

The House Committee on Special Judiciary offers the following substitute to HB 1259:

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 third violation of
12 subsection (d) of this Code section within a five-year period of time, as measured from
13 the dates of previous arrests for which convictions were obtained or pleas of nolo
14 contendere were accepted to the date of the current arrest for which a conviction is
15 obtained or a plea of nolo contendere is accepted, shall cause to be published a notice of
16 conviction for such person. Such notice of conviction shall be published in the manner
17 of legal notices in the legal organ of the county in which such person resides or, in the
18 case of nonresidents, in the legal organ of the county in which the person was convicted.
19 Such notice of conviction shall be one column wide by two inches long and shall contain
20 the photograph taken by the arresting law enforcement agency at the time of arrest, the
21 name and address of the convicted person, and the date, time, place of arrest, and
22 disposition of the case and shall be published once in the legal organ of the appropriate
23 county in the second week following such conviction or as soon thereafter as publication
24 may be made.

25 (2) The convicted person for which a notice of conviction is published pursuant to this
26 subsection shall be assessed \$25.00 for the cost of publication of such notice and such

1 assessment shall be imposed at the time of conviction in addition to any other fine
2 imposed.

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

7 **SECTION 2.**

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

10 "(i)(1) The clerk of the court in which a person is convicted of a third violation of
11 subsection (f) of this Code section within a five-year period of time, as measured from
12 the dates of previous arrests for which convictions were obtained or pleas of nolo
13 contendere were accepted to the date of the current arrest for which a conviction is
14 obtained or a plea of nolo contendere is accepted, shall cause to be published a notice of
15 conviction for such person. Such notice of conviction shall be published in the manner
16 of legal notices in the legal organ of the county in which such person resides or, in the
17 case of nonresidents, in the legal organ of the county in which the person was convicted.
18 Such notice of conviction shall be one column wide by two inches long and shall contain
19 the photograph taken by the arresting law enforcement agency at the time of arrest, the
20 name and address of the convicted person, and the date, time, place of arrest, and
21 disposition of the case and shall be published once in the legal organ of the appropriate
22 county in the second week following such conviction or as soon thereafter as publication
23 may be made.

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

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

32 **SECTION 3.**

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

1 be published once in the legal organ of the appropriate county in the second week
2 following such conviction or as soon thereafter as publication may be made.

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

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

11 SECTION 5.

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

14 "(c)(1) The clerk of the court in which a person is convicted of a third violation of this
15 Code section within a five-year period of time, as measured from the dates of previous
16 arrests for which convictions were obtained or pleas of nolo contendere were accepted
17 to the date of the current arrest for which a conviction is obtained or a plea of nolo
18 contendere is accepted, shall cause to be published a notice of conviction for such person.
19 Such notice of conviction shall be published in the manner of legal notices in the legal
20 organ of the county in which such person resides or, in the case of nonresidents, in the
21 legal organ of the county in which the person was convicted. Such notice of conviction
22 shall be one column wide by two inches long and shall contain the photograph taken by
23 the arresting law enforcement agency at the time of arrest, the name and address of the
24 convicted person, and the date, time, place of arrest, and disposition of the case and shall
25 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."

- 1 **SECTION 6.**
- 2 All laws and parts of laws in conflict with this Act are repealed.