House Bill 1002 (AS PASSED HOUSE AND SENATE)

By: Representatives Willard of the 49th, Ramsey of the 72nd, Powell of the 171st, McKillip of the 115th, Golick of the 34th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to increase the punishment for certain crimes committed upon judges, attorneys, clerks and deputy clerks of court, court reporters, and probation officers; to change provisions relating to aggravated assault; to change provisions relating to intimidation or injury of grand or petit jurors or court officers; to change provisions relating to terroristic threats and acts; to change provisions relating to dissemination of information relating to terroristic acts; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended in Code Section 16-5-21, relating to aggravated assault, by adding a new subsection to read as follows:

"(l) A person who knowingly commits the offense of aggravated assault upon an officer of the court while such officer is engaged in, or on account of the performance of, his or her official duties shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years. As used in this subsection, the term 'officer of the court' means a judge, attorney, clerk of court, deputy clerk of court, court reporter, court interpreter or probation officer."

SECTION 2.

Said title is further amended by revising Code Section 16-10-97, relating to intimidation or injury of grand or petit jurors or court officers, as follows:

"16-10-97.

(a) A person who by threat or force or by any threatening letter or communication:

(1) Endeavors to intimidate or impede any grand juror or petit juror or any officer in or of any court of this state or any court of any county or municipality of this state or any officer who may be serving at any proceeding in any such court while in the discharge of such juror's or officer's duties;

(2) Injures any grand juror or petit juror in his or her person or property on account of any indictment or verdict assented to by him or her or on account of his or her being or having been such juror; or

(3) Injures any officer in or of any court of this state or any court of any county or municipality of this state or any officer who may be serving at any proceeding in any such court in his or her person or property on account of the performance of his or her official duties

shall, upon conviction thereof, be punished by a fine of not more than $5,000.00 or by imprisonment for not more than ~~five~~ 20 years, or both.

(b) As used in this Code section, the term 'any officer in or of any court' means a judge, attorney, clerk of court, deputy clerk of court, court reporter, or probation officer.″

SECTION 3.

Said title is further amended by revising paragraph (1) of subsection (d) of Code Section 16-11-37, relating to terroristic threats or acts, as follows:

″(1) Attending a judicial or administrative proceeding as a witness, attorney, judge, clerk of court, deputy clerk of court, court reporter, probation officer, or party or producing any record, document, or other object in a judicial or official proceeding; or″

SECTION 4.

Said title is further amended by revising Code Section 16-11-37.1, relating to dissemination of information relating to terroristic acts, as follows:

″16-11-37.1.

It shall be unlawful for any person knowingly to furnish or disseminate through a computer or computer network any picture, photograph, ~~or~~ drawing, or similar visual representation or verbal description of any information designed to encourage, solicit, or otherwise promote terroristic acts as defined in Code Section 16-11-37. Any person convicted for violation of this Code section shall be guilty of a misdemeanor of a high and aggravated nature; provided, however, that if such act is in violation of paragraph (1) of subsection (d) of Code Section 16-11-37, the person convicted shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than ten years or by a fine not to exceed $100,000.00 or both.″

SECTION 5.

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