

Senate Bill 32

By: Senators Williams of the 25th, Robertson of the 29th, Albers of the 56th, Bearden of the 30th, Dolezal of the 27th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated,
2 relating to obstruction of public administration and related offenses, so as to provide for a
3 mandatory minimum sentence for those convicted of doing violence in the obstruction or
4 hindering of law enforcement officers; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to
9 obstruction of public administration and related offenses, is amended by revising Code
10 Section 16-10-24, relating to obstructing or hindering law enforcement officers, as follows:

11 "16-10-24.

12 (a) Except as otherwise provided in subsection (b) of this Code section, a person who
13 knowingly and willfully obstructs or hinders any law enforcement officer, prison guard,
14 jailer, correctional officer, community supervision officer, county or Department of
15 Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6

16 of Chapter 8 of Title 42, or game warden in the lawful discharge of his or her official duties
17 shall be guilty of a misdemeanor.

18 (b)(1) Whoever knowingly and willfully resists, obstructs, or opposes any law
19 enforcement officer, prison guard, jailer, correctional officer, community supervision
20 officer, county or Department of Juvenile Justice juvenile probation officer, probation
21 officer serving pursuant to Article 6 of Chapter 8 of Title 42, or game warden in the
22 lawful discharge of his or her official duties by offering ~~or doing~~ violence to the person
23 of such officer or legally authorized person shall be guilty of a felony and shall, upon a
24 first conviction thereof, be punished by imprisonment for not less than one year nor more
25 than five years. Upon a second conviction for a violation of this subsection, such person
26 shall be punished by imprisonment for not less than two years nor more than ten years.
27 Upon a third or subsequent conviction for a violation of this subsection, such person shall
28 be punished by imprisonment for not less than three years nor more than 15 years.

29 (2) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement
30 officer, prison guard, jailer, correctional officer, community supervision officer, county
31 or Department of Juvenile Justice juvenile probation officer, probation officer serving
32 pursuant to Article 6 of Chapter 8 of Title 42, or game warden in the lawful discharge of
33 his or her official duties by doing violence to the person of such officer or legally
34 authorized person shall be guilty of a felony and shall, upon conviction thereof, be
35 punished by imprisonment for not less than ten years nor more than 20 years.

36 (c) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement
37 officer, prison guard, jailer, correctional officer, community supervision officer, county or
38 Department of Juvenile Justice juvenile probation officer, probation officer serving
39 pursuant to Article 6 of Chapter 8 of Title 42, or game warden in the lawful discharge of
40 his or her official duties by knowingly and willfully throwing, projecting, or expelling
41 human or animal blood, urine, feces, vomitus, or seminal fluid on or at such individual

42 shall be guilty of a felony and shall, upon conviction thereof, be punished by imprisonment
43 for not less than one year nor more than five years.

44 (d) A person convicted under this Code section shall be punished, in addition to any term
45 of imprisonment imposed, by a fine as provided by law which shall be at least \$300.00.
46 With respect to \$300.00 of the fine imposed, after distributing the surcharges and
47 deductions required by Chapter 21 of Title 15, Code Sections 36-15-9 and 42-8-34, and
48 Title 47, it shall be earmarked for the Georgia State Indemnification Fund for purposes of
49 payment of indemnification for death or disability as provided for in Part 1 of Article 5 of
50 Chapter 9 of Title 45."

51 **SECTION 2.**

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