

House Bill 433

By: Representative McKillip of the 115th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to the crime of stalking, so as to provide for the crime of violating a condition of a
3 family violence court order; to provide for a definition; to specify criminal conduct; to
4 provide for criminal penalties; to provide for applicability and merger of violations; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to the
9 crime of stalking, is amended by adding a new Code section to read as follows:

10 "16-5-95.1.

11 (a) As used in this Code section, the term 'family violence court order' means any order
12 of pretrial release, bond for good behavior posted pursuant to Code Section 17-6-90, bond
13 to keep the peace posted pursuant to Code Section 17-6-110, or order of probation issued
14 as a result of an act or allegation of family violence as defined by Code Section 19-13-1.

15 (b) A person commits the offense of violating a condition of a family violence court order
16 when such person knowingly and intentionally violates a condition of a family violence
17 court order issued against that person and the condition violated:

18 (1) Excludes, evicts, or excludes and evicts the person from a residence or household;

19 (2) Directs the person to stay away from a residence, workplace, or school;

20 (3) Restrains the person from approaching within a specified distance of another person;

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

24 (5) Restricts the person from following or placing another person under surveillance; or

25 (6) Restricts the person from having any harassing, intimidating, or violent contact with
26 another person.

27 (c) Any person convicted of a violation of subsection (b) of this Code section shall be
28 guilty of a misdemeanor.
29 (d) Nothing contained in this Code section shall prohibit a prosecution for the offense of
30 stalking or aggravated stalking that arose out of the same course of conduct; provided,
31 however, that, for purposes of sentencing, a violation of this Code section shall be merged
32 with a violation of any provision of Code Section 16-5-90 or 16-5-91 that arose out of the
33 same course of conduct."

34 **SECTION 2.**

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