

House Bill 487

By: Representatives Newton of the 127th, Au of the 50th, Cooper of the 45th, and Camp of the 135th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to assault and battery and related offenses against persons, so as to expand enhanced
3 punishment for aggravated assault and aggravated battery committed upon emergency health
4 workers to all healthcare workers in a hospital or healthcare facility; to provide for
5 definitions; to provide for related matters; to provide for an effective date and applicability;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
10 assault and battery and related offenses against persons, is amended by revising Code Section
11 16-5-19, relating to definitions, as follows:

12 "16-5-19.

13 As used in this article, the term:

14 (1) 'Correctional officer' means any person who is authorized to exercise the power of
15 arrest and who is employed or appointed by the Department of Corrections or the State
16 Board of Pardons and Paroles.

(2) 'Emergency health worker' means hospital emergency department personnel and emergency medical services personnel.

(3) 'Firefighter' shall have the same meaning as set forth in Code Section 25-4-2.

(3.1) 'Healthcare facility' means any institution or place in which healthcare is rendered to persons, which healthcare includes, but is not limited to, medical, psychiatric, acute, intermediate, rehabilitative, and long-term care.

(3.2) 'Healthcare worker' means any employee or independent contractor of a hospital or other healthcare facility.

(4) 'Highway emergency response operator' means an individual employed by the Department of Transportation who operates a towing or recovery vehicle or highway maintenance vehicle.

(5) 'Jail officer' means any person who is employed or appointed by a county or a municipality and who has the responsibility of supervising inmates who are confined in a municipal or county detention facility.

(6) 'Juvenile correctional officer' means any person employed or appointed by the Department of Juvenile Justice who has the primary responsibility for the supervision and control of youth confined in its programs and facilities.

(7) 'Officer of the court' means a judge, attorney, clerk of court, deputy clerk of court, court reporter, or court interpreter.

(8) 'Probation officer' means a community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42.

(9) 'Public safety officer' means peace officer, correctional officer, emergency health worker, firefighter, highway emergency response operator, jail officer, juvenile correctional officer, or probation officer.

(10) 'Public transit vehicle' shall have the same meaning as set forth in Code Section 16-5-20.

(11) 'Strangulation' means impeding the normal breathing or circulation of blood of another person by applying pressure to the throat or neck of such person or by obstructing the nose and mouth of such person."

SECTION 2.

Said article is further amended by revising subsection (c) of Code Section 16-5-21, relating to aggravated assault, as follows:

"(c)(1) A person who knowingly commits the offense of aggravated assault upon a public safety officer or healthcare worker while he or she is engaged in, or on account of the performance of, his or her official duties shall, upon conviction thereof, be punished as follows:

(A) When such assault occurs by the discharge of a firearm by a person who is at least 17 years of age, such person shall be punished by imprisonment for not less than ten nor more than 20 years and shall be sentenced to a mandatory minimum term of imprisonment of ten years and no portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court; provided, however, that in the court's discretion, the court may depart from such mandatory minimum sentence when the prosecuting attorney and defendant have agreed to a sentence that is below such mandatory minimum;

(B) When such assault does not involve the discharge of a firearm by a person who is at least 17 years of age, and does not involve only the use of the person's body, such person shall be punished by imprisonment for not less than five nor more than 20 years and, for persons who are at least 17 years of age, shall be sentenced to a mandatory minimum term of imprisonment of three years and no portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court; provided, however, that in the court's discretion, the court may

depart from such mandatory minimum sentence when the prosecuting attorney and defendant have agreed to a sentence that is below such mandatory minimum; or

(C) When such assault occurs only involving the use of the person's body, by imprisonment for not less than five nor more than 20 years.

(2) A person convicted under this subsection shall be punished, in addition to any term of imprisonment imposed, by a fine as provided by law which shall be at least \$2,000.00. With respect to \$2,000.00 of the fine imposed, after distributing the surcharges and deductions required by Chapter 21 of Title 15, Code Sections 36-15-9 and 42-8-34, and Title 47, it shall be earmarked for the Georgia State Indemnification Fund for purposes of payment of indemnification for death or disability as provided for in Part 1 of Article 5 of Chapter 9 of Title 45.

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

SECTION 3.

Said article is further amended by revising subsection (c) of Code Section 16-5-24, relating to aggravated battery, as follows:

"(c)(1) A person who knowingly commits the offense of aggravated battery upon a public safety officer or healthcare worker while the public safety officer or healthcare worker 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 ten nor more than 20 years; provided, however, that for persons who are at least 17 years of age, a mandatory minimum term of imprisonment of three years shall be imposed and no portion of the mandatory minimum sentence shall be suspended, stayed, probated, deferred, or otherwise withheld by the sentencing court; provided, however, that in the court's discretion, the court may depart from such mandatory minimum sentence when the

prosecuting attorney and defendant have agreed to a sentence that is below such mandatory minimum.

(2) A person convicted under this subsection shall be punished, in addition to any term of imprisonment imposed, by a fine as provided by law which shall be at least \$2,000.00. With respect to \$2,000.00 of the fine imposed, after distributing the surcharges and deductions required by Chapter 21 of Title 15, Code Sections 36-15-9 and 42-8-34, and Title 47, it shall be earmarked for the Georgia State Indemnification Fund for purposes of payment of indemnification for death or disability as provided for in Part 1 of Article 5 of Chapter 9 of Title 45."

SECTION 4.

This Act shall become effective on July 1, 2023, and shall be applicable to all offenses committed on or after such date.

SECTION 5.

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