

The House Committee on Judiciary Non-Civil offers the following substitute to HB 446:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to provide for the offense of drive-by shooting; to modify the offense of
3 aggravated assault; to provide for enhanced criminal penalties in certain circumstances; to
4 provide for definitions; to provide for penalties; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
9 amended in Code Section 16-5-21, relating to aggravated assault, by revising subsection (a)
10 as follows:

11 "(a) A person commits the offense of aggravated assault when he or she assaults:

12 (1) With intent to murder, to rape, or to rob;

13 (2) With a deadly weapon or with any object, device, or instrument which, when used
14 offensively against a person, is likely to or actually does result in serious bodily injury;

15 (3) With any object, device, or instrument which, when used offensively against a
16 person, is likely to or actually does result in strangulation; or

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17 (4) ~~A person or persons without~~ Without legal justification by discharging a firearm from
18 within a motor vehicle or after immediately exiting a vehicle toward a person, an
19 occupied motor vehicle, or persons occupied building."

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SECTION 2.

21 Said title is further amended by revising Code Section 16-7-22, relating to criminal damage
22 to property in the first degree, as follows:

23 "16-7-22.

24 (a) A person commits the offense of criminal damage to property in the first degree when
25 he or she:

26 (1) Knowingly and without authority interferes with any property in a manner so as to
27 endanger human life; ~~or~~

28 (2) Knowingly and without authority and by force or violence interferes with the
29 operation of any system of public communication, public transportation, sewerage,
30 drainage, water supply, gas, power, or other public utility service or with any constituent
31 property thereof; or

32 (3) Knowingly and without justification causes damage to a building by discharging a
33 firearm while inside a vehicle or after immediately exiting a vehicle.

34 (b) A person convicted of the offense of criminal damage to property in the first degree
35 shall be punished by imprisonment for not less than one nor more than ten years. A second
36 and subsequent violation of paragraph (3) of subsection (a) of this Code section shall be
37 punished by imprisonment for not less than five nor more than 20 years."

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SECTION 3.

39 Said title is further amended in Code Section 16-15-3, relating to definitions regarding street
40 gang terrorism and prevention, by revising subparagraph (A) of paragraph (1) as follows:

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SECTION 5.

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