

House Bill 770

By: Representatives Efration of the 104<sup>th</sup>, Pak of the 108<sup>th</sup>, Ballinger of the 23<sup>rd</sup>, Lindsey of the 54<sup>th</sup>, and Cooper of the 43<sup>rd</sup>

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 create the crime of home invasion; to provide  
3 for a definition; to provide for penalties; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to damage to and  
7 intrusion upon property, is amended by adding a new article to read as follows:

8 style="text-align:center">"ARTICLE 1A

9 16-7-5.

10 (a) As used in this Code section, the term 'dwelling' shall have the same meaning as  
11 provided in Code Section 16-7-1.

12 (b) A person commits the offense of home invasion when, without authority and with  
13 intent to commit a forcible felony or forcible misdemeanor therein and while in possession  
14 of a firearm or any other weapon, he or she enters or remains within the dwelling house of  
15 another while such dwelling house is occupied by any person with authority to be present  
16 therein.

17 (c) A person convicted of the offense of home invasion shall be guilty of a felony and,  
18 upon conviction thereof, shall be punished by imprisonment for life or imprisonment for  
19 not less than ten nor more than 20 years and by a fine of not less than \$10,000.00 nor more  
20 than \$100,000.00.

21 (d) Adjudication of guilt or imposition of sentence shall not be suspended, probated,  
22 deferred, or withheld for any offense punishable under this Code section.

23 (e) A sentence imposed under this Code section shall be imposed separately from and  
24 consecutive to a sentence for any other offense related to the act or acts establishing the  
25 offense under this Code section."

26 **SECTION 2.**

27 All laws and parts of laws in conflict with this Act are repealed.