

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

**AS PASSED SENATE**

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 **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 forcible felony committed between household members  
18 under 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 forcible felony committed between household members, he or she shall  
22 be guilty of a felony and shall be punished by imprisonment for not less than one nor  
23 more than 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.

