House Bill 838 (AS PASSED HOUSE AND SENATE)
By: Representatives Hitchens of the 161st, Lott of the 122nd, Jasperse of the 11th, Gravley of the 67th, and Lumsden of the 12th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 24-5-510 and Article 8 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to privileged communications between law enforcement officers and peer counselors and Office of Public Safety Officer Support, respectively, so as to change the name of the Office of Public Safety Officer Support; to amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and training of peace officers, so as to provide for the right to bring suit; to provide for bias motivated by intimidation against first responders; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Code Section 24-5-510 of the Official Code of Georgia Annotated, relating to privileged communications between law enforcement officers and peer counselors, is amended by revising paragraph (2) of subsection (a) as follows:

"(2) "Peer counselor" means:
(A) An employee of the Office of Public Safety Officer Support within the Department of Public Safety; or
(B) An individual who is certified by the support coordinator of the Office of Public Safety Officer Support within the Department of Public Safety pursuant to subsection (b) of Code Section 35-2-163 who is an employee of a public entity that employs public safety officers and who is designated by the executive head of such public entity."

SECTION 2.
Article 8 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to Office of Public Safety Officer Support, is amended in Code Section 35-2-160, relating to definitions, by revising paragraph (5) as follows:

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"(5) 'Support coordinator' means the coordinator of the Office of Public Safety Officer Support within the Department of Public Safety."

SECTION 3.

Said article is further amended by revising Code Section 35-2-161, relating to Office of Public Safety Officer Support established, as follows:

"35-2-161. There is established the Office of Public Safety Officer Support within the Department of Public Safety."

SECTION 4.

Said article is further amended in Code Section 35-2-163, relating to peer counseling and critical incident support services, certification, and employment of necessary staff, by revising subsection (a) as follows:

"(a) The Office of Public Safety Officer Support within the Department of Public Safety may respond to and provide peer counselors and critical incident support services to any requesting public entities that employ public safety officers. The office may respond to and provide peer counselors and critical incident support services for the benefit of public safety officers experiencing post-traumatic stress disorder or other trauma associated with public safety. The office shall develop a course of training in critical incident stress management and in any other related subject matter for the benefit of public safety officers."

SECTION 5.

Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and training of peace officers, is amended by adding a new Code section to read as follows:

"35-8-7.3. A peace officer shall have the right to bring a civil suit against any person, group of persons, organization, or corporation, or the head of an organization or corporation, for damages, either pecuniary or otherwise, suffered during the officer's performance of official duties, for abridgment of the officer's civil rights arising out of the officer's performance of official duties, or for filing a complaint against the officer which the person knew was false when it was filed."

SECTION 6.

Said chapter is further amended by adding a new Code section to read as follows:

"35-8-7.4. H. B. 838 - 2 -
(a) As used in this Code section, the term 'first responder' means any firefighter of a municipal, county, or volunteer fire department, a peace officer as defined in Code Section 35-8-2, and an emergency medical technician as defined in Code Section 16-10-24.2.

(b) A person commits the offense of bias motivated intimidation when such person maliciously and with the specific intent to intimidate, harass, or terrorize another person because of that person's actual or perceived employment as a first responder:

(1) Causes death or serious bodily harm to another person; or

(2) Causes damage to or destroys any real or personal property of a person because of actual or perceived employment as a first responder without permission and the amount of the damage exceeds $500.00 or the value of the property destroyed exceeds $500.00.

(c) Any person that violates subsection (b) of this Code section shall be guilty of the offense of bias motivated intimidation and, upon conviction thereof, shall be punished by imprisonment of not less than one nor more than five years, a fine of not more than $5,000.00, or both.

(d) Each violation of this Code section shall constitute a separate offense and shall not merge with any other crime.

(e) A sentence imposed under this Code section shall run consecutively to any sentence for any other offense related to the act or acts establishing an offense under this Code section.

(f) Charges of violating subsection (b) of this Code section shall not be prosecuted by way of an accusation but only by indictment or special presentment by a grand jury."

SECTION 7.

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