

Senate Bill 592

By: Senators Gooch of the 51st, Anavitarte of the 31st, Summers of the 13th, Echols of the 49th, Hatchett of the 50th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapters 5 and 6 of Title 16 and Chapter 10 of Title 17 of the Official Code of
2 Georgia Annotated, relating to crimes against the person, sexual offenses, and sentence and
3 punishment, respectively, so as to provide for increased punishments for certain offenses; to
4 provide for certain punishment for offenders who have been convicted of the offense of rape,
5 sexual battery, or aggravated sexual battery of a person under 12 years of age; to designate
6 certain offenses as serious violent felonies; to remove probation eligibility for certain
7 offenses committed while serving a sentence; to prohibit probation for certain offenses; to
8 prohibit early termination of probation for certain offenses; to provide for a short title; to
9 provide for legislative findings; to provide for related matters; to provide for an effective date
10 and applicability; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "One Strike Act."

14 **SECTION 2.**

15 The General Assembly finds that:

- 16 (1) The safety of Georgia families is paramount and violent predators who commit a single
17 act of serious violence pose an unacceptable risk to public safety;
- 18 (2) While Georgia's 2011–2018 criminal justice reforms successfully reduced recidivism
19 and incarceration costs for nonviolent offenders, recent national spikes in violent crime
20 demonstrate the need for targeted, zero tolerance penalties for serious violent felonies and
21 the most egregious sexual offenses against children;
- 22 (3) States such as Florida, Louisiana, and Kentucky have implemented similar enhanced
23 penalties with documented reductions in violent crime; and
- 24 (4) This Act preserves rehabilitation opportunities for nonviolent offenders while ensuring
25 that one violent act can permanently remove a predator from this state's communities when
26 warranted.

27

SECTION 3.

28 Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against
29 the person, is amended by revising Code Section 16-5-21, relating to aggravated assault, as
30 follows:

31 "16-5-21.

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

- 33 (1) With intent to murder, to rape, or to rob;
- 34 (2) With a deadly weapon or with any object, device, or instrument which, when used
35 offensively against a person, is likely to or actually does result in serious bodily injury;
- 36 (3) With any object, device, or instrument which, when used offensively against a
37 person, is likely to or actually does result in strangulation; or
- 38 (4) Without legal justification by discharging a firearm from within a motor vehicle or
39 after immediately exiting a vehicle toward a person, an occupied motor vehicle, or
40 occupied building.

41 (b) Except as provided in subsections (c) through (m) of this Code section, a person
42 convicted of the offense of aggravated assault shall be punished by imprisonment for not
43 less than ~~one nor more than 20 years~~ three years and not exceeding imprisonment for life
44 without parole or imprisonment for life.

45 (c)(1) A person who knowingly commits the offense of aggravated assault upon a public
46 safety officer while he or she is engaged in, or on account of the performance of, his or
47 her official duties shall, upon conviction thereof, be punished as follows:

48 (A) When such assault occurs by the discharge of a firearm by a person who is at
49 least 17 years of age, such person shall be punished by imprisonment for not less than
50 ~~ten nor more than 20 years~~ and not exceeding imprisonment for life without parole or
51 imprisonment for life and shall be sentenced to a mandatory minimum term of
52 imprisonment of ~~ten~~ 20 years and no portion of the mandatory minimum sentence
53 imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing
54 court; provided, however, that in the court's discretion, the court may depart from such
55 mandatory minimum sentence when the prosecuting attorney and defendant have
56 agreed to a sentence that is below such mandatory minimum;

57 (B) When such assault does not involve the discharge of a firearm by a person who is
58 at least 17 years of age, and does not involve only the use of the person's body, such
59 person shall be punished by imprisonment for not less than ~~five nor more than 20 years~~
60 ten years and not exceeding imprisonment for life without parole or imprisonment for
61 life and, for persons who are at least 17 years of age, shall be sentenced to a mandatory
62 minimum term of imprisonment of ~~three~~ ten years and no portion of the mandatory
63 minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld
64 by the sentencing court; provided, however, that in the court's discretion, the court may
65 depart from such mandatory minimum sentence when the prosecuting attorney and
66 defendant have agreed to a sentence that is below such mandatory minimum; or

67 (C) When such assault occurs only involving the use of the person's body, by
68 imprisonment for not less than ~~five nor more than 20 years~~ ten years and not exceeding
69 imprisonment for life without parole or imprisonment for life.

70 (2) A person convicted under this subsection shall be punished, in addition to any term
71 of imprisonment imposed, by a fine as provided by law which shall be at least \$2,000.00.
72 With respect to \$2,000.00 of the fine imposed, after distributing the surcharges and
73 deductions required by Chapter 21 of Title 15, Code Sections 36-15-9 and 42-8-34, and
74 Title 47, it shall be earmarked for the Georgia State Indemnification Fund for purposes
75 of payment of indemnification for death or disability as provided for in Part 1 of Article 5
76 of Chapter 9 of Title 45.

77 (3) As used in this subsection, the term 'firearm' means any handgun, rifle, shotgun, or
78 similar device or weapon which will or can be converted to expel a projectile by the
79 action of an explosive or electrical charge.

80 (d) Any person who commits the offense of aggravated assault against a person who is 65
81 years of age or older shall, upon conviction thereof, be punished by imprisonment for not
82 less than ~~three nor more than 20 years~~ five years and not exceeding imprisonment for life
83 without parole or imprisonment for life.

84 (e) Any person who commits the offense of aggravated assault in a public transit vehicle
85 or station shall, upon conviction thereof, be punished by imprisonment for not less than
86 ~~three nor more than 20 years~~ five years and not exceeding imprisonment for life without
87 parole or imprisonment for life.

88 (f) Any person who commits the offense of aggravated assault upon a person in the course
89 of violating Code Section 16-8-2 where the property that was the subject of the theft was
90 a vehicle engaged in commercial transportation of cargo or any appurtenance thereto,
91 including without limitation any such trailer, semitrailer, container, or other associated
92 equipment, or the cargo being transported therein or thereon, shall upon conviction be
93 punished by imprisonment for not less than ~~five nor more than 20 years, a fine~~ ten years

94 and not exceeding imprisonment for life without parole or imprisonment for life, a fine of
95 not less than \$50,000.00 nor more than \$200,000.00, or both such fine and imprisonment.

96 For purposes of this subsection, the term 'vehicle' includes without limitation any railcar.

97 (g) Except as provided in subsection (c) of this Code section, a person convicted of an
98 offense described in paragraph (4) of subsection (a) of this Code section shall be punished
99 by imprisonment for not less than ~~five nor more than 20 years~~ ten years and not exceeding
100 imprisonment for life without parole or imprisonment for life.

101 (h) Any person who commits the offense of aggravated assault involving the use of a
102 firearm upon a student or teacher or other school personnel within a school safety zone as
103 defined in Code Section 16-11-127.1 shall, upon conviction thereof, be punished by
104 imprisonment for not less than ~~five nor more than 20 years~~ ten years and not exceeding
105 imprisonment for life without parole or imprisonment for life.

106 (i) If the offense of aggravated assault is committed between past or present spouses,
107 persons who are parents of the same child, parents and children, stepparents and
108 stepchildren, foster parents and foster children, or other persons excluding siblings living
109 or formerly living in the same household, the defendant shall be punished by imprisonment
110 for not less than ~~three nor more than 20 years~~ five years and not exceeding imprisonment
111 for life without parole or imprisonment for life.

112 (j)(1) Any person who commits the offense of aggravated assault with intent to rape
113 against a child under the age of 14 years shall be punished by imprisonment for not less
114 than ~~25 nor more than 50 years~~ and not exceeding imprisonment for life without parole
115 or imprisonment for life.

116 (2)(A) As used in this paragraph, the term 'sexual felony' shall mean a felony
117 conviction of:

118 (i) Aggravated assault with the intent to rape in violation of subsection (a) of this
119 Code section;

- 120 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
121 is under 14 years of age, except by a parent;
- 122 (iii) Trafficking an individual for sexual servitude in violation of Code
123 Section 16-5-46;
- 124 (iv) Rape in violation of Code Section 16-6-1;
- 125 (v) Aggravated sodomy in violation of Code Section 16-6-2;
- 126 (vi) Statutory rape in violation of Code Section 16-6-3, if the individual convicted of
127 the offense is 21 years of age or older;
- 128 (vii) Child molestation in violation of Code Section 16-6-4;
- 129 (viii) Aggravated child molestation in violation of Code Section 16-6-4;
- 130 (ix) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- 131 (x) Improper sexual contact by employee or agent in the first or second degree or
132 improper sexual contact by a foster parent in the first or second degree in violation of
133 Code Section 16-6-5.1, unless the punishment imposed was not subject to Code
134 Section 17-10-6.2;
- 135 (xi) Incest in violation of Code Section 16-6-22;
- 136 (xii) Aggravated sexual battery in violation of Code Section 16-6-22.2; or
- 137 (xiii) Sexual exploitation of children in violation of Code Section 16-12-100.
- 138 (B) Any person having been previously convicted of a sexual felony who is convicted
139 of the offense of aggravated assault with the intent to rape shall be punished by
140 imprisonment for life or a split sentence that is a term of imprisonment followed by
141 probation for life. As a condition of probation, the court shall impose the requirement
142 of electronic monitoring as set forth in paragraph (14) of subsection (a) of Code
143 Section 42-8-35. Any person convicted under this paragraph shall, in addition, be
144 subject to the sentencing and punishment provisions of Code Section 17-10-6.2.
- 145 (k) A person who knowingly commits the offense of aggravated assault upon an officer
146 of the court while such officer is engaged in, or on account of the performance of, his or

147 her official duties shall, upon conviction thereof, be punished by imprisonment for not less
148 than five ~~nor more than 20 years~~ and not exceeding imprisonment for life without parole
149 or imprisonment for life.

150 (l) A person who commits the offense of aggravated assault upon an emergency health
151 worker or healthcare worker while such worker is on a hospital campus, as such term is
152 defined in Code Section 31-54-1, to perform official duties shall, upon conviction thereof,
153 be punished by imprisonment for not less than ~~three nor more than 20 years~~ five years and
154 not exceeding imprisonment for life without parole or imprisonment for life.

155 (m) Any person who commits the offense of aggravated assault upon a utility worker while
156 such worker is acting within the course and scope of his or her employment or is
157 performing official duties shall, upon conviction thereof, be punished by imprisonment for
158 not less than ~~three nor more than 20 years~~ five years and not exceeding imprisonment for
159 life without parole or imprisonment for life."

160 **SECTION 4.**

161 Said chapter is further amended by revising Code Section 16-5-24, relating to aggravated
162 battery, as follows:

163 "16-5-24.

164 (a) A person commits the offense of aggravated battery when he or she maliciously causes
165 bodily harm to another by depriving him or her of a member of his or her body, by
166 rendering a member of his or her body useless, or by seriously disfiguring his or her body
167 or a member thereof.

168 (b) Except as provided in subsections (c) through (i) of this Code section, a person
169 convicted of the offense of aggravated battery shall be punished by imprisonment for not
170 less than ~~one nor more than 20 years~~ three years and not exceeding imprisonment for life
171 without parole or imprisonment for life.

172 (c)(1) A person who knowingly commits the offense of aggravated battery upon a public
173 safety officer while the public safety officer is engaged in, or on account of the
174 performance of, his or her official duties shall, upon conviction thereof, be punished by
175 imprisonment for not less than ~~ten nor more than~~ 20 years and not exceeding
176 imprisonment for life without parole or imprisonment for life; provided, however, that
177 for persons who are at least 17 years of age, a mandatory minimum term of imprisonment
178 of three years shall be imposed and no portion of the mandatory minimum sentence shall
179 be suspended, stayed, probated, deferred, or otherwise withheld by the sentencing court;
180 provided, however, that in the court's discretion, the court may depart from such
181 mandatory minimum sentence when the prosecuting attorney and defendant have agreed
182 to a sentence that is below such mandatory minimum.

183 (2) A person convicted under this subsection shall be punished, in addition to any term
184 of imprisonment imposed, by a fine as provided by law which shall be at least \$2,000.00.
185 With respect to \$2,000.00 of the fine imposed, after distributing the surcharges and
186 deductions required by Chapter 21 of Title 15, Code Sections 36-15-9 and 42-8-34, and
187 Title 47, it shall be earmarked for the Georgia State Indemnification Fund for purposes
188 of payment of indemnification for death or disability as provided for in Part 1 of Article 5
189 of Chapter 9 of Title 45.

190 (d) Any person who commits the offense of aggravated battery against a person who is 65
191 years of age or older shall, upon conviction thereof, be punished by imprisonment for not
192 less than ~~five nor more than 20 years~~ ten years and not exceeding imprisonment for life
193 without parole or imprisonment for life.

194 (e) Any person who commits the offense of aggravated battery in a public transit vehicle
195 or station shall, upon conviction thereof, be punished by imprisonment for not less than
196 ~~five nor more than 20 years~~ ten years and not exceeding imprisonment for life without
197 parole or imprisonment for life.

198 (f) Any person who commits the offense of aggravated battery upon a student or teacher
199 or other school personnel within a school safety zone as defined in Code
200 Section 16-11-127.1 shall, upon conviction thereof, be punished by imprisonment for not
201 less than ~~five nor more than 20 years~~ ten years and not exceeding imprisonment for life
202 without parole or imprisonment for life.

203 (g) If the offense of aggravated battery is committed between past or present spouses,
204 persons who are parents of the same child, parents and children, stepparents and
205 stepchildren, foster parents and foster children, or other persons excluding siblings living
206 or formerly living in the same household, the defendant shall be punished by imprisonment
207 for not less than ~~three nor more than 20 years~~ five years and not exceeding imprisonment
208 for life without parole or imprisonment for life.

209 (h) A person who commits the offense of aggravated battery upon an emergency health
210 worker or healthcare worker while such worker is on a hospital campus, as such term is
211 defined in Code Section 31-54-1, to perform official duties shall, upon conviction thereof,
212 be punished by imprisonment for not less than ~~three nor more than 20 years~~ five years and
213 not exceeding imprisonment for life without parole or imprisonment for life.

214 (i) Any person who commits the offense of aggravated battery upon a utility worker while
215 such worker is acting within the course and scope of his or her employment or is
216 performing official duties at the time of the offense shall, upon conviction thereof, be
217 punished by imprisonment for not less than ~~three nor more than 20 years~~ five years and not
218 exceeding imprisonment for life without parole or imprisonment for life."

219 **SECTION 5.**

220 Said chapter is further amended by revising paragraph (1) of subsection (d) of Code
221 Section 16-5-40, relating to kidnapping, as follows:

222 "(1) Imprisonment for not less than ~~ten nor more than~~ 20 years and not exceeding
223 imprisonment for life without parole or imprisonment for life if the kidnapping involved
224 a victim who was 14 years of age or older;"

225 **SECTION 6.**

226 Chapter 6 of said title, relating to sexual offenses, is amended by adding a new subsection
227 to Code Section 16-6-1, relating to rape, to read as follows:

228 "(e) A person convicted of the offense of rape when the victim was under 12 years of age
229 and the defendant was 18 years of age or older at the time of the offense shall be guilty of
230 a felony and shall be punished by imprisonment for life without parole or by imprisonment
231 for life."

232 **SECTION 7.**

233 Said chapter is further amended by adding a new subsection to Code Section 16-6-22.1,
234 relating to sexual battery and consent, to read as follows:

235 "(e.1) A person convicted of the offense of sexual battery when the victim was under 12
236 years of age and the defendant was 18 years of age or older at the time of the offense shall
237 be guilty of a felony and shall be punished by imprisonment for life without parole or by
238 imprisonment for life."

239 **SECTION 8.**

240 Said chapter is further amended by adding a new subsection to Code Section 16-6-22.2,
241 relating to aggravated sexual battery and consent, to read as follows:

242 "(d.1) A person convicted of the offense of aggravated sexual battery when the victim was
243 under 12 years of age and the defendant was 18 years of age or older at the time of the
244 offense shall be guilty of a felony and shall be punished by imprisonment for life without
245 parole or by imprisonment for life."

246

SECTION 9.

247 Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to sentence and
248 punishment, is amended by revising subsection (a) of Code Section 17-10-6.1, relating to
249 punishment for serious violent offenders and authorization for reduction in mandatory
250 minimum sentencing, as follows:

251 "(a) As used in this Code section, the term 'serious violent felony' means:

252 (1) Murder or felony murder, as defined in Code Section 16-5-1;

253 (2) Armed robbery, as defined in Code Section 16-8-41;

254 (3) Kidnapping, as defined in Code Section 16-5-40;

255 (4) Rape, as defined in Code Section 16-6-1;

256 (5) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4,
257 unless subject to the provisions of paragraph (2) of subsection (d) of Code
258 Section 16-6-4;

259 (6) Aggravated sodomy, as defined in Code Section 16-6-2; ~~or~~

260 (7) Sexual battery, as defined in Code Section 16-6-22.1;

261 ~~(7)~~(8) Aggravated sexual battery, as defined in Code Section 16-6-22.2;

262 (9) Aggravated assault, as defined in Code Section 16-5-21;

263 (10) Aggravated battery, as defined in Code Section 16-5-24;

264 (11) Home invasion in the first degree, as defined in Code Section 16-7-5; or

265 (12) Any felony involving the use or possession of a firearm during the commission of
266 the offense."

267

SECTION 10.

268 Said chapter is further amended by adding a new Code section to read as follows:

269 "17-10-6.4.

270 (a) Any offender currently serving a sentence shall have eligibility for parole removed
271 from his or her current sentence or, if serving consecutive sentences, next sentence if he
272 or she committed any of the following offenses:

273 (1) Murder or felony murder, as defined in Code Section 16-5-1;

274 (2) Simple assault or aggravated assault, as defined in Code Sections 16-5-20 and
275 16-5-21, respectively;

276 (3) Rape, as defined in Code Section 16-6-1; or

277 (4) Distribution of controlled substances, as defined in Code Section 16-13-30.

278 (b) Any offender currently serving a sentence shall have eligibility for parole removed
279 from his or her current sentence or, if serving consecutive sentences, next sentence if he
280 or she participated in, managed, or was in some way part of an organization whose primary
281 purpose involved the trafficking of controlled substances in violation of Code Section
282 16-13-31.

283 (c) There shall be no parole for validated gang members or offenders who commit gang
284 related crimes pursuant to Code Section 16-15-4.

285 (d) No offender who has committed a serious violent felony, as defined in Code
286 Section 17-10-6.1, shall be eligible for early termination of probation regardless of
287 condition satisfaction.

288 (e) No offender who has committed a serious violent felony, as defined in Code
289 Section 17-10-6.1, shall utilize a probation reporting contact center or other similar center
290 to report to probation officers."

291 **SECTION 11.**

292 This Act shall become effective on July 1, 2026, and shall apply to all offenses committed
293 on or after such date.

294

SECTION 12.

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