

House Bill 47

By: Representative Bearden of the 68th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to reckless conduct, so as to increase the penalty for assaults with intent to transmit
3 HIV or hepatitis to peace officers and correctional officers while such officers are engaged
4 in the performance of their official duties or on account of the performance of their official
5 duties; to provide for related matters; to provide for an effective date and applicability; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
10 reckless conduct, is amended by revising subsection (d) of Code Section 16-5-60, relating
11 to assault by HIV infected persons or hepatitis infected persons, as follows:

12 "(d) A person who is an HIV infected person or hepatitis infected person and who, after
13 obtaining knowledge of being infected with HIV or hepatitis, commits an assault with the
14 intent to transmit HIV or hepatitis; using his or her body fluids (blood, semen, or vaginal
15 secretions), saliva, urine, or feces upon:

16 (1) A peace officer while the peace officer is engaged in the performance of his or her
17 official duties or on account of the peace officer's performance of his or her official
18 duties; or

19 (2) A correctional officer while the correctional officer is engaged in the performance
20 of his or her official duties or on account of the correctional officer's performance of his
21 or her official duties

22 is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for
23 not less than five nor more than ~~20~~ 30 years."

24 **SECTION 2.**

25 This Act shall become effective on July 1, 2009, and shall apply to all offenses committed
26 on and after such date.

27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.