

House Bill 231

By: Representatives Gaines of the 117th, Ballinger of the 23rd, Nguyen of the 89th, Wiedower of the 119th, Frye of the 118th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 5 of Title 16 and Article 1 of Chapter 13 of Title 19 of the
2 Official Code of Georgia Annotated, relating to stalking and granting of relief by superior
3 courts, respectively, so as to expand the applicability of protective orders involving victims
4 of stalking; to revise the definition of family violence to include certain acts between persons
5 through whom a past or present pregnancy has developed or persons in a past or present
6 dating relationship for the granting of protective orders and other relief; to provide for
7 definitions; to require the court to make certain findings prior to granting protective orders
8 alleging dating relationships; to provide for related matters; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
13 stalking, is amended by revising subsection (e) of Code Section 16-5-94, relating to
14 restraining orders and protective orders, as follows:

15 "(e) The provisions of subsections (c), ~~and (d), and (e)~~ of Code Section 19-13-3,
16 subsections (b), (c), and (d) of Code Section 19-13-4, and Code Section 19-13-5, relating

to family violence petitions, shall apply to petitions filed pursuant to this Code section, except that the clerk of court may provide forms for petitions and pleadings to persons alleging conduct constituting stalking and to any other person designated by the superior court pursuant to this Code section as authorized to advise persons alleging conduct constituting stalking on filling out and filing such petitions and pleadings."

SECTION 2.

Article 1 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to granting of relief by superior courts, is amended by revising Code Section 19-13-1, relating to "family violence" defined, as follows:

"19-13-1.

As used in this article, the term:

(1) 'Dating relationship' means a romantic or intimate social relationship that is characterized by a level of intimacy, knowledge, or affection that is not associated with a casual acquaintanceship or between persons in an ordinary business, social, or education context; provided, however, that the term 'dating relationship' shall not require sexual involvement.

(2) 'Family ~~family~~ violence' means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household, persons through whom a past or present pregnancy has developed, or persons in a past or present dating relationship:

~~(1)~~(A) Any felony; or

~~(2)~~(B) Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

The term 'family violence' shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention."

SECTION 3.

Said article is further amended by adding a new Code section to read as follows:

"19-13-3.1.

In order to determine if a protective order alleging a dating relationship shall be granted pursuant to Code Section 19-13-4, the court shall find that:

(1) There is a minimal social interpersonal bonding of the parties over and above that of mere casual acquaintance or ordinary fraternization; and

(2) Factors exist which indicate that the nature and frequency of the parties' interactions are reflective of a dating relationship, including, but not limited to, the length and pattern of the relationship between the parties or the parties having demonstrated an affirmation of a dating relationship before others by statement or conduct."

SECTION 4.

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