

Senate Bill 339

By: Senators Henson of the 41st, Stokes of the 43rd, Clay of the 37th, Squires of the 5th, Adelman of the 42nd and Levetan of the 40th

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 provide for local family violence fatality review committees; to
3 create the Georgia Family Violence Fatality Review Panel; to provide for definitions; to
4 provide for appointments, designation of representatives, and duties of family violence
5 fatality review committees; to provide for duties of other persons relating to family violence
6 fatalities; to provide for investigations, review, reports, and contents of reports; to provide
7 for the members of the Georgia Family Violence Fatality Review Panel and their terms,
8 compensation, expenses, and meetings; to provide for the application of provisions of law
9 relating to open meetings and inspection of public records; to prohibit certain disclosures;
10 to allow certain disclosures; to provide for construction; to provide for related matters; to
11 provide an effective date; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to family violence,
15 is amended by inserting a new article to be designated Article 5 to read as follows:

16 **"ARTICLE 5**

17 19-13-60.

18 As used in this article, the term:

19 (1) 'Approved family violence shelter' means a facility approved by the Department of
20 Human Resources for the purpose of receiving, on a temporary basis, persons who are
21 subject to family violence.

22 (2) 'Family violence' has the same meaning as set out in Code Section 19-13-1.

23 (3) 'Family violence fatality' means a homicide or suicide of an adult resulting from or
24 related to family violence.

1 (4) 'Fatality review committee' means a multidisciplinary, multiagency family violence
2 fatality review committee established for a circuit in accordance with Code Section
3 19-13-61.

4 (5) 'Investigation' in the context of a family violence fatality includes all of the
5 following:

6 (A) A post-mortem examination that may be limited to an external examination or may
7 include an autopsy;

8 (B) An inquiry by law enforcement agencies having jurisdiction into the circumstances
9 of the death, including a scene investigation and interview with the person who reported
10 the death and other persons with relevant information; and

11 (C) A review of information regarding the decedent and family from relevant agencies,
12 professionals, providers of medical care, and courts.

13 (6) 'Panel' means the Georgia Family Violence Fatality Review Panel established by
14 Code Section 19-13-62.

15 (7) 'Task force' means the Community Task Force on Family Violence established in
16 each circuit in accordance with Code Section 19-13-31.

17 19-13-61.

18 (a) The task force in each circuit shall establish a local multidisciplinary, multiagency
19 family violence fatality review committee, to be composed of, but not limited to, the
20 following members from the counties encompassed by the circuit:

21 (1) One or more medical examiners or coroners;

22 (2) The district attorney of each county;

23 (3) The solicitor-general of each state court in the circuit;

24 (4) One or more representatives of local law enforcement;

25 (5) The sheriff of each county;

26 (6) One or more physicians designated by one or more county health departments;

27 (7) One or more representatives of mental health organizations or service providers;

28 (8) A representative from each approved family violence shelter;

29 (9) One or more representatives of victim witness assistance programs;

30 (10) A representative from each magistrate court;

31 (11) A representative from each county Department of Family and Children Services;

32 (12) One or more representatives from probation or parole agencies; and

33 (13) A representative from each family violence intervention program.

34 (b) After the local fatality review committee is established, its members shall elect a
35 chairperson from the membership, who shall be responsible for ensuring that review

1 procedures are followed by all agencies. The committee may appoint such additional
2 members as necessary and proper to accomplish the purposes of the committee.

3 (c) It shall be the duty of any law enforcement officer, medical personnel, or other person
4 having knowledge of a family violence fatality to immediately notify the coroner or
5 medical examiner of the county where the body is found or the death occurs.

6 (d) When a county medical examiner or coroner receives information regarding any family
7 violence fatality, he or she shall within 48 hours of the death or receipt of the information
8 regarding the death notify the chairperson of the fatality review committee of the circuit
9 in which the decedent resided at the time of death.

10 (e) The district attorney shall notify the chairperson of the fatality review committee of the
11 judgment in any criminal trial relating to a family violence fatality.

12 (f) The chairperson shall convene the fatality review committee within 30 days of
13 receiving information regarding a suicide related to family violence and within 30 days
14 after a judgment in a criminal trial relating to a family violence fatality.

15 (g) The fatality review committee shall complete its review and prepare a report for each
16 family violence fatality within 30 days following the first meeting held relating to the
17 death. The report shall:

18 (1) State the circumstances leading up to death and the cause of death;

19 (2) State whether there had been any reports of family violence to law enforcement, the
20 Department of Family and Children Services, other agencies, or service providers;

21 (3) State whether any agency services had been sought or delivered to the family prior
22 to the circumstances leading to the death;

23 (4) State whether law enforcement or court intervention had ever been sought;

24 (5) Recount relevant information from interviews of family members and friends of the
25 decedent conducted by designated committee members;

26 (6) Identify services that were not available to the family that might have prevented the
27 fatality; and

28 (7) Include other data and findings as requested by the Georgia Family Violence Fatality
29 Review Panel.

30 (h) The fatality review committee shall transmit copies of its reports on fatalities to the
31 panel quarterly. Each fatality review committee shall annually make written
32 recommendations to the panel regarding actions for possible prevention of future family
33 violence fatalities.

34 19-13-62.

35 (a) There is created the Georgia Family Violence Fatality Review Panel.

36 (b) The panel's activities shall be supported by the State Commission on Family Violence.

- 1 (c) The panel shall be composed as follows:
- 2 (1) One district attorney appointed by the Governor;
- 3 (2) One solicitor-general appointed by the Governor;
- 4 (3) The chairperson and director of a state-wide coalition that serves victims of family
- 5 violence;
- 6 (4) One forensic pathologist appointed by the Governor;
- 7 (5) The chairperson of the Board of Human Resources;
- 8 (6) Three directors of approved family violence shelters appointed by the Governor;
- 9 (7) The director of the Georgia Crime Information Center;
- 10 (8) The chairperson of the Criminal Justice Coordinating Council;
- 11 (9) A member of the Georgia Senate appointed by the Lieutenant Governor;
- 12 (10) A member of the Georgia House of Representatives appointed by the Speaker of the
- 13 House of Representatives;
- 14 (11) A local law enforcement official appointed by the Governor;
- 15 (12) A superior court judge appointed by the Governor;
- 16 (13) A coroner or medical examiner appointed by the Governor;
- 17 (14) The chairperson and director of the State Commission on Family Violence;
- 18 (15) The director of the Division of Public Health of the Department of Human
- 19 Resources;
- 20 (16) A representative of a certified family violence intervention program appointed by
- 21 the Governor;
- 22 (17) A representative of the fatality review team of the Department of Family and
- 23 Children Services;
- 24 (18) A representative of Georgia Legal Services;
- 25 (19) A representative of the state-wide probation system;
- 26 (20) A representative of the State Board of Pardons and Paroles;
- 27 (21) A county sheriff appointed by the Governor;
- 28 (22) A representative of a nonprofit organization that serves victims of family violence
- 29 who are immigrants or refugees;
- 30 (23) One or more survivors of domestic violence;
- 31 (24) The chairperson of The Council of Superior Court Judges;
- 32 (25) The director of the Institute of Continuing Judicial Education; and
- 33 (26) One or more child protective services workers appointed by the Department of
- 34 Human Resources.
- 35 (d) The panel shall elect a chairperson.

1 (e)(1) All appointed members shall be appointed for terms of two years beginning on
2 July 1 of the year appointed and shall serve until their respective successors are appointed
3 and qualified.

4 (2) All ex officio members shall serve during the time such persons hold the offices or
5 positions specified in this Code section.

6 (3) Members of the General Assembly shall serve for terms of office concurrent with
7 their terms of office as members of the General Assembly.

8 (4) Vacancies in the membership of the panel shall be filled in the same manner as the
9 original appointment for the unexpired term of office.

10 (f) The panel shall meet quarterly to review the reports of local review committees.

11 (g) The purpose of the panel is to recommend measures to increase safety for victims of
12 domestic violence and decrease the incidence of death from family violence by undertaking
13 all of the following duties:

14 (1) Identifying factors which place a person at risk for death from family violence;

15 (2) Collecting and sharing information among state agencies which provide services to
16 persons subject to family violence;

17 (3) Making suggestions and recommendations to appropriate participating agencies
18 regarding improving coordination of services and investigations;

19 (4) Identifying relevant trends;

20 (5) Reviewing each report from local family violence fatality review committees. The
21 chairperson may call a special meeting of the panel to review any report when the
22 chairperson has concluded the report warrants expedited review and has been requested
23 by the submitting local review committee to make such expedited review;

24 (6) Providing training and written materials to the local review committees to assist them
25 in carrying out their duties and establishing procedures for the conduct of fatality reviews
26 by local committees;

27 (7) Monitoring the operations of local review committees to determine training needs
28 and service gaps. If the panel determines that changes to any statute, regulation, or policy
29 is needed to decrease the risk of death from family violence, it shall propose and
30 recommend such changes in its annual report; and

31 (8) Developing and implementing such procedures and policies as are necessary for its
32 own operation.

33 (h) By December 1 of each calendar year, the panel shall submit a report to the Governor,
34 the Lieutenant Governor, and the Speaker of the House of Representatives regarding the
35 prevalence and circumstances of family violence fatalities in the state; recommend
36 measures to reduce such fatalities; and address in the report the following issues:

37 (1) Whether the deaths could have been prevented;

- 1 (2) Whether the families were known to any state or local agency;
 2 (3) The actions, if any, taken by any state or local agency or court;
 3 (4) Whether any referral should have been made to a law enforcement agency which was
 4 not made;
 5 (5) Whether agency or court intervention could have prevented the deaths; and
 6 (6) Whether policy, procedural, regulatory, or statutory changes are called for as a result
 7 of these findings.

8 19-13-63.

9 A review committee in the exercise of its duties shall be closed to the public and shall not
 10 be subject to Chapter 14 of Title 50, relating to open meetings.

11 19-13-64.

12 (a) Records and other documents which are made public records pursuant to any other
 13 provisions of law shall remain public records notwithstanding their being obtained,
 14 considered, or both, by a review committee or the panel.

15 (b) Notwithstanding any other provision of law to the contrary, reports of a review
 16 committee made pursuant to Code Section 19-13-61 and reports of the panel made pursuant
 17 to Code Section 19-13-62 shall be public records and shall be released to any person
 18 making a request therefor but the panel or review committee having possession of such
 19 records or reports shall only release them after expunging therefrom all information
 20 contained therein which would permit identifying the decedent, any family member of the
 21 decedent, any alleged or suspected perpetrator of family violence, or any reporter of
 22 suspected family violence.

23 (c) Statistical compilations of data by a review committee or the panel based upon
 24 information received thereby and containing no information which would permit the
 25 identification of any person shall be public records. The panel shall not create any written
 26 record that identifies any decedent, family member of a decedent, any alleged or suspected
 27 perpetrator of family violence, or any reporter of suspected family violence.

28 (d) Members of a review committee or the panel shall not disclose what transpires at any
 29 meeting nor disclose any information the disclosure of which is prohibited by this Code
 30 section, except to carry out the purposes of this article. Any person who knowingly violates
 31 this subsection shall be guilty of a misdemeanor.

32 (e) A person who is a member of a review committee or the panel shall not be questioned
 33 in any civil or criminal proceeding regarding opinions formed by or confidential
 34 information obtained by such person as a result of serving as a member of any such body.
 35 This subsection shall not be construed to prohibit any person from testifying regarding

1 information obtained independently of a review committee or the panel. In any proceeding
2 in which testimony of such a member is offered, the court shall first determine the source
3 of such witness's knowledge.

4 (f) Except as otherwise provided in this Code section, information acquired by and records
5 of a review committee or the panel shall be confidential, shall not be disclosed, and shall
6 not be subject to Article 4 of Chapter 18 of Title 50, relating to open records, or subject to
7 subpoena, discovery, or introduction into evidence in any civil or criminal proceeding.

8 (g) A member of a review committee or the panel shall not be civilly or criminally liable
9 for any disclosure of information made by such member as authorized by this Code section.

10 (h) Members of the review committee, persons attending a review committee meeting, and
11 persons who present information to a review committee may release information to such
12 government agencies as is necessary for the purpose of carrying out assigned review
13 committee duties.

14 19-13-65.

15 Nothing in this article shall be construed to authorize or require the inspection of any
16 records or the release of any information if that inspection or release would result in the
17 loss of any federal funds to the state."

18 **SECTION 2.**

19 This Act shall become effective on July 1, 2004.

20 **SECTION 3.**

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