

House Bill 1671

By: Representative Lim of the 99th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated,
2 relating to justification and excuse, so as to provide for the creation of a rebuttable
3 presumption that, in the defense of certain prosecutions, when the defendant has obtained a
4 prior family violence protective or restraining order, such defendant possessed reasonable
5 belief that force was necessary to protect himself or herself; to provide that certain evidence
6 is not admissible in such cases; to provide for related matters; to provide for an effective date
7 and applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to
11 justification and excuse, is amended by adding a new Code section to read as follows:

12 "16-3-21.1.

13 (a) In a criminal prosecution for any form of homicide or assault which causes injury to
14 a person, a copy of a family violence protective or restraining order that the defendant
15 obtained against the alleged victim shall create a rebuttable presumption that such

16 defendant possessed a reasonable belief that force was necessary to defend himself or
17 herself.

18 (b) Evidence of a defendant's prior sexual encounters or cohabitation with the victim shall
19 not be admissible to overcome the rebuttable presumption in subsection (a) of this Code
20 section."

21 **SECTION 2.**

22 This Act shall become effective on July 1, 2022, and shall apply to all crimes committed on
23 or after such date.

24 **SECTION 3.**

25 All laws and parts of laws in conflict with this Act are repealed.