

House Bill 118

By: Representatives Morris of the 26th, Cantrell of the 22nd, Hitchens of the 161st, Lumsden of the 12th, Gravley of the 67th, 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 revise the
3 offense of transmitting a false alarm; to provide for the offense of making an unlawful
4 request for emergency service assistance; to provide for definitions; to provide for criminal
5 penalties; to provide for related matters; to repeal conflicting 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 16-10-28, relating to transmitting a false alarm and restitution, as follows:

11 "16-10-28.

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

13 (1) 'Critical infrastructure' means any building, place of assembly, or facility that is
14 located in this state and necessary for national or public security, education, or public
15 safety.

16 (2) 'Destructive device' means a destructive device as such term is defined by Code
17 Section 16-7-80.

18 (3) 'Hazardous substance' means a hazardous substance as such term is defined by Code
19 Section 12-8-92.

20 (4) 'Public agency' means the state and any city, county, city and county, municipal
21 corporation, chartered organization, public district, or public authority located in whole
22 or in part within this state which provides or has authority to provide fire-fighting, law
23 enforcement, ambulance, medical, or other emergency services.

24 (5) 'Public safety agency' means a functional division of a public agency which provides
25 fire-fighting, law enforcement, emergency medical, suicide prevention, emergency

26 management dispatching, poison control, drug prevention, child abuse, spouse abuse, or
 27 other emergency services.

28 (6) 'Request for emergency services assistance' means a report, transmission, or request
 29 for assistance to a public safety agency, or to another person knowing at the time of such
 30 report, transmission, or request that such report, transmission, or request is likely to result
 31 in such other person making a report, transmission, or request to a public safety agency,
 32 through a public safety answering point or other form of communication.

33 (b) A person commits the offense of ~~transmitting a false public alarm~~ making an unlawful
 34 request for emergency services assistance when he or she knowingly and intentionally
 35 transmits in any manner a ~~report or warning~~ request for emergency services assistance
 36 knowing at the time of the ~~transmission~~ request for emergency services assistance that there
 37 is no reasonable ground for believing such ~~report or warning~~ request and when the ~~report~~
 38 ~~or warning~~ request relates to:

39 (1) A purported destructive device or hazardous substance is located in such a place that
 40 its explosion, detonation, or release would endanger human life or cause injury or damage
 41 to property; ~~or~~

42 (2) An individual who purportedly has caused or threatened to cause physical harm to
 43 himself or herself or another individual by using a deadly weapon or with any object,
 44 device, or instrument which, when used offensively against a person, is likely to result
 45 in serious bodily injury;

46 (3) An individual who purportedly has committed a criminal act involving the use or
 47 threat of physical force or violence or an act constituting an immediate threat to any
 48 person's life or safety; or

49 (4) The use of any electronic device or software to alter, conceal, or disguise, or attempt
 50 to alter, conceal, or disguise, the location or identity of the person making the request.

51 (c)(1) Except as provided in paragraph (2) of this subsection, a person convicted of a
 52 violation of subsection (b) of this Code section shall be punished as for a misdemeanor
 53 of a high and aggravated nature and upon conviction for a second or subsequent violation
 54 of subsection (b) of this Code section shall be guilty of a felony and punished by
 55 imprisonment for not less than one nor more than ten years, by a fine of not less than
 56 \$5,000.00, or both.

57 (2)(A) If the location of the violation of paragraph (1) of subsection (b) of this Code
 58 section is critical infrastructure, such person shall be guilty of a felony and upon
 59 conviction shall be punished by imprisonment for not less than five nor more than ten
 60 years, a fine of not more than \$100,000.00, or both.

61 (B) If bodily harm or death results from the response of a public safety agency, such
 62 person shall be guilty of a felony and upon conviction shall be punished by

63 imprisonment for not less than one nor more than ten years, a fine of not less than
64 \$5,000.00, or both.

65 (d) In addition to any other penalty imposed by law for a violation of this Code section,
66 the court may require the defendant to make restitution to any affected public or private
67 entity for the reasonable costs or damages associated with the offense, including, without
68 limitation, the actual value of any goods, services, or income lost as a result of such
69 violation. Restitution made pursuant to this subsection shall not preclude any party from
70 obtaining any other civil or criminal remedy available under any other provision of law.
71 The restitution authorized by this subsection is supplemental and not exclusive."

72 **SECTION 2.**

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