

The House Committee on Judiciary Non-Civil offers the following substitute to HB 1110:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-5-95 of the Official Code of Georgia Annotated, relating to
2 offense of violating family violence order and penalty, so as to provide for dating violence
3 protective orders; to provide for definitions; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 16-5-95 of the Official Code of Georgia Annotated, relating to offense of
8 violating family violence order and penalty, is amended by revising subsections (a) and (b)
9 as follows:

10 "(a) As used in this Code section, the term:

11 (1) 'Civil family violence order' means any temporary protective order or permanent
12 protective order issued pursuant to Article 1 of Chapter 13 of Title 19.

13 (2) 'Criminal family violence order' means:

14 (A) Any order of pretrial release issued as a result of an arrest for an act of family
15 violence; or

16 (B) Any order for probation issued as a result of a conviction or plea of guilty, nolo
17 contendere, or first offender to an act of family violence.

18 (3) 'Dating violence' means the occurrence of one or more of the following acts between
19 persons through whom a current pregnancy has developed or who are currently, or within
20 the last 12 months were, in a dating relationship as defined in paragraph (1) of Code
21 Section 19-13A-1:

22 (A) Any felony; or

23 (B) Commission of the offenses of simple battery, battery, simple assault, or stalking.

24 (4) 'Dating violence order' means any temporary protective order or permanent protective
25 order issued pursuant to Chapter 13A of Title 19.

26 (5) 'Family violence' shall have the same meaning as set forth in Code Section 19-13-1
27 means the occurrence of one or more of the following acts between past or present
28 spouses, persons who are parents of the same child, parents and children, stepparents and
29 stepchildren, foster parents and foster children, or other persons living or formerly living
30 in the same household:

31 (A) Any felony; or

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

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

37 (b) A person commits the offense of violating a civil family violence order or dating
38 violence order or criminal family violence order when such person knowingly and in a
39 nonviolent manner violates the terms of such order issued against that person, which:

40 (1) Excludes, evicts, or excludes and evicts the person from a residence or household;

41 (2) Directs the person to stay away from a residence, workplace, or school;

- 42 (3) Restrains the person from approaching within a specified distance of another person;
43 or
44 (4) Restricts the person from having any contact, direct or indirect, by telephone, pager,
45 facsimile, ~~e-mail~~ email, or any other means of communication with another person,
46 except as specified in such order."

47 **SECTION 2.**

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