A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related offenses, so as to revise the offense of transmitting a false alarm; to provide for the offense of making an unlawful request for emergency service assistance; to provide for definitions; to provide for criminal penalties; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
This Act shall be known and may be cited as the "Protection Against False Claims for Emergency Services Act."

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

"16-10-28. (a) As used in this Code section, the term:
(1) 'Critical infrastructure' means any building, place of assembly, or facility that is located in this state and necessary for national or public security, education, or public safety.
(2) 'Destructive device' means a destructive device as such term is defined by Code Section 16-7-80.
(3) 'Hazardous substance' means a hazardous substance as such term is defined by Code Section 12-8-92.
(4) 'Public agency' means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole

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or in part within this state which provides or has authority to provide fire-fighting, law
enforcement, ambulance, medical, or other emergency services.

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

(6) 'Request for emergency services assistance' means a report, transmission, or request
for assistance to a public safety agency, or to another person knowing at the time of such
report, transmission, or request that such report, transmission, or request is likely to result
in such other person making a report, transmission, or request to a public safety agency,
through a public safety answering point or other form of communication.

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

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

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

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

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

(c)(1) Except as provided in paragraph (2) of this subsection, a person convicted of a
violation of subsection (b) of this Code section shall be punished as for a misdemeanor
of a high and aggravated nature and upon conviction for a second or subsequent violation
of subsection (b) of this Code section shall be guilty of a felony and punished by
imprisonment for not less than one nor more than ten years, by a fine of not less than
$5,000.00, or both.

(A) If the location of the violation of paragraph (1) of subsection (b) of this Code
section is critical infrastructure, such person shall be guilty of a felony and upon
conviction shall be punished by imprisonment for not less than five nor more than ten
years, a fine of not more than $100,000.00, or both.

(B) If serious bodily harm or death results from the response of a public safety agency,
such person shall be guilty of a felony and upon conviction shall be punished by
imprisonment for not less than one nor more than ten years and a fine of not less than
$5,000.00.

(d) In addition to any other penalty imposed by law for a violation of this Code section,
the court may require the defendant to make restitution to any affected public or private
entity for the reasonable costs or damages associated with the offense, including, without
limitation, the actual value of any goods, services, or income lost as a result of such
violation. Restitution made pursuant to this subsection shall not preclude any party from
obtaining any other civil or criminal remedy available under any other provision of law.
The restitution authorized by this subsection is supplemental and not exclusive.”

SECTION 3.

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