

Senate Bill 604

By: Senators Cowser of the 46th, Dolezal of the 27th and Gooch of the 51st

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 the Attorney General concurrent jurisdiction with district attorneys  
3 to conduct criminal prosecutions of violent crimes, illegal immigration offenses, and fentanyl  
4 offenses; to provide for related matters; to provide for an effective date and applicability; to  
5 repeal 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 Chapter 5, relating to crimes against the person, by adding a new article to read  
10 as follows:

11 "ARTICLE 10

12 16-5-120.

13 The Attorney General shall have concurrent jurisdiction with district attorneys to conduct  
14 the criminal prosecution of a violation of this chapter; provided, however, that, prior to

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15 exercising such concurrent jurisdiction in a particular matter, the Attorney General gives  
16 the district attorney of the circuit wherein the offense was committed notice that such  
17 concurrent jurisdiction will be exercised and at least 90 days have passed from such notice  
18 being provided."

19 **SECTION 2.**

20 Said title is further amended in Article 2 of Chapter 8, relating to robbery, by adding a new  
21 Code section to read as follows:

22 "16-8-42.

23 The Attorney General shall have concurrent jurisdiction with district attorneys to conduct  
24 the criminal prosecution of a violation of this article; provided, however, that, prior to  
25 exercising such concurrent jurisdiction in a particular matter, the Attorney General gives  
26 the district attorney of the circuit wherein the offense was committed notice that such  
27 concurrent jurisdiction will be exercised and at least 90 days have passed from such notice  
28 being provided."

29 **SECTION 3.**

30 Said title is further amended in Article 5 of Chapter 11, relating to offenses involving illegal  
31 aliens, by adding a new Code section to read as follows:

32 "16-11-204.

33 The Attorney General shall have concurrent jurisdiction with district attorneys to conduct  
34 the criminal prosecution of a violation of this article; provided, however, that, prior to  
35 exercising such concurrent jurisdiction in a particular matter, the Attorney General gives  
36 the district attorney of the circuit wherein the offense was committed notice that such  
37 concurrent jurisdiction will be exercised and at least 90 days have passed from such notice  
38 being provided."

**SECTION 4.**

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40 Said title is further amended in Article 2 of Chapter 13, relating to regulation of controlled  
41 substances, by revising subsection (b.1) and subparagraph (g)(2)(B) of Code Section  
42 16-13-31, relating to trafficking in cocaine, illegal drugs, marijuana, or methamphetamine  
43 and penalties, as follows:

44 "(b.1)(1) Except as authorized by this article, any person who sells, manufactures,  
45 delivers, brings into this state, or has possession of fentanyl as identified in  
46 subparagraph (F) of paragraph (2) of Code Section 16-13-26, the fentanyl analog  
47 structural class as identified in paragraph (13) of Code Section 16-13-25, or any mixture  
48 containing any such substance in violation of this article commits the felony offense of  
49 trafficking in fentanyl and, upon conviction thereof, shall be punished as follows:

50 ~~(1)(A)~~ If the quantity of such substances involved is four grams or more, but less than  
51 eight grams, the person shall be sentenced to a mandatory minimum term of  
52 imprisonment of ten years and shall pay a fine of \$75,000.00;

53 ~~(2)(B)~~ If the quantity of such substances involved is eight grams or more, but less than  
54 14 grams, the person shall be sentenced to a mandatory minimum term of imprisonment  
55 of 15 years and shall pay a fine of \$150,000.00;

56 ~~(3)(C)~~ If the quantity of such substances involved is 14 grams or more, but less than  
57 28 grams, the person shall be sentenced to a mandatory minimum term of imprisonment  
58 of 25 years and shall pay a fine of \$250,000.00; and

59 ~~(4)(D)~~ If the quantity of such substances involved is 28 grams or more, the person shall  
60 be sentenced to a mandatory minimum term of imprisonment of 35 years and shall pay  
61 a fine of \$750,000.00.

62 (2) The Attorney General shall have concurrent jurisdiction with district attorneys to  
63 conduct the criminal prosecution of a violation of this subsection; provided, however,  
64 that, prior to exercising such concurrent jurisdiction in a particular matter, the Attorney  
65 General gives the district attorney of the circuit wherein the offense was committed

66 notice that such concurrent jurisdiction will be exercised and at least 90 days have passed  
67 from such notice being provided."

68 "(B) The sentencing departure ranges pursuant to subparagraph (A) of this paragraph  
69 shall be as follows:

70 (i) Any person convicted of violating subparagraph (a)(1)(A), paragraph (2) of  
71 subsection (a) relating to the quantity of drugs specified in subparagraph (a)(1)(A) of  
72 this Code section, or paragraph (1) of subsection (e) or (f) of this Code section,  
73 imprisonment for not less than five nor more than ten years and a fine of not less than  
74 \$100,000.00 nor more than \$200,000.00;

75 (ii) Any person convicted of violating subparagraph (a)(1)(B), paragraph (2) of  
76 subsection (a) relating to the quantity of drugs specified in subparagraph (a)(1)(B) of  
77 this Code section, or paragraph (2) of subsection (e) or (f) of this Code section,  
78 imprisonment for not less than seven years and six months nor more than 15 years and  
79 a fine of not less than \$150,000.00 nor more than \$300,000.00;

80 (iii) Any person convicted of violating subparagraph (a)(1)(C), paragraph (2) of  
81 subsection (a) relating to the quantity of drugs specified in subparagraph (a)(1)(C) of  
82 this Code section, or paragraph (3) of subsection (e) or (f) of this Code section,  
83 imprisonment for not less than 12 years and six months nor more than 25 years and  
84 a fine of not less than \$500,000.00 nor more than \$1 million;

85 (iv) Any person convicted of violating paragraph (1) of subsection (b) or (d) of this  
86 Code section, imprisonment for not less than two years and six months nor more than  
87 five years and a fine of not less than \$25,000.00 nor more than \$50,000.00;

88 (v) Any person convicted of violating paragraph (2) of subsection (b) of this Code  
89 section, imprisonment for not less than five years nor more than ten years and a fine  
90 of not less than \$50,000.00 nor more than \$100,000.00;

- 91 (vi) Any person convicted of violating paragraph (3) of subsection (b) of this Code  
92 section, imprisonment for not less than 12 years and six months nor more than 25  
93 years and a fine of not less than \$250,000.00 nor more than \$500,000.00;
- 94 (vii) Any person convicted of violating ~~paragraph (1) of subsection (b.1)~~  
95 subparagraph (b.1)(1)(A) of this Code section, imprisonment for not less than two  
96 years and six months nor more than five years and a fine of not less than \$12,500.00  
97 nor more than \$25,000.00;
- 98 (viii) Any person convicted of violating ~~paragraph (2) of subsection (b.1)~~  
99 subparagraph (b.1)(1)(B) of this Code section, imprisonment for not less than five  
100 years nor more than ten years and a fine of not less than \$25,000.00 nor more than  
101 \$50,000.00;
- 102 (ix) Any person convicted of violating ~~paragraph (3) of subsection (b.1)~~  
103 subparagraph (b.1)(1)(C) of this Code section, imprisonment for not less than ten  
104 years nor more than 20 years and a fine of not less than \$50,000.00 nor more than  
105 \$100,000.00;
- 106 (x) Any person convicted of violating ~~paragraph (4) of subsection (b.1)~~  
107 subparagraph (b.1)(1)(D) of this Code section, imprisonment for not less than 15  
108 years nor more than 30 years and a fine of not less than \$250,000.00 nor more than  
109 \$500,000.00;
- 110 (xi) Any person convicted of violating paragraph (1) of subsection (c) of this Code  
111 section, imprisonment for not less than two years and six months nor more than five  
112 years and a fine of not less than \$50,000.00 nor more than \$100,000.00;
- 113 (xii) Any person convicted of violating paragraph (2) of subsection (c) of this Code  
114 section, imprisonment for not less than three years and six months nor more than  
115 seven years and a fine of not less than \$125,000.00 nor more than \$250,000.00;

116 (xiii) Any person convicted of violating paragraph (3) of subsection (c) of this Code  
117 section, imprisonment for not less than seven years and six months nor more than 15  
118 years and a fine of not less than \$500,000.00 nor more than \$1 million; and  
119 (xiv) Any person convicted of violating paragraph (2) of subsection (d) of this Code  
120 section, imprisonment for not less than seven years and six months nor more than 15  
121 years and a fine of not less than \$125,000.00 nor more than \$250,000.00."

122 **SECTION 5.**

123 This Act shall become effective upon its approval by the Governor or upon its becoming law  
124 without such approval and shall apply to all prosecutions initiated on or after such date.

125 **SECTION 6.**

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