

House Bill 1179 (AS PASSED HOUSE AND SENATE)

By: Representatives Barnes of the 84<sup>th</sup>, Post 2, Dodson of the 84<sup>th</sup>, Post 1, Stephens of the 123<sup>rd</sup>, Channell of the 77<sup>th</sup>, and Buckner of the 82<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against the person, so as to establish greater penalties for simple assault and simple battery when the victim of such an offense is a public school employee engaged in official duties or on school property; to provide a definition of school property for such offenses and battery; to require that the photographs of certain persons convicted of stalking and aggravated stalking offenses shall be published in the legal organ of the county in which such person is convicted; to require that the photographs of certain persons convicted of certain assaults and batteries involving family violence shall be published in the legal organ of the county in which such person is convicted; to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary schools, so as to provide that the offense of disrupting the operation of a public school applies to disruption of public school buses and certain public school bus stops; to provide for mandatory training of school bus drivers; to provide for a short title; to provide for policies and procedures regarding the operation of school buses; to require school buses to adhere to published times; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to change the equipment required on school buses; to provide for certain procedures to be followed by school bus drivers; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**  
**SECTION 1.**

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

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1 "(f) Any person who commits the offense of simple assault against an employee of a public  
2 school system of this state while such employee is engaged in official duties or on school  
3 property shall, upon conviction of such offense, be punished for a misdemeanor of a high  
4 and aggravated nature. For purposes of this Code section, 'school property' shall include  
5 public school buses and stops for public school buses as designated by local school boards  
6 of education."

## 7 **SECTION 2.**

8 Said chapter is further amended in Code Section 16-5-23, relating to simple battery, by  
9 inserting a new subsection to be designated subsection (i) to read as follows:

10 "(i) Any person who commits the offense of simple battery against an employee of a public  
11 school system of this state while such employee is engaged in official duties or on school  
12 property shall, upon conviction of such offense, be punished for a misdemeanor of a high  
13 and aggravated nature. For purposes of this Code section, 'school property' shall include  
14 public school buses and stops for public school buses as designated by local school boards  
15 of education."

## 16 **SECTION 3.**

17 Said chapter is further amended in Code Section 16-5-23.1, relating to battery, by striking  
18 subsection (i) and inserting in lieu thereof the following:

19 "(i) Any person who commits the offense of battery against a teacher or other school  
20 personnel; engaged in the performance of official duties or while on school property shall,  
21 upon conviction thereof, be punished by imprisonment for not less than one nor more than  
22 five years or a fine of not more than \$10,000.00, or both. For purposes of this Code  
23 section, 'school property' shall include public school buses and public school bus stops as  
24 designated by local school boards of education."

## 25 **SECTION 3A.**

26 Said chapter is further amended by adding a new Code section to read as follows:

27 "16-5-26.

28 (a) The clerk of the court in which a person is convicted of a second or subsequent  
29 violation of Code Section 16-5-20 and is sentenced pursuant to subsection (d) of such Code  
30 section, Code Section 16-5-23 and is sentenced pursuant to subsection (f) of such Code  
31 section, or Code Section 16-5-23.1 shall cause to be published a notice of conviction for  
32 such person. Such notice of conviction shall be published in the manner of legal notices  
33 in the legal organ of the county in which such person resides or, in the case of nonresidents,

1 in the legal organ of the county in which the person was convicted. Such notice of  
2 conviction shall be one column wide by two inches long and shall contain the photograph  
3 taken by the arresting law enforcement agency at the time of arrest, the name and address  
4 of the convicted person, and the date, time, place of arrest, and disposition of the case and  
5 shall be published once in the legal organ of the appropriate county in the second week  
6 following such conviction or as soon thereafter as publication may be made.

7 (b) The convicted person for which a notice of conviction is published pursuant to this  
8 Code section shall be assessed \$25.00 for the cost of publication of such notice and such  
9 assessment shall be imposed at the time of conviction in addition to any other fine imposed.

10 (c) The clerk of the court, the publisher of any legal organ which publishes a notice of  
11 conviction, and any other person involved in the publication of an erroneous notice of  
12 conviction shall be immune from civil or criminal liability for such erroneous publication,  
13 provided that such publication was made in good faith."

### 14 **SECTION 3B.**

15 Said chapter is further amended by adding a new Code section to read as follows:

16 "16-5-96.

17 (a) The clerk of the court in which a person is convicted of a second or subsequent  
18 violation of Code Section 16-5-90 or 16-5-91 shall cause to be published a notice of  
19 conviction for such person. Such notice of conviction shall be published in the manner of  
20 legal notices in the legal organ of the county in which such person resides or, in the case  
21 of nonresidents, in the legal organ of the county in which the person was convicted. Such  
22 notice of conviction shall be one column wide by two inches long and shall contain the  
23 photograph taken by the arresting law enforcement agency at the time of arrest, the name  
24 and address of the convicted person, and the date, time, place of arrest, and disposition of  
25 the case and shall be published once in the legal organ of the appropriate county in the  
26 second week following such conviction or as soon thereafter as publication may be made.

27 (b) The convicted person for which a notice of conviction is published pursuant to this  
28 Code section shall be assessed \$25.00 for the cost of publication of such notice and such  
29 assessment shall be imposed at the time of conviction in addition to any other fine imposed.

30 (c) The clerk of the court, the publisher of any legal organ which publishes a notice of  
31 conviction, and any other person involved in the publication of an erroneous notice of  
32 conviction shall be immune from civil or criminal liability for such erroneous publication,  
33 provided that such publication was made in good faith."

**SECTION 4.**

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary schools, is amended by striking Code Section 20-2-1181, relating to disruption of public schools, and inserting in lieu thereof the following:

"20-2-1181.

It shall be unlawful for any person to disrupt or interfere with the operation of any public school, public school bus, or public school bus stop as designated by local school boards of education. Any person violating this Code section shall be guilty of a misdemeanor of a high and aggravated nature."

**PART II****SECTION 5.**

This part shall be known and may be cited as "Aleana's Law."

**SECTION 6.**

Said chapter is further amended by adding a new Part 5 to Article 22 to read as follows:

**"Part 5**

20-2-1125.

All persons employed as school bus drivers by any public school system in this state shall receive annual mandatory training on traffic laws pertaining to the operation of school buses and on school bus operations and safety. The State Board of Education shall establish the content and length of initial driver training and shall determine the qualifications of and certify the instructors who conduct such training. No person employed as a school bus driver by any public school system in this state shall operate a school bus unless such person has completed such training within the preceding 12 month period.

20-2-1126.

(a) Each public school system in this state shall promulgate policies and procedures for the operation of school buses and the conduct and safety of those students who ride such buses. Such policies and procedures shall be in writing and available for public inspection. Each person employed as a school bus driver shall acknowledge in writing that he or she has received a copy of and has read and understands such policies and procedures. In the event

1 that such policies and procedures are amended during the school year, such amended  
2 policies and procedures shall be provided to all persons employed by the school system as  
3 school bus drivers and, each such person shall acknowledge in writing that he or she has  
4 received a copy of and has read and understands such amended policies and procedures.

5 (b) At the beginning of each school year, each public school system in this state shall  
6 provide each of its students with a copy of the school system's code of conduct as required  
7 by Code Section 20-2-736. In the event such code of conduct is amended during the school  
8 year, the school system shall provide copies of such amendments to the students. The  
9 receipt of such student code of conduct shall be acknowledged in writing by a parent or  
10 guardian of each student.

11 20-2-1127.

12 Each public school system in this state shall make accessible a schedule of school bus  
13 routes that indicate the morning pickup route beginning time and the afternoon school bell  
14 time as well as the total number of stops on each school bus route. The time for the bus  
15 arrival at each stop will be commensurate with the route beginning time and prescribed  
16 stop sequence, except in unforeseen circumstances. This provision shall not apply to  
17 portal-to-portal special needs student transportation or special alternative instructional  
18 transportation programs."

## 19 SECTION 7.

20 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
21 amended by adding a new Code Section 40-6-165 to read as follows:

22 "40-6-165.

23 (a) Prior to moving a school bus from a stop at which passengers have been loaded or  
24 unloaded, the driver of the bus shall check all mirrors to ensure that it is safe to place the  
25 bus in motion.

26 (b) Prior to loading or unloading passengers from a school bus, the driver shall engage the  
27 parking brakes of the bus and shall not release such brakes until each passenger boarding  
28 the bus is on board and until each passenger disembarking from the bus is off the roadway  
29 and safely on the pedestrian areas of the roadway.

30 (c) Prior to loading or unloading passengers from a school bus, the driver shall display the  
31 stop arm on the bus and shall not retract the stop arm until each passenger boarding the bus  
32 is on board and until each passenger disembarking from the bus is off the roadway and  
33 safely on the pedestrian areas of the roadway.

(d) The driver of a school bus shall not use or operate a cellular telephone or two-way radio while loading or unloading passengers.

(e) The driver of a school bus shall not use or operate a cellular telephone while the bus is in motion.

(f) The driver of a school bus shall instruct all passengers exiting the bus of the proper procedures of crossing the roadway in front of the bus only.

(g) The driver of a school bus shall ensure that the red flasher lights on the bus remain illuminated and flashing until all passengers have boarded or have exited the bus and have safely crossed the roadway and are safely on the pedestrian areas of the roadway.

(h) The driver of a school bus shall extend the extension arm or gate on the front of the bus until all passengers have boarded or have exited the bus and have safely crossed the roadway and are safely on the pedestrian areas of the roadway."

### SECTION 8.

Said title is further amended by striking Code Section 40-8-111, relating to school bus equipment generally, and inserting in lieu thereof a new Code Section 40-8-111 to read as follows:

"40-8-111.

(a) ~~Every bus used for the transportation of school children shall be equipped as follows:~~  
Each school bus used for the transportation of school children in the State of Georgia shall be in compliance with the State Board of Education bus specifications for the model year of such school bus.

~~(1) There shall be an emergency door located either at the rear of the body or at the side of the body opposite from the side on which the students normally board, so as to provide an emergency exit. The emergency door shall be operative from both the interior and exterior of the bus at all times;~~

~~(2) The driver's seat shall be equipped with a seat belt which shall be fastened so as to secure the driver in his seat at all times when children are being transported on the bus;~~

~~(3) Combination clearance and marker lights shall be installed at each of the four roof corners. The two such lights on the front of the vehicle shall be amber in color, and the two such lights on the rear of the vehicle shall be red in color. A cluster of three lights shall be mounted between the clearance and marker lights in the front and in the rear of the bus at the roof line thereof;~~

~~(4) The body of the bus shall be equipped with four hooded or recessed red flasher lights. Such lights shall be at least 5 3/4 inches in diameter, sealed beam, and must flash when the bus is stopped to receive or discharge passengers. Two such lights shall be mounted~~

1 ~~in the front of the body above the windshield, and two such lights shall be mounted on~~  
2 ~~the rear of the body above the rear windows;~~

3 ~~(5) There shall be installed on the left outer side of the body a stop arm to give notice to~~  
4 ~~drivers of other vehicles that the bus is making a stop. The requirement for a stop arm~~  
5 ~~may be waived by the State Board of Education in the event a more effective warning~~  
6 ~~device is prescribed;~~

7 ~~(6) The exhaust system of the bus shall carry exhaust gases from the engine to a~~  
8 ~~discharge point into the atmosphere, which point:~~

9 ~~(A) Shall extend beyond the rear axle and shall extend at least five inches beyond the~~  
10 ~~chassis frame and be mounted outside the chassis rail at end point; or~~

11 ~~(B) May extend to, but not beyond, the body limits on the left side of the bus, beyond~~  
12 ~~the driver's compartment outboard of the chassis centerline;~~

13 ~~(7) All floor joints of the bus shall be gas tight and constructed so as to prevent the entry~~  
14 ~~of engine exhaust gases into the passenger compartment. Any opening or separation of~~  
15 ~~joints in the floor shall be repaired before the bus is used for the transportation of~~  
16 ~~children; and~~

17 ~~(8) There shall be installed an outside roof mounted white flashing strobe light with clear~~  
18 ~~lens emitting light 360 degrees around its vertical axis. Such strobe light shall be no~~  
19 ~~greater than one-third the distance from the rear of the bus to the front of the bus and shall~~  
20 ~~flash when the bus is stopped to receive or discharge passengers. Local boards of~~  
21 ~~education shall be authorized, in their discretion, to require such strobe lights on buses~~  
22 ~~carrying special education passengers.~~

23 (b) Each public school system shall be required to maintain each of its school buses in  
24 good working condition, including all safety equipment required in accordance with the  
25 specifications established pursuant to subsection (a) of this Code section.

26 ~~(b)(c)~~ Nothing in subsection (a) of this Code section shall apply to motor vehicles operated  
27 by a local transit system which transport school children to and from school on regular or  
28 scheduled routes of a transit vehicle with regular fare-paying passengers."

29 **PART III**  
30 **SECTION 9.**

31 (a) Except as provided in subsection (b) of this section, this Act shall become effective on  
32 July 1, 2004.

33 (b) Part I of this Act shall become effective on July 1, 2004, and shall apply to offenses  
34 committed on or after such date.

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- SECTION 10.
- All laws and parts of laws in conflict with this Act are repealed.