

House Bill 342

By: Representatives McKillip of the 115th, Lindsey of the 54th, Evans of the 40th, and Houston of the 170th

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 stalking, so as to define "family violence order"; to provide for related matters;
3 to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
7 stalking, is amended by revising Code Section 16-5-95, relating to the offense of violating
8 a family violence order, as follows:

9 "16-5-95.

10 (a) As used in this Code section, the term:

11 (1) 'Family violence' shall have the same meaning as set forth in Code Section 19-13-1.

12 (2) 'Family violence order' means:

13 (A) Any temporary restraining order, temporary protective order, permanent
14 restraining order, or permanent protective order issued pursuant to Article 1 of Chapter
15 13 of Title 19; or

16 (B) Any order of pretrial release, bond for good behavior posted pursuant to Code
17 Section 17-6-90, bond to keep the peace posted pursuant to Code Section 17-6-110, or
18 order of probation issued as a result of an act or allegation of family violence.

19 (b) A person commits the offense of violating a family violence order when ~~the~~ such
20 person knowingly and in a nonviolent manner violates the terms of a family violence
21 ~~temporary restraining order, temporary protective order, permanent restraining order, or~~
22 ~~permanent protective order issued against that person pursuant to Article 1 of Chapter 13~~
23 ~~of Title 19~~, which:

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

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

26 (3) Restrains the person from approaching within a specified distance of another person;
27 or
28 (4) Restricts the person from having any contact, direct or indirect, by telephone, pager,
29 facsimile, e-mail, or any other means of communication with another person, except as
30 specified in the order.

31 ~~(b)~~(c) Any person convicted of a violation of subsection ~~(a)~~(b) of this Code section shall
32 be guilty of a misdemeanor.

33 ~~(e)~~(d) Nothing contained in this Code section shall prohibit a prosecution for the offense
34 of stalking or aggravated stalking that arose out of the same course of conduct; provided,
35 however, that, for purposes of sentencing, a violation of this Code section shall be merged
36 with a violation of any provision of Code Section 16-5-90 or 16-5-91 that arose out of the
37 same course of conduct."

38

SECTION 2.

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