

House Bill 509

By: Representatives Ballinger of the 23rd, Hilton of the 48th, Reeves of the 99th, Daniel of the 117th, Cheokas of the 151st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-7-1 of Official Code of Georgia Annotated, relating to burglary,
2 so as to include an act of family violence as an element of such offense; to provide for related
3 matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Code Section 16-7-1 of Official Code of Georgia Annotated, relating to burglary, is amended
7 by revising subsections (b) and (c) as follows:

8 "(b) A person commits the offense of burglary in the first degree when, without authority
9 and with the intent to commit a felony or theft or an act of family violence therein, he or
10 she enters or remains within an occupied, unoccupied, or vacant dwelling house of another
11 or any building, vehicle, railroad car, watercraft, aircraft, or other such structure designed
12 for use as the dwelling of another. A person who commits the offense of burglary in the
13 first degree shall be guilty of a felony and, upon conviction thereof, shall be punished by
14 imprisonment for not less than one nor more than 20 years. Upon the second conviction
15 for burglary in the first degree, the defendant shall be guilty of a felony and shall be
16 punished by imprisonment for not less than two nor more than 20 years. Upon the third

17 and all subsequent convictions for burglary in the first degree, the defendant shall be guilty
18 of a felony and shall be punished by imprisonment for not less than five nor more than 25
19 years.

20 (c) A person commits the offense of burglary in the second degree when, without authority
21 and with the intent to commit a felony or theft or an act of family violence therein, he or
22 she enters or remains within an occupied, unoccupied, or vacant building, structure,
23 railroad car, watercraft, or aircraft. A person who commits the offense of burglary in the
24 second degree shall be guilty of a felony and, upon conviction thereof, shall be punished
25 by imprisonment for not less than one nor more than five years. Upon the second and all
26 subsequent convictions for burglary in the second degree, the defendant shall be guilty of
27 a felony and shall be punished by imprisonment for not less than one nor more than eight
28 years."

29

SECTION 2.

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