

Senate Bill 465

By: Senators Goodman of the 8th, Hatchett of the 50th, Tillery of the 19th, Walker III of the 20th, Anderson of the 24th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to homicide, so as to provide for the felony offense of aggravated involuntary
3 manslaughter; to provide for definitions; to provide for elements of the offense; to provide
4 for penalties; to prohibit the sentencing court from suspending, probating, deferring, or
5 withholding any portion of the mandatory minimum term of imprisonment; to prohibit
6 merger; to provide for an exception; to provide for burden of proof; to provide for related
7 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 1 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
12 homicide, is amended by adding a new Code section to read as follows:

13 "16-5-3.1.

14 (a) As used in this Code section, the term:

15 (1) 'Controlled substance' shall have the same meaning as set forth in Code Section

16 16-13-21.

17 (2) 'Counterfeit substance' shall have the same meaning as set forth in Code Section
18 16-13-21.

19 (3) 'Imitation controlled substance' shall have the same meaning as set forth in Code
20 Section 16-13-21.

21 (b) A person commits the offense of aggravated involuntary manslaughter when he or she
22 causes the death of another human being, without any intention do so, by manufacturing,
23 delivering, distributing, or selling any controlled substance, counterfeit substance, or
24 imitation controlled substance.

25 (c) A person who commits the offense of aggravated involuntary manslaughter shall be
26 guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for a
27 mandatory minimum term of not less than 10 years nor more than 30 years or life
28 imprisonment, and no portion of the mandatory minimum sentence shall be suspended,
29 probated, deferred, or withheld by the sentencing court.

30 (d) The offense of aggravated involuntary manslaughter shall be considered a separate
31 offense and shall not merge with any other offense.

32 (e) This Code section shall not apply to any manufacturing, delivering, distributing, or
33 selling of a controlled substance that is authorized in Article 2 of Chapter 13 of Title 16,
34 the "Georgia Controlled Substances Act."

35 (f) For purposes of any criminal prosecution of violations of this Code section, the
36 defendant's knowledge of the chemical identity of a controlled substance, counterfeit
37 substance, or imitation controlled substance shall not be an essential element of the offense,
38 and the state shall not have the burden of proving that a defendant knew the chemical
39 identity of the controlled substance, counterfeit substance, or imitation controlled substance
40 in order to be convicted of an offense under this Code section."

41 **SECTION 2.**

42 This Act shall become effective upon its approval by the Governor or upon its becoming law
43 without such approval and shall apply to offenses committed on or after such date.

44 **SECTION 3.**

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