

Senate Bill 7

By: Senators Beach of the 21st, Summers of the 13th, Gooch of the 51st, Robertson of the 29th and Hickman of the 4th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-11-106 of the Official Code of Georgia Annotated, relating to
2 possession of firearm or knife during commission of or attempt to commit certain crimes, so
3 as to provide for minimum mandatory terms for certain crimes; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 16-11-106 of the Official Code of Georgia Annotated, relating to possession
8 of firearm or knife during commission of or attempt to commit certain crimes, is amended
9 by revising subsection (b) as follows:

10 "(b) Any person who shall have on or within arm's reach of his or her person a firearm or
11 a knife having a blade of three or more inches in length during the commission of, or the
12 attempt to commit:

- 13 (1) Any crime against or involving the person of another;
14 (2) The unlawful entry into a building or vehicle;
15 (3) A theft from a building or theft of a vehicle;

16 (4) Any crime involving the possession, manufacture, delivery, distribution, dispensing,
17 administering, selling, or possession with intent to distribute any controlled substance or
18 marijuana as provided in Code Section 16-13-30, any counterfeit substance as defined in
19 Code Section 16-13-21, or any noncontrolled substance as provided in Code
20 Section 16-13-30.1; or

21 (5) Any crime involving the trafficking of cocaine, marijuana, or illegal drugs as
22 provided in Code Section 16-13-31; or

23 (6) A violation of Code Section 16-14-4,
24 and which crime is a felony, commits a felony and, upon conviction thereof, shall be
25 punished by confinement for a period of five years, such sentence to run consecutively to
26 any other sentence which the person has received. If the felony is a serious violent felony
27 as defined in Code Section 17-10-6.1, aggravated assault as provided in Code Section
28 16-5-21, or hijacking a motor vehicle as provided in Code Section 16-5-44.1, a conviction
29 under this Code section shall be punished by not less than ten years' imprisonment, and
30 such sentence shall be served prior to any other sentence imposed and shall not be
31 suspended, stayed, probated, deferred, or withheld, and any such person sentenced pursuant
32 to this provision shall not be eligible for any form of pardon, parole, or early release
33 administered by the State Board of Pardons and Paroles or for any earned time, early
34 release, work release, leave, or any other sentence-reducing measures under programs
35 administered by the Department of Corrections, the effect of which would be to reduce the
36 sentence except as may be authorized by any existing or future provisions of the
37 Constitution of Georgia."

38 **SECTION 2.**

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