

House Bill 1056

By: Representatives New of the 64th, Crowe of the 118th, Hitchens of the 161st, Vance of the 133rd, Collins of the 71st, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 1 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia
2 Annotated, relating to schedules, offenses, and penalties regarding regulation of controlled
3 substances, so as to provide for enhanced penalties for certain persons who manufacture,
4 deliver, distribute, dispense, administer, sell, or possess with the intent to distribute any
5 controlled substance, counterfeit substance, or marijuana when such violation involves the
6 manufacturing, delivering, distributing, dispensing, administering, selling, or possessing with
7 intent to distribute to a person 14 years of age or younger; to provide for an effective date;
8 to provide for applicability; to provide for related matters; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 1 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated,
13 relating to schedules, offenses, and penalties regarding regulation of controlled substances,
14 is amended by revising subsection (m) of Code Section 16-13-30, relating to purchase,
15 possession, manufacture, distribution, or sale of controlled substances or marijuana, and
16 penalties, to read as follows:

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17 "(m)(1) Any person who is 21 years of age or older at the time of the offense and who
18 violates subsection (b), paragraph (2) of subsection (i), or paragraph (1) of subsection (j)
19 of this Code section when such violation involves manufacturing, delivering, distributing,
20 dispensing, administering, selling, or possessing with intent to distribute to a person who
21 is 14 years of age or younger shall be guilty of a felony and, upon conviction thereof,
22 shall be punished by imprisonment for not less than five years nor more than 30 years,
23 and no portion of the mandatory minimum sentence imposed shall be suspended, stayed,
24 probated, deferred, or withheld by the sentencing court. A sentence imposed under this
25 subsection shall be served consecutively to any other sentence imposed. Each violation
26 of this subsection shall constitute a separate offense.

27 (2) In the court's discretion, the judge may depart from the mandatory minimum sentence
28 specified in this subsection for a person who is convicted of a violation of this subsection
29 when the prosecuting attorney and the defendant have agreed to a sentence that is below
30 such mandatory minimum.

31 (m)(n) As used in this Code section, the term 'solid substance' means a substance that is
32 not in a liquid or gas form. Such term shall include tablets, pills, capsules, caplets, powder,
33 crystal, or any variant of such items."

34 **SECTION 2.**

35 This Act shall become effective on July 1, 2024, and shall apply to all offenses committed
36 on or after such date.

37 **SECTION 3.**

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