

House Bill 838 (AS PASSED HOUSE AND SENATE)

By: Representatives Hitchens of the 161<sup>st</sup>, Lott of the 122<sup>nd</sup>, Jasperse of the 11<sup>th</sup>, Gravley of the 67<sup>th</sup>, and Lumsden of the 12<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 24-5-510 and Article 8 of Chapter 2 of Title 35 of the Official Code  
2 of Georgia Annotated, relating to privileged communications between law enforcement  
3 officers and peer counselors and Office of Public Safety Officer Support, respectively, so as  
4 to change the name of the Office of Public Safety Officer Support; to amend Chapter 8 of  
5 Title 35 of the Official Code of Georgia Annotated, relating to employment and training of  
6 peace officers, so as to provide for the right to bring suit; to provide for bias motivated by  
7 intimidation against first responders; to provide for related matters; to repeal conflicting  
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 Code Section 24-5-510 of the Official Code of Georgia Annotated, relating to privileged  
11 communications between law enforcement officers and peer counselors, is amended by  
12 revising paragraph (2) of subsection (a) as follows:

14 "(2) 'Peer counselor' means:

15 (A) An employee of the Office of Public Safety ~~Officer~~ Support within the Department  
16 of Public Safety; or

17 (B) An individual who is certified by the support coordinator of the Office of Public  
18 Safety ~~Officer~~ Support within the Department of Public Safety pursuant to  
19 subsection (b) of Code Section 35-2-163 who is an employee of a public entity that  
20 employs public safety officers and who is designated by the executive head of such  
21 public entity."

**SECTION 2.**

22 Article 8 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to  
23 Office of Public Safety Officer Support, is amended in Code Section 35-2-160, relating to  
24 definitions, by revising paragraph (5) as follows:

26 "(5) 'Support coordinator' means the coordinator of the Office of Public Safety Officer  
 27 Support within the Department of Public Safety."

28 **SECTION 3.**

29 Said article is further amended by revising Code Section 35-2-161, relating to Office of  
 30 Public Safety Officer Support established, as follows:

31 "35-2-161.

32 There is established the Office of Public Safety Officer Support within the Department of  
 33 Public Safety."

34 **SECTION 4.**

35 Said article is further amended in Code Section 35-2-163, relating to peer counseling and  
 36 critical incident support services, certification, and employment of necessary staff, by  
 37 revising subsection (a) as follows:

38 "(a) The Office of Public Safety Officer Support within the Department of Public Safety  
 39 may respond to and provide peer counselors and critical incident support services to any  
 40 requesting public entities that employ public safety officers. The office may respond to and  
 41 provide peer counselors and critical incident support services for the benefit of public  
 42 safety officers experiencing post-traumatic stress disorder or other trauma associated with  
 43 public safety. The office shall develop a course of training in critical incident stress  
 44 management and in any other related subject matter for the benefit of public safety  
 45 officers."

46 **SECTION 5.**

47 Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and  
 48 training of peace officers, is amended by adding a new Code section to read as follows:

49 "35-8-7.3.

50 A peace officer shall have the right to bring a civil suit against any person, group of  
 51 persons, organization, or corporation, or the head of an organization or corporation, for  
 52 damages, either pecuniary or otherwise, suffered during the officer's performance of  
 53 official duties, for abridgment of the officer's civil rights arising out of the officer's  
 54 performance of official duties, or for filing a complaint against the officer which the person  
 55 knew was false when it was filed."

56 **SECTION 6.**

57 Said chapter is further amended by adding a new Code section to read as follows:

58 "35-8-7.4.

- 59 (a) As used in this Code section, the term 'first responder' means any firefighter of a  
60 municipal, county, or volunteer fire department, a peace officer as defined in Code Section  
61 35-8-2, and an emergency medical technician as defined in Code Section 16-10-24.2.
- 62 (b) A person commits the offense of bias motivated intimidation when such person  
63 maliciously and with the specific intent to intimidate, harass, or terrorize another person  
64 because of that person's actual or perceived employment as a first responder:
- 65 (1) Causes death or serious bodily harm to another person; or  
66 (2) Causes damage to or destroys any real or personal property of a person because of  
67 actual or perceived employment as a first responder without permission and the amount  
68 of the damage exceeds \$500.00 or the value of the property destroyed exceeds \$500.00.
- 69 (c) Any person that violates subsection (b) of this Code section shall be guilty of the  
70 offense of bias motivated intimidation and, upon conviction thereof, shall be punished by  
71 imprisonment of not less than one nor more than five years, a fine of not more  
72 than \$5,000.00, or both.
- 73 (d) Each violation of this Code section shall constitute a separate offense and shall not  
74 merge with any other crime.
- 75 (e) A sentence imposed under this Code section shall run consecutively to any sentence  
76 for any other offense related to the act or acts establishing an offense under this Code  
77 section.
- 78 (f) Charges of violating subsection (b) of this Code section shall not be prosecuted by way  
79 of an accusation but only by indictment or special presentment by a grand jury."

80

**SECTION 7.**

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