

House Bill 978

By: Representatives Nguyen of the 89th, Hugley of the 136th, Cannon of the 58th, Gardner of the 57th, Hutchinson of the 107th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 30 of the Official Code of Georgia Annotated, relating to the
2 "Disabled Adults and Elder Persons Protection Act," so as to prohibit retaliation against a
3 person relating to a report that a disabled adult or elder person is in need of protective
4 services or has been the victim of abuse, neglect, or exploitation; to provide for a right of
5 action; to provide for relief; to provide for statutory construction; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 5 of Title 30 of the Official Code of Georgia Annotated, relating to the "Disabled
10 Adults and Elder Persons Protection Act," is amended by adding a new Code section to read
11 as follows:

12 "30-5-4.1.

13 (a) No person shall discriminate or retaliate in any manner against:

14 (1) Any person who makes a report pursuant to this chapter, who testifies in any judicial
15 proceeding arising from the report, who provides protective services, who participates in
16 an investigation, or who participates on an Adult Abuse, Neglect, and Exploitation
17 Multidisciplinary Team under the provisions of this chapter; or

18 (2) Any disabled adult or elder person who is the subject of a report.

19 (b)(1) Any person or official required by paragraph (1) of subsection (a) of Code Section
20 30-5-4 to report a case of disabled adult or elder person abuse shall have a right of action
21 for retaliation against an employer for such reports made, including to the employer, if
22 the reporting is used as a basis for an employment decision adversely affecting the
23 claimant, including, but not limited to, termination, demotion, transfer, or reassignment
24 to an inferior or less desirable position, change in job duties, work schedule, or other
25 similarly unfavorable treatment.

26 (2) Relief the court may order for a prevailing claimant includes, but is not limited to,
27 compensation for lost wages, benefits, other remuneration or compensatory and punitive
28 damages, reasonable attorney's fees, court costs, and other related expenses.

29 (3) The provisions of this subsection shall be construed as being in addition to, and shall
30 in no way deny, alter, or amend, any other civil or criminal rights or remedies in law or
31 in equity, or notice requirements provided under any other provision of law."

32 **SECTION 2.**

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