

The House Committee on Judiciary Non-civil offers the following substitute to HB 342:

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;

16 (B) Any order of pretrial release issued as a result of an arrest for an act of family  
17 violence; or

18 (C) Any order for probation issued as a result of a conviction or plea of guilty, nolo  
19 contendere, or first offender to an act of family violence.

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

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

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

27 (3) Restrains the person from approaching within a specified distance of another person;  
28 or

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

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

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

39 **SECTION 2.**

40 All laws and parts of laws in conflict with this Act are repealed.