

Senate Bill 421

By: Senators Dixon of the 45th, Albers of the 56th, Kirkpatrick of the 32nd, Robertson of the 29th, Jackson of the 41st and others

**AS PASSED SENATE**

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 point 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.