

House Bill 559

By: Representatives Buckner of the 130th, Hugley of the 133rd, Smyre of the 132nd, and Smith of the 131st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to the offenses of assault and battery and related offenses, so as to increase the
3 punishment for certain crimes committed upon health care workers in the line of duty; to
4 change provisions relating to assault, aggravated assault, simple battery, battery, and
5 aggravated battery; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to the
10 offenses of assault and battery and related offenses, is amended in Code Section 16-5-20,
11 relating to simple assault, as follows:

12 "16-5-20.

13 (a) A person commits the offense of simple assault when he or she either:

14 (1) Attempts to commit a violent injury to the person of another; or

15 (2) Commits an act which places another in reasonable apprehension of immediately
16 receiving a violent injury.

17 (b) Except as provided in subsections (c) through ~~(h)~~ (i) of this Code section, a person who
18 commits the offense of simple assault shall be guilty of a misdemeanor.

19 (c) Any person who commits the offense of simple assault in a public transit vehicle or
20 station shall, upon conviction thereof, be punished for a misdemeanor of a high and
21 aggravated nature. For purposes of this Code section, 'public transit vehicle' means a bus,
22 van, or rail car used for the transportation of passengers within a system which receives a
23 subsidy from tax revenues or is operated under a franchise contract with a county or
24 municipality of this state.

25 (d) If the offense of simple assault is committed between past or present spouses, persons
26 who are parents of the same child, parents and children, stepparents and stepchildren, foster

27 parents and foster children, or other persons excluding siblings living or formerly living in
 28 the same household, the defendant shall be punished for a misdemeanor of a high and
 29 aggravated nature. In no event shall this subsection be applicable to corporal punishment
 30 administered by a parent or guardian to a child or administered by a person acting in loco
 31 parentis.

32 (e) Any person who commits the offense of simple assault against a person who is 65 years
 33 of age or older shall, upon conviction thereof, be punished for a misdemeanor of a high and
 34 aggravated nature.

35 (f) Any person who commits the offense of simple assault against an employee of a public
 36 school system of this state while such employee is engaged in official duties or on school
 37 property shall, upon conviction of such offense, be punished for a misdemeanor of a high
 38 and aggravated nature. For purposes of this Code section, 'school property' shall include
 39 public school buses and stops for public school buses as designated by local school boards
 40 of education.

41 (g) Any person who commits the offense of simple assault against a female who is
 42 pregnant at the time of the offense shall, upon conviction thereof, be punished for a
 43 misdemeanor of a high and aggravated nature.

44 (h) Any person who knowingly commits the offense of simple assault upon a health care
 45 worker while such worker is treating or transporting a person in the line of duty shall, upon
 46 conviction thereof, be punished for a misdemeanor of a high and aggravated nature. As
 47 used in this subsection, the term 'health care worker' means an emergency medical
 48 technician, cardiac technician, paramedic, first responder, ambulance attendant, physician,
 49 dentist, registered professional nurse, licensed practical nurse, social worker, chiropractor,
 50 physical therapist, occupational therapist, respiratory therapist, or psychologist.

51 ~~(h)~~(i) Nothing in this Code section shall be construed to permit the prosecution of:

52 (1) Any person for conduct relating to an abortion for which the consent of the pregnant
 53 woman, or person authorized by law to act on her behalf, has been obtained or for which
 54 such consent is implied by law;

55 (2) Any person for any medical treatment of the pregnant woman or her unborn child;
 56 or

57 (3) Any woman with respect to her unborn child.

58 For the purposes of this subsection, the term 'unborn child' means a member of the species
 59 homo sapiens at any stage of development who is carried in the womb."

60 **SECTION 2.**

61 Said article is further amended in Code Section 16-5-21, relating to aggravated assault, by
 62 revising subsection (b) and by adding a new subsection to read as follows:

63 "(b) Except as provided in subsections (c) through ~~(k)~~(m) of this Code section, a person
 64 convicted of the offense of aggravated assault shall be punished by imprisonment for not
 65 less than one nor more than 20 years."

66 "(m) A person who knowingly commits the offense of aggravated assault upon a health
 67 care worker while such worker is treating or transporting a person in the line of duty shall,
 68 upon conviction thereof, be punished by imprisonment for not less than five nor more than
 69 20 years. As used in this subsection, the term 'health care worker' means an emergency
 70 medical technician, cardiac technician, paramedic, first responder, ambulance attendant,
 71 physician, dentist, registered professional nurse, licensed practical nurse, social worker,
 72 chiropractor, physical therapist, occupational therapist, respiratory therapist, or
 73 psychologist."

74 SECTION 3.

75 Said article is further amended in Code Section 16-5-23, relating to simple battery, by
 76 revising subsection (b) and by adding a new subsection to read as follows:

77 "(b) Except as otherwise provided in subsections (c) through ~~(i)~~ (j) of this Code section,
 78 a person convicted of the offense of simple battery shall be punished as for a
 79 misdemeanor."

80 "(j) A person who knowingly commits the offense of simple battery upon a health care
 81 worker while such worker is treating or transporting a person in the line of duty shall, upon
 82 conviction thereof, be punished for a misdemeanor of a high and aggravated nature. As
 83 used in this subsection, the term 'health care worker' means an emergency medical
 84 technician, cardiac technician, paramedic, first responder, ambulance attendant, physician,
 85 dentist, registered professional nurse, licensed practical nurse, social worker, chiropractor,
 86 physical therapist, occupational therapist, respiratory therapist, or psychologist."

87 SECTION 4.

88 Said article is further amended in Code Section 16-5-23.1, relating to battery, by revising
 89 subsection (c) and by adding a new subsection to read as follows:

90 "(c) Except as provided in subsections (d) through ~~(h)~~ (m) of this Code section, a person
 91 who commits the offense of battery is guilty of a misdemeanor."

92 "(m) A person who knowingly commits the offense of battery upon a health care worker
 93 while such worker is treating or transporting a person in the line of duty shall, upon
 94 conviction thereof, be punished for a misdemeanor of a high and aggravated nature. As
 95 used in this subsection, the term 'health care worker' means an emergency medical
 96 technician, cardiac technician, paramedic, first responder, ambulance attendant, physician,

97 dentist, registered professional nurse, licensed practical nurse, social worker, chiropractor,
98 physical therapist, occupational therapist, respiratory therapist, or psychologist."

99 **SECTION 5.**

100 Said article is further amended in Code Section 16-5-24, relating to aggravated battery, by
101 revising subsection (b) and by adding a new subsection to read as follows:

102 "(b) Except as provided in subsections (c) through ~~(h)~~(i) of this Code section, a person
103 convicted of the offense of aggravated battery shall be punished by imprisonment for not
104 less than one nor more than 20 years."

105 "(i) A person who knowingly commits the offense of aggravated battery upon a health care
106 worker while such worker is treating or transporting a person in the line of duty shall, upon
107 conviction thereof, be punished by imprisonment for not less than five nor more than 20
108 years. As used in this subsection, the term 'health care worker' means an emergency
109 medical technician, cardiac technician, paramedic, first responder, ambulance attendant,
110 physician, dentist, registered professional nurse, licensed practical nurse, social worker,
111 chiropractor, physical therapist, occupational therapist, respiratory therapist, or
112 psychologist."

113 **SECTION 6.**

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