

House Bill 1512

By: Representative Martinez of the 111<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and  
2 offenses, so as to provide for enhanced penalties when certain offenses are committed against  
3 public safety officers or code enforcement officers; to provide for the offense of obstruction  
4 if an individual throws an object at certain persons or at a vehicle occupied by such persons;  
5 to provide for a definition; to provide for related matters; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
10 amended by revising Code Section 16-5-19, relating to definitions regarding assault and  
11 battery, as follows:

12 "16-5-19.

13 As used in this article, the term:

14 (1) 'Code enforcement officer' means any person contracted with or employed by a  
15 county or municipality who has enforcement authority for health, safety, or welfare

16 requirements and is authorized to issue citations or file formal complaints regarding the  
17 same.

18 ~~(2)~~ (3) 'Correctional officer' means any person who is authorized to exercise the power of  
19 arrest and who is employed or appointed by the Department of Corrections or the State  
20 Board of Pardons and Paroles.

21 ~~(2)~~(3) 'Emergency health worker' means hospital emergency department personnel and  
22 emergency medical services personnel.

23 ~~(3)~~(4) 'Firefighter' shall have the same meaning as set forth in Code Section 25-4-2.

24 ~~(3.1)~~(5) 'Healthcare worker' means any employee or independent contractor of a hospital  
25 or other healthcare facility licensed pursuant to Chapter 7 of Title 31.

26 ~~(4)~~(6) 'Highway emergency response operator' means an individual employed by the  
27 Department of Transportation who operates a towing or recovery vehicle or highway  
28 maintenance vehicle.

29 ~~(5)~~(7) 'Jail officer' means any person who is employed or appointed by a county or a  
30 municipality and who has the responsibility of supervising inmates who are confined in  
31 a municipal or county detention facility.

32 ~~(6)~~(8) 'Juvenile correctional officer' means any person employed or appointed by the  
33 Department of Juvenile Justice who has the primary responsibility for the supervision and  
34 control of youth confined in its programs and facilities.

35 ~~(7)~~(9) 'Officer of the court' means a judge, attorney, clerk of court, deputy clerk of court,  
36 court reporter, or court interpreter.

37 ~~(8)~~(10) 'Probation officer' means a community supervision officer, county or Department  
38 of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to  
39 Article 6 of Chapter 8 of Title 42.

40 ~~(9)~~(11) 'Public safety officer' means peace officer, correctional officer, emergency health  
41 worker, firefighter, highway emergency response operator, jail officer, juvenile  
42 correctional officer, or probation officer.

43 ~~(10)~~(12) 'Public transit vehicle' shall have the same meaning as set forth in Code Section  
44 16-5-20.

45 ~~(11)~~(13) 'Strangulation' means impeding the normal breathing or circulation of blood of  
46 another person by applying pressure to the throat or neck of such person or by obstructing  
47 the nose and mouth of such person.

48 ~~(12)~~(14) 'Utility worker' means any employee of, including any person employed by or  
49 under contract with, an organization, entity, or company, whether a state created authority  
50 or privately, municipally, county, or cooperatively owned, that provides gas, heat,  
51 electricity, water, telecommunications services, sewer services, cable or video services,  
52 internet services, or railroad services."

53 **SECTION 2.**

54 Said title is further amended by revising subsection (e) of Code Section 16-5-20, relating to  
55 simple assault, as follows:

56 "(e) Any person who commits the offense of simple assault against a public safety officer  
57 or a code enforcement officer shall, upon conviction thereof, be punished for a  
58 misdemeanor of a high and aggravated nature Reserved."

59 **SECTION 3.**

60 Said title is further amended by revising paragraph (1) of subsection (c) of Code Section  
61 16-5-21, relating to aggravated assault, as follows:

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

66 **SECTION 4.**

67 Said title is further amended by revising subsection (e) of Code Section 16-5-23, relating to  
68 simple battery, as follows:

69 "(e) Any person who commits the offense of simple battery against a ~~police officer,~~  
70 ~~correction officer, or detention~~ public safety officer or a code enforcement officer engaged  
71 in carrying out official duties shall, upon conviction thereof, be punished for a  
72 misdemeanor of a high and aggravated nature."

73 **SECTION 5.**

74 Said title is further amended by revising subsection (j) of Code Section 16-5-23.1, relating  
75 to battery, as follows:

76 "(j) Any person who commits the offense of battery against a public safety officer or a  
77 code enforcement officer shall, upon conviction thereof, be punished for a misdemeanor  
78 of a high and aggravated nature ~~Reserved.~~"

79 **SECTION 6.**

80 Said title is further amended by revising paragraph (1) of subsection (c) of Code Section  
81 16-5-24, relating to aggravated battery, as follows:

82 "(c)(1) A person who knowingly commits the offense of aggravated battery upon a public  
83 safety officer or a code enforcement officer while ~~the public safety~~ such officer is  
84 engaged in, or on account of the performance of, his or her official duties shall, upon  
85 conviction thereof, be punished by imprisonment for not less than ten nor more than 20  
86 years; provided, however, that for persons who are at least 17 years of age, a mandatory  
87 minimum term of imprisonment of three years shall be imposed and no portion of the  
88 mandatory minimum sentence shall be suspended, stayed, probated, deferred, or  
89 otherwise withheld by the sentencing court; provided, however, that in the court's  
90 discretion, the court may depart from such mandatory minimum sentence when the

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

93 **SECTION 7.**

94 Said title is further amended by revising Code Section 16-10-24, relating to obstructing or  
95 hindering law enforcement officers, as follows:

96 "16-10-24.

97 (a) Except as otherwise provided in subsection (b) of this Code section, a person who  
98 knowingly and willfully obstructs or hinders any law enforcement officer, prison guard,  
99 jailer, code enforcement officer, correctional officer, community supervision officer,  
100 county or Department of Juvenile Justice juvenile probation officer, probation officer  
101 serving pursuant to Article 6 of Chapter 8 of Title 42, or game warden in the lawful  
102 discharge of his or her official duties shall be guilty of a misdemeanor.

103 (b) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement  
104 officer, prison guard, jailer, code enforcement officer, correctional officer, community  
105 supervision officer, county or Department of Juvenile Justice juvenile probation officer,  
106 probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or game warden in  
107 the lawful discharge of his or her official duties by offering or doing violence to the person  
108 of such officer or legally authorized person shall be guilty of a felony. Such offense shall  
109 include the throwing of any object at the person of any such officer, prison guard, or jailer  
110 and the throwing of any object at a vehicle occupied by any such officer, prison guard, or  
111 jailer. and shall, upon Upon a first conviction thereof for a violation of this subsection,  
112 such person shall be punished by imprisonment for not less than one year nor more than  
113 five years. Upon a second conviction for a violation of this subsection, such person shall  
114 be punished by imprisonment for not less than two years nor more than ten years. Upon  
115 a third or subsequent conviction for a violation of this subsection, such person shall be  
116 punished by imprisonment for not less than three years nor more than 15 years.

117 (c) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement  
118 officer, prison guard, jailer, code enforcement officer, correctional officer, community  
119 supervision officer, county or Department of Juvenile Justice juvenile probation officer,  
120 probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or game warden in  
121 the lawful discharge of his or her official duties by knowingly and willfully throwing,  
122 projecting, or expelling human or animal blood, urine, feces, vomitus, or seminal fluid on  
123 or at such individual shall be guilty of a felony and shall, upon conviction thereof, be  
124 punished by imprisonment for not less than one year nor more than five years.

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

132 **SECTION 8.**

133 Said title is further amended by revising subsection (c) of Code Section 16-10-24.1, relating  
134 to obstructing or hindering firefighters, as follows:

135 "(c) Whoever knowingly and willfully resists, obstructs, or opposes any firefighter in the  
136 lawful discharge of the firefighter's official duties by offering or doing violence to the  
137 person of such firefighter is guilty of a felony and shall, upon conviction thereof, be  
138 punished by imprisonment for not less than one nor more than five years. Such offense  
139 shall include the throwing of any object at the person of such firefighter and the throwing  
140 of any object at a vehicle occupied by such firefighter."

141 **SECTION 9.**

142 Said title is further amended by revising subsection (c) of Code Section 16-10-24.2, relating  
143 to obstructing or hindering emergency medical technicians or emergency medical  
144 professionals and criminal penalty, as follows:

145 "(c) Whoever knowingly and willfully resists or obstructs any emergency medical  
146 technician, any emergency medical professional, or any properly identified person working  
147 under the direction of an emergency medical professional in the lawful discharge of the  
148 official duties of the emergency medical technician, emergency medical professional, or  
149 properly identified person working under the direction of an emergency medical  
150 professional by threatening or doing violence to the person of such emergency medical  
151 technician, emergency medical professional, or properly identified person working under  
152 the direction of an emergency medical professional is guilty of a felony and shall, upon  
153 conviction thereof, be punished by imprisonment for not less than one nor more than five  
154 years. Such offense shall include the throwing of any object at the person of such  
155 technician, professional, or properly identified person working under such technician or  
156 professional and the throwing of any object at a vehicle occupied by such technician,  
157 professional, or properly identified person working under such technician or professional."

158 **SECTION 10.**

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