

House Bill 509 (COMMITTEE SUBSTITUTE)

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

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 Code Section 16-7-1 of the Official Code of Georgia Annotated, relating to burglary, is
7 amended 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 only including
10 offenses between current and former spouses, current and former romantic partners, or
11 family members therein, he or she enters or remains within an occupied, unoccupied, or
12 vacant dwelling house of another or any building, vehicle, railroad car, watercraft, aircraft,
13 or other such structure designed for use as the dwelling of another. A person who commits
14 the offense of burglary in the first degree shall be guilty of a felony and, upon conviction
15 thereof, shall be punished by imprisonment for not less than one nor more than 20 years.
16 Upon the second conviction for burglary in the first degree, the defendant shall be guilty

H. B. 509 (SUB)

17 of a felony and shall be punished by imprisonment for not less than two nor more than 20
18 years. Upon the third and all subsequent convictions for burglary in the first degree, the
19 defendant shall be guilty of a felony and shall be punished by imprisonment for not less
20 than five nor more than 25 years.

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

31 **SECTION 2.**

32 All laws and parts of laws in conflict with this Act are repealed.