

House Bill 1240

By: Representative McKillip of the 115th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-5-95 of the Official Code of Georgia Annotated, relating to the
2 offense of violating a family violence order and penalty, so as to provide for the offense of
3 violating a special condition of pretrial release; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 16-5-95 of the Official Code of Georgia Annotated, relating to the offense of
8 violating family violence order and penalty, is amended by revising subsection (a) as follows:

9 "(a) A person commits the offense of:

10 (1) Violating ~~violating~~ a family violence order when the such person knowingly and in
11 a nonviolent manner violates the terms of a family violence temporary restraining order,
12 temporary protective order, permanent restraining order, or permanent protective order
13 issued against ~~that~~ such person pursuant to Article 1 of Chapter 13 of Title 19, ~~which~~
14 when such order:

15 ~~(1)(A)~~ (A) Excludes, evicts, or excludes and evicts ~~the~~ such person from a residence or
16 household;

17 ~~(2)(B)~~ (B) Directs ~~the~~ such person to stay away from a residence, workplace, or school;

18 ~~(3)(C)~~ (C) Restrains ~~the~~ such person from approaching within a specified distance of
19 another person; or

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

23 (2) Violating a family violence special condition of pretrial release order when such
24 person, having been arrested for family violence, as such term is defined in Code Section
25 19-13-1, and having been subject to special conditions of pretrial release, knowingly and

1 in a nonviolent manner violates the terms of such person's special conditions of pretrial
2 release when such order:
3 (A) Excludes, evicts, or excludes and evicts such person from a residence or
4 household;
5 (B) Directs such person to stay away from a residence, workplace, or school;
6 (C) Restrains such person from approaching within a specified distance of another
7 person; or
8 (D) Restricts such person from having any contact, direct or indirect, by telephone,
9 pager, facsimile, e-mail, or any other means of communication with another person,
10 except as specified in the order."

11 **SECTION 2.**

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