

House Bill 457 (AS PASSED HOUSE AND SENATE)

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 or physically incapacitated or has Alzheimer's disease, as defined in Code
14 Section 31-8-180, or dementia, as defined in Code Section 49-6-72."

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

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

27 (B) Mentally or physically incapacitated or has Alzheimer's disease, as defined in Code
28 Section 31-8-180, or dementia, as defined in Code Section 49-6-72.

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

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

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

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

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

42 **SECTION 3.**

43 All laws and parts of laws in conflict with this Act are repealed.