

House Bill 770 (COMMITTEE SUBSTITUTE)

By: Representatives Efstoration of the 104th, Pak of the 108th, Ballinger of the 23rd, Lindsey of the 54th, and Cooper of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to
2 damage to and intrusion upon property, so as to create the crimes of home invasion in the
3 first degree and home invasion in the second degree; to provide for a definition; to provide
4 for penalties; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to damage to and
8 intrusion upon property, is amended by adding a new article to read as follows:

9 style="text-align:center">"ARTICLE 1A

10 16-7-5.

11 (a) As used in this Code section, the term 'dwelling' shall have the same meaning as
12 provided in Code Section 16-7-1.

13 (b) A person commits the offense of home invasion in the first degree when, without
14 authority and with intent to commit a forcible felony therein and while in possession of a
15 firearm, deadly weapon, or instrument which, when used offensively against a person, is
16 likely to or actually does result in serious bodily injury, he or she enters the dwelling house
17 of another while such dwelling house is occupied by any person with authority to be
18 present therein.

19 (c) A person commits the offense of home invasion in the second degree when, without
20 authority and with intent to commit a forcible misdemeanor therein and while in possession
21 of a firearm, deadly weapon, or instrument which, when used offensively against a person,
22 is likely to or actually does result in serious bodily injury, he or she enters the dwelling
23 house of another while such dwelling house is occupied by any person with authority to be
24 present therein.

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25 (d) A person convicted of the offense of home invasion in the first degree or home
26 invasion in the second degree shall be guilty of a felony and, upon conviction thereof, shall
27 be punished by imprisonment for life or imprisonment for not less than ten nor more than
28 20 years and by a fine of not less than \$10,000.00 nor more than \$100,000.00.

29 (e) Adjudication of guilt or imposition of sentence for home invasion in the first degree
30 shall not be suspended, probated, deferred, or withheld. Adjudication of guilt or imposition
31 of sentence for home invasion in the second degree may be suspended, probated, deferred,
32 or withheld at the discretion of the judge.

33 (f) A sentence imposed under this Code section may be imposed separately from and
34 consecutive to a sentence for any other offense related to the act or acts establishing the
35 offense under this Code section."

36 **SECTION 2.**

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