

House Bill 790

By: Representatives Raffensperger of the 50th, Dudgeon of the 25th, Rice of the 95th, Duncan of the 26th, and Clark of the 98th

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 change
3 provisions relating to transmitting a false public alarm; to provide a definition; to change
4 penalty provisions; 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 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 16-10-28, relating to transmitting a false public alarm and restitution, as follows:

11 "16-10-28.

12 (a) As used in this Code section, the term:

13 (1) 'Critical infrastructure' means any building, place of assembly, or facility that is
14 located in this state and necessary for national or public security, education, or public
15 safety.

16 (2) 'Destructive device' means a destructive device as such term is defined by Code
17 Section 16-7-80.

18 ~~(2)~~(3) 'Hazardous substance' means a hazardous substance as such term is defined by
19 Code Section 12-8-92.

20 ~~(b) A person who transmits in any manner a false alarm to the effect that a destructive~~
21 ~~device or hazardous substance of any nature is concealed in such place that its explosion,~~
22 ~~detonation, or release would endanger human life or cause injury or damage to property,~~
23 ~~knowing at the time that there is no reasonable ground for believing that such a destructive~~
24 ~~device or hazardous substance is concealed in such place, commits the offense of~~
25 ~~transmitting a false public alarm and, upon conviction thereof, shall be punished by~~
26 ~~imprisonment for not less than one nor more than five years or by a fine of not less than~~

27 ~~\$1,000.00, or both.~~ A person commits the offense of transmitting a false public alarm
 28 when he or she transmits in any manner a report or warning knowing at the time of the
 29 transmission that there is no reasonable ground for believing such report or warning and
 30 when the report or warning relates to:

31 (1) A destructive device or hazardous substance is located in such a place that its
 32 explosion, detonation, or release would endanger human life or cause injury or damage
 33 to property;

34 (2) An individual who has caused or threatened to cause physical harm to himself or
 35 herself or another individual by using a deadly weapon or with any object, device, or
 36 instrument which, when used offensively against a person, is likely to result in serious
 37 bodily injury; or

38 (3) Any other incident that would reasonably elicit an immediate, heightened response
 39 by law enforcement or emergency services.

40 (c) Upon conviction of a violation of paragraph (1) or (2) of subsection (b) of this Code
 41 section, a person shall be guilty of a felony and punished by imprisonment for not less than
 42 one nor more than five years or by a fine of not less than \$1,000.00, or both; provided,
 43 however, that if the location of the violation of paragraph (1) of subsection (b) of this Code
 44 section is critical infrastructure or is a violation of paragraph (3) of subsection (b) of this
 45 Code section, such person shall be punished by imprisonment for not less than five nor
 46 more than ten years or by a fine of not more than \$100,000.00, or both.

47 ~~(c)~~(d) In addition to any other penalty imposed by law for a violation of this Code section,
 48 the court may require the defendant to make restitution to any affected public or private
 49 entity for the reasonable costs or damages associated with the offense including, without
 50 limitation, the actual value of any goods, services, or income lost as a result of such
 51 violation. Restitution made pursuant to this subsection shall not preclude any party from
 52 obtaining any other civil or criminal remedy available under any other provision of law.
 53 The restitution authorized by this subsection is supplemental and not exclusive.

54 (e) By December 1 of each year, all law enforcement authorities shall submit an annual
 55 report to the Attorney General, on a form prescribed by the Attorney General, containing
 56 the number and nature of offenses under this Code section committed within their
 57 respective jurisdictions and the number of related arrests. Every two years, the Attorney
 58 General shall cause a summary of such annual reports to be produced and transmitted to
 59 the Georgia Emergency Management Agency by February 1."

60 **SECTION 2.**

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