

House Bill 258

By: Representatives Powell of the 32nd, Lumsden of the 12th, Jasperse of the 11th, Welch of the 110th, and Hitchens of the 161st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to provide for sentencing to minimum terms of imprisonment for persons who
3 knowingly commit the offense of aggravated assault upon a peace officer through the
4 discharge of a firearm while the peace officer is engaged in, or on account of the
5 performance of, his or her official duties; to prohibit such persons from eligibility for
6 sentence-reducing measures under programs administered by the Department of Corrections;
7 to provide for definitions; to provide for enhanced penalties for the offense of knowingly and
8 willfully resisting, obstructing, or opposing a law enforcement officer in the lawful discharge
9 of his or her official duties by offering or doing violence upon such officer; to provide for
10 sentencing to minimum terms of imprisonment for certain convictions related to obstructing
11 or hindering a law enforcement officer; to prohibit persons so convicted from eligibility for
12 sentence-reducing measures under programs administered by the Department of Corrections;
13 to provide for related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
17 amended in Code Section 16-5-21, related to aggravated assault, by revising subsection (d)
18 as follows:

19 "(d)(1) A person who knowingly commits the offense of aggravated assault upon a peace
20 officer while the peace officer is engaged in, or on account of the performance of, his or
21 her official duties shall, upon conviction thereof, be punished by imprisonment for not
22 less than ~~five~~ ten nor more than 20 years.

23 (2)(A) As used in this paragraph, the term 'firearm' means any handgun, rifle, shotgun,
24 or similar device or weapon which will or can be converted to expel a projectile by the
25 action of an explosive or electrical charge.

26 (B) No portion of the minimum term of imprisonment imposed upon a person who
 27 violates paragraph (1) of this subsection through the discharge of a firearm against a
 28 peace officer shall be suspended, stayed, probated, deferred, or withheld by the
 29 sentencing court nor shall it be reduced by any earned time, early release, work release,
 30 leave, or other sentence-reducing measures under programs administered by the
 31 Department of Corrections, the effect of which would be to reduce the period of
 32 incarceration ordered by the sentencing court."

33 **SECTION 2.**

34 Said title is further amended in Code Section 16-10-24, relating to obstructing or hindering
 35 law enforcement officers, by revising subsection (b) as follows:

36 "(b) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement
 37 officer, prison guard, correctional officer, community supervision officer, county or
 38 Department of Juvenile Justice juvenile probation officer, probation officer serving
 39 pursuant to Article 6 of Chapter 8 of Title 42, or conservation ranger in the lawful
 40 discharge of his or her official duties by offering or doing violence to the person of such
 41 officer or legally authorized person is guilty of a felony and shall, upon a first conviction
 42 thereof, be punished by imprisonment for not less than one nor more than five years. Upon
 43 a second conviction for a violation of this subsection, the defendant shall be punished by
 44 imprisonment for not less than two nor more than 10 years. Upon a third or subsequent
 45 conviction for a violation of this subsection, the defendant shall be punished by
 46 imprisonment for not less than three nor more than 15 years or punished pursuant to Code
 47 Section 17-10-7, whichever provides for the maximum term of imprisonment. No portion
 48 of the minimum term of imprisonment imposed upon a defendant for a second and
 49 subsequent conviction under this subsection shall be suspended, stayed, probated, deferred,
 50 or withheld by the sentencing court nor shall it be reduced by any earned time, early
 51 release, work release, leave, or other sentence-reducing measures under programs
 52 administered by the Department of Corrections, the effect of which would be to reduce the
 53 period of incarceration ordered by the sentencing court."

54 **SECTION 3.**

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