

House Bill 426 (COMMITTEE SUBSTITUTE)

By: Representatives Efration of the 104th, Smyre of the 135th, Bennett of the 94th, Silcox of the 52nd, Drenner of the 85th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated,
2 relating to procedure for sentencing and imposition of punishment, so as to repeal certain
3 provisions regarding the sentencing of defendants for crimes involving bias or prejudice; to
4 provide criteria for imposition of punishment for defendants who select their victims based
5 upon certain biases or prejudices; to provide the sanctions for such crimes; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to
10 procedure for sentencing and imposition of punishment, is amended by repealing Code
11 Section 17-10-17, relating to sentencing of defendants guilty of crimes involving bias or
12 prejudice, circumstances, and parole, in its entirety and inserting in lieu thereof a new Code
13 section to read as follows:

14 "17-10-17.

15 (a) Subject to the notice requirement provided in Code Section 17-10-18 and in
16 enhancement of the penalty imposed, if the trier of fact determines beyond a reasonable
17 doubt that the defendant intentionally selected any victim or group of victims or any
18 property as the object of the offense because of the actual or perceived race, color, religion,
19 national origin, sexual orientation, gender, mental disability, or physical disability of such
20 victim or group of victims, the judge imposing sentence shall:

21 (1) If the offense for which the defendant was convicted is a misdemeanor, impose a
22 sentence of imprisonment for a period of not less than three nor more than 12 months,
23 and a fine not to exceed \$5,000.00;

24 (2) If the offense for which the defendant was convicted is a misdemeanor of a high and
25 aggravated nature, impose a sentence of imprisonment for a period of not less than six nor
26 more than 12 months, and a fine not to exceed \$5,000.00; or

27 (3) If the offense for which the defendant was convicted is a felony, impose a sentence
28 of imprisonment for a period of not less than two years.
29 (b) The judge shall state when he or she imposes the sentence the amount of the increase
30 of the sentence based on the application of subsection (a) of this Code section."

31 **SECTION 2.**

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