

ADOPTED

1 Senator Henson of the 41st offered the following amendment:

2 *Amend the Senate Health and Human Services Committee substitute to SB 77 (LC 21 8827S)*
 3 *by striking lines 16 through 25 on page 1 and lines 1 through 3 on page 2 and inserting in*
 4 *lieu thereof the following:*

5 the person, is amended by striking Code Section 16-5-20, relating to simple assault, and
 6 inserting in lieu thereof a new Code Section 16-5-20 and by adding at the end of Article 2,
 7 relating to assault and battery, a new Code Section 16-5-29 to read as follows:

8 "16-5-20.

9 (a) A person commits the offense of simple assault when he or she either:

10 (1) Attempts to commit a violent injury to the person of another; or

11 (2) Commits an act which places another in reasonable apprehension of immediately
 12 receiving a violent injury.

13 (b) Except as provided in subsections (c) through ~~(f)~~ (h) of this Code section, a person who
 14 commits the offense of simple assault shall be guilty of a misdemeanor.

15 (c) Any person who commits the offense of simple assault in a public transit vehicle or
 16 station shall, upon conviction thereof, be punished for a misdemeanor of a high and
 17 aggravated nature. For purposes of this Code section, 'public transit vehicle' means a bus,
 18 van, or rail car used for the transportation of passengers within a system which receives a
 19 subsidy from tax revenues or is operated under a franchise contract with a county or
 20 municipality of this state.

21 (d) If the offense of simple assault is committed between past or present spouses, persons
 22 who are parents of the same child, parents and children, stepparents and stepchildren, foster
 23 parents and foster children, or other persons excluding siblings living or formerly living in
 24 the same household, the defendant shall be punished for a misdemeanor of a high and
 25 aggravated nature. In no event shall this subsection be applicable to corporal punishment
 26 administered by a parent or guardian to a child or administered by a person acting in loco
 27 parentis.

28 (e) Any person who commits the offense of simple assault against a person who is 65 years
 29 of age or older shall, upon conviction thereof, be punished for a misdemeanor of a high and
 30 aggravated nature.

31 (f) Any person who commits the offense of simple assault against an employee of a public
 32 school system of this state while such employee is engaged in official duties or on school
 33 property shall, upon conviction of such offense, be punished for a misdemeanor of a high
 34 and aggravated nature. For purposes of this Code section, 'school property' shall include

1 public school buses and stops for public school buses as designated by local school boards
2 of education.

3 (g) Any person who commits the offense of simple assault against a female who is
4 pregnant at the time of the offense shall, upon conviction thereof, be punished for a
5 misdemeanor of a high and aggravated nature.

6 (h) Nothing in this Code section shall be construed to permit the prosecution of:

7 (1) Any person for conduct relating to an abortion for which the consent of the pregnant
8 woman, or person authorized by law to act on her behalf, has been obtained or for which
9 such consent is implied by law;

10 (2) Any person for any medical treatment of the pregnant woman or her unborn child;

11 or

12 (3) Any woman with respect to her unborn child."