

House Bill 359

By: Representative Holcomb of the 81<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 17-4-20.1 of the Official Code of Georgia Annotated, relating to  
2 investigation of family violence, preparation of written report, review of report by defendant  
3 arrested for family violence, and compilation of statistics, so as to revise the terminology  
4 used in determining whom to arrest; to provide for related matters; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 17-4-20.1 of the Official Code of Georgia Annotated, relating to investigation  
9 of family violence, preparation of written report, review of report by defendant arrested for  
10 family violence, and compilation of statistics, is amended by revising subsection (b) and  
11 paragraph (11) of subsection (c) as follows:

12 "(b) ~~Where~~ When complaints of family violence are received from two or more opposing  
13 parties, the officer shall evaluate each complaint separately to attempt to determine who  
14 was the primary dominant aggressor. Such officer shall not threaten, suggest, or otherwise  
15 indicate that all parties will be arrested. If ~~the~~ such officer determines that one of the  
16 parties was the primary dominant physical aggressor, ~~the~~ such officer shall not be required  
17 to arrest any other person believed to have committed an act of family violence during the  
18 incident. In determining whether a person is a primary dominant physical aggressor, an  
19 officer shall consider:

- 20 (1) Prior family violence involving either party;  
21 (2) The relative severity of the injuries inflicted on each person;  
22 (3) Threats that created the fear of physical injury;  
23 ~~(3)~~(4) The potential for future injury; and  
24 ~~(4)~~(5) Whether one of the parties acted in self-defense or in defense of a third party."

25 "(11) Type of police action taken in disposition of case, the reasons for the officer's  
26 determination that one party was the primary dominant physical aggressor, and mitigating  
27 circumstances for why an arrest was not made;"

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.