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The Senate Committee on Judiciary Non-Civil offers the following substitute to HB 452:

A BILL TO BE ENTITLED AN ACT

To amend Article 4 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated,

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2	relating to the Family Violence and Stalking Protective Order Registry, so as to provide for
3	registration of pretrial release orders that prohibit contact with others issued in this state and
4	in foreign courts; to revise the short title; to revise definitions; to provide for conforming
5	references to the defined terms; to provide for related matters; to repeal conflicting laws; and
6	for other purposes.
7	BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:
8	SECTION 1.
9	Article 4 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to the
10	Family Violence and Stalking Protective Order Registry, is amended by revising Code
11	Section 19-13-50, relating to the short title, as follows:
12	"19-13-50.
13	This article shall be known and may be cited as the 'Family Violence and Stalking
14	Protective Order Registry Act."
15	SECTION 2.
16	Said article is further amended by revising paragraphs (3), (5), and (7) of Code Section
17	19-13-51, relating to definitions, as follows:
18	"(3) 'Foreign protective order' means any temporary protective order of protection,
19	protective order of protection, restraining order, or injunction, pretrial release order, or
20	sentencing order that prohibits contact, acts of family violence, or stalking or both issued
21	by a foreign court of competent jurisdiction in another state, territory, or tribal
22	jurisdiction in the United States."
23	"(5) 'Modification' means any amendment, dismissal, or continuance of a protective
24	order."

"(7) 'Protective order' means any:

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26 (A) An ex parte, temporary, six-month, permanent order, or restraining, pretrial
27 release, or sentencing order issued by a judge in this state that prohibits contact or that
28 is pursuant to Code Sections 16-5-90 through 16-5-94 Article 7 of Chapter 5 of Title
29 16 or this chapter; and also where appropriate in this context includes a
30 (B) A foreign protective order."

31 SECTION 3.

Said article is further amended by revising Code Section 19-13-52, relating to the purpose of the registry, maintenance, access to information, and linking to National Crime Information Center Network, as follows:

"19-13-52.

- (a) The Georgia Protective Order Registry shall be created to serve as a <u>state-wide</u>, centralized data base for <u>state-wide</u> the collection of protective orders issued pursuant to Code Sections 16-5-90 through 16-5-94 and this chapter. The registry is intended to enhance victim safety by providing law enforcement officers, prosecuting attorneys, and the courts access to protective orders issued by the courts of this state and foreign courts 24 hours of the day and seven days of the week. Access to the registry is intended to aid law enforcement officers, prosecuting attorneys, and the courts in the enforcement of protective orders and the protection to victims of stalking and family violence.
- (b) The registry shall be maintained by the Georgia Crime Information Center. The Georgia Commission on Family Violence may consult with the Georgia Crime Information Center regarding the effectiveness of the registry in enhancing the safety of victims of domestic violence and stalking.
- (c) The registry shall include a complete and systematic record and index of all valid protective orders and modifications thereof. Law enforcement officers and the courts shall have access to the registry.
- (d) The registry shall be linked to the National Crime Information Center Network, and protective orders <u>or modifications thereof</u> entered in the registry shall be immediately transmitted to <u>this such</u> network."

54 SECTION 4.

- Said article is further amended by revising subsections (c) and (e) of Code Section 19-13-53, relating to standardized forms, timing of transmission of information and data entry, and the responsibility of sheriff's office, as follows:
 - "(c) The Georgia Crime Information Center shall ensure that any protective order or modification thereof is entered in the registry within 24 hours of receipt of the protective

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order or modification <u>thereof</u> from the clerk of court. The inability to enter information for all data fields in the registry shall not delay the entry of available information."

"(e) The entry of a protective order in the registry shall not be a prerequisite for enforcement of a valid protective order."

SECTION 5.

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Said article is further amended by revising subsection (a) of Code Section 19-13-54, relating to foreign protective orders, as follows:

"(a) A petitioner who obtains a valid foreign protective order may file that order by filing a certified copy of the foreign protective order with any clerk of court of the superior court in this state."

70 SECTION 6.

Said article is further amended by revising subsection (a) of Code Section 19-13-56, relating to liability of court or law enforcement personnel, as follows:

"(a) The state and any local or state law enforcement officer, court official, or official of the registry shall be held harmless for any delay or failure to file a protective order or modification thereof, to transmit information contained in a protective order or modification thereof, or to enter such information in the registry."

77 SECTION 7.

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