

House Bill 720

By: Representatives Jenkins of the 93rd and Buckner of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-5-23.1 of the Official Code of Georgia Annotated, relating to
2 battery, so as to define "conviction" for purposes of punishment of family violence battery;
3 to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Code Section 16-5-23.1 of the Official Code of Georgia Annotated, relating to battery, is
7 amended by striking subsection (f) and inserting in lieu thereof the following:

8 "(f) If the offense of battery is committed between past or present spouses, persons who
9 are parents of the same child, parents and children, stepparents and stepchildren, foster
10 parents and foster children, or other persons living or formerly living in the same
11 household, then such offense shall constitute the offense of family violence battery and
12 shall be punished as follows:

13 (1) Upon a first conviction of family violence battery, the defendant shall be guilty of
14 and punished for a misdemeanor; ~~and~~

15 (2) Upon a second or subsequent conviction of family violence battery against the same
16 or another victim, the defendant shall be guilty of a felony and shall be punished by
17 imprisonment for not less than one nor more than five years. In no event shall this
18 subsection be applicable to reasonable corporal punishment administered by a parent to
19 a child; ~~and~~

20 (3) As used in this subsection, the term 'conviction' means a plea of guilty, a finding of
21 guilt by a court of competent jurisdiction, the acceptance of a plea of nolo contendere, or
22 the affording of first offender treatment by a court of competent jurisdiction irrespective
23 of the pendency or availability of an appeal or an application for collateral relief."

24 style="text-align:center">**SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.