

The House Committee on Judiciary Non-Civil offers the following substitute to HB 790:

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 knowingly and intentionally transmits in any manner a report or warning  
 29 knowing at the time of the transmission that there is no reasonable ground for believing  
 30 such report or warning and 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; or

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.

38 (c)(1) Except as provided in paragraph (2) of this subsection, a person convicted of a  
 39 violation of subsection (b) of this Code section shall be punished as for a misdemeanor  
 40 of a high and aggravated nature and upon conviction for a second or subsequent violation  
 41 of subsection (b) of this Code section shall be guilty of a felony and punished by  
 42 imprisonment for not less than one nor more than ten years, by a fine of not less than  
 43 \$5,000.00, or both.

44 (2) If the location of the violation of paragraph (1) of subsection (b) of this Code section  
 45 is critical infrastructure, such person shall be guilty of a felony and upon conviction shall  
 46 be punished by imprisonment for not less than five nor more than ten years, a fine of not  
 47 more than \$100,000.00, or both.

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

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

61 **SECTION 2.**

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