

House Bill 1187

By: Representatives Boddie of the 62nd, Henson of the 86th, Bennett of the 94th, McLaurin of the 51st, Thomas of the 39th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to assault and battery, so as to provide for the crime of aggravated strangulation by
3 a peace officer; to provide for penalties for violations; to provide for related matters; to
4 provide for an effective date and for applicability; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
9 assault and battery, is amended in Code Section 16-5-21, relating to aggravated assault, by
10 adding a new subsection to read as follows:

11 "(1) Any peace officer, as such term is defined in paragraph (8) of Code Section 35-8-2,
12 who, while in the performance of his or her official duties, violates the provisions of
13 paragraph (3) of subsection (a) of this Code section and who causes serious physical injury
14 or death to another person in circumstances in which the use of deadly force is not justified
15 through the use of:

16 (1) Any object, device, or instrument which, when used offensively against a person, is
17 likely to or actually does result in strangulation of the person; or

18 (2) A chokehold or neck restraint which, when used offensively against a person, is
19 likely to or actually does result in strangulation of the person

20 shall be guilty of aggravated strangulation by a peace officer and, upon conviction thereof,
21 shall be punished by imprisonment for not less than one nor more than 20 years."

22 **SECTION 2.**

23 This Act shall become effective upon its approval by the Governor or upon its becoming law
24 without such approval and shall apply to all offenses committed on or after that date.

25

SECTION 3.

26 All laws and parts of laws in conflict with this Act are repealed.