

AN ACT

To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to change provisions relating to the relationships between relatives which constitute incest; to change the offense of harassing phone calls to the offense of harassing communications; to provide for penalties; to provide for venue; to provide for exceptions; to change provisions relating to destroying or injuring a police dog or police horse; to provided for definitions; to create degrees of an offense relating to harming law enforcement animals; to provide for exceptions; to provide for the necropsy of law enforcement animals killed in the performance of official duties; 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:

PART I
SECTION 1-1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising subsection (a) of Code Section 16-6-22, relating to incest, as follows:

"(a) A person commits the offense of incest when such person engages in sexual intercourse or sodomy, as such term is defined in Code Section 16-6-2, with a person whom he or she knows he or she is related to either by blood or by marriage as follows:

- (1) Father and child or stepchild;
- (2) Mother and child or stepchild;
- (3) Siblings of the whole blood or of the half blood;
- (4) Grandparent and grandchild of the whole blood or of the half blood;
- (5) Aunt and niece or nephew of the whole blood or of the half blood; or
- (6) Uncle and niece or nephew of the whole blood or of the half blood."

PART II
SECTION 2-1.

Said title is further amended by revising Code Section 16-11-39.1, relating to harassing phone calls, as follows:

"16-11-39.1.

(a) A person commits the offense of harassing communications if such person:

(1) Contacts another person repeatedly via telecommunication, e-mail, text messaging, or any other form of electronic communication for the purpose of harassing, molesting, threatening, or intimidating such person or the family of such person;

(2) Threatens bodily harm via telecommunication, e-mail, text messaging, or any other form of electronic communication;

(3) Telephones another person and intentionally fails to hang up or disengage the connection; or

(4) Knowingly permits any device used for telecommunication, e-mail, text messaging, or any other form of electronic communication under such person's control to be used for any purpose prohibited by this subsection.

(b) Any person who commits the offense of harassing communications shall be guilty of a misdemeanor.

(c) The offense of harassing communications shall be considered to have been committed in the county where:

(1) The defendant was located when he or she placed the telephone call or transmitted, sent, or posted an electronic communication; or

(2) The telephone call or electronic communication was received.

(d) Any violation of this Code section shall constitute a separate offense and shall not merge with any other crimes set forth in this title.

(e) This Code section shall not apply to constitutionally protected speech."

PART III
SECTION 3-1.

This part of this Act shall be known and may be cited as "Tanja's Law."

SECTION 3-2.

Said title is further amended by revising subsection (e) of Code Section 16-5-23, relating to simple battery, as follows:

"(e) Any person who commits the offense of simple battery against a police officer, correction officer, or detention officer engaged in carrying out official duties shall, upon conviction thereof, be punished for a misdemeanor of a high and aggravated nature."

SECTION 3-3.

Said title is further amended by revising Code Section 16-11-107, relating to destroying or injuring a police dog or police horse, as follows:

"16-11-107.

(a) As used in this Code section, the term:

(1) 'Accelerant detection dog' means a dog trained to detect hydrocarbon substances.

(2) 'Bomb detection dog' means a dog trained to locate bombs or explosives by scent.

(2.1) 'Dangerous weapon' shall have the same meaning as provided for in Code Section 16-11-121.

(2.2) 'Firearm' means any handgun, rifle, shotgun, stun gun, taser, or dangerous weapon.

(3) 'Firearms detection dog' means a dog trained to locate firearms by scent.

(3.1) 'Knowingly' means having knowledge that an animal is a law enforcement animal.

(3.2) 'Law enforcement animal' means a police dog, police horse, or any other animal trained to support a peace officer, fire department, or the state fire marshal in performance of law enforcement duties.

(4) 'Narcotic detection dog' means a dog trained to locate narcotics by scent.

(5) 'Narcotics' means any controlled substance as defined in paragraph (4) of Code Section 16-13-21 and shall include marijuana as defined by paragraph (16) of Code Section 16-13-21.

(6) 'Patrol dog' means a dog trained to protect a peace officer and to apprehend or hold without excessive force a person in violation of the criminal statutes of this state.

(6.1) 'Performance of its duties' means performing law enforcement, fire department, or state fire marshal duties as trained.

(7) 'Police dog' means a bomb detection dog, a firearms detection dog, a narcotic detection dog, a patrol dog, an accelerant detection dog, or a tracking dog used by a law enforcement agency. Such term also means a search and rescue dog.

(8) 'Police horse' means a horse trained to transport, carry, or be ridden by a law enforcement officer and used by a law enforcement agency.

(8.1) 'Search and rescue dog' means any dog that is owned or the services of which are employed by a fire department or the state fire marshal for the principal purpose of aiding in the detection of missing persons, including but not limited to persons who are lost, who are trapped under debris as a result of a natural or manmade disaster, or who are drowning victims.

(9) 'Tracking dog' means a dog trained to track and find a missing person, escaped inmate, or fleeing felon.

(b) A person commits the offense of harming a law enforcement animal in the fourth degree when he or she knowingly and intentionally causes physical harm to such law enforcement animal while such law enforcement animal is in performance of its duties or because of such law enforcement animal's performance of its duties. Any person convicted of a violation of this subsection shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$5,000.00, or both.

(c) A person commits the offense of harming a law enforcement animal in the third degree when he or she knowingly and intentionally and with a deadly weapon causes, or with any object, device, instrument, or body part which, when used offensively against such law enforcement animal, is likely to or actually does cause, serious physical injury to such law enforcement animal while such law enforcement animal is in performance of its duties or because of such law enforcement animal's performance of its duties. Any person convicted of a violation of this subsection shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be punished by imprisonment for not less than six nor more than 12 months, a fine not to exceed \$5,000.00, or both.

(d) A person commits the offense of harming a law enforcement animal in the second degree when he or she knowingly and intentionally shoots a law enforcement animal with a firearm or causes debilitating physical injury to a law enforcement animal while such law enforcement animal is in performance of its duties or because of such law enforcement animal's performance of its duties. Any person convicted of a violation of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed \$25,000.00, or both.

(e) A person commits the offense of harming a law enforcement animal in the first degree when he or she knowingly and intentionally causes the death of a law enforcement animal while such law enforcement animal is in performance of its duties or because of such law enforcement animal's performance of its duties. Any person convicted of a violation of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than 18 months nor more than five years, a fine not to exceed \$50,000.00, or both.

(f) In addition to any other penalty provided for under this Code section, any person convicted of a violation under this Code section shall pay restitution to the law enforcement agency, fire department, or the state fire marshal which is the owner of, or which owned, such law enforcement animal in the amount of associated veterinary expenses incurred in the treatment of such law enforcement animal pursuant to Article 1 of Chapter 14 of Title 17; provided, however, that if such law enforcement animal died or is no longer able to engage in performance of its duties as a result of a violation of this Code section, the

amount paid in restitution shall additionally include the amount of the actual replacement value of the law enforcement animal, which shall include the value of an animal to replace the law enforcement animal and all costs associated with training such animal and its handler or handlers.

(g) Nothing in this Code section shall prohibit the killing or euthanasia of a law enforcement animal for humane purposes.

(h) Nothing in this Code section shall prohibit the defense of a person against a law enforcement animal that attacks such person without or in spite of commands given by its handler.

(i) The Division of Forensic Sciences of the Georgia Bureau of Investigation shall perform forensic pathology services upon any law enforcement animal whose death occurred while in performance of its duties or because of such law enforcement animal's performance of its duties."

PART IV
SECTION 4-1.

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