

The Senate Committee on Judiciary offered the following substitute to HB 227:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 10-1-359.3 of the Official Code of Georgia Annotated, relating to  
2 forfeiture and items declared contraband, so as to provide for a conforming cross reference;  
3 to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses,  
4 so as to revise the definition of critical infrastructure; to provide for definitions; to include  
5 critical infrastructure damages in the offense of criminal damage to property in the first  
6 degree; to provide for penalties; to clarify definitions regarding domestic terrorism; to  
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 10-1-359.3 of the Official Code of Georgia Annotated, relating to forfeiture  
11 and items declared contraband, is amended by revising subparagraph (a)(1)(B) as follows:

12 "(B) Criminal damage to property in the first degree in violation of paragraph (2) of  
13 subsection ~~(a)~~ (b) of Code Section 16-7-22; or"

14

**SECTION 2.**

15 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
16 amended by revising Code Section 16-7-22, relating to criminal damage to property in the  
17 first degree, as follows:

18 "16-7-22.

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

20 (1) 'Critical infrastructure' shall have the same meaning as provided in Code Section  
21 16-11-220.

22 (2) 'Electronic means' means any unauthorized transmission of fraudulent or  
23 unauthorized data, including data that is self-replicating or self-propagating, and any use  
24 of other technology that successfully modifies, alters, damages, destroys, records, or  
25 transmits information which disrupts normal operations.

26 (3) 'Public transportation system' shall have the same meaning as provided in Code  
27 Section 16-11-220.

28 (4) 'Vital public service' includes water, sewerage, drainage, energy, electric, gas, natural  
29 gas, telecommunication, internet, cable, navigation, collision avoidance, public  
30 transportation systems, railroads, and other services the loss of which would have a  
31 debilitating impact on the health, safety, or financial security of the public.

32 (b) A person commits the offense of criminal damage to property in the first degree when  
33 he or she:

34 (1) Knowingly and without authority interferes with any property in a manner so as to  
35 endanger human life; or

36 (2) Knowingly and without authority and by either force or violence or by electronic  
37 means interferes with the proper operation of any ~~system of public communication,~~  
38 ~~public transportation, sewerage, drainage, water supply, gas, power, or other public utility~~  
39 ~~service or with any constituent property thereof~~ critical infrastructure or any vital public  
40 service.

41 ~~(b)~~(c) A person convicted of the offense of criminal damage to property in the first degree  
 42 shall be punished by imprisonment for not less than one nor more than ten years; provided,  
 43 however, that a person convicted of a violation of paragraph (2) of subsection (b) of this  
 44 Code section shall be punished by imprisonment for not less than two nor more than 20  
 45 years."

46 **SECTION 3.**

47 Said title is further amended by revising Code Section 16-7-25, relating to damaging,  
 48 injuring, or interfering with property of public utility companies, municipalities, or political  
 49 subdivisions, as follows:

50 "16-7-25.

51 (a) As used in this Code section, the term 'critical infrastructure' shall have the same  
 52 meaning as set forth in Code Section 16-11-220.

53 ~~(b)~~ It shall be unlawful for any person intentionally and without authority to ~~injure or~~  
 54 ~~destroy any meter, pipe, conduit, wire, line, post, lamp, or other apparatus belonging to a~~  
 55 ~~company, municipality, or political subdivision engaged in the manufacture or sale of~~  
 56 ~~electricity, gas, water, telephone, or other public services; intentionally and without~~  
 57 ~~authority~~ alter or interfere with any critical infrastructure to prevent a meter from properly  
 58 the proper registering of the quantity of such service supplied; in any way to interfere with  
 59 the proper action of ~~such a~~ company, municipality, or political subdivision owning critical  
 60 infrastructure; intentionally to divert any services of such company, municipality, or  
 61 political subdivision; or otherwise intentionally and without authority to use or cause to be  
 62 used, without the consent of the company, municipality, or political subdivision, any  
 63 service manufactured, sold, or distributed by the company, municipality, or political  
 64 subdivision.

65 ~~(b)~~(c) Where there is no evidence to the contrary, the person performing any of the illegal  
 66 acts set forth in subsection ~~(a)~~ (b) of this Code section and the person who with knowledge

67 of such violation receives the benefit of such service without proper charge as a result of  
68 the improper action shall be presumed to be responsible for the act of tampering or  
69 diversion.

70 ~~(e)~~(d) This Code section shall be cumulative to and shall not prohibit the enactment of any  
71 other general and local laws, rules, and regulations of state or local authorities or agencies  
72 and local ordinances prohibiting such activities which are more restrictive than this Code  
73 section.

74 ~~(d)~~(e) Any person who violates this Code section shall be guilty of a misdemeanor."

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#### SECTION 4.

76 Said title is further amended by revising paragraph (1) of and by adding a new paragraph to  
77 Code Section 16-11-220, relating to definitions regarding domestic terrorism, as follows:

78 "(1) 'Critical infrastructure' means publicly or privately owned facilities, systems,  
79 functions, or assets, whether physical or virtual, providing or distributing services for the  
80 benefit of the public, including, but not limited to, energy, fuel, water, agriculture, health  
81 care, finance, ~~or~~ communication, or any other vital public service."

82 "(6) 'Vital public service' shall have the same meaning as provided in Code Section  
83 16-7-22."

84

#### SECTION 5.

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