

The House Committee on Judiciary Non-civil offers the following substitute to HB 123:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to obstruction of public administration and related offenses, so as to clarify that  
3 provisions relating to removal or attempted removal of a weapon from a public official  
4 includes stun guns and tasers; to provide for related matters; to provide for an effective date  
5 and applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to  
9 obstruction of public administration and related offenses, is amended by revising Code  
10 Section 16-10-33, relating to removal or attempted removal of a weapon from a public  
11 official and punishment therefor, as follows:

12 "16-10-33.

13 (a) For the purposes of this Code section, the term 'firearm' shall include stun guns and  
14 tasers. A stun gun or taser is any device that is powered by electrical charging units such  
15 as batteries and emits an electrical charge in excess of 20,000 volts or is otherwise capable  
16 of incapacitating a person by an electrical charge.

17 ~~(a)~~(b) It shall be unlawful for any person knowingly to remove or attempt to remove a  
18 firearm, chemical spray, or baton from the possession of another person if:

19 (1) The other person is lawfully acting within the course and scope of employment; and

20 (2) The person has knowledge or reason to know that the other person is employed as:

21 (A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;

22 (B) A probation officer, or other employee with the power of arrest, by the Department  
23 of Corrections;

24 (C) A parole supervisor, or other employee with the power of arrest, by the State Board  
25 of Pardons and Paroles;

26 (D) A jail officer or guard by a county or municipality and has the responsibility of  
27 supervising inmates who are confined in a county or municipal jail or other detention  
28 facility; or

29 (E) A juvenile correctional officer by the Department of Juvenile Justice and has the  
30 primary responsibility for the supervision and control of youth confined in such  
31 department's programs and facilities.

32 ~~(b)~~(c) Any person who violates subsection ~~(a)~~(b) of this Code section shall, upon  
33 conviction thereof, be punished by imprisonment for not less than one nor more than five  
34 years or a fine of not more than \$10,000.00, or both.

35 ~~(c)~~(d) A violation of this Code section shall constitute a separate offense. A sentence  
36 imposed under this Code section may be imposed separately from and consecutive to or  
37 concurrent with a sentence for any other offense related to the act or acts establishing the  
38 offense under this Code section."

39 **SECTION 2.**

40 This Act shall become effective on July 1, 2011, and shall apply to offenses committed on  
41 or after such date.

42 **SECTION 3.**

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