

The House Committee on Judiciary Non-Civil offers the following substitute to HB 487:

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 and related offenses against persons, so as to provide for
3 enhanced punishment for aggravated assault and aggravated battery committed upon
4 healthcare workers in a hospital or healthcare facility; to provide for a definition; to provide
5 for related matters; to provide for an effective date and applicability; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
10 assault and battery and related offenses against persons, is amended by revising Code Section
11 16-5-19, relating to definitions, as follows:

12 "16-5-19.

13 As used in this article, the term:

14 (1) 'Correctional officer' means any person who is authorized to exercise the power of
15 arrest and who is employed or appointed by the Department of Corrections or the State
16 Board of Pardons and Paroles.

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- 17 (2) 'Emergency health worker' means hospital emergency department personnel and
18 emergency medical services personnel.
- 19 (3) 'Firefighter' shall have the same meaning as set forth in Code Section 25-4-2.
- 20 (3.1) 'Healthcare worker' means any employee or independent contractor of a hospital
21 or another healthcare facility licensed pursuant to Chapter 7 of Title 31.
- 22 (4) 'Highway emergency response operator' means an individual employed by the
23 Department of Transportation who operates a towing or recovery vehicle or highway
24 maintenance vehicle.
- 25 (5) 'Jail officer' means any person who is employed or appointed by a county or a
26 municipality and who has the responsibility of supervising inmates who are confined in
27 a municipal or county detention facility.
- 28 (6) 'Juvenile correctional officer' means any person employed or appointed by the
29 Department of Juvenile Justice who has the primary responsibility for the supervision and
30 control of youth confined in its programs and facilities.
- 31 (7) 'Officer of the court' means a judge, attorney, clerk of court, deputy clerk of court,
32 court reporter, or court interpreter.
- 33 (8) 'Probation officer' means a community supervision officer, county or Department of
34 Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article
35 6 of Chapter 8 of Title 42.
- 36 (9) 'Public safety officer' means peace officer, correctional officer, emergency health
37 worker, firefighter, highway emergency response operator, jail officer, juvenile
38 correctional officer, or probation officer.
- 39 (10) 'Public transit vehicle' shall have the same meaning as set forth in Code Section
40 16-5-20.
- 41 (11) 'Strangulation' means impeding the normal breathing or circulation of blood of
42 another person by applying pressure to the throat or neck of such person or by obstructing
43 the nose and mouth of such person."

44 **SECTION 2.**

45 Said article is further amended by revising subsection (b) of and by adding a new subsection
46 to Code Section 16-5-21, relating to aggravated assault, to read as follows:

47 "(b) Except as provided in subsections (c) through ~~(k)~~(l) of this Code section, a person
48 convicted of the offense of aggravated assault shall be punished by imprisonment for not
49 less than one nor more than 20 years."

50 "(l) Any person who commits the offense of aggravated assault against a healthcare
51 worker, except for an emergency health worker, while he or she is engaged in, or on
52 account of the performance of, his or her official duties, shall, upon conviction thereof, be
53 punished by imprisonment for not less than three nor more than 20 years."

54 **SECTION 3.**

55 Said article is further amended by revising subsection (b) of and by adding a new subsection
56 to Code Section 16-5-24, relating to aggravated battery, to read as follows:

57 "(b) Except as provided in subsections (c) through ~~(g)~~(h) of this Code section, a person
58 convicted of the offense of aggravated battery shall be punished by imprisonment for not
59 less than one nor more than 20 years."

60 "(h) Any person who commits the offense of aggravated battery against a healthcare
61 worker, except for an emergency health worker, while he or she is engaged in, or on
62 account of the performance of, his or her official duties, shall, upon conviction thereof, be
63 punished by imprisonment for not less than five nor more than 20 years."

64 **SECTION 4.**

65 This Act shall become effective on July 1, 2023, and shall be applicable to all offenses
66 committed on or after such date.

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SECTION 5.

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