

Senate Bill 123

By: Senators Thompson of the 33rd and Tanksley of the 32nd

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to the family violence and stalking protective order registry, so as to clarify the use of standardized forms and a court's ability to modify the form; to specify the sheriff's duties with respect to updating and maintaining the registry; to provide for registry of foreign protective orders; 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.

Article 4 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to the family violence and stalking protective order registry, is amended by striking Code Section 19-13-53, relating to standardized forms and the timing and transmission of information and data entry, and inserting in lieu thereof the following:

"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~~ provide, at a minimum, all information which is necessary for entry of protective orders into the registry and the National Crime Information Center Protection Order file.

(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 sheriff's department is the only authority providing law enforcement services that shall have the capability to update and modify protective orders on the registry. The sheriff shall be responsible for the validation of all National Crime Information Center protective order entries made on its behalf by the superior court clerk's office in accordance with the validation steps established by the Georgia Crime Information Center and the National Crime Information Center. All registry entries shall be validated 90 days after the entry and shall continue to be validated every 12 months in accordance with the file retention schedule established by the National Crime Information Center. The sheriff shall respond to and confirm 'HIT' confirmation requests based upon the records maintained in the sheriff's office.

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

SECTION 2.

Said article is further amended by striking subsection (e) of Code Section 19-13-54, relating to foreign protective orders, and inserting in lieu thereof the following:

"(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."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

- 1
- SECTION 4.
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- All laws and parts of laws in conflict with this Act are repealed.