

Senate Bill 123

By: Senators Thompson of the 33rd and Tanksley of the 32nd

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 4 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated,
2 relating to the family violence and stalking protective order registry, so as to clarify the use
3 of standardized forms and a court's ability to modify the form; to change provisions relating
4 to updating certain information in the registry; to specify the sheriff's duties with respect to
5 updating and maintaining the registry; provide for related matters; to provide an effective
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to the
10 family violence and stalking protective order registry, is amended by striking subsection (c)
11 of Code Section 19-13-52, relating to the purpose of the Georgia Protective Order Registry,
12 access to information, and linking to the National Crime Information Center Network, and
13 inserting in lieu thereof the following:

14 "(c) The registry shall include a complete and systematic record and index of all valid
15 protective orders and modifications thereof. Law enforcement officers and the courts shall
16 have access to the registry. ~~The Georgia Crime Information Center shall implement a daily~~
17 ~~process of purging protective orders and names of parties from the registry upon expiration~~
18 ~~or dismissal of protective orders and shall maintain purged protective orders and names in~~
19 ~~a separate archived file in the registry that shall be available only to the courts."~~

20 **SECTION 2.**

21 Said article is further amended by striking Code Section 19-13-53, relating to standardized
22 forms and the timing and transmission of information and data entry, and inserting in lieu
23 thereof the following:

1 "19-13-53.

2 (a) The courts of this state shall use a standardized form or forms for the issuance of any
3 protective order. The form or forms shall be promulgated by the Uniform Superior Court
4 Rules. The standardized form or forms for protective orders shall be in conformity with the
5 provisions of this Code, shall be subject to the approval of the Georgia Crime Information
6 Center and the Georgia Superior Court Clerks' Cooperative Authority as to form and
7 format, and shall contain, at a minimum, all information required for entry of protective
8 orders into the registry and the National Crime Information Center Protection Order File.
9 The Administrative Office of the Courts shall distribute the forms. A court may modify the
10 standardized form to comply with the court's application of the law and facts to an
11 individual case, ~~and shall delete or otherwise make inoperative any provision in the~~
12 ~~standardized form which is not supported by the evidence in the case~~ The form or forms
13 shall contain at a minimum, all information that is required for entry of protective orders
14 into the registry and the National Crime Information Center Protection Order file.

15 (b) The clerk of the issuing court shall electronically transmit a copy of the protective
16 order or modification thereof to the registry as expeditiously as possible but no later than
17 by the end of the next business day after the order is filed with the clerk of court. In the
18 event of electronic failure, the clerk of court shall immediately notify the Georgia Crime
19 Information Center which shall authorize an alternative method of transmitting the
20 protective order or modification thereof to the registry.

21 (c) The Georgia Crime Information Center shall ensure that any protective order or
22 modification thereof is entered in the registry within 24 hours of receipt of the protective
23 order or modification from the clerk of court. ~~The Georgia Crime Information Center shall~~
24 ~~ensure that protective orders that have expired or been terminated are purged from the~~
25 ~~registry within 24 hours of such expiration or termination.~~ The inability to enter
26 information for all data fields in the registry shall not delay the entry of available
27 information.

28 (d) The sheriff's department shall be responsible for the validation of all National Crime
29 Information Center protective order entries made on its behalf by the superior court clerk's
30 office in accordance with the validation steps established by the Georgia Crime
31 Information Center and the National Crime Information Center. All registry entries shall
32 be validated in accordance with the file retention schedule established by the National
33 Crime Information Center. The sheriff shall respond to and confirm 'HIT' confirmation
34 requests based upon the records maintained in the sheriff's office.

35 ~~(d)~~(e) The entry of a protective order in the registry shall not be a prerequisite for
36 enforcement of a valid protective order."

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