

House Bill 67

By: Representative Boddie of the 62nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated,
2 relating to theft, so as to provide for increased punishment for entering an automobile or
3 other motor vehicle with the intent to commit a theft or felony; to provide for another type
4 of crime of entering an automobile or other motor vehicle with the intent to commit a theft
5 or felony and provide for punishment therefor; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft,
10 is amended by revising Code Section 16-8-18, relating to entering automobile or other motor
11 vehicle with intent to commit theft or felony, as follows:

12 "16-8-18.

13 (a) Except as provided in subsection (b) of this Code section, if ~~if~~ any person shall enter
14 any automobile or other motor vehicle with the intent to commit a theft or a felony, he or
15 she shall be guilty of a felony and, ~~upon:~~

16 (1) Upon a first conviction thereof, he or she shall be punished by imprisonment for not
17 less than one nor more than five years; and a fine of not more than \$5,000.00 or, in the
18 discretion of the trial judge, as for a misdemeanor;

19 (2) Upon a second conviction thereof, he or she shall be punished by imprisonment for
20 not less than one nor more than five years and a fine of not more than \$5,000.00, and
21 notwithstanding Code Section 17-10-5, the judge shall not have the discretion to impose
22 punishment as for a misdemeanor; and

23 (3) Upon a third or subsequent conviction thereof, he or she shall be punished by
24 imprisonment for not less than one nor more than ten years and a fine of not more than
25 \$5,000.00, and notwithstanding Code Section 17-10-5, the judge shall not have the
26 discretion to impose punishment as for a misdemeanor.

27 (b) If any person shall enter any automobile or other motor vehicle while it is on property
28 where an establishment that sells automobile gasoline is located, a food or convenience
29 store in conjunction with the retail sale of automotive gasoline and related products is
30 located, any other commercial establishment is located, or an automated teller machine is
31 located with the intent to commit a theft or a felony, upon conviction thereof, he or she
32 shall be punished by imprisonment for not less than one nor more than 15 years and a fine
33 of not more than \$100,000.00; the first year of such sentence shall not be suspended,
34 probated, deferred, or withheld and shall run consecutively to any other sentence imposed;
35 and notwithstanding Code Section 17-10-5, the judge shall not have the discretion to
36 impose punishment as for a misdemeanor."

37 **SECTION 2.**

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