

The House Committee on Judiciary Non-Civil offers the following substitute to HB 1033:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against the person, so as to provide for protections for utility workers; to provide for a definition; to provide for enhanced penalties for simple assault, aggravated assault, simple battery, and aggravated battery committed upon utility workers in certain circumstances; to provide for a short title; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Utility Worker Protection Act."

SECTION 2.

Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against the person, is amended by adding a new paragraph to Code Section 16-5-19, relating to definitions, to read as follows:

"(12) 'Utility worker' means any employee of, including any person employed by or under contract with, an organization, entity, or company, whether a state created authority

or privately, municipally, county, or cooperatively owned, that provides gas, heat, electricity, water, telecommunications services, sewer services, cable or video services, internet services, or railroad services."

SECTION 3.

Said chapter is further amended by revising subsection (b) of and adding a new subsection to Code Section 16-5-20, relating to simple assault, to read as follows:

"(b) Except as provided in subsections (c) through ~~(h)~~ (i) of this Code section, a person who commits the offense of simple assault shall be guilty of a misdemeanor."

"(i) Any person who commits the offense of simple assault upon a utility worker while such worker is acting within the course and scope of their employment or is performing official duties at the time of the offense shall, upon conviction thereof, be punished for a misdemeanor of a high and aggravated nature."

SECTION 4.

Said chapter is further amended by revising subsection (b) of and adding a new subsection to Code Section 16-5-21, relating to aggravated assault, to read as follows:

(b) Except as provided in subsections (c) through ~~(h)~~ (m) of this Code section, a person convicted of the offense of aggravated assault shall be punished by imprisonment for not less than one nor more than 20 years."

"(m) Any person who commits the offense of aggravated assault upon a utility worker while such worker is acting within the course and scope of their employment or is performing official duties shall, upon conviction thereof, be punished by imprisonment for not less than three nor more than 20 years."

SECTION 5.

Said chapter is further amended by revising subsection (b) of and adding a new subsection to Code Section 16-5-23, relating to simple battery, to read as follows:

"(b) Except as provided in subsections (c) through ~~(i)~~ (j) of this Code section, a person convicted of the offense of simple battery shall be punished as for a misdemeanor."

"(j) Any person who commits the offense of simple battery upon a utility worker while such worker is acting within the course and scope of their employment or is performing official duties at the time of the offense shall, upon conviction thereof, be punished for a misdemeanor of a high and aggravated nature."

SECTION 6.

Said chapter is further amended by revising subsection (b) of and adding a new subsection to Code Section 16-5-24, relating to aggravated battery, to read as follows:

"(b) Except as provided in subsections (c) through ~~(h)~~ (i) of this Code section, a person convicted of the offense of aggravated battery shall be punished by imprisonment for not less than one nor more than 20 years."

"(i) Any person who commits the offense of aggravated battery upon a utility worker while such worker is acting within the course and scope of their employment or is performing official duties at the time of the offense shall, upon conviction thereof, be punished by imprisonment for not less than three nor more than 20 years."

SECTION 7.

This Act shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval and shall apply to all offenses committed on or after July 1, 2024.

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SECTION 8.

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