

The House Committee on Judiciary Non-Civil offers the following substitute to HB 260:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to
2 damage to and intrusion upon property, so as to revise the offense of burglary in the second
3 degree to incorporate family violence battery; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to damage to and
8 intrusion upon property, is amended by revising subsection (c) of Code Section 16-7-1,
9 relating to burglary, as follows:

10 "(c)(1) A person commits the offense of burglary in the second degree when, without
11 authority and ~~with~~:

12 (A) With the intent to commit a felony or theft therein, he or she enters or remains
13 within an occupied, unoccupied, or vacant building, structure, railroad car, watercraft,
14 or aircraft; or

15 (B) He or she enters or remains within an occupied dwelling of another and commits
16 an act of simple battery in violation of subsection (c) or (f) of Code Section 16-5-23 or
17 a battery in violation of Code Section 16-5-23.1.

18 (2) A person who commits the offense of burglary in the second degree shall be guilty
19 of a felony and, upon conviction thereof, shall be punished by imprisonment for not less
20 than one nor more than five years. Upon the second and all subsequent convictions for
21 burglary in the second degree, the defendant shall be guilty of a felony and shall be
22 punished by imprisonment for not less than one nor more than eight years."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.