

The Senate Health and Human Services Committee offered 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:

**SECTION 1.**

7 Chapter 5 of Title 30 the Official Code of Georgia Annotated, relating to protection of  
8 disabled adults and elder persons, is amended by revising paragraph (6) of Code Section  
9 30-5-3, relating to definitions, as follows:  
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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 dementia or a related cognitive impairment."

**SECTION 2.**

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

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) In addition to any other provision of law, it shall be unlawful for a person to act with  
21 the specific intent to abuse, neglect, or commit exploitation of any disabled adult. For  
22 purposes of this paragraph only, the term 'disabled adult' means a person 18 years of age  
23 or older who is:

24 (A) A resident of a long-term care facility, as defined in Article 4 of Chapter 8 of Title  
25 31; and

26 (B) Mentally or physically incapacitated or has dementia or a related cognitive  
27 impairment.

28 A long-term care facility shall not be held criminally liable for the actions of a person  
29 who is convicted pursuant to this paragraph. Nothing in this paragraph shall be construed  
30 to preempt any other law or to deny to any individual any rights or remedies which are  
31 provided under any other law.

32 ~~(2)~~(3) Except as otherwise provided in Title 16, any person violating the provisions of  
33 this subsection shall be guilty of a felony and, upon conviction, shall be punished by  
34 imprisonment for not less than one nor more than five years.

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

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

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

41 **SECTION 3.**

42 All laws and parts of laws in conflict with this Act are repealed.