

Senate Bill 416

By: Senators Moore of the 53rd and Beach of the 21st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-14-4 of the Official Code of Georgia Annotated, relating to
2 prohibited racketeering activities, so as to prohibit prosecution when the charging instrument
3 alleges violation of certain offenses; to provide that pending prosecutions containing such
4 offenses be discharged and dismissed; to provide for applicability; to provide for legislative
5 intent; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 16-14-4 of the Official Code of Georgia Annotated, relating to prohibited
9 racketeering activities, is amended by adding a new subsection to read as follows:

10 "(d)(1) It is the intent of the General Assembly to provide in this subsection for the
11 prohibition of current and future politically motivated prosecutions commenced in this
12 state, to prevent violations of individual rights, to safeguard taxpayer funds, and to ensure
13 that judicial resources of this state be concentrated on crime rather than political vendetta.

14 (2) On or after July 1, 2023, no prosecution shall be commenced under this chapter, nor
15 shall any conviction be valid when any part of the indictment or accusation alleges
16 violations of the following offenses:

17 (A) Forgery in any degree in violation of Code Section 16-9-1;

- 18 (B) The 'Georgia Computer Systems Protection Act' in violation of Article 6 of
19 Chapter 9 of this title;
- 20 (C) Violation of oath by a public officer in violation of Code Section 16-10-1;
- 21 (D) False statements and writings or false lien statements against public officers or
22 public employees in violation of Code Section 16-10-20 or 16-10-20.1;
- 23 (E) Conspiracy to defraud state or political subdivisions in violation of Code Section
24 16-10-21;
- 25 (F) Impersonating a public officer or employee in violation of Code Section 16-10-23;
- 26 (G) Influencing witnesses in violation of Code Section 16-10-93;
- 27 (H) Interference with primaries and elections in violation of Code Section 21-2-566;
- 28 (I) Unlawful possession of ballots in violation of Code Section 21-2-574; and
- 29 (J) Conspiracy to commit election fraud in violation Code Section 21-2-603.
- 30 (3) On or after July 1, 2023, any pending prosecution pursuant to this chapter, where any
31 part of the indictment or accusation alleges any violation contained within paragraph (2)
32 of this subsection, shall be discharged and dismissed by any court of this state exercising
33 jurisdiction over such matter and shall be barred from being reindicted, reaccused,
34 recommenced, or otherwise brought again in any court of this state. Discharge and
35 dismissal under this paragraph shall be without court adjudication of guilt and shall not
36 be deemed a conviction.
- 37 (4) The provisions of paragraph (2) of this subsection shall not apply to any conviction
38 under this chapter entered prior to July 1, 2023."

39 **SECTION 2.**

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