

House Bill 1154

By: Representatives Clark of the 100th, Smith of the 18th, Gullett of the 19th, Powell of the 33rd, McCollum of the 30th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 17-10-30 of the Official Code of Georgia Annotated, relating to
2 procedure for imposition of death penalty generally, so as to include the offense of
3 trafficking of persons for labor or sexual servitude; to provide for related matters; to provide
4 for applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 17-10-30 of the Official Code of Georgia Annotated, relating to procedure for
8 imposition of death penalty generally, is amended as follows:

9 "17-10-30.

10 (a) The death penalty may be imposed for the offenses of aircraft hijacking or treason in
11 any case.

12 (b) In all cases of other offenses for which the death penalty may be authorized, the judge
13 shall consider, or ~~he~~ shall include in ~~his~~ instructions to the jury for it to consider, any
14 mitigating circumstances or aggravating circumstances otherwise authorized by law and
15 any of the following statutory aggravating circumstances which may be supported by the
16 evidence:

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(1) The offense of murder, rape, armed robbery, trafficking of persons for labor or sexual servitude, or kidnapping was committed by a person with a prior record of conviction for a capital felony;

(2) The offense of murder, rape, armed robbery, trafficking of persons for labor or sexual servitude, or kidnapping was committed while the offender was engaged in the commission of another capital felony or aggravated battery, or the offense of murder was committed while the offender was engaged in the commission of burglary in any degree or arson in the first degree;

(3) The offender, by ~~his~~ the act of murder, armed robbery, or kidnapping, knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which would normally be hazardous to the lives of more than one person;

(4) The offender committed the offense of murder for himself or another, for the purpose of receiving money or any other thing of monetary value;

(5) The murder of a judicial officer, former judicial officer, district attorney, solicitor, or solicitor-general, or former district attorney, solicitor, or solicitor-general was committed during or because of the exercise of his or her official duties;

(6) The offender caused or directed another to commit murder or committed murder as an agent or employee of another person;

(7) The offense of murder, rape, armed robbery, trafficking of persons for labor or sexual servitude, or kidnapping was outrageously or wantonly vile, horrible, or inhuman in that it involved torture, depravity of mind, or an aggravated battery to the victim;

(8) The offense of murder was committed against any peace officer, corrections employee, or firefighter while engaged in the performance of his or her official duties;

(9) The offense of murder was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement;

(10) The murder was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of himself or another;

(11) The offense of murder, rape, trafficking of persons for labor or sexual servitude, or kidnapping was committed by a person previously convicted of rape, aggravated sodomy, aggravated child molestation, or aggravated sexual battery; or

(12) The murder was committed during an act of domestic terrorism.

(c) The statutory instructions as determined by the trial judge to be warranted by the evidence shall be given in charge and in writing to the jury for its deliberation. The jury, if its verdict is a recommendation of death, shall designate in writing, signed by the foreman of the jury, the aggravating circumstance or circumstances which it found beyond a reasonable doubt. In nonjury cases the judge shall make such designation. Except in cases of treason or aircraft hijacking, unless at least one of the statutory aggravating circumstances enumerated in subsection (b) of this Code section is so found, the death penalty shall not be imposed."

SECTION 2.

This Act shall be applicable to all offenses committed on or after July 1, 2026. It is the intent of the General Assembly that the provisions of this Act shall not affect any prosecutions for offenses committed prior to July 1, 2026, and such offenses may continue to be prosecuted under prior law. Prosecutions for any violation of law occurring prior to July 1, 2026, shall not be affected by the amendments made by this Act or abated by reason thereof.

SECTION 3.

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