

Senate Bill 270

By: Senators Martin of the 9th, Hill of the 32nd, Harper of the 7th, Unterman of the 45th,  
Mullis of the 53rd and others

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to fraud and related offenses, so as to create an offense involving the fraudulent  
3 representation of military service or award received due to military service; to provide for  
4 definitions; to provide for penalties; to amend Article 2 of Chapter 10 of Title 16 of the  
5 Official Code of Georgia Annotated, relating to obstruction of public administration and  
6 related offenses, so as to revise provisions relating to transmitting a false public alarm; to  
7 provide a definition; to revise penalty provisions; to amend Title 42 of the Official Code of  
8 Georgia Annotated, relating to penal institutions, so as to authorize the chief of staff to the  
9 commissioner to issue warrants for the arrest of an offender who has escaped from the  
10 custody of the department; to provide for the retention of badges and weapons by certain  
11 employees of the State Board of Pardons and Paroles; to revise the application fee paid to the  
12 Department of Community Supervision or the State Board of Pardons and Paroles by  
13 nonindigent adult offenders when applying to transfer supervision to any other state or  
14 territory; to provide for related matters; to provide for effective dates and applicability; to  
15 repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 style="text-align:center">**SECTION 1.**

18 Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to fraud  
19 and related offenses, is amended by adding a new Code section to read as follows:  
20 "16-9-63.

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

22 (1) 'Armed forces of the United States' means the army, navy, air force, marine corps,  
23 or coast guard and the reserve components thereof and the uniformed components of the  
24 Public Health Service or the National Oceanic and Atmospheric Administration.

25 (2) 'Military decoration' means:

26 (A) A medal, decoration, badge, or ribbon authorized by law, executive order, or  
 27 regulation to be awarded to a member of the armed forces of the United States by the  
 28 President of the United States, Congress, the United States Department of Defense, or  
 29 the United States Department of Homeland Security;

30 (B) A medal, decoration, badge, or ribbon authorized by law, executive order, or  
 31 regulation to be awarded to members of the organized militia; or

32 (C) A rosette or metal lapel button depicting a medal, decoration, badge, or ribbon  
 33 described in subparagraph (A) or (B) of this paragraph which is authorized by law,  
 34 executive order, or regulation to be worn on civilian clothing.

35 (3) 'Military medal award' shall have the same meaning as provided for under Code  
 36 Section 40-2-85.1.

37 (4) 'Military veteran' means a current, former, or retired member of the armed forces of  
 38 the United States, the organized militia, or a state military force of another state.

39 (5) 'Organized militia' means the Army National Guard, the Air National Guard, the  
 40 Georgia Naval Militia, and the State Defense Force.

41 (6) 'Tangible benefit' means:

42 (A) A benefit, preference, service, or other thing of value offered to a military veteran  
 43 which is enhanced or offered at a reduced rate or free of charge by an agency of this  
 44 state, or any political subdivision or authority thereof, based on such military veteran's  
 45 service or the award of a military decoration;

46 (B) Employment or promotion in an individual's employment; or

47 (C) Election to public office.

48 (b) It shall be unlawful for any individual, with the intent to secure a tangible benefit for  
 49 himself or herself, to make a false, fictitious, or fraudulent statement or representation that  
 50 such individual is a military veteran or recipient of a military decoration.

51 (c) It shall be unlawful for any individual, with the intent to deceive, to appear in a court  
 52 of this state while wearing:

53 (1) The uniform of the armed forces of the United States or of the organized militia of  
 54 this state if such individual is not authorized to wear such uniform; or

55 (2) Any military decoration which such individual has not, in fact, been awarded.

56 (d) Any person who violates this Code section shall be guilty of a misdemeanor; provided,  
 57 however, that if such violation involves a military medal award, such person shall be guilty  
 58 of a misdemeanor of a high and aggravated nature.

59 (e) Any violation of this Code section shall be considered a separate offense and shall not  
 60 merge with any other offense. If an individual is convicted of a violation of Code Section  
 61 16-10-20 and this Code section arising out of the same incident, any penalty imposed for

62 a violation of this Code section shall be served consecutively to any sentence that may be  
 63 imposed for a violation of Code Section 16-10-20."

64 **SECTION 2.**

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

68 "16-10-28.

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

70 (1) 'Critical infrastructure' means any building, place of assembly, or facility that is  
 71 located in this state and necessary for national or public security, education, or public  
 72 safety.

73 (2) 'Destructive device' means a destructive device as such term is defined by Code  
 74 Section 16-7-80.

75 (2)(3) 'Hazardous substance' means a hazardous substance as such term is defined by  
 76 Code Section 12-8-92.

77 ~~(b) A person who transmits in any manner a false alarm to the effect that a destructive~~  
 78 ~~device or hazardous substance of any nature is concealed in such place that its explosion,~~  
 79 ~~detonation, or release would endanger human life or cause injury or damage to property,~~  
 80 ~~knowing at the time that there is no reasonable ground for believing that such a destructive~~  
 81 ~~device or hazardous substance is concealed in such place, commits the offense of~~  
 82 ~~transmitting a false public alarm and, upon conviction thereof, shall be punished by~~  
 83 ~~imprisonment for not less than one nor more than five years or by a fine of not less than~~  
 84 ~~\$1,000.00, or both. A person commits the offense of transmitting a false public alarm~~  
 85 ~~when he or she knowingly and intentionally transmits in any manner a report or warning~~  
 86 ~~knowing at the time of the transmission that there is no reasonable ground for believing~~  
 87 ~~such report or warning and when the report or warning relates to:~~

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

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

95 (c)(1) Except as provided in paragraph (2) of this subsection, a person convicted of a  
 96 violation of subsection (b) of this Code section shall be punished as for a misdemeanor  
 97 of a high and aggravated nature and upon conviction for a second or subsequent violation

98 of subsection (b) of this Code section shall be guilty of a felony and punished by  
 99 imprisonment for not less than one nor more than ten years, by a fine of not less than  
 100 \$5,000.00, or both.

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

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

### 112 SECTION 3.

113 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
 114 by revising subsection (c) of Code Section 42-2-8, relating to additional duties of the  
 115 commissioner of corrections, as follows:

116 "(c) The commissioner and any person designated and serving in the position of his or her  
 117 chief of staff shall be authorized to issue a warrant for the arrest of an offender who has  
 118 escaped from the custody of the department upon probable cause to believe the offender  
 119 has violated Code Section 16-10-52, relating to escape from lawful confinement."

### 120 SECTION 4.

121 Said title is further amended by revising Code Section 42-9-9, relating to board employees,  
 122 as follows:

123 "42-9-9.

124 (a) The board may appoint such clerical, stenographic, supervisory, and expert assistants  
 125 and may establish such qualifications for its employees as it deems necessary. In its  
 126 discretion, the board may discharge such employees.

127 (b) An employee leaving the service of the board under honorable conditions who has  
 128 accumulated 20 or more years of service with the board, or 20 or more years of combined  
 129 service as a parole officer with the board, a probation officer or supervisor with the  
 130 Department of Corrections, or a community supervision officer with the department, shall  
 131 be entitled as part of such employee's compensation to retain his or her board issued  
 132 weapon and badge.

- 133 (c)(1) As used in this subsection, the term 'disability' means a disability that prevents an  
 134 individual from working as a parole officer.
- 135 (2) When a parole officer leaves the employment of the board as a result of a disability  
 136 arising in the line of duty, such parole officer shall be entitled as part of such parole  
 137 officer's compensation to retain his or her weapon and badge in accordance with rules and  
 138 regulations promulgated by the board.
- 139 (d) A parole officer killed in the line of duty shall be entitled to have his or her board  
 140 issued badge given to a surviving family member.
- 141 (e) The board shall be authorized to promulgate rules and regulations for the  
 142 implementation of this Code section."

143 **SECTION 5.**

144 Said title is further amended by revising subsection (b) of Code Section 42-9-90, relating to  
 145 application fee required for transfer consideration, as follows:

146 "(b) The department and the State Board of Pardons and Paroles shall be authorized to  
 147 require any nonindigent adult offender to pay a ~~\$25.00~~ \$100.00 application fee when  
 148 applying to transfer his or her supervision from Georgia to any other state or territory  
 149 pursuant to the provisions of Articles 3 and 4 of this chapter."

150 **SECTION 6.**

151 Section 3 of this Act shall become effective on July 1, 2016, and shall apply to offenses  
 152 committed on or after such date. All other sections of this Act shall become effective upon  
 153 its approval by the Governor or its becoming law without such approval.

154 **SECTION 7.**

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