



# UNIVERSITY OF GEORGIA POLICE DEPARTMENT

## BUREAU OF TRAINING & CERTIFICATION

*The University of Georgia Police Department is committed to protect and provide professional and dedicated public service to the University Community with courage, dependability and integrity.*



GEORGIA CODE  
TITLE 16. CRIMES AND OFFENSES  
CHAPTER 11. OFFENSES AGAINST PUBLIC ORDER AND SAFETY  
ARTICLE 4. DANGEROUS INSTRUMENTALITIES AND PRACTICES  
PART 1. GENERAL PROVISIONS

§ 16-11-106. Possession of firearm or knife during commission of or attempt to commit certain crimes

(a) For the purposes of this Code section, the term "firearm" shall include stun guns and tasers. A stun gun or taser is any device that is powered by electrical charging units such as batteries and emits an electrical charge in excess of 20,000 volts or is otherwise capable of incapacitating a person by an electrical charge.

(b) Any person who shall have on or within arm's reach of his or her person a firearm or a knife having a blade of three or more inches in length during the commission of, or the attempt to commit:

(1) Any crime against or involving the person of another;

(2) The unlawful entry into a building or vehicle;

(3) A theft from a building or theft of a vehicle;

(4) Any crime involving the possession, manufacture, delivery, distribution, dispensing, administering, selling, or possession with intent to distribute any controlled substance or marijuana as provided in Code Section 16-13-30, any counterfeit substance as defined in Code Section 16-13-21, or any noncontrolled substance as provided in Code Section 16-13-30.1; or

(5) Any crime involving the trafficking of cocaine, marijuana, or illegal drugs as provided in Code Section 16-13-31,

and which crime is a felony, commits a felony and, upon conviction thereof, shall be punished by confinement for a period of five years, such sentence to run consecutively to any other sentence which the person has received.

(c) Upon the second or subsequent conviction of a person under this Code section, the person shall be punished by confinement for a period of ten years. Notwithstanding any other law to the contrary, the sentence of any person which is imposed for violating this Code section a second or subsequent time shall not be suspended by the court and probationary sentence imposed in lieu thereof.

(d) The punishment prescribed for the violation of subsections (b) and (c) of this Code section shall not be reducible to misdemeanor punishment as is provided by Code Section 17-10-5.

(e) Any crime committed in violation of subsections (b) and (c) of this Code section shall be considered a separate offense.

**HISTORY:** Ga. L. 1968, p. 982, §§ 1, 2; Ga. L. 1974, p. 385, § 1; Ga. L. 1976, p. 1591, §§ 1, 2; Ga. L. 1985, p. 425, § 1; Ga. L. 1986, p. 1205, § 1; Ga. L. 1987, p. 624, § 1; Ga. L. 2000, p. 1618, § 1; Ga. L. 2001, p. 4, § 16.