

Senate Bill 563

By: Senators Bearden of the 30th, Brass of the 28th, Goodman of the 8th, Robertson of the 29th and Albers of the 56th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-5-21 of the Official Code of Georgia Annotated, relating to
2 aggravated assault, so as to increase the minimum term of imprisonment and fine for
3 commission of aggravated assault upon a public safety officer; to increase the minimum term
4 of imprisonment for the commission of aggravated assault upon an emergency health worker
5 or healthcare worker while such worker is on a hospital campus; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 16-5-21 of the Official Code of Georgia Annotated, relating to aggravated
10 assault, is amended by revising subsections (c) and (l) as follows:

11 "(c)(1) A person who knowingly commits the offense of aggravated assault upon a public
12 safety officer while he or she is engaged in, or on account of the performance of, his or
13 her official duties shall, upon conviction thereof, be punished as follows:

14 (A) When such assault occurs by the discharge of a firearm by a person who is at
15 least 17 years of age, such person shall be punished by imprisonment for not less than
16 ~~ten~~ 15 nor more than 20 years and shall be sentenced to a mandatory minimum term of

17 imprisonment of ~~ten~~ 15 years and no portion of the mandatory minimum sentence
18 imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing
19 court; provided, however, that, in the court's discretion, the court may depart from such
20 mandatory minimum sentence when the prosecuting attorney and defendant have
21 agreed to a sentence that is below such mandatory minimum;

22 (B) When such assault does not involve the discharge of a firearm by a person who is
23 at least 17 years of age, and does not involve only the use of the person's body, such
24 person shall be punished by imprisonment for not less than ~~five~~ ten nor more than 20
25 years and, for persons who are at least 17 years of age, shall be sentenced to a
26 mandatory minimum term of imprisonment of ~~three~~ five years and no portion of the
27 mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred,
28 or withheld by the sentencing court; provided, however, that, in the court's discretion,
29 the court may depart from such mandatory minimum sentence when the prosecuting
30 attorney and defendant have agreed to a sentence that is below such mandatory
31 minimum; or

32 (C) When such assault occurs only involving the use of the person's body, by
33 imprisonment for not less than ~~five~~ ten nor more than 20 years.

34 (2) A person convicted under this subsection shall be punished, in addition to any term
35 of imprisonment imposed, by a fine as provided by law which shall be at least ~~\$2,000.00~~
36 \$5,000.00. With respect to ~~\$2,000.00~~ \$5,000.00 of the fine imposed, after distributing
37 the surcharges and deductions required by Chapter 21 of Title 15, Code Sections 36-15-9
38 and 42-8-34, and Title 47, it shall be earmarked for the Georgia State Indemnification
39 Fund for purposes of payment of indemnification for death or disability as provided for
40 in Part 1 of Article 5 of Chapter 9 of Title 45.

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

44 "(l) A person who commits the offense of aggravated assault upon an emergency health
45 worker or healthcare worker while such worker is on a hospital campus, as such term is
46 defined in Code Section 31-54-1, to perform official duties shall, upon conviction thereof,
47 be punished by imprisonment for not less than ~~three~~ five nor more than 20 years."

48 **SECTION 2.**

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