

LAW OF GEORGIA

ON COMBATING DRUG-RELATED CRIME

Article 1 - Aim of the Law

This Law is intended to facilitate combat against drug-related crime, prevention of the spread of drug addiction, protection of private, public and state interests against drug dealers and persons assisting in drug-related activities, and prevention of the use and spread of narcotic drugs.

Article 2 - Definition of terms

For the purposes of this Law, the terms used in this Law have the following meanings:

- a) drug-related crime - a crime under Chapter XXXIII of the Criminal Code of Georgia;
- b) drug user - a person who has committed a crime under Article 273 of the Criminal Code of Georgia;
- c) facilitator of drug-related activities - a person who has committed a crime under Article 260 (except when the purpose of selling drugs is confirmed), Article 261 (except when the purpose of selling the psychotropic substances is confirmed), and Articles 262, 263, 264, 265, 266 of the Criminal Code of Georgia;
- d) drug dealer - a person who has committed a crime under Article 260 of the Criminal Code of Georgia (when the purpose of selling the drugs is confirmed), or under Article 261 (if the purpose of selling the psychotropic substances is confirmed);
- e) facilitator of the spread of narcotic drugs - a natural or legal person or a group of persons who has committed a crime under Chapter XXXIII of the Criminal Code of Georgia, which led to the illegal trafficking of narcotic or psychotropic substances.

Law of Georgia No 2044 of 5 March 2014 - website, 12.03.2014

Article 3 - Deprivation of rights

1. On the basis of a judgement of conviction, users of narcotic substances shall be deprived of the following for 3 years:

- a) a driving licence;
- b) the right to medical and/or pharmaceutical practice and the right to establish, manage, or represent a pharmacy;
- c) the right to practice law;
- d) the right to work in pedagogical and educational institutions;
- e) the right to work in public bodies - in treasury (budgetary) institutions of the state and local government;
- f) the right to be elected;
- g) the right to manufacture, purchase, store and carry weapons.

2. On the basis of a judgement of conviction, facilitators of drug-related activities or facilitators of the spread of narcotic drugs shall be deprived of the right defined in paragraph 1(b) of this article for 10 years, and the rights defined in subparagraphs (a) and (c-g) for 5 years.

3. In the case of a repeat commission of the offence defined in Article 2(c) or (e) of this Law, the facilitator of drug-related activities or the facilitator of the spread of narcotic drugs shall be deprived of the rights defined in paragraph 1(a) of this article for 5 years, the rights defined in subparagraphs (c-g) for 10 years, and the right defined in subparagraph (b) for 15 years.

4. On the basis of a judgement of conviction, a drug dealer shall be deprived of the rights defined in paragraph 1(a) of this article for 5 years, the rights defined in subparagraphs (c-g) for 15 years, and the right defined in subparagraph (b) for 20 years.

4¹. In the case of a plea agreement between the parties, shortening of the period of deprivation of rights under this article or, in special cases, full exemption from deprivation of rights is possible.

5. Deprivation of rights under this article shall be indicated in the operative part of the judgement of conviction.

6. The court shall immediately inform the Ministry of Internal Affairs of Georgia, the Ministry of Labour, Health and Social Affairs of Georgia, the Ministry of Education and Science of Georgia, the Ministry of Defence of Georgia, the Central Election Commission of Georgia, and the Georgian Bar Association on the deprivation of rights from drug users, facilitators of drug-related activities or drug dealers.

Law of Georgia No 2227 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art.344

Law of Georgia No 4257 of 25 February 2011 - website, 10.3.2011



Article 4 - Confiscation of property

Illegal and/or undocumented property of facilitators of the spread of narcotic substances shall be confiscated according to the procedures established by the Chapter XLIV¹ of the Civil Procedure Code of Georgia.

Article 5 - Calculation of time periods

The period of restrictions laid down in Article 3 of this Law shall commence:

- a) in the case of a custodial sentence – upon the completion of the sentence;
- b) in the case of conditional sentences - from the moment of starting the probation period;
- c) in case of a non-custodial sentence - from the moment of the final decision is rendered in the case.

Article 6 - Restoration of rights

1. Restoration of the rights of which drug users, facilitators of drug-related activities or facilitators of the spread of narcotic drugs, or drug dealers are deprived is permissible after the expiration of the term specified in Article 3 of this Law or, in the case specified in paragraph 1¹ of this article.

1¹. The Standing Committee for Considering Questions concerning the Execution of Non-Custodial Sentences and the Revocation of Conditional Sentences of the National Agency of Probation ('the Committee') - the legal entity under public law under the Ministry of Corrections and Legal Assistance of Georgia, shall be authorised to restore deprived rights to a person ahead of time or, reduce the period of deprivation of rights after the expiration of one-third of the relevant period specified in Article 3 of this Law, taking into account the conduct of the person. The deprived rights specified in Article 3 (1)(a) and (g) of this Law shall be restored to a person on the basis of a decision of the Committee after the satisfaction of requirements determined by the legislation of Georgia.

2. In the case specified in Article 5(b) of this Law, if the probation period is longer than the period of deprivation of rights, the deprived rights shall be restored after the expiry of the probation period, except for the cases defined in Article 3(4¹) of this Law and paragraph 1¹ of this article.

3. The exercise of rights is prohibited without submitting to the appropriate state agency the conclusion of a forensic medical expertise issued by a state expert institution.

4. The breach of (non-compliance with) the restrictions established by this Law by drug users, facilitators of drug-related activities or facilitators of the spread of narcotic drugs, and by drug dealers, shall give rise to liability under Article 381 of the Criminal Code of Georgia.

5. The appropriate authority shall indicate the rights deprived on the basis of this Law when issuing a certificate of conviction to drug users, facilitators of drug-related activities or to facilitators of the spread of narcotic drugs, and to drug dealers according to the procedures provided for by the legislation of Georgia.

Article 7 - Transitional Provisions

- 1. The restrictions laid down in this Law shall enter into force from 1 November 2007 in relation to persons determined by Article 2 (b) of this Law.
- 2. The Government of Georgia shall ensure the compliance of the legislation of Georgia with this Law within 2 months after entry into force of this Law.

Article 8 - Final Provision

This Law shall enter into force on the fifteenth day after its promulgation.



President of Georgia

M. Saakashvili

Tbilisi,

3 July 2007

