

The House Committee on Special Judiciary offered the following substitute to HB 1585:

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 16-5-100 of the Official Code of Georgia Annotated, relating to cruelty to a person 65 years of age or older, so as to provide for additional acts of harm and better define the exceptions; to add exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 16-5-100 of the Official Code of Georgia Annotated, relating to cruelty to a person 65 years of age or older, is amended by striking subsections (a) and (b) and inserting in lieu thereof the following:

"(a) A guardian or other person supervising the welfare of or having immediate charge or custody of a person who is 65 years of age or older commits the offense of cruelty to a person who is 65 years of age or older when ~~such~~ the person willfully deprives ~~such a~~ a person who is 65 years of age or older of health care, shelter, or necessary sustenance to the extent that the health or well-being of ~~such a~~ a person who is 65 years of age or older is jeopardized.

(b) The provisions of this Code section shall not apply to a physician nor any person acting under his or her direction nor to a hospital, skilled nursing facility, hospice, nor any agent or employee thereof who is in good faith following a course of treatment developed in accordance with accepted medical standards or who is acting in good faith in accordance with a living will as provided in Chapter 32 of Title 31, a durable power of attorney for health care as provided in Chapter 36 of Title 31, or the instructions of the patient or the patient's lawful surrogate decision maker.

(c) The provisions of this Code section shall not apply to a guardian or other person supervising the welfare of or having immediate charge or control of a person who is 65 years of age or older who in good faith provides treatment by spiritual means alone through

1 prayer for the person's physical or mental condition, in lieu of medical treatment, in  
2 accordance with the practices of and written notarized consent of the person."

3 **SECTION 2.**

4 All laws and parts of laws in conflict with this Act are repealed.