

House Bill 383

By: Representatives Reeves of the 99th, Silcox of the 53rd, Gunter of the 8th, Holcomb of the 81st, and Evans of the 57th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to assault and battery and related offenses against persons, so as to provide for
3 enhanced penalties for aggravated assault and aggravated battery committed upon emergency
4 health workers and healthcare workers located on a hospital campus; to provide for a
5 definition; to amend Title 31 of the Official Code of Georgia Annotated, relating to health,
6 so as to provide for P.O.S.T. certified peace officers employed by hospitals to serve as
7 hospital peace officers; to provide for law enforcement authority of hospital peace officers
8 on hospital campuses; to provide for certification requirements of hospital peace officers; to
9 provide for reporting and records requirements; to provide for definitions; to amend Code
10 Section 37-3-41, relating to emergency admission based on physician's certification or court
11 order, report by apprehending officer, entry of treatment order into patient's clinical record,
12 authority of other personnel to act under statute, and annual reporting, so as to provide that
13 emergency receiving facilities located on hospital campuses shall be used only when other
14 emergency receiving facilities are unavailable; to provide for a short title; to provide for an
15 effective date and applicability; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1**

18 This Act shall be known and may be cited as the "Safer Hospitals Act."

19 **SECTION 2.**

20 Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
21 assault and battery and related offenses against persons, is amended by revising Code Section
22 16-5-19, relating to definitions, as follows:

23 "16-5-19.

24 As used in this article, the term:

25 (1) 'Correctional officer' means any person who is authorized to exercise the power of
26 arrest and who is employed or appointed by the Department of Corrections or the State
27 Board of Pardons and Paroles.

28 (2) 'Emergency health worker' means hospital emergency department personnel and
29 emergency medical services personnel.

30 (3) 'Firefighter' shall have the same meaning as set forth in Code Section 25-4-2.

31 (3.1) 'Healthcare worker' means any employee or independent contractor of a hospital
32 or other healthcare facility.

33 (4) 'Highway emergency response operator' means an individual employed by the
34 Department of Transportation who operates a towing or recovery vehicle or highway
35 maintenance vehicle.

36 (5) 'Jail officer' means any person who is employed or appointed by a county or a
37 municipality and who has the responsibility of supervising inmates who are confined in
38 a municipal or county detention facility.

39 (6) 'Juvenile correctional officer' means any person employed or appointed by the
40 Department of Juvenile Justice who has the primary responsibility for the supervision and
41 control of youth confined in its programs and facilities.

42 (7) 'Officer of the court' means a judge, attorney, clerk of court, deputy clerk of court,
43 court reporter, or court interpreter.

44 (8) 'Probation officer' means a community supervision officer, county or Department of
45 Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article
46 6 of Chapter 8 of Title 42.

47 (9) 'Public safety officer' means peace officer, correctional officer, emergency health
48 worker, firefighter, highway emergency response operator, jail officer, juvenile
49 correctional officer, or probation officer.

50 (10) 'Public transit vehicle' shall have the same meaning as set forth in Code Section
51 16-5-20.

52 (11) 'Strangulation' means impeding the normal breathing or circulation of blood of
53 another person by applying pressure to the throat or neck of such person or by obstructing
54 the nose and mouth of such person."

55 **SECTION 3.**

56 Said article is further amended by revising subsection (b) and adding a new subsection to
57 Code Section 16-5-21, relating to aggravated assault, to read as follows:

58 "(b) Except as provided in subsections (c) through ~~(k)~~ (l) of this Code section, a person
59 convicted of the offense of aggravated assault shall be punished by imprisonment for not
60 less than one nor more than 20 years."

61 "(l) A person who commits the offense of aggravated assault upon an emergency health
62 worker or health care worker located on a hospital campus, as such term is defined in Code
63 Section 31-54-1, shall, upon conviction thereof, be punished by imprisonment for not less
64 than three nor more than 20 years."

65 **SECTION 4.**

66 Said article is further amended by revising subsection (b) and adding a new subsection to
 67 Code Section 16-5-24, relating to aggravated battery, to read as follows:

68 "(b) Except as provided in subsections (c) through ~~(g)~~ (h) of this Code section, a person
 69 convicted of the offense of aggravated battery shall be punished by imprisonment for not
 70 less than one nor more than 20 years."

71 "(h) A person who commits the offense of aggravated battery upon an emergency health
 72 worker or health care worker located on a hospital campus, as such term is defined in Code
 73 Section 31-54-1, shall, upon conviction thereof, be punished by imprisonment for not less
 74 than five nor more than 20 years."

75 **SECTION 5.**

76 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
 77 a new chapter to read as follows:

78 "CHAPTER 54

79 31-54-1.

80 As used in this chapter, the term:

81 (1) 'Hospital' means a nonprofit or not for profit institution which is primarily engaged
 82 in providing to inpatients, by or under the supervision of physicians, diagnostic services
 83 and therapeutic services for medical diagnosis, treatment, and care of injured, disabled,
 84 or sick persons or rehabilitation services for the rehabilitation of injured, disabled, or sick
 85 persons. Such term includes public, private, psychiatric, rehabilitative, geriatric, and
 86 osteopathic hospitals, micro-hospitals, general cancer hospitals, other specialty hospitals,
 87 and freestanding emergency departments or facilities not located on a hospital's primary
 88 campus.

89 (2) 'Hospital campus' and 'campus' mean the grounds and buildings owned or occupied
90 by a hospital. Such term shall also include any public or private property within 500
91 yards of the hospital campus and one-quarter mile of any public street or public sidewalk
92 connecting different buildings of the same hospital campus when the property or
93 buildings of the hospital campus are located within any county in this state having a
94 population of 400,000 or more according to the United States decennial census of 1970
95 or any future such census.

96 (3) 'Hospital peace officer' means an employee of a hospital whose duties include the
97 enforcement of the laws of this state; the preservation of public order; the protection of
98 life and property; the prevention, detection, or investigation of crime; or any combination
99 thereof.

100 31-54-2.

101 (a) On the campus of a hospital, a hospital peace officer employed by such hospital who
102 is certified as provided in subsection (b) of this Code section and who is authorized by the
103 governing body or authority of such hospital shall have the same law enforcement powers,
104 including the power of arrest, as a law enforcement officer of the local government with
105 police jurisdiction over such hospital campus; provided, however, that in any action taken
106 by a hospital peace officer pursuant to this subsection, such officer shall relinquish
107 jurisdiction to a local law enforcement officer of the local government with police
108 jurisdiction over such hospital campus when feasible and as soon as practicable; and
109 provided, further, that in the case of arrests by hospital peace officers, such officers shall,
110 as soon as practicable, deliver the arrested person or persons to the custody of the sheriff
111 of the county wherein the offense was committed.

112 (b) As a condition precedent to the exercise of law enforcement powers pursuant to
113 subsection (a) of this Code section, a hospital peace officer must be certified by the
114 Georgia Peace Officer Standards and Training Council (P.O.S.T.) as having met the

115 qualifications and having completed the basic training requirements for a peace officer
116 under Chapter 8 of Title 35, the 'Georgia Peace Officers Standards and Training Act.' All
117 costs incurred in such certification and training shall be paid by the hospital employing
118 such hospital peace officer. The P.O.S.T. certification of a hospital peace officer does not
119 require that the hospital peace officer so certified exercise the powers provided in this Code
120 section.

121 (c) The provisions of this Code section shall not prohibit a hospital from employing
122 hospital security personnel without law enforcement powers.

123 (d) Hospital security personnel who are P.O.S.T. certified may be authorized by a hospital
124 to carry a standard issue firearm or weapon generally used for law enforcement purposes
125 for the purpose of carrying out law enforcement duties.

126 31-54-3.

127 Each hospital which employs hospital peace officers shall report to the Georgia Bureau of
128 Investigation and to the local law enforcement agency incidents of criminal gang activity,
129 as defined by Code Section 16-15-3, which occur on or adjacent to the hospital campus of
130 such hospital.

131 31-54-4.

132 Law enforcement records created, received, or maintained by a hospital peace officer that
133 relate to the investigation of criminal conduct and crimes as defined under Georgia law and
134 which are not subject to protection from disclosure by any other Georgia law shall be made
135 available within a reasonable time after request for public inspection and copying."

136 **SECTION 6.**

137 Code Section 37-3-41, relating to emergency admission based on physician's certification or
138 court order, report by apprehending officer, entry of treatment order into patient's clinical

139 record, authority of other personnel to act under statute, and annual reporting, is amended by
140 revising subsections (a) and (b) as follows:

141 "(a) Any physician within this state may execute a certificate stating that he or she has
142 personally examined a person within the preceding 48 hours and found that, based upon
143 observations set forth in the certificate, such person appears to be a mentally ill person
144 requiring involuntary treatment. A physician's certificate shall expire seven days after it
145 is executed. Any peace officer, within 72 hours after receiving such certificate, shall make
146 diligent efforts to take into custody the person named in the certificate and to deliver him
147 or her forthwith to ~~the nearest available~~ an emergency receiving facility serving the county
148 in which the patient is found, where he or she shall be received for examination. Such
149 peace officer shall make and verify diligent efforts to deliver the person named in the
150 certificate to all other available emergency receiving facilities serving the county in which
151 the patient is found before making such delivery to a an emergency receiving facility
152 located on a hospital campus, as such term is defined in Code Section 31-54-1.

153 (b) The appropriate court of the county in which a person may be found may issue an order
154 commanding any peace officer to take such person into custody and deliver him or her
155 forthwith for examination, either to ~~the nearest available~~ an emergency receiving facility
156 serving the county in which the patient is found, other than an emergency receiving facility
157 located on a hospital campus as such term is defined in Code Section 31-54-1, unless no
158 other emergency receiving facility is available, where such person shall be received for
159 examination, or to a physician who has agreed to examine such patient and who will
160 provide, where appropriate, a certificate pursuant to subsection (a) of this Code section to
161 permit delivery of such patient to an emergency receiving facility pursuant to subsection
162 (a) of this Code section. Such order may only be issued if based either upon an unexpired
163 physician's certificate, as provided in subsection (a) of this Code section, or upon the
164 affidavits of at least two persons who attest that, within the preceding 48 hours, they have
165 seen the person to be taken into custody and that, based upon observations contained in

166 their affidavit, they have reason to believe such person is a mentally ill person requiring
167 involuntary treatment. The court order shall expire seven days after it is executed."

168 **SECTION 7.**

169 Sections 1, 2, and 3 of this Act shall become effective on July 1, 2023, and shall apply to all
170 offenses committed on or after such date. All other sections of this Act shall become
171 effective upon the approval of this Act by the Governor or upon its becoming law without
172 such approval.

173 **SECTION 8.**

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