### Senate Bill 579

By: Senators Mullis of the 53rd, Hatchett of the 50th, Harbison of the 15th, Dixon of the 45th, Albers of the 56th 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 under the regulation of controlled 3 substances, so as to provide that minimum sentences imposed for the manufacture, delivery, 4 distribution, dispensing, administering, selling, or possessing with intent to distribute certain 5 controlled substances shall not be suspended, stayed, probated, deferred, or withheld by the sentencing court; to provide for an exception; to provide for an effective date and 6 7 applicability; to provide for related matters; to repeal conflicting laws; and for other 8 purposes.

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#### BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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### **SECTION 1.**

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

16 "(d)(1) Except as otherwise provided, any person who violates subsection (b) of this 17 Code section with respect to a controlled substance in Schedule I or Schedule II shall be 18 guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for 19 not less than five years nor more than 30 years. Upon conviction of a second or 20 subsequent offense, he or she shall be imprisoned for not less than ten years nor more 21 than 40 years or life imprisonment. The provisions of subsection (a) of Code 22 Section 17-10-7 shall not apply to a sentence imposed for a second such offense; 23 provided, however, that the remaining provisions of Code Section 17-10-7 shall apply for 24 any subsequent offense.

25 (2) No portion of a minimum sentence imposed pursuant to paragraph (1) of this

26 <u>subsection shall be suspended, stayed, probated, deferred, or withheld by the sentencing</u>

27 court. The provisions of this paragraph shall not apply to a person whose violation of

- 28 <u>subsection (b) of this Code section is based on manufacturing, delivering, distributing,</u>
- 29 dispensing, administering, selling, or possessing with intent to distribute delta-8-THC."
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## **SECTION 2.**

This Act shall become effective on July 1, 2022, and shall apply to all offenses committedon or after such date.

- **SECTION 3.**
- 34 All laws and parts of laws in conflict with this Act are repealed.