

The Senate Committee on the Judiciary offered the following substitute to SB 421:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated,
2 relating to obstruction of public administration and related offenses, so as to enhance
3 penalties for the offense of transmitting a false public alarm; to revise restitution provisions
4 for such offense; to provide for and revise definitions; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to
9 obstruction of public administration and related offenses, is amended by revising Code
10 Section 16-10-28, relating to transmitting a false public alarm and restitution, as follows:

11 "16-10-28.

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

13 (1) 'Critical infrastructure' means any building, place of assembly, or facility that is
14 located in this state and necessary for national or public security, education, or public
15 safety.

16 (2) 'Destructive device' ~~means a destructive device as such term is defined by~~ shall have
17 the same meaning as provided in Code Section 16-7-80.

18 (3) 'Dwelling' shall have the same meaning as provided in Code Section 16-7-1.

19 (3)(4) 'Hazardous substance' ~~means a hazardous substance as such term is defined by~~
20 shall have the same meaning as provided in Code Section 12-8-92.

21 (4)(5) 'Public agency' means the state and any city, county, city and county, municipal
22 corporation, chartered organization, public district, or public authority located in whole
23 or in part within this state which provides or has authority to provide fire-fighting, law
24 enforcement, ambulance, medical, or other emergency services.

25 (5)(6) 'Public safety agency' means a functional division of a public agency which
26 provides fire-fighting, law enforcement, emergency medical, suicide prevention,
27 emergency management dispatching, poison control, drug prevention, child abuse, spouse
28 abuse, or other emergency services.

29 (6)(7) 'Request for emergency services assistance' means a report, transmission, or
30 request for assistance made to a public safety agency, or to another person knowing at the
31 time of such report, transmission, or request that such report, transmission, or request is
32 likely to result in such other person making a report, transmission, or request to a public
33 safety agency, through a public safety answering point or other form of communication
34 or a report, statement, or request for assistance knowingly made to another person that
35 is likely to result in the recipient making a report, transmission, or request for assistance
36 from a public safety agency through a public safety answering port or other form of
37 communication.

38 (b) A person commits the offense of making an unlawful request for emergency services
39 assistance when he or she knowingly and intentionally transmits in any manner a request
40 for emergency services assistance knowing at the time of the request for emergency
41 services assistance that there is no reasonable ground for believing the truth of information
42 which forms the basis of such request and when the request involves or relates to:

43 (1) A purported destructive device or hazardous substance located in such a place that
44 its explosion, detonation, or release would endanger human life or cause injury or damage
45 to property;

46 (2) An individual who purportedly has caused or threatened to cause physical harm to
47 himself or herself or another individual by using a deadly weapon or with any object,
48 device, or instrument which, when used offensively against a person, is likely to result
49 in serious bodily injury;

50 (3) An individual who purportedly has committed a criminal act involving the use or
51 threat of physical force or violence or an act constituting an immediate threat to any
52 person's life or safety; or

53 (4) The knowing use of any electronic device or software to alter, conceal, or disguise,
54 or attempt to alter, conceal, or disguise, the location or identity of the person making the
55 request.

56 ~~(c)(1)~~ Except as provided in ~~paragraph (2) of this subsection~~ (d) of this Code section, a
57 person convicted of a violation of subsection (b) of this Code section shall be punished as
58 for follows:

59 ~~(1) Upon a first conviction, a misdemeanor of a high and aggravated nature and upon~~
60 ~~conviction for a second or subsequent violation of subsection (b) of this Code section~~
61 ~~shall be guilty of;~~

62 ~~(2) Upon a second conviction, a felony and punished by imprisonment for not less than~~
63 ~~one five nor more than ten years, by a fine of not less than \$5,000.00, or both; and~~

64 ~~(3) Upon a third or subsequent conviction, a felony and punished by imprisonment for~~
65 ~~not less than ten nor more than 15 years, by a fine of not less than \$25,000.00, or both.~~

66 ~~(2)(A)(d)(1)~~ If the location of the unlawful request for emergency services assistance in
67 violation of paragraph (1) of subsection (b) of this Code section is critical infrastructure,
68 such a person convicted of a violation of this Code section shall be guilty of a felony and

69 ~~upon conviction~~ shall be punished by imprisonment for not less than five nor more than
70 ten years, by a fine of not more than \$100,000.00, or both.

71 ~~(B)(2)~~ If serious bodily harm or death results from the response of a public safety
72 agency, ~~such person~~ or if the location of response to an unlawful request for emergency
73 assistance is a dwelling or a place of worship, a person convicted of a first violation of
74 this Code section shall be guilty of a felony and ~~upon conviction~~ shall be punished by
75 imprisonment for not less than one nor more than ten years ~~and~~, by a fine of not less than
76 \$5,000.00, or both.

77 ~~(d)~~(e) In addition to any other penalty imposed by law for a violation of this Code section,
78 the court ~~may~~ shall require the defendant to make restitution to any affected natural person
79 or public or private entity for the reasonable costs or damages associated with the offense,
80 including, without limitation, damage to property, expenses to treat bodily injuries, and the
81 actual value of any goods, services, or income lost as a result of such violation. Restitution
82 made pursuant to this subsection shall not preclude any party from obtaining any other civil
83 or criminal remedy available under any other provision of law. The restitution authorized
84 by this subsection is supplemental and not exclusive."

85

SECTION 2.

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