

Senate Bill 346

By: Senators Zamarripa of the 36th and Carter of the 13th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated,
2 relating to obstruction of public administration and related offenses, so as to provide for the
3 criminal offense of criminal threats or acts against certain officers of the executive,
4 legislative, and judicial branches of this state's government and against such family members
5 of such persons on account of the performance of official duties; to provide for definitions;
6 to provide for a penalty; to provide for other matters relative to the foregoing; to provide an
7 effective date; to repeal conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to
11 obstruction of public administration and related offenses, is amended by adding at the end
12 of said article a new Code Section 16-10-34 to read as follows:

13 "16-10-34.

14 (a) As used in this Code section, the term:

15 (1) 'Crime of violence' means to commit, to attempt to commit, conspire, or solicit
16 another to commit an offense in violation of Article 1 or Article 2 of Chapter 5 of this
17 title, relating to homicide and assault and battery, or Code Section 16-5-40, relating to
18 kidnapping.

19 (2) 'Executive officer' means the Governor, Lieutenant Governor, Secretary of State, and
20 Attorney General; the chief executive officers of the Departments of Administrative
21 Services, Agriculture, Audits and Accounts, Banking and Finance, Community Affairs,
22 Defense, Education, Human Resources, Economic Development, Insurance, Juvenile
23 Justice, Labor, Community Health, Public Safety, and Transportation; the director of the
24 Georgia Bureau of Investigation; and members of the State Board of Pardons and Paroles.

1 (3) 'Judicial officer' means any Justice or Judge of the Georgia Supreme Court or
2 Georgia Court of Appeals, any judge of a superior court, any district attorney, or any
3 solicitor-general.

4 (b) Any person who commits a crime of violence against an executive officer, judicial
5 officer, or a member of the General Assembly or a member of any such person's family on
6 account of the performance of such person's official duties shall be guilty of a felony and
7 shall, upon conviction thereof, be punished by imprisonment for not less than five nor more
8 than ten years.

9 (c) Any person who knowingly and willfully threatens to commit a crime of violence
10 against an executive officer, judicial officer, or a member of the General Assembly or a
11 member of any such person's family on account of the performance of such person's
12 official duties shall be guilty of a felony and shall, upon conviction thereof, be punished
13 by imprisonment for not less than one nor more than three years.

14 (d) Any violation of this Code section shall constitute a separate offense and any sentence
15 imposed pursuant to this Code section shall be consecutive to any other sentence which
16 may be imposed by law."

17 **SECTION 2.**

18 This Act shall become effective July 1, 2005.

19 **SECTION 3.**

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