

House Bill 1259

By: Representatives Burmeister of the 96<sup>th</sup>, Smith of the 87<sup>th</sup>, Randall of the 107<sup>th</sup>, Rynders of the 137<sup>th</sup>, Manning of the 32<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes  
2 against the person, so as to require that the photographs of certain persons convicted of  
3 certain assaults and batteries involving family violence and stalking and aggravated stalking  
4 offenses shall be published in the legal organ of the county in which such person is  
5 convicted; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against  
9 the person, is amended by adding a new subsection (f) to Code Section 16-5-20, relating to  
10 simple assault, to read as follows:

11 "(f)(1) The clerk of the court in which a person is convicted of a second or subsequent  
12 violation of this Code section and is sentenced pursuant to subsection (d) of this Code  
13 section shall cause to be published a notice of conviction for such person. Such notice  
14 of conviction shall be published in the manner of legal notices in the legal organ of the  
15 county in which such person resides or, in the case of nonresidents, in the legal organ of  
16 the county in which the person was convicted. Such notice of conviction shall be one  
17 column wide by two inches long and shall contain the photograph taken by the arresting  
18 law enforcement agency at the time of arrest, the name and address of the convicted  
19 person, and the date, time, place of arrest, and disposition of the case and shall be  
20 published once in the legal organ of the appropriate county in the second week following  
21 such conviction or as soon thereafter as publication may be made.

22 (2) The convicted person for which a notice of conviction is published pursuant to this  
23 subsection shall be assessed \$25.00 for the cost of publication of such notice and such  
24 assessment shall be imposed at the time of conviction in addition to any other fine  
25 imposed.

(3) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided that such publication was made in good faith."

## **SECTION 2.**

Said chapter is further amended by adding a new subsection (i) to Code Section 16-5-23, relating to simple battery, to read as follows:

"(i)(1) The clerk of the court in which a person is convicted of a second or subsequent violation of this Code section and is sentenced pursuant to subsection (f) of this Code section shall cause to be published a notice of conviction for such person. Such notice of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of nonresidents, in the legal organ of the county in which the person was convicted. Such notice of conviction shall be one column wide by two inches long and shall contain the photograph taken by the arresting law enforcement agency at the time of arrest, the name and address of the convicted person, and the date, time, place of arrest, and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made.

(2) The convicted person for which a notice of conviction is published pursuant to this subsection shall be assessed \$25.00 for the cost of publication of such notice and such assessment shall be imposed at the time of conviction in addition to any other fine imposed.

(3) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided that such publication was made in good faith."

## **SECTION 3.**

Said chapter is further amended by adding a new subsection (m) to Code Section 16-5-23.1, relating to battery, to read as follows:

"(m)(1) The clerk of the court in which a person is convicted of a second or subsequent violation of subsection (f) of this Code section shall cause to be published a notice of conviction for such person. Such notice of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of nonresidents, in the legal organ of the county in which the person was convicted. Such notice of conviction shall be one column wide by two inches long and shall contain

1 the photograph taken by the arresting law enforcement agency at the time of arrest, the  
2 name and address of the convicted person, and the date, time, place of arrest, and  
3 disposition of the case and shall be published once in the legal organ of the appropriate  
4 county in the second week following such conviction or as soon thereafter as publication  
5 may be made.

6 (2) The convicted person for which a notice of conviction is published pursuant to this  
7 subsection shall be assessed \$25.00 for the cost of publication of such notice and such  
8 assessment shall be imposed at the time of conviction in addition to any other fine  
9 imposed.

10 (3) The clerk of the court, the publisher of any legal organ which publishes a notice of  
11 conviction, and any other person involved in the publication of an erroneous notice of  
12 conviction shall be immune from civil or criminal liability for such erroneous publication,  
13 provided that such publication was made in good faith."

#### 14 **SECTION 4.**

15 Said chapter is further amended by adding a new subsection (e) to Code Section 16-5-90,  
16 relating to stalking, to read as follows:

17 "(e)(1) The clerk of the court in which a person is convicted of a second or subsequent  
18 violation of this Code section shall cause to be published a notice of conviction for such  
19 person. Such notice of conviction shall be published in the manner of legal notices in the  
20 legal organ of the county in which such person resides or, in the case of nonresidents, in  
21 the legal organ of the county in which the person was convicted. Such notice of  
22 conviction shall be one column wide by two inches long and shall contain the photograph  
23 taken by the arresting law enforcement agency at the time of arrest, the name and address  
24 of the convicted person, and the date, time, place of arrest, and disposition of the case and  
25 shall be published once in the legal organ of the appropriate county in the second week  
26 following such conviction or as soon thereafter as publication may be made.

27 (2) The convicted person for which a notice of conviction is published pursuant to this  
28 subsection shall be assessed \$25.00 for the cost of publication of such notice and such  
29 assessment shall be imposed at the time of conviction in addition to any other fine  
30 imposed.

31 (3) The clerk of the court, the publisher of any legal organ which publishes a notice of  
32 conviction, and any other person involved in the publication of an erroneous notice of  
33 conviction shall be immune from civil or criminal liability for such erroneous publication,  
34 provided that such publication was made in good faith."

**SECTION 5.**

Said chapter is further amended by adding a new subsection (c) to Code Section 16-5-91, relating to aggravated stalking, to read as follows:

"(c)(1) The clerk of the court in which a person is convicted of a second or subsequent violation of this Code section shall cause to be published a notice of conviction for such person. Such notice of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of nonresidents, in the legal organ of the county in which the person was convicted. Such notice of conviction shall be one column wide by two inches long and shall contain the photograph taken by the arresting law enforcement agency at the time of arrest, the name and address of the convicted person, and the date, time, place of arrest, and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made.

(2) The convicted person for which a notice of conviction is published pursuant to this subsection shall be assessed \$25.00 for the cost of publication of such notice and such assessment shall be imposed at the time of conviction in addition to any other fine imposed.

(3) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided that such publication was made in good faith."

**SECTION 6.**

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