

House Bill 118 (COMMITTEE SUBSTITUTE)

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 a short title; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Protection Against False Claims for
10 Emergency Services Act."

11 **SECTION 2.**

12 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to
13 obstruction of public administration and related offenses, is amended by revising Code
14 Section 16-10-28, relating to transmitting a false alarm and restitution, as follows:

15 "16-10-28.

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

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

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

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

24 (4) 'Public agency' means the state and any city, county, city and county, municipal
25 corporation, chartered organization, public district, or public authority located in whole

26 or in part within this state which provides or has authority to provide fire-fighting, law
 27 enforcement, ambulance, medical, or other emergency services.

28 (5) 'Public safety agency' means a functional division of a public agency which provides
 29 fire-fighting, law enforcement, emergency medical, suicide prevention, emergency
 30 management dispatching, poison control, drug prevention, child abuse, spouse abuse, or
 31 other emergency services.

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

37 (b) A person commits the offense of ~~transmitting a false public alarm~~ making an unlawful
 38 request for emergency services assistance when he or she knowingly and intentionally
 39 ~~transmits in any manner a report or warning~~ a request for emergency services assistance
 40 with the use of any electronic device or software to alter, conceal, or disguise, or attempt
 41 to alter, conceal, or disguise, his or her location or identity, knowing at the time of the
 42 ~~transmission~~ request for emergency services assistance that there is no reasonable ground
 43 for believing such ~~report or warning~~ request, and when the ~~report or warning~~ request relates
 44 to:

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

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

52 (3) An individual who has committed a criminal act involving the use or threat of
 53 physical force or violence or an act constituting an immediate threat to any person's life
 54 or safety.

55 (c)(1) Except as provided in paragraph (2) of this subsection, a person convicted of a
 56 violation of subsection (b) of this Code section shall be punished as for a misdemeanor
 57 of a high and aggravated nature and upon conviction for a second or subsequent violation
 58 of subsection (b) of this Code section shall be guilty of a felony and punished by
 59 imprisonment for not less than one nor more than ten years, by a fine of not less than
 60 \$5,000.00, or both.

61 (2)(A) If the location of the violation of paragraph (1) of subsection (b) of this Code
 62 section is critical infrastructure, such person shall be guilty of a felony and upon

63 conviction shall be punished by imprisonment for not less than five nor more than ten
64 years, a fine of not more than \$100,000.00, or both.

65 (B) If bodily harm or death results from the response of a public safety agency, such
66 person shall be guilty of a felony and upon conviction shall be punished by
67 imprisonment for not less than one nor more than ten years and a fine of not less than
68 \$5,000.00.

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

76 **SECTION 2.**

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