

House Bill 331

By: Representatives Ballinger of the 23rd, Rich of the 97th, Gaines of the 117th, Taylor of the 173rd, Smith of the 134th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated,
2 relating to granting of relief by superior courts, so as to revise the definition of family
3 violence to include certain acts between persons through whom a past or present pregnancy
4 has developed or persons in a past or present dating relationship for the granting of protective
5 orders and other relief; to provide for definitions; to require the court to make certain
6 findings prior to granting protective orders alleging dating relationships; to provide for
7 related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to
11 granting of relief by superior courts, is amended by revising Code Section 19-13-1, relating
12 to "family violence" defined, as follows:

13 "19-13-1.

14 As used in this article, the term:

15 (1) 'Dating relationship' means a romantic or intimate social relationship that is
16 characterized by a level of intimacy, knowledge, or affection that is not associated with
17 a casual acquaintanceship or between persons in an ordinary business, social, or
18 education context; provided, however, that 'dating relationship' shall not require sexual
19 involvement.

20 (2) 'Family ~~family~~ violence' means the occurrence of one or more of the following acts
21 between past or present spouses, persons who are parents of the same child, parents and
22 children, stepparents and stepchildren, foster parents and foster children, ~~or other~~ persons
23 living or formerly living in the same household, persons through whom a past or present
24 pregnancy has developed, or persons in a past or present dating relationship:

25 ~~(1)(A)~~ Any felony; or

26 ~~(2)(B)~~ Commission of offenses of battery, simple battery, simple assault, assault,
27 stalking, criminal damage to property, unlawful restraint, or criminal trespass.

28 The term 'family violence' shall not be deemed to include reasonable discipline
29 administered by a parent to a child in the form of corporal punishment, restraint, or
30 detention."

31 **SECTION 2.**

32 Said article is further amended by adding a new Code section to read as follows:

33 "19-13-3.1.

34 In order to determine if a protective order alleging a dating relationship shall be granted
35 pursuant to Code Section 19-13-4, the court shall find that:

36 (1) There is a minimal social interpersonal bonding of the parties over and above that of
37 mere casual acquaintance or ordinary fraternization; and

38 (2) Factors exist which indicate that the nature and frequency of the parties' interactions
39 are reflective of a dating relationship, including, but not limited to, the length and pattern
40 of the relationship between the parties or the parties having demonstrated an affirmation
41 of a dating relationship before others by statement or conduct."

42 **SECTION 3.**

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