

Senate Bill 384

By: Senators Thompson of the 14th, Mullis of the 53rd, Cowser of the 46th, Bethel of the 54th and Hill of the 32nd

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 controlled substances, so
3 as to provide for mandatory minimum sentences for the sale of or trafficking in heroin; to
4 provide for related matters; to provide for an effective date and applicability; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated,
9 relating to schedules, offenses, and penalties regarding controlled substances, is amended by
10 adding a new subsection to Code Section 16-13-30, relating to purchase, possession,
11 manufacture, distribution, or sale of controlled substances or marijuana and penalties, to read
12 as follows:

13 "(n) Any person who violates subsection (b) of this Code section with respect to heroin,
14 a Schedule I controlled substance, shall, upon conviction thereof, be sentenced to a
15 mandatory minimum term of imprisonment of ten years and shall pay a fine of \$50,000.00.
16 Upon conviction of a second or subsequent offense, he or she shall be sentenced to a
17 mandatory minimum term of imprisonment of 15 years and shall pay a fine of \$100,000.00.
18 Any such mandatory minimum sentence shall not be suspended, stayed, probated, deferred,
19 or withheld, and any such person sentenced pursuant to this subsection shall not be eligible
20 for any form of pardon, parole, or early release administered by the State Board of Pardons
21 and Paroles or for any earned time, early release, work release, leave, or any other
22 sentence-reducing measures under programs administered by the Department of
23 Corrections, the effect of which would be to reduce the period of incarceration ordered by
24 the sentencing court."

SECTION 2.

25
26 Said part is further amended by revising subsection (b) of and adding a new subsection to
27 Code Section 16-13-31, relating to trafficking in cocaine, illegal drugs, marijuana, or
28 methamphetamine and penalties, to read as follows:

29 "(b) Any Except as otherwise provided, any person who sells, manufactures, delivers,
30 brings into this state, or has possession of four grams or more of any morphine or opium
31 or any salt, isomer, or salt of an isomer thereof, including heroin, as described in Schedules
32 I and II, or four grams or more of any mixture containing any such substance in violation
33 of this article commits the felony offense of trafficking in illegal drugs and, upon
34 conviction thereof, shall be punished as follows:

35 (1) If the quantity of such substances involved is four grams or more, but less than 14
36 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of
37 five years and shall pay a fine of \$50,000.00;

38 (2) If the quantity of such substances involved is 14 grams or more, but less than 28
39 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of
40 ten years and shall pay a fine of \$100,000.00; and

41 (3) If the quantity of such substances involved is 28 grams or more, the person shall be
42 sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine
43 of \$500,000.00.

44 (b.1) Any person who violates subsection (b) of this Code section with respect to heroin,
45 a Schedule I controlled substance, shall, upon conviction thereof, be punished as follows:

46 (1) If the quantity of such substances involved is four grams or more, but less than 14
47 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of
48 ten years and shall pay a fine of \$50,000.00;

49 (2) If the quantity of such substances involved is 14 grams or more, but less than 28
50 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of
51 15 years and shall pay a fine of \$100,000.00; and

52 (3) If the quantity of such substances involved is 28 grams or more, the person shall be
53 sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine
54 of \$500,000.00.

55 Any such mandatory minimum sentence shall not be suspended, stayed, probated, deferred,
56 or withheld, and any such person sentenced pursuant to this subsection shall not be eligible
57 for any form of pardon, parole, or early release administered by the State Board of Pardons
58 and Paroles or for any earned time, early release, work release, leave, or any other
59 sentence-reducing measures under programs administered by the Department of
60 Corrections, the effect of which would be to reduce the period of incarceration ordered by
61 the sentencing court."

62 **SECTION 3.**

63 This Act shall become effective on July 1, 2016, and shall apply to all persons convicted on
64 and after such date.

65 **SECTION 4.**

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