

The House Committee on Judiciary offers the following substitute to SB 52:

A BILL TO BE ENTITLED
AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to require marshals, constables, and sheriffs to notify protected persons upon the service of certain protective orders; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by adding a new Code section to read as follows:

"15-10-104.1.

(a) At the time a restraining order, protective order, injunction, or similar court order relating to harassment, workplace violence, domestic violence, stalking, or elder abuse is issued, the court shall notify the person requesting protection of his or her option to be notified as provided in this Code section. After such order is served by a marshal or constable, such marshal or constable shall notify the protected person by electronic or telephonic means that the order has been served on the restrained person; provided, however, that notification shall only be required if the protected person has requested notification and has provided a telephone number or e-mail address to the marshal or constable for purposes of notification. The notification required by this Code section shall be made within 24 hours following the service of the order and shall include the date and time when the order was served.

(b) If the person requesting notification provides one method of notification, the person serving the order shall make contact in that manner; provided, however, that if the notification method is by telephone and voice mail is not available, the person serving the order shall only be required to make two efforts to provide such notification in order to satisfy the provisions of this Code section.

(c) If the person requesting notification provides two methods of notification, the person serving the order shall determine the most expeditious notification method with a preference in the following order of priority:

- (1) Speaking with the person requesting notification;
- (2) Leaving a voice mail message for the person requesting notification;
- (3) E-mailing the person requesting notification; and
- (4) Making two efforts to telephone the person requesting notification."

SECTION 2.

Said title is further amended by revising Code Section 15-16-17, which is reserved, as follows:

"15-16-17.

~~Reserved.~~

(a) At the time a restraining order, protective order, injunction, or similar court order relating to harassment, workplace violence, domestic violence, stalking, or elder abuse is issued, the court shall notify the person requesting such order of his or her option to be notified as provided in this Code section. After such order is served by a sheriff or deputy sheriff, the sheriff shall notify the protected person by electronic or telephonic means that the order has been served on the restrained person; provided, however, that notification shall only be required if the protected person has requested notification and has provided a telephone number or e-mail address to the sheriff for purposes of notification. The notification required by this Code section shall be made within 24 hours following the service of the order and shall include the date and time when the order was served.

(b) If the person requesting notification provides one method of notification, the person serving the order shall make contact in that manner; provided, however, that if the notification method is by telephone and voice mail is not available, the person serving the order shall only be required to make two efforts to provide such notification in order to satisfy the provisions of this Code section.

(c) If the person requesting notification provides two methods of notification, the person serving the order shall determine the most expeditious notification method with a preference in the following order of priority:

- (1) Speaking with the person requesting notification;
- (2) Leaving a voice mail message for the person requesting notification;
- (3) E-mailing the person requesting notification; and
- (4) Making two efforts to telephone the person requesting notification."

60 **SECTION 3.**

61 This Act shall become effective on July 1, 2012.

62 **SECTION 4.**

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