

House Bill 691

By: Representative Mitchell of the 88th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-2-21 of the Official Code of Georgia Annotated, relating to
2 prosecution of parties who did not directly commit the crime, so as to provide for a new
3 criminal offense of failure to report a crime; to provide for penalties; to provide for related
4 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 16-2-21 of the Official Code of Georgia Annotated, relating to prosecution of
9 parties who did not directly commit the crime, is amended as follows:

10 "16-2-21.

11 (a) Any party to a crime who did not directly commit the crime may be indicted, tried,
12 convicted, and punished for commission of the crime upon proof that the crime was
13 committed and that he or she was a party thereto, although the person claimed to have
14 directly committed the crime has not been prosecuted or convicted, has been convicted of
15 a different crime or degree of crime, or is not amenable to justice or has been acquitted.

16 (b) A person who is 18 years of age or older commits the offense of failure to report a
17 crime when he or she is an eyewitness to a crime that is punishable as a felony offense and
18 knowingly and intentionally fails to report such crime to a law enforcement officer or a
19 9-1-1 operator. A person who commits the offense of failure to report a crime, upon
20 conviction thereof, shall be punished for a misdemeanor. Any person who commits the
21 offense of failure to report a crime may be convicted and punished, although the person
22 claimed to have directly committed the felony offense that was witnessed has not been
23 prosecuted or convicted, has been convicted of a different crime or degree of crime, or is
24 not amenable to justice or has been acquitted. A person who is a witness to a felony
25 offense shall be deemed to have reported the crime when he or she provides or attempts to
26 provide all information within his or her knowledge that is reasonably likely to assist in the

27 arrest of the felony offender; provided, however, that a person reporting a felony offense
28 shall not be required to provide information related to his or her identity."

29 **SECTION 2.**

30 This Act shall become effective on July 1, 2012, and shall apply to offenses committed on
31 or after such date.

32 **SECTION 3.**

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