

House Bill 928

By: Representative Fludd of the 64th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
2 offenses against public order and safety, so as to create the offense of religious intimidation;
3 to provide for penalties; to provide for a cross-reference to the offense of religious
4 intimidation in the crime of using machine guns, sawed-off rifles, sawed-off shotguns, or
5 firearms during the commission of certain offenses; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
10 public order and safety, is amended by adding a new Code section to read as follows:

11 "16-11-37.2.

12 (a) An individual commits the offense of religious intimidation when he or she maliciously
13 and with specific intent to intimidate or harass another individual because of such
14 individual's religion:

15 (1) Intentionally makes physical contact with such individual;

16 (2) Intentionally damages, destroys, or defaces real or personal property of another
17 person; or

18 (3) Threatens by word or act to cause physical contact with such individual or to damage,
19 destroy, or deface real or personal property of another person.

20 (b) No individual shall be convicted under paragraph (3) of subsection (a) of this Code
21 section on the uncorroborated testimony of the party to whom the threat is communicated.

22 (c) An individual convicted of the offense of religious intimidation shall be guilty of a
23 felony and shall be punished by a fine of not more than \$1,000.00, imprisonment for not
24 less than one nor more than five years, or both.

25 (d) Any violation of this Code section shall constitute a separate offense and shall not
26 merge with any other crime set forth in this title."

27

SECTION 2.

28 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section
 29 16-11-160, relating to use of machine guns, sawed-off rifles, sawed-off shotguns, or firearms
 30 during the commission of certain offenses, as follows:

31 "(a)(1) It shall be unlawful for any person to possess or to use a machine gun, sawed-off
 32 rifle, sawed-off shotgun, or firearm equipped with a silencer, as those terms are defined
 33 in Code Section 16-11-121, during the commission or the attempted commission of any
 34 of the following offenses:

- 35 (A) Aggravated assault ~~as defined in violation of~~ Code Section 16-5-21;
- 36 (B) Aggravated battery ~~as defined in violation of~~ Code Section 16-5-24;
- 37 (C) Robbery ~~as defined in violation of~~ Code Section 16-8-40;
- 38 (D) Armed robbery ~~as defined in violation of~~ Code Section 16-8-41;
- 39 ~~(D)~~(E) Home invasion in any degree ~~as defined in violation of~~ Code Section 16-7-5;
- 40 ~~(E)~~(F) Murder or felony murder ~~as defined in violation of~~ Code Section 16-5-1;
- 41 ~~(F)~~(G) Voluntary manslaughter ~~as defined in violation of~~ Code Section 16-5-2;
- 42 ~~(G)~~(H) Involuntary manslaughter ~~as defined in violation of~~ Code Section 16-5-3;
- 43 ~~(H)~~(I) Sale, possession for sale, transportation, manufacture, offer for sale, or offer to
 44 manufacture controlled substances in violation of any provision of Article 2 of Chapter
 45 13 of this title, the 'Georgia Controlled Substances Act';
- 46 ~~(I)~~(J) Terroristic threats or acts ~~as defined in violation of~~ Code Section 16-11-37;
- 47 (K) Religious intimidation in violation of Code Section 16-11-37.2;
- 48 ~~(J)~~(L) Arson ~~as defined in violation of~~ Code Section 16-7-60, 16-7-61, or 16-7-62, or
 49 arson of lands ~~as defined in violation of~~ Code Section 16-7-63;
- 50 ~~(K)~~(M) Influencing witnesses ~~as defined in violation of~~ Code Section 16-10-93; and
- 51 ~~(L)~~(N) Participation in criminal gang activity ~~as defined in violation of~~ Code Section
 52 16-15-4."

53

SECTION 3.

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