

The Senate Judiciary Committee offered the following substitute to HB 722:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 5 of Title 16 and Chapter 13 of Title 19 of the Official Code
2 of Georgia Annotated, relating respectively to stalking and family violence, so as to create
3 a new offense relative to violating family violence orders and clarify penalties; to change the
4 duration of temporary protective orders; to provide for penalties; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7
8 Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
9 stalking, is amended by adding a new Code section to the end of the article to read as
10 follows:

11 "16-5-95.

12 (a) A person commits the offense of violating a family violence order when the person
13 knowingly and in a nonviolent manner violates the terms of a family violence temporary
14 restraining order, temporary protective order, permanent restraining order, or permanent
15 protective order issued against that person pursuant to Article 1 of Chapter 13 of Title 19,
16 which:

17 (1) Excludes, evicts, or excludes and evicts the person from a residence or household;

18 (2) Directs the person to stay away from a residence, workplace, or school;

19 (3) Restrains the person from approaching within a specified distance of another person;

20 or

21 (4) Restricts the person from having any contact, direct or indirect, by telephone, pager,
22 facsimile, e-mail, or any other means of communication with another person, except as
23 specified in the order.

24 (b) Any person convicted of a violation of subsection (a) of this Code section shall be
25 guilty of a misdemeanor.

26 (c) Nothing contained in this Code section shall prohibit a prosecution for the offense of
27 stalking or aggravated stalking that arose out of the same course of conduct; provided,

1 however, that, for purposes of sentencing, a violation of this Code section shall be merged
 2 with a violation of any provision of Code Section 16-5-90 or 16-5-91 that arose out of the
 3 same course of conduct."

4 SECTION 2.

5 Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to family violence,
 6 is amended by striking subsection (c) of Code Section 19-13-4, relating to protective orders
 7 and consent agreements, issuance, expiration, and enforcement, and inserting in lieu thereof
 8 the following:

9 "(c) Any ~~such orders~~ order granted under this Code section shall ~~not~~ remain in effect for
 10 ~~more than six months~~ up to one year; provided, however, that upon the motion of a
 11 petitioner and notice to the respondent and after a hearing, the court in its discretion may
 12 convert a temporary order granted under this Code section to an order effective for not
 13 more than three years or to a permanent order."

14 SECTION 3.

15 Said chapter is further amended by striking Code Section 19-13-6, relating to penalties for
 16 violating certain family violence protective orders, and inserting in lieu thereof the following:

17 "19-13-6.

18 (a) A violation of an order issued pursuant to this article may be punished by an action for
 19 contempt or criminally punished as provided in Article 7 of Chapter 5 of Title 16.

20 (b) ~~Any person who violates the provisions of a domestic violence order which excludes,~~
 21 ~~evicts, or excludes and evicts that person from a residence or household shall be guilty of~~
 22 ~~a misdemeanor."~~

23 SECTION 4.

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