

HOUSE SUBSTITUTE TO SB 57:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"ARTICLE 4

19-13-50.

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

19-13-51.

As used in this article, the term:

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

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

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

(4) 'Law enforcement officer' means any agent or officer of this state, or a political subdivision or municipality thereof, who, as a full-time or part-time employee, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws and whose duties include the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime. Such term also includes the following: state or local officer, sheriff, deputy sheriff, dispatcher, 911 operator, police officer, prosecuting attorney, member of the State Board of Pardons and Paroles, a hearing officer and parole officer of the State Board of Pardons and Paroles, and a probation officer of the Department of Corrections.

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

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

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

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

19-13-52.

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

(b) The registry shall be maintained by the Georgia Crime Information Center. The Georgia Commission on Family Violence may consult with the Georgia Crime Information

Center regarding the effectiveness of the registry in enhancing the safety of victims of domestic violence and stalking.

(c) The registry shall include a complete and systematic record and index of all valid protective orders and modifications thereof. Law enforcement officers and the courts shall have access to the registry. The Georgia Crime Information Center shall implement a daily process of purging protective orders and names of parties from the registry upon expiration or dismissal of protective orders and shall maintain purged protective orders and names in a separate archived file in the registry that shall be available only to the courts.

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

19-13-53.

(a) The courts of this state shall use a standardized form or forms for the issuance of any protective order. The form or forms shall be promulgated by the Uniform Superior Court Rules. The standardized form or forms for protective orders shall be in conformity with the provisions of this Code, shall be subject to the approval of the Georgia Crime Information Center and the Georgia Superior Court Clerks' Cooperative Authority as to form and format, and shall contain, at a minimum, all information required for entry of protective orders into the registry and the National Crime Information Center Protection Order File. The Administrative Office of the Courts shall distribute the forms. A court may modify the standardized form to comply with the court's application of the law and facts to an individual case and shall delete or otherwise make inoperative any provision in the standardized form which is not supported by the evidence in the case.

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

(c) The Georgia Crime Information Center shall ensure that any protective order or modification thereof is entered in the registry within 24 hours of receipt of the protective order or modification from the clerk of court. The Georgia Crime Information Center shall ensure that protective orders that have expired or been terminated are purged from the registry within 24 hours of such expiration or termination. The inability to enter information for all data fields in the registry shall not delay the entry of available information.

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

19-13-54.

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

(b) Filing shall be without fee or cost.

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

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

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

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

19-13-55.

Any individual, agency, or court which obtains information from the registry shall keep such information or parts thereof confidential, and shall not disseminate or disclose such information, or parts thereof, except as authorized in this article or otherwise by law. Violation of this Code section shall be a misdemeanor.

19-13-56.

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

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

SECTION 2.

This Act shall become effective on July 1, 2001. The registry created by this Act shall become effective 180 days after the promulgation of the forms pursuant to Code Section 19-13-53.

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SECTION 3.

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