

The House Committee on Judiciary Non-Civil offers the following substitute to SB 160:

A BILL TO BE ENTITLED  
AN ACT

1 To provide for increased punishment when certain crimes are committed against public  
2 safety officers; to amend Chapter 11 of Title 15, Title 16, and Code Section 45-9-85 of the  
3 Official Code of Georgia Annotated, relating to the Juvenile Code, crimes and offenses, and  
4 payment of indemnification for death or disability of certain public safety officers,  
5 respectively, so as to provide the superior court with exclusive original jurisdiction for cases  
6 involving aggravated assault upon a public safety officer involving the use of a firearm and  
7 aggravated battery upon a public safety officer; to allow a superior court the discretion to  
8 transfer such cases back to juvenile court; to clarify the definitions of a class A or class B  
9 designated felony act in light of the jurisdictional changes; to provide for definitions; to  
10 change provisions relating to aggravated assault and aggravated battery and provide for  
11 mandatory terms of imprisonment and fines under certain circumstances; to earmark money  
12 collected from certain fines to the Georgia State Indemnification Fund; to change provisions  
13 relating to obstructing or hindering law enforcement officers and increase the punishment for  
14 subsequent convictions; to provide for the offense of, and criminal penalties for, placing  
15 human or animal excreta upon law enforcement officers; to change provisions relating to a  
16 riot in a penal institution; to increase the amount of payment of indemnification for death or  
17 disability; to provide for a short title; to provide for related matters; to repeal conflicting  
18 laws; and for other purposes.

19 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

20 **PART I**  
21 **SECTION 1-1.**

22 This Act shall be known and may be cited as the "Back the Badge Act of 2017."

**PART II**  
**SECTION 2-1.**

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile Code, is amended by revising subparagraphs (A) and (B) of paragraph (12) and subparagraph (A) of paragraph (13) of Code Section 15-11-2, relating to definitions, as follows:

"(A)(i) ~~Aggravated assault in violation of paragraph (1), (3), or (4) of subsection (b) or subsection (d), (e), (f), (j), or (m) of (3) of subsection (a) of Code Section 16-5-21;~~  
(ii) Aggravated assault in violation of paragraph (1) or (4) of subsection (a) of Code Section 16-5-21 other than upon a public safety officer as such acts are prohibited under subsection (c) of Code Section 16-5-21, not involving a firearm; or  
(iii) Aggravated assault upon an individual or situation described in subsection (d), (h), or (k) of Code Section 16-5-21 or assault with a deadly weapon or with any object, device, or instrument which, when used offensively against a person, actually does result in serious bodily injury, provided that such deadly weapon is not a firearm; and provided, further, that such injured person is not a public safety officer as defined in Code Section 16-5-19 and such acts are not prohibited under subsection (c) of Code Section 16-5-21;

(B) Aggravated battery not upon a public safety officer as such acts are prohibited under subsection (c) of Code Section 16-5-24;"

"(A)(i) ~~Aggravated assault in violation of subsection (g), (h), or (k) (e), (f), or (i) of Code Section 16-5-21; or~~

(ii) Aggravated assault involving an assault with a deadly weapon or with any object, device, or instrument which, when used offensively against a person, would be likely to result in serious bodily injury but which did not result in serious bodily injury;"

**SECTION 2-2.**

Said chapter is further amended in Code Section 15-11-560, relating to concurrent and original jurisdiction of superior court, by revising subsection (b) and paragraph (1) of subsection (e) and adding a new subsection to read as follows:

"(b) The superior court shall have exclusive original jurisdiction over the trial of any child 13 to 17 years of age who is alleged to have committed any of the following offenses:

- (1) Murder;
- (2) Murder in the second degree;
- (3) Voluntary manslaughter;
- (4) Rape;
- (5) Aggravated sodomy;

- 58 (6) Aggravated child molestation;
- 59 (7) Aggravated sexual battery; ~~or~~
- 60 (8) Armed robbery if committed with a firearm;
- 61 (9) Aggravated assault if committed with a firearm upon a public safety officer as such
- 62 acts are prohibited under subsection (c) of Code Section 16-5-21; or
- 63 (10) Aggravated battery upon a public safety officer as such acts are prohibited under
- 64 subsection (c) of Code Section 16-5-24."
- 65 "(e)(1) After indictment, the superior court may after investigation transfer to the juvenile
- 66 court any case involving a child 13 to 17 years of age alleged to have committed
- 67 ~~voluntary manslaughter, aggravated sodomy, aggravated child molestation, or aggravated~~
- 68 ~~sexual battery~~ any act described in paragraph (3), (5), (6), (7), (9), or (10) of subsection
- 69 (b) of this Code section. In considering the transfer of such case, the court shall consider
- 70 the criteria set forth in Code Section 15-11-562. Any such transfer shall be appealable
- 71 by the State of Georgia pursuant to Code Section 5-7-1. Upon such a transfer by the
- 72 superior court, jurisdiction shall vest in the juvenile court and jurisdiction of the superior
- 73 court shall terminate."
- 74 "(h) As used in this Code section, the term 'firearm' means a handgun, rifle, shotgun, or
- 75 other weapon which will or can be converted to expel a projectile by the action of an
- 76 explosive or electrical charge."

### 77 SECTION 2-3.

- 78 Said chapter is further amended by revising subsection (a) of Code Section 15-11-561,
- 79 relating to waiver of juvenile court jurisdiction and transfer to superior court, as follows:
- 80 "(a) After a petition alleging delinquency has been filed but before the adjudication
- 81 hearing, on its own motion or on a motion by a prosecuting attorney, the court may
- 82 convene a hearing to determine whether to transfer the offense to the appropriate superior
- 83 court for criminal trial if the court determines that:
- 84 (1) There is probable cause to believe that a child committed the alleged offense;
- 85 (2) Such child is not committable to an institution for the developmentally disabled or
- 86 mentally ill; and
- 87 (3) The petition alleges that such child:
- 88 (A) Was at least 15 years of age at the time of the commission of the offense and
- 89 committed an act which would be a felony if committed by an adult; or
- 90 (B) Was 13 or 14 years of age and either committed an act for which the punishment
- 91 is loss of life or confinement for life in a penal institution or committed aggravated
- 92 battery resulting in serious bodily injury to ~~a victim~~ an alleged victim who is not a
- 93 public safety officer as such term is defined in Code Section 16-5-19."

**SECTION 2-4.**

94

95 Said chapter is further amended by revising subsection (a) of Code Section 15-11-562,  
96 relating to transfer criteria, as follows:

97 "(a) The criteria that the juvenile court shall consider in determining whether to transfer  
98 an alleged delinquent child as set forth in subsection (a) of Code Section 15-11-561 to  
99 superior court and the criteria that the superior court shall consider in determining whether  
100 to transfer any case involving a child 13 to 17 years of age alleged to have committed  
101 ~~voluntary manslaughter, aggravated sodomy, aggravated child molestation, or aggravated~~  
102 ~~sexual battery~~ any act described in paragraph (3), (5), (6), (7), (9), or (10) of subsection (b)  
103 of Code Section 15-11-560 to juvenile court as set forth in subsection (e) of Code Section  
104 15-11-560 includes, but shall not be limited to:

105 (1) The age of such child;

106 (2) The seriousness of the alleged offense, especially if personal injury resulted;

107 (3) Whether the protection of the community requires transfer of jurisdiction;

108 (4) Whether the alleged offense involved violence or was committed in an aggressive or  
109 premeditated manner;

110 (5) The impact of the alleged offense on the alleged victim, including the permanence  
111 of any physical or emotional injury sustained, health care expenses incurred, and lost  
112 earnings suffered;

113 (6) The culpability of such child including such child's level of planning and  
114 participation in the alleged offense;

115 (7) Whether the alleged offense is a part of a repetitive pattern of offenses which  
116 indicates that such child may be beyond rehabilitation in the juvenile justice system;

117 (8) The record and history of such child, including experience with the juvenile justice  
118 system, other courts, supervision, commitments to juvenile institutions, and other  
119 placements;

120 (9) The sophistication and maturity of such child as determined by consideration of his  
121 or her home and environmental situation, emotional condition, and pattern of living;

122 (10) The program and facilities available to the juvenile court in considering disposition;  
123 and

124 (11) Whether or not a child can benefit from the treatment or rehabilitative programs  
125 available to the juvenile court."

**PART III**  
**SECTION 3-1.**

126  
127  
  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended in Article 2 of Chapter 5, relating to assault and battery, by adding a new Code section to read as follows:

"16-5-19.

As used in this article, the term:

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

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

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

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

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

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

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

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

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

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

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

**SECTION 3-2.**

161  
162 Said title is further amended by revising Code Section 16-5-21, relating to aggravated  
163 assault, as follows:

164 "16-5-21.

165 ~~(a) As used in this Code section, the term 'strangulation' means impeding the normal~~  
166 ~~breathing or circulation of blood of another person by applying pressure to the throat or~~  
167 ~~neck of such person or by obstructing the nose and mouth of such person.~~

168 ~~(b)~~(a) A person commits the offense of aggravated assault when he or she assaults:

- 169 (1) With intent to murder, to rape, or to rob;  
170 (2) With a deadly weapon or with any object, device, or instrument which, when used  
171 offensively against a person, is likely to or actually does result in serious bodily injury;  
172 (3) With any object, device, or instrument which, when used offensively against a  
173 person, is likely to or actually does result in strangulation; or  
174 (4) A person or persons without legal justification by discharging a firearm from within  
175 a motor vehicle toward a person or persons.

176 ~~(e)~~(b) Except as provided in subsections ~~(d)~~ (c) through ~~(n)~~ (k) of this Code section, a  
177 person convicted of the offense of aggravated assault shall be punished by imprisonment  
178 for not less than one nor more than 20 years.

179 ~~(d)~~(c)(1) A person who knowingly commits the offense of aggravated assault upon a  
180 peace public safety officer while the peace officer he or she is engaged in, or on account  
181 of the performance of, his or her official duties shall, upon conviction thereof, be  
182 punished as follows:

183 (A) When such assault occurs by the discharge of a firearm by a person who is at least  
184 17 years of age, such person shall be punished by imprisonment for not less than ten nor  
185 more than 20 years and shall be sentenced to a mandatory minimum term of  
186 imprisonment of ten years and no portion of the mandatory minimum sentence imposed  
187 shall be suspended, stayed, probated, deferred, or withheld by the sentencing court;  
188 provided, however, that in the court's discretion, the court may depart from such  
189 mandatory minimum sentence when the prosecuting attorney and defendant have  
190 agreed to a sentence that is below such mandatory minimum;

191 (B) When such assault does not involve the discharge of a firearm by a person who is  
192 at least 17 years of age, and does not involve only the use of the person's body, such  
193 person shall be punished by imprisonment for not less than five nor more than 20 years  
194 and, for persons who are at least 17 years of age, shall be sentenced to a mandatory  
195 minimum term of imprisonment of three years and no portion of the mandatory  
196 minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld  
197 by the sentencing court; provided, however, that in the court's discretion, the court may

198 depart from such mandatory minimum sentence when the prosecuting attorney and  
 199 defendant have agreed to a sentence that is below such mandatory minimum; or  
 200 (C) When such assault occurs only involving the use of the person's body, by  
 201 imprisonment for not less than five nor more than 20 years.

202 (2) A person convicted under this subsection shall be punished, in addition to any term  
 203 of imprisonment imposed, by a fine as provided by law which shall be at least \$2,000.00.  
 204 With respect to \$2,000.00 of the fine imposed, after distributing the surcharges and  
 205 deductions required by Chapter 21 of Title 15, Code Sections 36-15-9 and 42-8-34, and  
 206 Title 47, it shall be earmarked for the Georgia State Indemnification Fund for purposes  
 207 of payment of indemnification for death or disability as provided for in Part 1 of Article 5  
 208 of Chapter 9 of Title 45.

209 (3) As used in this subsection, the term 'firearm' means any handgun, rifle, shotgun, or  
 210 similar device or weapon which will or can be converted to expel a projectile by the  
 211 action of an explosive or electrical charge.

212 ~~(e)~~(d) Any person who commits the offense of aggravated assault against a person who is  
 213 65 years of age or older shall, upon conviction thereof, be punished by imprisonment for  
 214 not less than three nor more than 20 years.

215 ~~(f)(1) As used in this subsection, the term 'correctional officer' shall include~~  
 216 ~~superintendents, wardens, deputy wardens, guards, and correctional officers of state,~~  
 217 ~~county, and municipal penal institutions who are certified by the Georgia Peace Officer~~  
 218 ~~Standards and Training Council pursuant to Chapter 8 of Title 35 and employees of the~~  
 219 ~~Department of Juvenile Justice who are known to be employees of the department or who~~  
 220 ~~have given reasonable identification of their employment. The term 'correctional officer'~~  
 221 ~~shall also include county jail officers who are certified or registered by the Georgia Peace~~  
 222 ~~Officer Standards and Training Council pursuant to Chapter 8 of Title 35.~~

223 ~~(2) A person who knowingly commits the offense of aggravated assault upon a~~  
 224 ~~correctional officer while the correctional officer is engaged in, or on account of the~~  
 225 ~~performance of, his or her official duties shall, upon conviction thereof, be punished by~~  
 226 ~~imprisonment for not less than five nor more than 20 years.~~

227 ~~(g)~~(e) Any person who commits the offense of aggravated assault in a public transit  
 228 vehicle or station shall, upon conviction thereof, be punished by imprisonment for not less  
 229 than three nor more than 20 years. ~~For purposes of this Code section, 'public transit~~  
 230 ~~vehicle' has the same meaning as in subsection (c) of Code Section 16-5-20.~~

231 ~~(h)~~(f) Any person who commits the offense of aggravated assault upon a person in the  
 232 course of violating Code Section 16-8-2 where the property that was the subject of the theft  
 233 was a vehicle engaged in commercial transportation of cargo or any appurtenance thereto,  
 234 including without limitation any such trailer, semitrailer, container, or other associated

235 equipment, or the cargo being transported therein or thereon, shall upon conviction be  
 236 punished by imprisonment for not less than five nor more than 20 years, a fine not less than  
 237 \$50,000.00 nor more than \$200,000.00, or both such fine and imprisonment. For purposes  
 238 of this subsection, the term 'vehicle' includes without limitation any railcar.

239 ~~(i)~~(g) Except as provided in subsection (c) of this Code section, a ~~A~~ person convicted of  
 240 an offense described in paragraph (4) of subsection ~~(b)~~ (a) of this Code section shall be  
 241 punished by imprisonment for not less than five nor more than 20 years.

242 ~~(j)~~(h) Any person who commits the offense of aggravated assault involving the use of a  
 243 firearm upon a student or teacher or other school personnel within a school safety zone as  
 244 defined in Code Section 16-11-127.1 shall, upon conviction thereof, be punished by  
 245 imprisonment for not less than five nor more than 20 years.

246 ~~(k)~~(i) If the offense of aggravated assault is committed between past or present spouses,  
 247 persons who are parents of the same child, parents and children, stepparents and  
 248 stepchildren, foster parents and foster children, or other persons excluding siblings living  
 249 or formerly living in the same household, the defendant shall be punished by imprisonment  
 250 for not less than three nor more than 20 years.

251 ~~(l)~~(j) Any person who commits the offense of aggravated assault with intent to rape against  
 252 a child under the age of 14 years shall be punished by imprisonment for not less than 25  
 253 nor more than 50 years. Any person convicted under this subsection shall, in addition, be  
 254 subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

255 ~~(m)~~(k) A person who knowingly commits the offense of aggravated assault upon an officer  
 256 of the court while such officer is engaged in, or on account of the performance of, his or  
 257 her official duties shall, upon conviction thereof, be punished by imprisonment for not less  
 258 than five nor more than 20 years. ~~As used in this subsection, the term 'officer of the court'~~  
 259 ~~means a judge, attorney, clerk of court, deputy clerk of court, court reporter, court~~  
 260 ~~interpreter, community supervision officer, county or Department of Juvenile Justice~~  
 261 ~~juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8~~  
 262 ~~of Title 42.~~

263 ~~(n)~~ A person who knowingly commits the offense of aggravated assault upon an  
 264 emergency health worker while the worker is engaged in, or on account of the performance  
 265 of, his or her official duties shall, upon conviction thereof, be punished by imprisonment  
 266 for not less than five nor more than 20 years. ~~As used in this subsection, the term~~  
 267 ~~'emergency health worker' means hospital emergency department personnel and emergency~~  
 268 ~~medical services personnel."~~

269

**SECTION 3-3.**

270 Said title is further amended by revising Code Section 16-5-24, relating to aggravated  
271 battery, as follows:

272 "16-5-24.

273 (a) A person commits the offense of aggravated battery when he or she maliciously causes  
274 bodily harm to another by depriving him or her of a member of his or her body, by  
275 rendering a member of his or her body useless, or by seriously disfiguring his or her body  
276 or a member thereof.

277 (b) Except as provided in subsections (c) through (f) (g) of this Code section, a person  
278 convicted of the offense of aggravated battery shall be punished by imprisonment for not  
279 less than one nor more than 20 years.

280 (c)(1) A person who knowingly commits the offense of aggravated battery upon a ~~peace~~  
281 public safety officer while the public safety officer is engaged in, or on account of the  
282 performance of, his or her official duties shall, upon conviction thereof, be punished by  
283 imprisonment for not less than ten nor more than 20 years; provided, however, that for  
284 persons who are at least 17 years of age, a mandatory minimum term of imprisonment of  
285 three years shall be imposed and no portion of the mandatory minimum sentence shall be  
286 suspended, stayed, probated, deferred, or otherwise withheld by the sentencing court;  
287 provided, however, that in the court's discretion, the court may depart from such  
288 mandatory minimum sentence when the prosecuting attorney and defendant have agreed  
289 to a sentence that is below such mandatory minimum.

290 (2) A person convicted under this subsection shall be punished, in addition to any term  
291 of imprisonment imposed, by a fine as provided by law which shall be at least \$2,000.00.  
292 With respect to \$2,000.00 of the fine imposed, after distributing the surcharges and  
293 deductions required by Chapter 21 of Title 15, Code Sections 36-15-9 and 42-8-34, and  
294 Title 47, it shall be earmarked for the Georgia State Indemnification Fund for purposes  
295 of payment of indemnification for death or disability as provided for in Part 1 of Article 5  
296 of Chapter 9 of Title 45.

297 (d) Any person who commits the offense of aggravated battery against a person who is 65  
298 years of age or older shall, upon conviction thereof, be punished by imprisonment for not  
299 less than five nor more than 20 years.

300 (e)(1) ~~As used in this subsection, the term 'correctional officer' shall include~~  
301 ~~superintendents, wardens, deputy wardens, guards, and correctional officers of state,~~  
302 ~~county, and municipal penal institutions who are certified by the Georgia Peace Officer~~  
303 ~~Standards and Training Council pursuant to Chapter 8 of Title 35 and employees of the~~  
304 ~~Department of Juvenile Justice who are known to be employees of the department or who~~  
305 ~~have given reasonable identification of their employment. The term 'correctional officer'~~

306 shall also include county jail officers who are certified or registered by the Georgia Peace  
307 Officer Standards and Training Council pursuant to Chapter 8 of Title 35.

308 ~~(2) A person who knowingly commits the offense of aggravated battery upon a~~  
309 ~~correctional officer while the correctional officer is engaged in, or on account of the~~  
310 ~~performance of, his or her official duties shall, upon conviction thereof, be punished by~~  
311 ~~imprisonment for not less than ten nor more than 20 years.~~

312 ~~(f)(e)~~ Any person who commits the offense of aggravated battery in a public transit vehicle  
313 or station shall, upon conviction thereof, be punished by imprisonment for not less than  
314 five nor more than 20 years. For purposes of this Code section, 'public transit vehicle' has  
315 the same meaning as in subsection (c) of Code Section 16-5-20.

316 ~~(g)(f)~~ Any person who commits the offense of aggravated battery upon a student or teacher  
317 or other school personnel within a school safety zone as defined in Code Section  
318 16-11-127.1 shall, upon conviction thereof, be punished by imprisonment for not less than  
319 five nor more than 20 years.

320 ~~(h)(g)~~ If the offense of aggravated battery is committed between past or present spouses,  
321 persons who are parents of the same child, parents and children, stepparents and  
322 stepchildren, foster parents and foster children, or other persons excluding siblings living  
323 or formerly living in the same household, the defendant shall be punished by imprisonment  
324 for not less than three nor more than 20 years.

325 ~~(i) A person who knowingly commits the offense of aggravated battery upon an~~  
326 ~~emergency health worker while the worker is engaged in, or on account of the performance~~  
327 ~~of, his or her official duties shall, upon conviction thereof, be punished by imprisonment~~  
328 ~~for not less than five nor more than 20 years. As used in this subsection, the term~~  
329 ~~'emergency health worker' means hospital emergency department personnel and emergency~~  
330 ~~medical services personnel."~~

331 **SECTION 3-4.**

332 Said title is further amended by revising Code Section 16-10-24, relating to obstructing or  
333 hindering law enforcement officers, as follows:

334 "16-10-24.

335 (a) Except as otherwise provided in subsection (b) of this Code section, a person who  
336 knowingly and willfully obstructs or hinders any law enforcement officer, prison guard,  
337 jailer, correctional officer, community supervision officer, county or Department of  
338 Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6  
339 of Chapter 8 of Title 42, or conservation ranger in the lawful discharge of his or her official  
340 duties is shall be guilty of a misdemeanor.

341 (b) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement  
 342 officer, prison guard, jailer, correctional officer, community supervision officer, county or  
 343 Department of Juvenile Justice juvenile probation officer, probation officer serving  
 344 pursuant to Article 6 of Chapter 8 of Title 42, or conservation ranger in the lawful  
 345 discharge of his or her official duties by offering or doing violence to the person of such  
 346 officer or legally authorized person is shall be guilty of a felony and shall, upon a first  
 347 conviction thereof, be punished by imprisonment for not less than one year nor more than  
 348 five years. Upon a second conviction for a violation of this subsection, such person shall  
 349 be punished by imprisonment for not less than two years nor more than ten years. Upon  
 350 a third or subsequent conviction for a violation of this subsection, such person shall be  
 351 punished by imprisonment for not less than three years nor more than 15 years.

352 (c) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement  
 353 officer, prison guard, jailer, correctional officer, community supervision officer, county or  
 354 Department of Juvenile Justice juvenile probation officer, probation officer serving  
 355 pursuant to Article 6 of Chapter 8 of Title 42, or conservation ranger in the lawful  
 356 discharge of his or her official duties by knowingly and willfully throwing, projecting, or  
 357 expelling human or animal blood, urine, feces, vomitus, or seminal fluid on or at such  
 358 individual shall be guilty of a felony and shall, upon conviction thereof, be punished by  
 359 imprisonment for not less than one year nor more than five years.

360 (d) A person convicted under this Code section shall be punished, in addition to any term  
 361 of imprisonment imposed, by a fine as provided by law which shall be at least \$300.00.  
 362 With respect to \$300.00 of the fine imposed, after distributing the surcharges and  
 363 deductions required by Chapter 21 of Title 15, Code Sections 36-15-9 and 42-8-34, and  
 364 Title 47, it shall be earmarked for the Georgia State Indemnification Fund for purposes of  
 365 payment of indemnification for death or disability as provided for in Part 1 of Article 5 of  
 366 Chapter 9 of Title 45."

### 367 SECTION 3-5.

368 Said title is further amended by revising Code Section 16-10-56, relating to riot in a penal  
 369 institution, as follows:

370 "16-10-56.

371 (a) As used in this Code section, the term 'penal institution' means any place of  
 372 confinement for persons accused of or convicted of violating a law of this state or an  
 373 ordinance of a municipality or political subdivision of this state.

374 ~~(a)(b) No~~ Any person legally confined to any a penal institution of this state or of any  
 375 ~~political subdivision of this state who commits~~ shall commit an unlawful act of violence

376 or any other act in a violent or tumultuous manner ~~commits the offense of riot~~ in a penal  
 377 institution.  
 378 ~~(b)~~(c) Any person who violates ~~subsection (a)~~ of this Code section is shall be guilty of a  
 379 felony and, upon conviction thereof, shall be punished by imprisonment of not less than  
 380 one year nor more than 20 years."

381 **PART IV**

382 **SECTION 4-1.**

383 Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment of  
 384 indemnification for death or disability, procedure for making payments, and appeal, is  
 385 amended by revising paragraph (3) of subsection (a) as follows:

386 "(3) In the case of death or organic brain damage suffered in the line of duty by a law  
 387 enforcement officer, firefighter, emergency medical technician, emergency management  
 388 specialist, state highway employee, or prison guard, payment shall be made to the  
 389 surviving unremarried spouse or the dependents of the spouse or deceased person as  
 390 shown in his or her most recent tax return or to the legal guardian of the organically brain  
 391 damaged person. The surviving unremarried spouse, dependents, or the legal guardian  
 392 may elect to receive payment in a lump sum payment of ~~\$100,000.00~~ \$150,000.00 paid  
 393 in equal monthly installments for five years or a lump sum of such amount reduced to its  
 394 present value upon the basis of interest calculated at the rate of 6 percent per annum."

395 **PART V**

396 **SECTION 5-1.**

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