

House Bill 394

By: Representatives Joyce of the 1<sup>st</sup> and Franklin of the 39<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to torts, so as to create and define a tort of alienation of affections;  
3 to provide that proof of certain conduct shall be considered in calculating damages; to  
4 provide for an effective date and for applicability; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
9 provisions relative to torts, is amended by striking in its entirety Code Section 51-1-17,  
10 relating to the abolishing of certain torts, and inserting in its place the following:

11 "51-1-17.

12 ~~Adultery, alienation of affections, or criminal conversation with a wife or husband shall not~~  
13 ~~give a right of action to the person's spouse. Rights of action for adultery, alienation of~~  
14 ~~affections, or criminal conversation are abolished.~~ A married person shall have a cause of  
15 action in tort for damages arising from the alienation of the affections of his or her spouse  
16 against a person who, acting with knowledge of the marriage and with intent to cause the  
17 alienation of the affections of the spouse, follows a course of action calculated to deprive  
18 the plaintiff of the consortium, conjugal companionship, company, cooperation, and aid of  
19 the spouse by persuasion or seduction of the plaintiff's spouse or other wrongful conduct.  
20 An action for alienation of affections shall not require proof of adultery with plaintiff's  
21 spouse or abducting or harboring plaintiff's spouse, but proof of such conduct shall be  
22 considered as aggravating factors in calculating damages for alienation of affections."

1 **SECTION 2.**

2 This Act shall become effective on July 1, 2001, and shall apply to conduct done on or  
3 after such date.

4 **SECTION 3.**

5 All laws and parts of laws in conflict with this Act are repealed.