

# JUSTIA

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## **2010 Georgia Code**

### **TITLE 16 - CRIMES AND OFFENSES**

#### **CHAPTER 14 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS**

#### **§ 16-14-3 - Definitions**

O.C.G.A. 16-14-3 (2010)

16-14-3. Definitions

As used in this chapter, the term:

(1) "Alien corporation" means a corporation organized under laws other than the laws of the United States or the laws of any state of the United States.

(2)(A) "Beneficial interest" means either of the following:

(i) The interest of a person as a beneficiary under any other trust arrangement pursuant to which a trustee holds legal or record title to real property for the benefit of such person; or

(ii) The interest of a person under any other form of express fiduciary arrangement pursuant to which any other person holds legal or record title to real property for the benefit of such person.

(B) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general partnership or limited partnership. A beneficial interest shall be deemed to be located where the real property owned by the trustee is

located.

(3) "Civil proceeding" means any civil proceeding commenced by an investigative agency under any provision of this chapter.

(4) "Criminal proceeding" means any criminal proceeding commenced by an investigative agency under any provision of this chapter.

(5) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(6) "Enterprise" means any person, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity; or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and governmental as well as other entities.

(7) "Investigative agency" means the Department of Law or the office of any district attorney.

(8) "Pattern of racketeering activity" means:

(A) Engaging in at least two acts of racketeering activity in furtherance of one or more incidents, schemes, or transactions that have the same or similar intents, results, accomplices, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one of such acts occurred after July 1, 1980, and that the last of such acts occurred within four years, excluding any periods of imprisonment, after the commission of a prior act of racketeering activity; or

(B) Engaging in any one or more acts of domestic terrorism as described in subsection (a) of Code Section 16-4-10 or any criminal attempt, criminal solicitation, or criminal conspiracy related thereto.

(9)(A) "Racketeering activity" means to commit, to attempt to commit, or to solicit, coerce, or intimidate another person to commit any crime which is chargeable by indictment under the following laws of this state:

- (i) Article 2 of Chapter 13 of this title, relating to controlled substances;
- (ii) Article 3 of Chapter 13 of this title, known as the "Dangerous Drugs Act";
- (iii) Subsection (j) of Code Section 16-13-30, relating to marijuana;
- (iv) Article 1 of Chapter 5 of this title, relating to homicide;
- (v) Article 2 of Chapter 5 of this title, relating to bodily injury and related offenses;
- (vi) Articles 3 and 4 of Chapter 7 of this title, relating to arson and destructive devices, respectively;
- (vii) Code Section 16-7-1, relating to burglary, or Code Section 16-7-2, relating to smash and grab burglary;
- (viii) Code Section 16-9-1, relating to forgery in the first degree;
- (ix) Article 1 of Chapter 8 of this title, relating to theft;
- (x) Article 2 of Chapter 8 of this title, relating to robbery;
- (xi) Code Sections 16-6-9 through 16-6-12 and 16-6-14, relating to prostitution and pandering;
- (xii) Code Section 16-12-80, relating to distributing obscene materials;
- (xiii) Code Section 16-10-2, relating to bribery;
- (xiv) Code Section 16-10-93, relating to influencing witnesses;
- (xv) Article 4 of Chapter 10 of this title and Code Sections 16-10-20, 16-10-23, and 16-10-91, relating to perjury and other falsifications;
- (xvi) Code Section 16-10-94, relating to tampering with evidence;

- (xvii) Code Section 16-12-22, relating to commercial gambling;
- (xviii) Code Section 3-3-27, relating to distilling or making liquors;
- (xix) Part 2 of Article 4 of Chapter 11 of this title, known as the "Georgia Firearms and Weapons Act";
- (xx) Code Section 16-8-60, relating to unauthorized transfers and reproductions of recorded material;
- (xxi) Chapter 5 of Title 10, relating to violations of the "Georgia Uniform Securities Act of 2008";
- (xxii) Code Section 3-3-27, relating to the unlawful distillation, manufacture, and transportation of alcoholic beverages;
- (xxiii) Code Sections 16-9-31, 16-9-32, 16-9-33, and 16-9-34, relating to the unlawful use of financial transaction cards;
- (xxiv) Code Section 40-3-90, relating to certain felonies involving certificates of title, security interest, or liens concerning motor vehicles;
- (xxv) Code Section 40-4-21, relating to removal or falsification of identification numbers;
- (xxvi) Code Section 40-4-22, relating to possession of motor vehicle parts from which the identification has been removed;
- (xxvii) Code Section 16-9-70, relating to use of an article with an altered identification mark;
- (xxviii) Article 6 of Chapter 9 of this title, known as the "Georgia Computer Systems Protection Act";
- (xxix) Any conduct defined as "racketeering activity" under 18 U.S.C. Section 1961 (1)(A), (B), (C), and (D);
- (xxx) Article 3 of Chapter 5 of this title, relating to kidnapping, false imprisonment, and

related offenses, except for Code Section 16-5-44, relating to aircraft hijacking;

(xxxix) Code Section 16-11-37, relating to terroristic threats and acts;

(xxxix) Code Section 16-5-44.1, relating to motor vehicle hijacking;

(xxxix) Code Section 16-10-32, relating to tampering with witnesses, victims, or informants;

(xxxix) Code Section 16-10-97, relating to intimidation of grand or petit juror or court officer;

(xxxix) Article 11 of Chapter 1 of Title 7 and Sections 5311 through 5330 of Title 31 of the United States Code relating to records and reports of currency transactions;

(xxxix) Article 8 of Chapter 9 of this title, relating to identity fraud, and Section 1028 of Title 18 of the United States Code, relating to fraudulent identification documents and information;

(xxxix) Code Section 33-1-9, relating to insurance fraud;

(xxxix) Code Section 16-17-2, relating to payday loans;

(xl) Code Section 16-9-101, relating to deceptive commercial e-mail; or

(xxxix) Code Section 16-8-102, relating to residential mortgage fraud.

(B) "Racketeering activity" shall also mean any act or threat involving murder, kidnapping, gambling, arson, robbery, theft, receipt of stolen property, bribery, extortion, obstruction of justice, dealing in narcotic or dangerous drugs, or dealing in securities which is chargeable under the laws of the United States or any of the several states and which is punishable by imprisonment for more than one year.

(10) "Real property" means any real property situated in this state or any interest in such real property, including, but not limited to, any lease of or mortgage upon such real property.

(11) "RICO lien notice" means the notice described in Code Section 16-14-13.

(12)(A) "Trustee" means either of the following:

(i) Any person who holds legal or record title to real property for which any other person has a beneficial interest; or

(ii) Any successor trustee or trustees to any of the foregoing persons.

(B) "Trustee" does not include the following:

(i) Any person appointed or acting as a guardian or conservator under Title 29, relating to guardian and ward, or personal representative under Chapter 6 of Title 53 of the "Pre-1998 Probate Code," relating to the administration of estates, if applicable, or Chapter 6 of Title 53 of the "Revised Probate Code of 1998" and other provisions in such revised probate code relating to the administration of estates; or

(ii) Any person appointed or acting as a trustee of any testamentary trust or as trustee of any indenture of trust under which any bonds are or are to be issued.

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