

House Bill 1259 (COMMITTEE SUBSTITUTE) (AM)

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 amend Code Section 42-1-12 of the Official Code of Georgia Annotated,  
6 relating to the state sexual offender registry, so as to require that the photograph of a person  
7 who is convicted of certain crimes for which such person is required to register as a sexual  
8 offender shall be published in the legal organ of the county in which such person was  
9 convicted; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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

1 county in the second week following such conviction or as soon thereafter as publication  
2 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 2.

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

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

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

32 (3) The clerk of the court, the publisher of any legal organ which publishes a notice of  
33 conviction, and any other person involved in the publication of an erroneous notice of  
34 conviction shall be immune from civil or criminal liability for such erroneous publication,  
35 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 third violation of subsection (f) of this Code section within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, 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 4.**

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

"(e)(1) The clerk of the court in which a person is convicted of a third violation of this Code section within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, 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

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

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

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

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

34 (3) The clerk of the court, the publisher of any legal organ which publishes a notice of  
35 conviction, and any other person involved in the publication of an erroneous notice of

1 conviction shall be immune from civil or criminal liability for such erroneous publication,  
2 provided that such publication was made in good faith."

3 **SECTION 6**

4 Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the state sexual  
5 offender registry, is amended by adding a new subsection (n) to read as follows:

6 "(n)(1) The clerk of the court in which a person is convicted of a crime for which such  
7 person is required to register under this Code section shall cause to be published a notice  
8 of conviction for such person. Such notice of conviction shall be published in the manner  
9 of legal notices in the legal organ of the county in which such person resides or, in the  
10 case of nonresidents, in the legal organ of the county in which the person was convicted.  
11 Such notice of conviction shall be one column wide by two inches long and shall contain  
12 the photograph taken by the arresting law enforcement agency at the time of arrest, the  
13 name and address of the convicted person, and the date, time, place of arrest, and  
14 disposition of the case and shall be published once in the legal organ of the appropriate  
15 county in the second week following such conviction or as soon thereafter as publication  
16 may be made.

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

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

25 **SECTION 7.**

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