

The House Committee on Judiciary Non-Civil offers the following substitute to SB 193:

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 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.

