

The Senate Judiciary Committee offered the following substitute to SB 57:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to
2 family violence, so as to enact the "Family Violence and Stalking Protective Order Registry
3 Act"; to define terms; to create a registry of protective orders as a centralized data base for
4 protective orders; to provide for the registry to be maintained by the Georgia Crime
5 Information Center and governed by the Georgia Commission on Family Violence; to
6 provide for the registry to be linked with the National Crime Information Center Network;
7 to provide for standard forms for protective orders; to provide for electronic transmittal and
8 maintenance of orders; to provide for foreign orders; to provide for access to and use of the
9 registry; to provide punishment for violations; to provide for certain immunity from civil
10 liability; to provide for related matters; to provide an effective date; to repeal conflicting
11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

13 Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to family violence,
14 is amended by adding at its end a new Article 4 to read as follows:
15

"ARTICLE 4

16
17 19-13-50.

18 This article shall be known and may be cited as the 'Family Violence and Stalking
19 Protective Order Registry Act.'

20 19-13-51.

21 As used in this article, the term:

1 (1) 'Court' means judges in the classes of courts identified in Title 15 and any other
2 person while acting as such a judge pursuant to designation as otherwise authorized by
3 law.

4 (2) 'District attorney' means each attorney elected to represent a judicial circuit in this
5 state and any assistant or deputy district attorney, or solicitor, in each judicial circuit in
6 this state.

7 (3) 'Foreign court' means a court of competent jurisdiction in any state other than this
8 state or any territory or tribal jurisdiction in the United States.

9 (4) 'Foreign protective order' means any temporary protective order, protective order,
10 restraining order, or injunction that prohibits acts of family violence or stalking or both
11 issued by a court of competent jurisdiction in another state, territory, or tribal jurisdiction
12 in the United States.

13 (5) 'Law enforcement officer' means any agent or officer of this state, or a political
14 subdivision or municipality thereof, who, as a full-time or part-time employee, is vested
15 either expressly by law or by virtue of public employment or service with authority to
16 enforce the criminal or traffic laws and whose duties include the preservation of public
17 order, the protection of life and property, or the prevention, detection, or investigation of
18 crime. Such term also includes any state or local sheriff, deputy sheriff, dispatcher, 911
19 operator, police officer, or district attorney.

20 (6) 'Modification' means any amendment, dismissal, or continuance of a protective order.

21 (7) 'Protective order' means any temporary, six-month, or permanent order issued by a
22 judge in this state pursuant to Code Sections 16-5-90 through 16-5-94 or this chapter and
23 also where appropriate in the context includes a foreign protective order.

24 (8) 'Registry' means the Georgia Protective Order Registry.

25 19-13-52.

26 (a) The Georgia Protective Order Registry shall be created to serve as a centralized data
27 base for state-wide protective orders issued pursuant to Code Sections 16-5-90 through
28 16-5-94 and this chapter. The registry is intended to enhance victim safety by providing
29 law enforcement officers, district attorneys, and the courts access to protective orders
30 issued by the courts of this state and foreign courts 24 hours of the day and seven days of
31 the week. Access to the registry is intended to aid law enforcement officers, district
32 attorneys, and the courts in the enforcement of protective orders and the protection to
33 victims of stalking and family violence.

34 (b) The registry shall be maintained by the Georgia Crime Information Center.

35 (c) The registry shall include a complete and systematic record and index of all valid
36 protective orders and modifications thereof. Law enforcement officers, district attorneys,

1 the State Board of Pardons and Paroles and its personnel, the Department of Corrections
2 and its personnel, and the courts shall have access to the registry. The Georgia Crime
3 Information Center shall implement a daily process of purging protective orders and names
4 of parties from the registry upon expiration or dismissal of protective orders and shall
5 maintain purged protective orders and names in a separate archived file in the registry that
6 shall be available only to the courts.

7 (d) The registry shall be linked to the National Crime Information Center Network and
8 protective orders entered in the registry shall be immediately transmitted to this network.

9 19-13-53.

10 (a) Prior to July 1, 2002, the courts of this state shall use the forms specified in Code
11 Sections 19-13-57 through 19-13-60 for the issuance of any protective order. The
12 Administrative Office of the Courts shall distribute the forms.

13 (b) On and after July 1, 2002, the courts of this state shall use a standardized form for the
14 issuance of any protective order, in a form to be promulgated by Uniform Superior Court
15 Rule. The Administrative Office of the Courts shall distribute the forms.

16 (c) The clerk of the issuing court shall electronically transmit a record of the protective
17 order or modification thereof to the registry as expeditiously as possible but no later than
18 by the end of the next business day after the order is filed with the clerk of court. In the
19 event of electronic failure, the clerk of court shall immediately notify the Georgia Crime
20 Information Center which shall authorize an alternative method of transmitting the
21 protective order to the registry.

22 (d) The Georgia Crime Information Center shall ensure that protective orders are entered
23 in the registry within 24 hours of receipt of the protective order from the clerk of court.
24 The inability to enter information for all data fields in the registry shall not delay the entry
25 of available information.

26 (e) The entry of a protective order in the registry shall not be a prerequisite for
27 enforcement of a valid protective order.

28 19-13-54.

29 (a) A petitioner who obtains a valid foreign protective order may file that order by filing
30 a certified copy of the foreign protective order with any clerk of court of the superior court
31 in this state.

32 (b) Filing shall be without fee or cost.

33 (c) The clerk of court shall provide the petitioner with a receipt bearing proof of
34 submission of the foreign protective order for entry in the registry.

1 (d) The clerk of court shall transmit to the registry a copy of the foreign protective order
2 in the same manner as provided in Code Section 19-13-53.

3 (e) Foreign protective orders shall not be required to be contained on a standardized form
4 or forms in order to be entered in the registry.

5 (f) Filing and registry of the foreign protective order in the registry shall not be
6 prerequisites for enforcement of the foreign protective order in this state.

7 19-13-55.

8 Any individual, agency, or court which has access to the information contained in the
9 registry shall keep the information contained in the registry, or parts thereof, confidential
10 and shall not disseminate or disclose such information, or parts thereof, except as
11 authorized in this article or otherwise by law. Violation of this Code section shall be a
12 misdemeanor.

13 19-13-56.

14 (a) The state and any local or state law enforcement officer, court official, or official of the
15 registry shall be held harmless for any delay or failure to file a protective order, to transmit
16 information contained in protective orders, or to enter such information in the registry.

17 (b) The state and any local or state law enforcement officer, court official, or official of
18 the registry shall be held harmless for acting in reliance upon information registered in the
19 registry or information received for the purpose of entry in the registry.

20 19-13-57.

21 Until July 1, 2002, the form for a family violence ex parte protective order shall be
22 substantially as follows:

23 THE SUPERIOR COURT FOR THE COUNTY OF _____
24 STATE OF GEORGIA

25 _____,)
26 Petitioner,) Civil Action File
27 v.) No. _____
28 _____,)
29 Respondent.)

30 **FAMILY VIOLENCE EX PARTE PROTECTIVE ORDER**

1 The Petitioner having prayed pursuant to O.C.G.A. Sections 19-13-1, et seq., that a
 2 Protective Order be issued; and alleged that Respondent has committed acts of family
 3 violence and that Petitioner is in reasonable fear of the Petitioner's safety and the safety
 4 of Petitioner's child/ren; and it appearing to the Court that probable cause exists that
 5 family violence has occurred in the past and may occur in the future, IT IS HEREBY
 6 ORDERED AND ADJUDGED:

- 7 1. That these proceedings be filed in the office of the Clerk of this
 Court.
- 8 2. That this Order applies in every county throughout the state and it
 9 shall be the duty of every court and every law enforcement official
 10 to enforce and carry out the provisions of this Order pursuant to
 11 O.C.G.A. Section 19-13-4(d). Law enforcement officers may use
 12 their arrest powers pursuant to O.C.G.A. Sections 19-13-6 and
 13 17-4-20 to enforce the terms of this Order.
- 14 3. That a copy of this Order be given to law enforcement and the
 15 Respondent be served with a copy of this Order and Petition for
 16 Temporary Protective Order instanter.
- 17 4. **That the Respondent appear before this Court, on the ____ day**
 18 **of _____, _____, at _____ . m. in room _____ of the**
 19 **_____ County Courthouse at _____**
 20 **to show cause why the requests of the Petitioner should not be**
 21 **granted.**
- 22 5. That Respondent is hereby enjoined and restrained from doing, or
 23 attempting to do, or threatening to do any act of injury to,
 24 maltreating, molesting, following, harassing, harming, or abusing
 25 the Petitioner and/or the minor child/ren in any manner. Respondent
 26 is not to interfere with Petitioner's travel, transportation, or
 27 communication. Respondent shall not follow, place under
 28 surveillance, or contact the Petitioner at any place of the Petitioner
 29 for the purpose of harassing and intimidating the Petitioner.
- 30 6. That the Respondent is enjoined and restrained from doing or
 31 threatening to do any act of injury to, maltreating, molesting,
 32 harassing, harming, or abusing the Petitioner's family or household.

33 **ONLY THE FOLLOWING THAT ARE INITIALED**

34 **BY THE JUDGE SHALL APPLY:**

NOTICE TO RESPONDENT

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- 1. Violation of this Order may result in immediate arrest and criminal prosecution that may result in jail time and/or fines and/or may subject you to prosecution and penalties for contempt of court.**
- 2. This Order shall remain in effect unless specifically superceded by a subsequent signed and filed Order, by operation of law, or by Order of dismissal, whichever occurs first. Only this Court can void, modify, or dismiss this Order. Either party may ask this Court to change or dismiss this Order.**
- 3. A person commits the offense of Aggravated Stalking when such person, in violation of a temporary or permanent protective Order prohibiting this behavior, follows, places under surveillance, or contacts Petitioner on public or private property for the purpose of harassing and intimidating the other person. This activity can subject the Respondent to arrest and prosecution for felony Aggravated Stalking, which carries penalties of imprisonment for not less than 1 year nor more than 10 years and a fine of up to \$10,000.00.**

RESPONDENT'S IDENTIFYING INFORMATION

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(Date of birth, driver's license number, or social security number must be provided.)

Respondent's social security number is _____, date of birth is _____, sex is ____, color of hair is _____, color of eyes is _____, height is _____, weight is _____. Respondent's race is _____. Ethnic background is _____. Respondent drives a _____, license tag number _____, (year) _____, (state) _____, (type or class) _____, and has a ____ (state) driver's license number _____, issued _____. Respondent has distinguishing marks (tattoos, scars, etc.)_____. Respondent's home address is _____ and Respondent is employed by _____ at _____ and works from ____ to ____ on (days)_____.

PETITIONER'S IDENTIFYING INFORMATION

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Protected parties _____ DOB ____ sex ____ race _____
 _____ DOB ____ sex ____ race _____

1 _____ DOB ____ sex ____ race _____

2 _____ DOB ____ sex ____ race _____

3 Transmitted to Georgia Protective Order Registry Date _____ Clerk _____

4 Originating Agency Identifier: _____

5 19-13-58.

6 Until July 1, 2002, the form for a family violence six-month protective order shall be
7 substantially as follows:

8 THE SUPERIOR COURT FOR THE COUNTY OF _____
9 STATE OF GEORGIA

10 _____,)
11 Petitioner,) Civil Action File
12 vs.)
13 _____,) No. _____
14 Respondent.)

15 **FAMILY VIOLENCE SIX-MONTH PROTECTIVE ORDER**

16 A hearing was held on this matter on _____, _____, for which the
17 Respondent had notice as required by law and at which the Respondent appeared and/or
18 had the opportunity to be heard and the Petitioner requested that the Protective Order
19 entered in this case be continued. Having heard the evidence presented, reviewed the
20 petition and the entire record concerning this case, and for good cause shown, IT IS
21 HEREBY ORDERED AND ADJUDGED:

- 22 1. That these proceedings be filed in the office of the Clerk of this
23 Court.
- 24 2. That this Order applies in every county throughout the state and it
25 shall be the duty of every court and every law enforcement official
26 to enforce and carry out the provisions of this Order pursuant to
27 O.C.G.A. Section 19-13-4(d). Law enforcement officers may use
28 their arrest powers pursuant to O.C.G.A. Sections 19-13-6 and
29 17-4-20 to enforce the terms of this Order.

In this case child support is being determined for ___ child/ren and the applicable percentage of gross income to be considered is ___ to ___ percent. The court has considered the existence of special circumstances, and has found that no special circumstances **OR** the following special circumstances exist: _____.

___ 14. That Respondent is ordered to pay temporary support for the Petitioner in the amount of \$_____ every ___ beginning _____.

All payments are to be made by or to:

- ___ income deduction order
- ___ child support receiver
- ___ mail directly to the Petitioner

or _____ .

___ 15. That Respondent shall have visitation with the minor child/ren according to the following schedule, beginning_____:

- ___ no visitation
- ___ no visitation until _____
- ___ supervised visitation, supervised by a third party as follows:_____
- _____
- ___ visitation every other weekend from Friday at 6 p.m. until Sunday at 6 p.m., beginning_____ ,
- ___ other visitation _____
- ___ circumstances concerning how Respondent shall pick up and return the minor child/ren shall be _____

Strict compliance with this visitation provision shall not be a violation of the restraining provisions of this Order.

___ 16. That Respondent, **only when accompanied by local law enforcement**, shall be able to remove his clothing and personal items from the residence as follows:_____

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On _____, _____, at _____ m.

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4. A person commits the offense of Aggravated Stalking when such person, in violation of a temporary or permanent protective Order prohibiting this behavior follows, places under surveillance, or contacts another person on public or private property for the purpose of harassing and intimidating the other person. This activity can subject the Respondent to arrest and prosecution for felony aggravated stalking, which carries penalties of imprisonment for not less than 1 year nor more than 10 years and a fine of up to \$10,000.00.

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RESPONDENT'S IDENTIFYING INFORMATION

(Date of birth, driver's license number, or social security number must be provided.)

Respondent's social security number is _____, date of birth is _____, sex is ____, color of hair is _____, color of eyes is _____, height is _____, weight is _____. Respondent's race is _____. Ethnic background is _____. Respondent drives a _____, license tag number _____, (year) _____, (state) _____, (type or class) _____, and has a ____ (state) driver's license number _____, issued _____. Respondent has distinguishing marks (tattoos, scars, etc.) _____. Respondent's home address is _____, and Respondent is employed by _____ at _____ and works from ____ to ____ on (days) _____.

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PETITIONER'S IDENTIFYING INFORMATION

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Protected parties _____ DOB ____ sex ____ race _____
_____ DOB ____ sex ____ race _____
_____ DOB ____ sex ____ race _____
_____ DOB ____ sex ____ race _____

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Transmitted to Georgia Protective Order Registry Date _____ Clerk _____

Originating Agency Identifier: _____

19-13-59.

Until July 1, 2002, the form for a stalking ex parte temporary protective order shall be substantially as follows:

1 THE SUPERIOR COURT FOR THE COUNTY OF _____

2 STATE OF GEORGIA

3 _____,)
 4 Petitioner,) Civil Action File
 5 v.)
 6 _____,) No. _____
 7 Respondent.)

8 STALKING EX PARTE TEMPORARY PROTECTIVE ORDER

9 Upon proceedings before me, the Petitioner having demanded pursuant to O.C.G.A.
 10 Section 16-5-94 that a Protective Order be issued; and alleged that Respondent has
 11 knowingly and willfully committed or attempted to commit acts in violation of O.C.G.A.
 12 Section 16-5-90 et seq., that such acts were not at the home of the Respondent and had
 13 no legitimate purpose, and that Petitioner is in reasonable fear of her/his safety and/or the
 14 safety of her/his immediate family; and it appearing to the Court that probable cause
 15 exists to believe that similar events will occur in the future, IT IS HEREBY ORDERED
 16 AND ADJUDGED:

- 17 1. That Respondent is enjoined and restrained from any acts directly or
- 18 indirectly which harass and/or intimidate the Petitioner or her/his
- 19 immediate family.
- 20 2. That Respondent is enjoined from approaching within ___ yards of
- 21 Petitioner.
- 22 3. That Respondent have no contact of any type, direct, indirect, or
- 23 through another person, with Petitioner or her/his immediate family,
- 24 including but not limited to telephone, pager, fax, e-mail, mail, or
- 25 any other means of communication.
- 26 4. **That the Respondent appear before _____, Judge, on**
- 27 **the _____ day of _____, _____, at _____**
- 28 **in room _____ of the _____**
- 29 **County courthouse at _____ to show why the**
- 30 **demands of the Petitioner should not be granted.**
- 31 5. That a copy of this Order be given to local law enforcement and the
- 32 Respondent be served with a copy of this Order and Petition for
- 33 Stalking Temporary Protective Order instanter.

1 6. That this Order applies in every county throughout the state and it
 2 shall be the duty of every court and every law enforcement official
 3 to enforce and carry out the provisions of this Order pursuant to
 4 O.C.G.A. Sections 16-5-94(e) and 19-13-4(d). Law enforcement
 5 may use their arrest powers pursuant to O.C.G.A. Sections 16-5-91
 and 17-4-20 to enforce the terms of this Order.

6 7. That these proceedings be filed in the office of the Clerk of this
 7 Court.

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 9 **ONLY THE FOLLOWING THAT ARE INITIALED**

10 **BY THE JUDGE SHALL APPLY:**

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 12 ___ 8. That this Court determined that it had jurisdiction over the parties
 13 and the subject matter under the laws of the State of Georgia and the
 14 Court ordered that the Respondent be given reasonable notice and
 15 opportunity to be heard sufficient to protect the Respondent’s due
 16 process rights.

17 SO ORDERED this _____ day of _____, ____.

18 _____
 19 JUDGE, SUPERIOR COURT
 20 _____ County

21 _____
 22 Print or stamp Judge’s name

23 **NOTICE TO RESPONDENT**

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| <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> | <p>1. Violation of this Order may result in immediate arrest and criminal prosecution that may result in jail time and/or fines and/or may subject you to prosecution and penalties for contempt of court.</p> <p>2. This Order shall remain in effect unless specifically superceded by a subsequent signed and filed Order, by operation of law, or by Order of dismissal, whichever occurs first. Only this Court can void, modify, or dismiss this Order. Either party may ask this Court to change or dismiss this Order.</p> |
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1 THE SUPERIOR COURT FOR THE COUNTY OF _____

2 STATE OF GEORGIA

3 _____,)
 4 Petitioner,) Civil Action File
 5 v.)
 6 _____,) No. _____
 7 Respondent.)

8 **STALKING SIX-MONTH PROTECTIVE ORDER**

9 A hearing was held on this matter on _____, _____, at which the Respondent
 10 appeared and/or was provided with the opportunity to be heard and the Petitioner
 11 requested that the Protective Order entered in this case be continued. Having heard the
 12 evidence presented, reviewed the petition and the record concerning this case, and for
 13 good cause shown, IT IS HEREBY ORDERED AND ADJUDGED:

- 14 1. That the Respondent has knowingly and wilfully violated O.C.G.A.
 Section 16-5-90 et seq. and placed the Petitioner in reasonable fear
 for the Petitioner’s safety. Respondent is hereby enjoined and
 restrained from doing, or attempting to do, or threatening to do any
 act constituting a violation of O.C.G.A. Section 16-5-90 et seq. and
 from harassing, interfering with, or intimidating the Petitioner or
 15 Petitioner’s immediate family. Specifically, Respondent is hereby
 16 enjoined and restrained from _____ which
 17 is a violation of O.C.G.A. Section 16-5-90 et seq. Any future acts
 18 committed by the Respondent towards the Petitioner which are in
 19 violation of this statute and this Protective Order can amount to
 20 AGGRAVATED STALKING, pursuant to O.C.G.A. Section
 21 16-5-91, which is a felony. A person convicted of Aggravated
 22 Stalking shall be punished by imprisonment for not less than one nor
 23 more than ten years and by a fine of not more than \$10,000.00.
- 24 2. That Respondent is enjoined and restrained from approaching within
 25 _____ yards of Petitioner and/or Petitioner’s immediate family,
 26 and/or residence, place of employment, or school.

1 SO ORDERED this _____ day of _____, _____.

2 _____
3 JUDGE, SUPERIOR COURT
4 _____ County

5 _____
6 Print or stamp Judge's name

NOTICE TO RESPONDENT

- 7 **1. Violation of this Order may result in immediate arrest and**
- 8 **criminal prosecution that may result in jail time and/or fines**
- 9 **and/or may subject you to prosecution and penalties for**
- 10 **contempt of court.**
- 11 **2. This Order shall remain in effect unless specifically superceded**
- 12 **by a subsequent Order signed and filed, by operation of law, or**
- 13 **by Order of dismissal, whichever occurs first. Only this Court**
- 14 **can void, modify, or dismiss this Order. Either party may ask**
- 15 **this Court to change or dismiss this Order.**
- 16 **3. If after a hearing, of which the Respondent received notice and**
- 17 **opportunity to participate, a protective order is issued which**
- 18 **restrains Respondent from harassing, stalking, or threatening an**
- 19 **intimate partner, Respondent is prohibited from possessing,**
- 20 **receiving, or transporting a firearm or ammunition which has**
- 21 **been shipped or transported in interstate or foreign commerce**
- 22 **for the duration of the Order. 18 U.S.C. Section 922(g).**
- 23 **4. A person commits the offense of Aggravated Stalking when such**
- 24 **person, in violation of a temporary or permanent protective**
- 25 **Order prohibiting this behavior follows, places under**
- 26 **surveillance, or contacts another person on public or private**
- 27 **property for the purpose of harassing and intimidating the other**
- 28 **person. This activity can subject the Respondent to arrest and**
- 29 **prosecution for felony aggravated stalking, which carries**
- 30 **penalties of imprisonment for not less than 1 year nor more than**
- 10 years and a fine of up to \$10,000.00.**

RESPONDENT'S IDENTIFYING INFORMATION

(Date of birth, driver's license number, or social security number must be provided.)

Respondent's social security number is _____, date of birth is _____, sex is ____, color of hair is _____, color of eyes is _____, height is _____, weight is _____. Respondent's race is _____. Ethnic background is _____. Respondent drives a _____, license tag number _____, (year) _____, (state) _____, (type or class) _____, and has a ____ (state) driver's license number _____, issued _____. Respondent has distinguishing marks (tattoos, scars, etc.) _____. Respondent's home address is _____ and Respondent is employed by _____ at _____ and works from ____ to ____ on (days) _____.

PETITIONER'S IDENTIFYING INFORMATION

Protected parties _____ DOB ____ sex ____ race ____
_____ DOB ____ sex ____ race ____

Transmitted to Georgia Protective Order Registry Date _____ Clerk _____"

Originating Agency Identifier: _____

SECTION 2.

The Uniform Rules Committee of the Council of Superior Court Judges is authorized to promulgate a standardized noncodified form for the issuance of any protective order in this state. Such standardized noncodified form for protection orders shall contain, at a minimum, all information required for entry of protection orders into the Georgia Protection Order Registry and NCIC Protection Order File.

SECTION 3.

This Act shall become effective on July 1, 2001; provided, however, that for purposes of promulgating standardized forms for the issuance of protective orders, Section 2 of this Act shall become effective upon the signature of the Governor or upon this Act becoming law without such signature.

SECTION 4.

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