

House Bill 258 (COMMITTEE SUBSTITUTE)

By: Representatives Powell of the 32nd, Lumsden of the 12th, Jasperse of the 11th, Welch of the 110th, and Hitchens of the 161st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to provide for mandatory minimum terms of imprisonment for certain persons
3 convicted of aggravated assault upon a peace officer under certain circumstances; to change
4 the penalty for subsequent convictions for felony obstruction of law enforcement officers;
5 to provide for a definition; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
10 amended in Code Section 16-5-21, related to aggravated assault, by revising subsection (d)
11 as follows:

12 "(d)(1) A person who knowingly commits the offense of aggravated assault upon a peace
13 officer while the peace officer is engaged in, or on account of the performance of, his or
14 her official duties shall, upon conviction thereof, be punished by imprisonment for not
15 less than ~~five~~ ten nor more than 20 years; provided, however, that when such assault
16 occurs by the discharge of a firearm by a person who is at least 17 years of age, such
17 person shall be sentenced to a mandatory minimum term of imprisonment of ten years
18 and no portion of the mandatory minimum sentence imposed shall be suspended, stayed,
19 probated, deferred, or withheld by the sentencing court.

20 (2) As used in this subsection, the term 'firearm' means any handgun, rifle, shotgun, or
21 similar device or weapon which will or can be converted to expel a projectile by the
22 action of an explosive or electrical charge."

23 **SECTION 2.**

24 Said title is further amended in Code Section 16-10-24, relating to obstructing or hindering
25 law enforcement officers, by revising subsection (b) as follows:

H. B. 258 (SUB)

26 "(b) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement
27 officer, prison guard, correctional officer, community supervision officer, county or
28 Department of Juvenile Justice juvenile probation officer, probation officer serving
29 pursuant to Article 6 of Chapter 8 of Title 42, or conservation ranger in the lawful
30 discharge of his or her official duties by offering or doing violence to the person of such
31 officer or legally authorized person is guilty of a felony and shall, upon a first conviction
32 thereof, be punished by imprisonment for not less than one year nor more than five years.
33 Upon a second conviction for a violation of this subsection, such person shall be punished
34 by imprisonment for not less than two years nor more than ten years. Upon a third or
35 subsequent conviction for a violation of this subsection, such person shall be punished by
36 imprisonment for not less than three years nor more than 15 years."

37 **SECTION 3.**

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