

House Bill 390

By: Representatives Fleming of the 114th, Hagan of the 156th, Hitchens of the 161st, Scoggins of the 14th, McDonald III of the 26th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 11 of Title 16 and Code Section 17-6-12 of the Official Code
2 of Georgia Annotated, relating to offenses against public order and unsecured judicial
3 release, requirement, effect of failure of person charged to appear for trial, and consideration
4 of criminal record, respectively, so as to provide for the crime of interference with a first
5 responder; to provide for penalties; to include such offense in the list of bail restricted
6 offenses; to provide for definitions; to provide for a short title; to provide for related matters;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "HALO Act."

11 **SECTION 2.**

12 Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
13 offenses against public order, is amended by adding a new Code section to read as follows:

14 "16-11-46.

15 (a) As used in this Code section, the term:

16 (1) 'First responder' means any firefighter, as defined in Code Section 16-10-24.1; peace
17 officer, as defined in Code Section 35-8-2; and emergency medical technician, as defined
18 in Code Section 16-10-24.2, who provides on-site care until the arrival and departure of
19 an ambulance service licensed under Chapter 11 of Title 31 or the termination of official
20 duties at the location of an emergency.

21 (2) 'Harass' means to knowingly and willfully engage in any conduct directed toward a
22 first responder which intentionally causes substantial emotional distress in that first
23 responder and serves no legitimate purpose.

24 (b) A person commits the offense of interference with a first responder when he or she,
25 after receiving a verbal warning not to approach from a person he or she knows or
26 reasonably should know is a first responder who is engaged in the lawful performance of
27 a legal duty, knowingly and willfully violates such warning and approaches or remains
28 within 25 feet of the first responder with the intent to:

29 (1) Impede or interfere with the first responder's ability to perform such duty;

30 (2) Threaten the first responder with physical harm; or

31 (3) Harass the first responder.

32 (c) A person convicted pursuant to this Code section shall be guilty of a misdemeanor of
33 a high and aggravated nature."

34 **SECTION 3.**

35 Code Section 17-6-12 of the Official Code of Georgia Annotated, relating to unsecured
36 judicial release, requirement, effect of failure of person charged to appear for trial, and
37 consideration of criminal record, is amended in subsection (a) by striking "or" at the end of
38 subparagraph (DDD), by replacing the period at the end of subparagraph (EEE) with "; or",
39 and by adding a new subparagraph to read as follows:

40 "(FFF) Interfering with, threatening, or harassing a first responder at the scene of an
41 emergency, as described in Code Section 16-11-46."

42

SECTION 4.

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