

Senate Bill 193

By: Senators Bethel of the 54th, Stone of the 23rd, Kennedy of the 18th, Parent of the 42nd, Unterman of the 45th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-5-23.1 of the Official Code of Georgia Annotated, relating to
2 battery, so as to change penalty provisions relating to family violence battery; to provide for
3 a definition; to provide for related matters; 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 Code Section 16-5-23.1 of the Official Code of Georgia Annotated, relating to battery, is
7 amended by revising subsection (f) as follows:

8 "(f)(1) As used in this subsection, the term 'household member' means ~~If the offense of~~
9 ~~battery is committed between~~ past or present spouses, persons who are parents of the
10 same child, parents and children, stepparents and stepchildren, foster parents and foster
11 children, or other persons living or formerly living in the same household; ~~then such~~
12 ~~offense.~~

13 (2) If the offense of battery is committed between household members, it shall constitute
14 the offense of family violence battery and shall be punished as follows:

15 ~~(1)(A)~~ (A) Upon a first conviction of family violence battery, the defendant shall be guilty
16 of and punished for a misdemeanor; provided, however, that if the defendant has
17 previously been convicted of a felony committed between household members under
18 the laws of this state, of the United States, including the laws of its territories,
19 possessions or dominions, or any of the several states, or of any foreign nation
20 recognized by the United States, which if committed in this state would have
21 constituted a felony committed between household members, he or she shall be guilty
22 of a felony and shall be punished by imprisonment for not less than one nor more than
23 five years; and

24 ~~(2)(B)~~ (B) Upon a second or subsequent conviction of family violence battery against the
25 same or another victim, the defendant shall be guilty of a felony and shall be punished
26 by imprisonment for not less than one nor more than five years.

