

Senate Bill 477

By: Senators Kirkpatrick of the 32nd, Strickland of the 17th, Parent of the 42nd, Kennedy of the 18th and Jones II of the 22nd

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 predominant aggressor. Such officer shall not threaten, suggest, or
15 otherwise indicate that all parties will be arrested. ~~If the~~ such officer determines that one
16 of the parties was the primary predominant physical aggressor, ~~the~~ such officer shall not
17 be required to arrest any other person believed to have committed an act of family violence
18 during the incident. In determining whether a person is a primary predominant physical
19 aggressor, an 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~~ predominant physical aggressor, and
27 mitigating 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29 All laws and parts of laws in conflict with this Act are repealed.