

House Bill 21

By: Representatives Scott of the 76th, Schofield of the 60th, Davis of the 87th, Cannon of the 58th, Thomas of the 39th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
2 relating to offenses against public order, so as to revise the offense of unlawful conduct
3 during 9-1-1 call to include bias motivations in calling or otherwise contacting 9-1-1; to
4 provide for a criminal penalty; to amend Chapter 1 of Title 51 of the Official Code of
5 Georgia Annotated, relating to general provisions regarding torts, so as to provide for a cause
6 of action against persons who knowingly cause a peace officer to arrive at a location, owing
7 to false reporting or bias purposes; to provide for definitions; to provide for related matters;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
12 offenses against public order, is amended by revising subsections (b) and (c) of Code
13 Section 16-11-39.2, relating to unlawful conduct during 9-1-1 call, as follows:

14 "(b) A person commits the offense of unlawful conduct during a 9-1-1 telephone call if he
15 or she:

- 16 (1) Without provocation, uses obscene, vulgar, or profane language with the intent to
 17 intimidate or harass a 9-1-1 communications officer;
- 18 (2) Calls or otherwise contacts 9-1-1, whether or not conversation ensues, for the purpose
 19 of annoying, harassing, or molesting a 9-1-1 communications officer or for the purpose
 20 of interfering with or disrupting emergency telephone service;
- 21 (3) Calls or otherwise contacts 9-1-1 and fails to hang up or disengage the connection for
 22 the intended purpose of interfering with or disrupting emergency service;
- 23 (4) Calls or otherwise contacts 9-1-1 with the intention to harass a communications
 24 officer; ~~or~~
- 25 (5) Calls or otherwise contacts 9-1-1 and makes a false report; or
- 26 (6) Calls or otherwise contacts 9-1-1:
- 27 (A) And makes a false report for a purpose motivated by an individual's or group of
 28 individuals' race, color, national origin, ethnicity, religion, gender, disability, or sexual
 29 orientation; or
- 30 (B) With the purpose to intimidate an individual or group of individuals because of
 31 such individual's or group of individuals' race, color, national origin, ethnicity, religion,
 32 gender, disability, or sexual orientation.
- 33 (c) Any person who violates subsection (b) of this Code section shall be guilty of a
 34 misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than
 35 \$500.00 or 12 months in jail, or both; provided, however, that any person who violates
 36 paragraph (6) of subsection (b) shall be punished only by a fine of not more than
 37 \$1,000.00."

38 SECTION 2.

39 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
 40 provisions regarding torts, is amended by adding a new Code section to read as follows:

41 "51-1-56.

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

43 (1) 'False report' means the fabrication of an incident or crime or the fabrication of
44 material information relating to an incident or crime of which the person making the
45 report knows to be false at the time of making the report.

46 (2) 'Peace officer' means any person who, by virtue of his or her office or public
47 employment, is vested by law with a duty to maintain public order or to make arrests for
48 offenses, whether that duty is limited to specific offenses or extends to all crimes.

49 (b) A person shall have a right of action against another for knowingly causing a peace
50 officer to arrive at a location to contact such person as a result of a false report or with the
51 intent to infringe upon such person's rights under the Constitution of this state or of the
52 Constitution of the United States, including, but not limited to, causing such peace officer
53 to arrive because of such person's race, color, national origin, ethnicity, religion, gender,
54 disability, or sexual orientation."

55 **SECTION 3.**

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