

House Bill 1456 (AS PASSED HOUSE AND SENATE)

By: Representatives Greene of the 134th and Smith of the 13th, Post 2

A BILL TO BE ENTITLED
AN ACT

To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to change certain provisions relating to aggravated assault; to change certain provisions relating to penalties for various theft offenses under Code Sections 16-8-2 through 16-8-9; to change certain provisions relating to armed robbery, robbery by intimidation, and taking a controlled substance from a pharmacy in the course of committing such offense; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended in Code Section 16-5-21, relating to aggravated assault, by inserting a new subsection to read as follows:

"(f.1) Any person who commits the offense of aggravated assault upon a person in the course of violating Code Section 16-8-2 where the property that was the subject of the theft was a vehicle engaged in commercial transportation of cargo or any appurtenance thereto, including without limitation any such trailer, semitrailer, container, or other associated equipment, or the cargo being transported therein or thereon, shall upon conviction be punished by imprisonment for not less than five years nor more than 20 years, a fine not less than \$50,000.00 nor more than \$200,000.00, or both such fine and imprisonment. For purposes of this subsection, the term 'vehicle' includes without limitation any railcar."

SECTION 2.

Said title is further amended in Code Section 16-8-12, relating to penalties for violations of Code Sections 16-8-2 through 16-8-9, by striking "or" at the end of paragraph (6), striking the period at the end of paragraph (7) and inserting "; or" in lieu thereof, and adding a new paragraph in subsection (a) to read as follows:

“(8) If the property that was the subject of the theft was a vehicle engaged in commercial transportation of cargo or any appurtenance thereto, including without limitation any such trailer, semitrailer, container, or other associated equipment, or the cargo being transported therein or thereon, by imprisonment for not less than three years nor more than ten years, a fine not less than \$5,000.00 nor more than \$50,000.00, or both such fine and imprisonment. For purposes of this paragraph, the term 'vehicle' includes without limitation any railcar.”

SECTION 3.

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