisonment, and related offenses, so as to change certain  
3 provisions relating to kidnapping; to provide for related matters; to repeal conflicting laws;  
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to  
8 kidnapping, false imprisonment, and related offenses, is amended by revising Code Section  
9 16-5-40, relating to kidnapping, as follows:

10 "16-5-40.

11 (a) A person commits the offense of kidnapping when ~~he~~ such person abducts or steals  
12 away ~~any~~ another person without lawful authority or warrant and holds such other person  
13 against his or her will.

14 (b)(1) For the offense of kidnapping to occur, slight movement shall be sufficient;  
15 provided, however, that any such slight movement of another person which occurs while  
16 in the commission of any other offense shall not constitute the offense of kidnapping if  
17 such movement is merely incidental to such other offense.

18 (2) Movement shall not be considered merely incidental to another offense if it:

19 (A) Conceals or isolates the victim;

20 (B) Makes the commission of the other offense substantially easier;

21 (C) Lessens the risk of detection; or

22 (D) Is for the purpose of avoiding apprehension.

23 (c) The offense of kidnapping shall be considered a separate offense and shall not merge  
24 with any other offense.

25 ~~(b)(d)~~ A person convicted of the offense of kidnapping shall be punished by:

- 26 (1) Imprisonment for not less than ten nor more than 20 years if the kidnapping involved  
27 a victim who was 14 years of age or older;
- 28 (2) Imprisonment for life or by a split sentence that is a term of imprisonment for not less  
29 than 25 years and not exceeding life imprisonment, followed by probation for life, if the  
30 kidnapping involved a victim who is less than 14 years of age;
- 31 (3) Life imprisonment or death if the kidnapping was for ransom; or
- 32 (4) Life imprisonment or death if the person kidnapped received bodily injury.
- 33 ~~(e)~~(e) Any person convicted under this Code section shall, in addition, be subject to the  
34 sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.
- 35 (f) The offense of kidnapping is declared to be a continuous offense, and venue may be in  
36 any county where the accused exercises dominion or control over the person of another."

37 **SECTION 2.**

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