

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

AS PASSED SENATE

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 a definition; to provide for related matters;
5 to repeal conflicting laws; 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)(1) As used in this subsection, the term 'predominant aggressor' means the individual
13 who poses the most serious, ongoing threat, which may not be the initial aggressor in a
14 specific incident.

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

24 (~~1~~)(A) Prior family violence involving either party;

25 (~~2~~)(B) The relative severity of the injuries inflicted on each person, ~~including whether~~
26 ~~the injuries are offensive versus defensive in nature~~;

27 (C) Threats that created the fear of physical injury;
28 ~~(3)(D)~~ The potential for future injury; and
29 ~~(4)(E)~~ Whether one of the parties acted in self-defense or in defense of a third party;
30 (F) Prior complaints of family violence; and
31 (G) Whether the person had reasonable cause to believe he or she was in imminent
32 danger of becoming a victim of any act of family violence."
33 "(11) Type of police action taken in disposition of case, the reasons for the officer's
34 determination that one party was the primary predominant physical aggressor, and
35 mitigating circumstances for why an arrest was not made;"

36 **SECTION 2.**

37 All laws and parts of laws in conflict with this Act are repealed.