

The House Committee on Judiciary Non-Civil offers the following substitute to SB 465:

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 felony offense of aggravated involuntary manslaughter; to
3 provide for definitions; to provide for elements of the offense; to provide for penalties; to
4 prohibit merger; to provide for an exception; to provide for burden of proof; to provide a
5 short title; to provide for the offense of unlawfully possessing a pill press, tableting machine,
6 an encapsulating machine, or other controlled substance counterfeiting materials; to provide
7 for exceptions; to provide for violation and penalties; to provide for definitions; to provide
8 for related matters; to provide for an effective date and applicability; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as "Austin's Law."

13 **SECTION 2.**

S. B. 465 (SUB)

14 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
15 amended by adding a new Code section to Article 1 of Chapter 5, relating to homicide, to
16 read as follows:

17 "16-5-3.1.

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

19 (1) 'Controlled substance' shall have the same meaning as set forth in Code Section
20 16-13-21 but shall not include marijuana as defined by such Code section.

21 (2) 'Fentanyl' means any substance included under paragraph (13) of Code Section
22 16-13-25 or subparagraph (F) of paragraph (2) of Code Section 16-13-26.

23 (3) 'Fentanyl overdose death' shall mean a death for which the toxic effect of fentanyl
24 was either the sole cause of death or contributed to the cause of death of the human being.

25 (4) 'Selling' means to deliver goods for something of value and shall include distributing
26 such goods with an agreement, express or implied, to be compensated with money at a
27 later date.

28 (b) A person commits the offense of aggravated involuntary manslaughter when he or she
29 causes the fentanyl overdose death of another human being, without the intent to cause the
30 death of said human being, by intentionally manufacturing or selling any substance that
31 contains fentanyl, after representing that such substance was any controlled substance.

32 (c) A person who commits the offense of aggravated involuntary manslaughter shall be
33 guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for a
34 term of not less than 10 years nor more than 30 years or life imprisonment.

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

37 (e) This Code section shall not apply to any manufacturing or selling of a controlled
38 substance that is authorized in Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled
39 Substances Act.'

40 (f) For purposes of any criminal prosecution of violations of this Code section, the
41 defendant's knowledge of the chemical identity of the substance manufactured or sold shall
42 not be an essential element of the offense, and the state shall not have the burden of
43 proving that a defendant knew the chemical identity of such substance in order to be
44 convicted of an offense under this Code section."

45 **SECTION 3.**

46 Said title is further amended by adding a new Code section to Article 2 of Chapter 13,
47 relating to regulation of controlled substances, to read as follows:

48 "16-13-30.7.

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

50 (1) 'Controlled substance' has the same meaning as provided in Code Section 16-13-21.

51 (2) 'Controlled substance counterfeiting material' means a punch, die, plate, stone, or
52 other item designed to print, imprint, or reproduce the trademark, trade name, or other
53 identifying mark, imprint, or device of another or any likeness of any of the foregoing
54 upon a drug or container or the labeling thereof so as to render such drug a counterfeit
55 substance.

56 (3) 'Counterfeit substance' has the same meaning as provided in Code Section 16-13-21.

57 (4) 'Encapsulating machine' means manual, semiautomatic, or fully automatic equipment
58 that may be used to fill shells or capsules with powdered or granular solids or semisolid
59 material to produce coherent solid tablets.

60 (5) 'Pill press' means a mechanical device that compresses powder substances into tablets
61 by running such powder substance through a machine fitted with a die mold that
62 determines the shape and markings on such tablets.

63 (6) 'Regulated person' means a person or entity described in paragraph (22), (28), (29),
64 (30), (33), or (41) of Code Section 26-4-5.

65 (7) 'Tableting machine' means manual, semiautomatic, or fully automatic equipment that
66 may be used to compact or mold powdered or granular solids or semisolid material to
67 produce coherent solid tablets.

68 (b) It shall be unlawful for any person other than a regulated person to possess, purchase,
69 deliver, sell, or possess with intent to sell or deliver a pill press or tableting machine, an
70 encapsulating machine, or other controlled substance counterfeiting materials knowing,
71 intending, or having reasonable cause to believe that such items or materials will be used
72 to manufacture a controlled substance or counterfeit substance.

73 (c) Except as provided in subsection (b) of this Code section, a person who violates this
74 Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by
75 imprisonment for not less than one year nor more than ten years."

76 **SECTION 4.**

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

79 **SECTION 5.**

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