

House Bill 1107

By: Representatives Snow of the 2nd, Manning of the 32nd, Day of the 153rd, Lane of the 146th
and DeLoach of the 172nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes
2 against the person, so as to change certain provisions relating to simple assault; to change
3 certain provisions relating to aggravated assault; to change certain provisions relating to
4 reckless conduct causing harm to or endangering the bodily safety of another and conduct
5 by HIV infected persons; to provide for increased punishments for certain such offenses; to
6 provide for applicability; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against
10 the person, is amended in Code Section 16-5-20, relating to simple assault, by adding a new
11 subsection (f) to read as follows:

12 "(f) Any person who is an employee, agent, or volunteer at any facility required to be
13 permitted under Code Section 31-7-3, relating to requirements for permits to operate
14 institutions; required to be licensed under Code Section 31-7-12, relating to personal care
15 homes; required to be licensed under Code Section 31-7-151, relating to license
16 requirements for home health agencies; or required to be licensed under Code Section
17 31-7-173, relating to license requirements for hospices, who commits the offense of simple
18 assault against a person who is admitted to or receiving services from such facility, person,
19 or entity shall be guilty of a felony and, upon conviction thereof, shall be punished by
20 imprisonment for not less than one nor more than five years, a fine of not more than
21 \$2,000.00, or both such fine and imprisonment."

22 **SECTION 2.**

23 Said chapter is further amended in Code Section 16-5-21, relating to aggravated assault, by
24 adding a new subsection (j) to read as follows:

1 "(j) Any person who is an employee, agent, or volunteer at any facility required to be
2 permitted under Code Section 31-7-3, relating to requirements for permits to operate
3 institutions; required to be licensed under Code Section 31-7-12, relating to personal care
4 homes; required to be licensed under Code Section 31-7-151, relating to license
5 requirements for home health agencies; or required to be licensed under Code Section
6 31-7-173, relating to license requirements for hospices, who commits the offense of
7 aggravated assault against a person who is admitted to or receiving services from such
8 facility, person, or entity shall be guilty of a felony and, upon conviction thereof, shall be
9 punished by imprisonment for not less than three nor more than 20 years."

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SECTION 3.

11 Said chapter is further amended in Code Section 16-5-60, relating to reckless conduct
12 causing harm to or endangering the bodily safety of another and conduct by HIV infected
13 persons, by inserting a new subsection (b.1) to read as follows:

14 "(b.1) Any person who is an employee, agent, or volunteer at any facility required to be
15 permitted under Code Section 31-7-3, relating to requirements for permits to operate
16 institutions; required to be licensed under Code Section 31-7-12, relating to personal care
17 homes; required to be licensed under Code Section 31-7-151, relating to license
18 requirements for home health agencies; or required to be licensed under Code Section
19 31-7-173, relating to license requirements for hospices, who causes bodily harm to or
20 endangers the bodily safety of a person who is admitted to or receiving services from such
21 facility, person, or entity by consciously disregarding a substantial and unjustifiable risk
22 that his or her act or omission will cause harm or endanger the safety of the other person
23 and the disregard constitutes a gross deviation from the standard of care which a reasonable
24 person would exercise in the situation shall be guilty of a felony and, upon conviction
25 thereof, shall be punished by imprisonment for not less than one nor more than five years,
26 a fine of not more than \$2,000.00, or both such fine and imprisonment."

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SECTION 4.

28 This Act shall apply to offenses committed on or after July 1, 2002.

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SECTION 5.

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