

The House Committee on Health and Human Services offers the following substitute to HB 457:

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 or physically incapacitated or has a diagnosis from a licensed physician of
14 dementia or related cognitive impairment."

15 **SECTION 2.**

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

18 "30-5-8.

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

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

24 (3) For purposes of this subsection only, the term 'disabled adult' shall include a person
25 18 years of age or older who is:

26 (A) A resident of a long-term care facility, as defined in Article 4 of Chapter 8 of Title
27 31; and

28 (B) Mentally or physically incapacitated or has a diagnosis from a licensed physician
29 of dementia or related cognitive impairment.

30 (4) No employee, contractor, or other staff member of a long-term care facility as
31 defined in Article 4 of Chapter 8 of Title 31 shall be subject to prosecution under this
32 subsection.

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

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

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

39 **SECTION 3.**

40 All laws and parts of laws in conflict with this Act are repealed.