

The House Committee on Judiciary Non-Civil offers the following substitute to HB 383:

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 in certain circumstances; to provide for a definition;
5 to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
6 provide for P.O.S.T. certified peace officers employed by hospitals to serve as hospital peace
7 officers; to provide for law enforcement authority of hospital peace officers on hospital
8 campuses; to provide for certification requirements of hospital peace officers; to provide for
9 reporting and records requirements; to provide for definitions; to provide for a short title; to
10 provide for an effective date and applicability; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

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

15 **SECTION 2.**

16 Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
17 assault and battery and related offenses against persons, is amended by adding a new
18 paragraph to Code Section 16-5-19, relating to definitions, to read as follows:

19 "(3.1) 'Healthcare worker' means any employee or independent contractor of a hospital
20 or other healthcare facility licensed pursuant to Chapter 7 of Title 31."

21 **SECTION 3.**

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

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

27 "(l) A person who commits the offense of aggravated assault upon an emergency health
28 worker or health care worker while such worker is on a hospital campus, as such term is
29 defined in Code Section 31-54-1, to perform official duties shall, upon conviction thereof,
30 be punished by imprisonment for not less than three nor more than 20 years."

31 **SECTION 4.**

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

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

37 "(h) A person who commits the offense of aggravated battery upon an emergency health
38 worker or health care worker while such worker is on a hospital campus, as such term is

39 defined in Code Section 31-54-1, to perform official duties shall, upon conviction thereof,
40 be punished by imprisonment for not less than three nor more than 20 years."

41 **SECTION 5.**

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

44 "CHAPTER 54

45 31-54-1.

46 As used in this chapter, the term:

47 (1) 'Hospital' shall have the same meaning as provided in Code Section 31-6-2.

48 (2) 'Hospital campus' and 'campus' mean the grounds and buildings owned or occupied
49 by a hospital. Such term shall also include any public or private property within
50 100 yards of the hospital campus and such portions of any public street or public
51 sidewalk located on a hospital campus or immediately adjacent thereto.

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

56 31-54-2.

57 (a) On the campus of a hospital, a hospital peace officer employed by such hospital who
58 is certified as provided in subsection (b) of this Code section and who is authorized by the
59 governing body or authority of such hospital shall have the same law enforcement powers,
60 including the power of arrest, as a law enforcement officer of the local government with
61 police jurisdiction over such hospital campus; provided, however, that in any action taken

62 by a hospital peace officer pursuant to this subsection, such officer shall relinquish
63 jurisdiction to a local law enforcement officer of the local government with police
64 jurisdiction over such hospital campus when feasible and as soon as practicable; and
65 provided, further, that in the case of arrests by hospital peace officers, such officers shall,
66 as soon as practicable, deliver the arrested person or persons to the custody of the sheriff
67 of the county wherein the offense was committed.

68 (b) As a condition precedent to the exercise of law enforcement powers pursuant to
69 subsection (a) of this Code section, a hospital peace officer must be certified by the
70 Georgia Peace Officer Standards and Training Council (P.O.S.T.) as having met the
71 qualifications and having completed the basic training requirements for a peace officer
72 under Chapter 8 of Title 35, the 'Georgia Peace Officers Standards and Training Act.' All
73 costs incurred in such certification and training shall be paid by the hospital employing
74 such hospital peace officer.

75 (c) This Code section shall not prohibit a hospital from employing hospital security
76 personnel without law enforcement powers.

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

80 31-54-3.

81 Each hospital which employs hospital peace officers shall report to the Georgia Bureau of
82 Investigation and to the local law enforcement agency incidents of criminal gang activity,
83 as defined by Code Section 16-15-3, which occur on the campus of such hospital and of
84 which such hospital becomes aware.

85 31-54-4.
86 Law enforcement records created, received, or maintained by a hospital peace officer that
87 relate to the investigation of criminal conduct and crimes as defined under Georgia law and
88 which are not subject to protection from disclosure by any other Georgia law shall be made
89 available within a reasonable time after request for public inspection and copying."

90 **SECTION 6.**

91 Sections 2, 3, and 4 of this Act shall become effective on July 1, 2023, and shall apply to all
92 offenses committed on or after such date. All other sections of this Act shall become
93 effective upon the approval of this Act by the Governor or upon its becoming law without
94 such approval.

95 **SECTION 7.**

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