

House Bill 457

By: Representatives Peake of the 137th, Cooper of the 41st, Horne of the 71st, Levitas of the 82nd, Lunsford of the 110th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 30 the Official Code of Georgia Annotated, relating to
2 protection of disabled adults and elder persons, so as to revise the definition of the term
3 "disabled adult"; to provide that certain acts against disabled adults in long-term care
4 facilities are unlawful; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 30 the Official Code of Georgia Annotated, relating to protection of
9 disabled adults and elder persons, is amended by revising paragraph (6) of Code Section
10 30-5-3, relating to definitions, as follows:

11 "(6) 'Disabled adult' means a person 18 years of age or older who is not a resident of a
12 long-term care facility, as defined in Article 4 of Chapter 8 of Title 31, but who is
13 mentally, cognitively, or physically incapacitated."

14 **SECTION 2.**

15 Said chapter is further amended by revising Code Section 30-5-8, relating to criminal
16 offenses and penalties, as follows:

17 "30-5-8.

18 (a)(1) In addition to any other provision of law, the abuse, neglect, or exploitation of any
19 disabled adult or elder person shall be unlawful.

20 (2) Except as otherwise provided in Title 16, any person violating the provisions of this
21 subsection shall be guilty of a felony and, upon conviction, shall be punished by
22 imprisonment for not less than one nor more than five years.

23 (3) For purposes of this subsection only, the term 'disabled adult' shall include a person
24 18 years of age or older who is a resident of a long-term care facility, as defined in
25 Article 4 of Chapter 8 of Title 31, and who is mentally, cognitively, or physically

26 incapacitated; provided, however, that this shall not apply to any staff of such long-term
27 care facility.

28 (b)(1) It shall be unlawful for any person or official required by paragraph (1) of
29 subsection (a) of Code Section 30-5-4 to report a case of disabled adult or elder person
30 abuse to fail knowingly and willfully to make such report.

31 (2) Any person violating the provisions of this subsection shall be guilty of a
32 misdemeanor.

33 (c) Any violation of this Code section shall constitute a separate offense."

34 **SECTION 3.**

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