



## The ACLU of Georgia Opposes the Addition of Law Enforcement as a Protected Class

The ACLU of Georgia opposes the addition of law enforcement as a protected class. Additions are unnecessary as law enforcement officers already have enhanced protections under Georgia code. In 2017, the Georgia General Assembly passed, and the Governor signed into law, [Senate Bill 160](#), which included heavier penalties for offenses committed against “public safety officers” and other listed law enforcement professions.<sup>1</sup>

### Comparison Table of Additional Protections for Law Enforcement

	Law Enforcement	Non- Law Enforcement
<b>Aggravated Assault w/ firearm</b>	<ul style="list-style-type: none"> <li>• 10-year mandatory minimum if 17 years or older</li> <li>• 20-year maximum sentence</li> </ul>	<ul style="list-style-type: none"> <li>• 1 to 20 years imprisonment</li> </ul>
<b>Aggravated Assault w/o firearm and more than use of body</b>	<ul style="list-style-type: none"> <li>• 5 to 20 years imprisonment</li> <li>• 3-year mandatory minimum if 17 years or older</li> </ul>	<ul style="list-style-type: none"> <li>• 1 to 20 years imprisonment</li> </ul>
<b>Aggravated Assault w/ use of body</b>	<ul style="list-style-type: none"> <li>• 5 to 20 years imprisonment</li> <li>• Fine of at least \$2,000</li> </ul>	<ul style="list-style-type: none"> <li>• 1 to 20 years imprisonment</li> </ul>
<b>Simple Battery</b>	<ul style="list-style-type: none"> <li>• misdemeanor of a high and aggravated nature (generally a \$5,000 fine and/or a maximum of 12-months imprisonment)</li> </ul>	<ul style="list-style-type: none"> <li>• Misdemeanor (generally \$ 1,000 fine and/or a maximum of 12-months imprisonment)</li> </ul>
<b>Aggravated Battery</b>	<ul style="list-style-type: none"> <li>• 10 to 20 years imprisonment.</li> <li>• 3-year Mandatory minimum if 17 years or older</li> <li>• Fine of at least \$2,000</li> </ul>	<ul style="list-style-type: none"> <li>• 1 to 20 years imprisonment</li> </ul>

#### Why Law Enforcement Should Not Be A Protected Class

<sup>1</sup> There are additional instances where circumstances or characteristics do require more severe penalties.



**Hate crime laws are meant to protect people with immutable characteristics who have historically and continuously face discrimination and are targets of violence as a result.** The status of being a law enforcement officer is *not* an immutable characteristic, nor do law enforcement officers have a history of discrimination or being targets of violence as a result. Passing HB 426 would make Georgia one of *only* six other states, including Mississippi, Kentucky, Texas, Louisiana, and Utah, that include law enforcement officers as a protected class under their hate crimes statutes.<sup>2</sup>

### **Severe Penalties Already Exist for Offenses Committed Against Law Enforcement.**

#### Aggravated Assault

- Aggravated Assault against a non law enforcement officer carries a sentence of one (1) to twenty (20) years imprisonment.<sup>3</sup>
- Aggravated Assault with a firearm against a “public safety officer” carries a mandatory minimum sentence of ten (10) years imprisonment and a maximum of twenty (20) years imprisonment if the offense is committed by someone 17 years or older.<sup>4</sup>
- Aggravated assault committed against a “public safety officer” involving more than the use of the person’s body carries a sentence of five (5) to twenty (20) years of imprisonment.<sup>5</sup>
  - If the aggravated assault is committed by someone 17 years of older, the punishment includes a mandatory minimum sentence of three (3) years imprisonment.
- Aggravated assault committed against a “public safety officer” only involving the use of the person’s body carries a sentence of five (5) to twenty (20) years imprisonment.<sup>6</sup>
  - Includes an additional punishment of a fine of at least \$2,000.<sup>7</sup>

#### Simple Battery

- Simple Battery against a law enforcement officer is a misdemeanor of a high and aggravated nature.<sup>8</sup>
  - A misdemeanor of a high and aggravated nature generally carries a penalty of a maximum of 12 months imprisonment and/or a fine of \$5,000.<sup>9</sup>
- Simple Battery against a non law enforcement officer is a misdemeanor.<sup>10</sup>
  - A misdemeanor generally carries a penalty of 12 months imprisonment and/or a fine of \$1,000.<sup>11</sup>

#### Aggravated Battery

- Aggravated Battery against a non Law Enforcement Officer carries a sentence of one (1) to twenty (20) years imprisonment.<sup>12</sup>
- Aggravated Battery against a law enforcement officer carries a sentence of ten (10) to twenty (20) years imprisonment.<sup>13</sup>
  - If committed by an individual 17 years of age or older, the punishment includes a three (3) year mandatory minimum imprisonment.<sup>14</sup>
  - Plus a fine of at least \$2,000.<sup>15</sup>

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<sup>2</sup> Mississippi Code § 99-19-301; KY Rev Stat § 532.031; Texas Code of Criminal Procedure Art. 42.014; LA Rev Stat § 14:107.2; Utah Code Ann. § 76-3-203.14

<sup>3</sup> O.C.G.A. § 16-5-21 (b)

<sup>4</sup> O.C.G.A. § 16-5-21 (A)

<sup>5</sup> O.C.G.A. § 16-5-21 (B)

<sup>6</sup> O.C.G.A. § 16-5-21 (C)

<sup>7</sup> O.C.G.A. § 16-5-21 (C)(2)

<sup>8</sup> O.C.G.A. § 16-5-23 (c)

<sup>9</sup> O.C.G.A. § 17-10-4 (a)

<sup>10</sup> O.C.G.A. § 16-5-23 (b)

<sup>11</sup> O.C.G.A. § 17-10-3(a)

<sup>12</sup> O.C.G.A. § 16-5-24(b)

<sup>13</sup> O.C.G.A. § 16-5-24(c)(1)

<sup>14</sup> O.C.G.A. § 16-5-24(c)(1)

<sup>15</sup> O.C.G.A. § 16-5-24(c)(2)