

House Bill 755

By: Representatives England of the 108th, Benton of the 31st, Miller of the 106th, Ralston of the 7th, and Bearden of the 68th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-13-4 of the Official Code of Georgia Annotated, relating to
2 family violence protective orders, so as to provide that such orders shall prohibit the
3 petitioner from modifying the operation of the order or permitting, inviting, or encouraging
4 the respondent to violate the order; to prohibit certain communications by petitioners; to
5 provide for punishment of a petitioner who commits such actions; to provide for related
6 matters; to amend Part 2 of Article 4 of Chapter 6 of Title 17 of the Official Code of Georgia
7 Annotated, relating to bonds to keep the peace, so as to provide that when an order for a bond
8 with special conditions is issued, the court shall prohibit the person requiring the bond from
9 permitting, inviting, or encouraging the respondent to violate the conditions of the bond and
10 provide for enforcement through the court's contempt power; to prohibit certain
11 communications by the person requiring the bond; to provide for related matters; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Code Section 19-13-4 of the Official Code of Georgia Annotated, relating to family violence
16 protective orders, is amended by adding at its end a new subsection (e) to read as follows:
17 "(e) In addition to any relief ordered against the respondent, any order or consent
18 agreement shall contain a provision directed to the petitioner instructing the petitioner that
19 the petitioner has no authority to modify the operation of the order or permit, invite, or
20 encourage the respondent to violate the order. If the order contains provisions prohibiting
21 the respondent from communicating with the petitioner or limiting the time or manner of
22 communication by the respondent with the petitioner, it shall contain like provisions
23 directed to the petitioner. The order shall inform the petitioner that he or she will be subject
24 to punishment as provided by law if he or she: attempts to modify the operation of the
25 order; willingly permits or invites or encourages the respondent to violate the order; or
26 communicates with the respondent in violation of the order. A petitioner shall be subject

1 to punishment for contempt of court if he or she: attempts to modify the operation of the
 2 order; willingly permits or invites or encourages the respondent to violate the order; or
 3 communicates with the respondent in violation of the order. As an illustration of the
 4 foregoing, but not a limitation, a petitioner shall be in violation of the order if:

5 (1) The petitioner willingly permits, invites, or encourages the respondent to commit any
 6 act prohibited by the order;

7 (2) The petitioner willingly permits, invites, or encourages the respondent to visit or
 8 remain in the residence or household of the parties after issuance of an order excluding
 9 the respondent from the residence or household;

10 (3) The petitioner willingly permits, invites, or encourages the respondent to violate the
 11 terms of any provision of the order relating to child custody or visitation; or

12 (4) The petitioner informs the respondent that the respondent does not have to make
 13 court ordered payments."

14 SECTION 2.

15 Part 2 of Article 4 of Chapter 6 of the Official Code of Georgia Annotated, relating to bonds
 16 to keep the peace, is amended by adding at its end a new Code Section 17-6-115 to read as
 17 follows:

18 "17-6-115.

19 Where a bond to keep the peace is issued and the bond contains any special conditions, the
 20 court shall inform the person who required the bond that such person has no authority to
 21 modify the operation of the bond conditions or permit or invite or encourage the respondent
 22 to violate the bond conditions. If the bond contains conditions prohibiting the respondent
 23 from communicating with the person who required the bond or limiting the time or manner
 24 of communication by the respondent with the person who required the bond, it shall contain
 25 like conditions directed to the person who required the bond. The court shall inform such
 26 person that he or she will be subject to punishment for contempt of court if he or she:
 27 attempts to modify the operation of the bond conditions; willingly permits or invites or
 28 encourages the respondent to violate the bond conditions; or communicates with the
 29 respondent in violation of the bond conditions. Such person shall be subject to punishment
 30 for contempt of court if he or she: attempts to modify the operation of the bond conditions;
 31 willingly permits or invites or encourages the respondent to violate the bond conditions;
 32 or communicates with the respondent in violation of the bond conditions."

33 SECTION 3.

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