

The House Committee on Governmental Affairs offers the following substitute to SB 324:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to stalking, so as to provide for counter petition limitations for the respondent in
3 protective order proceedings; to provide for dating violence protective orders; to provide for
4 definitions; to amend Chapter 18 of Title 50 of the Official Code of Georgia Annotated,
5 relating to state printing and documents, so as to provide for a victim centered address
6 confidentiality program; to provide for application to such program; to provide for
7 designation of confidential addresses; to provide for certification of program participants; to
8 provide for renewal and cancellation of certifications; to provide for training; to provide for
9 related matters; to provide for effective dates; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

S. B. 324 (SUB)

"(d) The court may grant a protective order on a temporary or permanent basis or approve a consent agreement to bring about a cessation of conduct constituting stalking. The court shall not have the authority to issue or approve mutual protective orders unless the respondent has filed a verified petition as a counter petition pursuant to subsection (c) of this Code section no later than three days, not including Saturdays, Sundays, and legal holidays, prior to the hearing. Orders or agreements may:

- (1) Direct a party to refrain from such conduct;
- (2) Order a party to refrain from harassing or interfering with the other;
- (3) Award costs and attorney's fees to either party; and
- (4) Order either or all parties to receive appropriate psychiatric or psychological services as a further measure to prevent the recurrence of stalking."

SECTION 2.

Said article is further amended by revising Code Section 16-5-95, relating to offense of violating family violence order and penalty, is amended by revising subsections (a) and (b) as follows:

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

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

(2) 'Criminal family violence order' means:

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

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

(3) 'Dating violence' means the occurrence of one or more of the following acts between persons through whom a current pregnancy has developed or who are currently, or within the last 12 months were, in a dating relationship:

(A) Any felony; or

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

(4) 'Dating violence order' means any temporary protective order or permanent protective order issued pursuant to Article 1 of Chapter 13 of Title 19.

~~(5) 'Family violence' shall have the same meaning as set forth in Code Section 19-13-1~~
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:

(A) Any felony; or

(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.

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

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

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

(3) Restrains the person from approaching within a specified distance of another person;

or

(4) Restricts the person from having any contact, direct or indirect, by telephone, pager, facsimile, ~~e-mail~~ email, or any other means of communication with another person, except as specified in such order."

SECTION 3.

Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state printing and documents, is amended by adding a new article to read as follows:

"ARTICLE 8

50-18-150.

As used in this article, the term:

(1) 'Confidential address' means a participant's residential address or other address or addresses that could be used to physically locate the participant, including a school attended by the participant or the participant's place of employment.

(2) 'Designated address' means the publicly available address provided by a participant to the office.

(3) 'Governmental entity' means:

(A) Every state department, agency, board, bureau, office, commission, public corporation, and authority;

(B) Every county, municipal corporation, school district, or other political subdivision of this state;

(C) Every department, agency, board, bureau, office, commission, authority, or similar body of each such county, municipal corporation, or other political subdivision of the state; and

(D) Every city, county, regional, or other authority established pursuant to the laws of this state.

(4) 'Office' means the office of the Secretary of State.

(5) 'Participant' means an individual who is currently certified to participate in the program pursuant to this article.

(6) 'Program' means the victim centered address confidentiality program established by this article.

(7) 'Victim advocate' means an employee or volunteer of the office who serves victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking and who has completed training pursuant to Code Section 50-18-152 to assist individuals in completing applications for the program.

50-18-151.

(a) There is created within the office of the Secretary of State a victim centered address confidentiality program.

(b) An individual who is changing his or her residence and who is at least 18 years of age or an emancipated minor may apply to the program, with or without the assistance of a victim advocate, for certification as a participant by the office upon providing an affidavit affirming that the disclosure of his or her actual address or addresses will increase the risk that he or she will be threatened or physically harmed by another person or that he or she has been a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

(c) In order to be certified as a participant in the program, an individual shall submit to the office an application containing:

(1) The full legal name and date of birth of the individual;

(2) A knowing and voluntary designation of the office as the individual's agent for the purposes of receiving mail and service of process;

(3) The mailing address, telephone number, and email address, if applicable, at which the office may contact the individual;

(4) An acknowledgment that the individual is requesting that his or her confidential address not be disclosed;

116 (5) The signature of the individual, the name of the victim advocate who assisted the
117 individual, if applicable, and the date the application was signed;

118 (6) At the discretion of the office and for evaluation purposes, an option for the
119 individual to select the type of offense the individual believes warrants the need for
120 participation in the program. The office may not consider information provided or
121 withheld pursuant to this paragraph as certifying the participant; and

122 (7) A letter from a victim advocate or a provider, as that term is defined in Code
123 Section 37-11-3, indicating that they have received services related to their victimization.

124 (d) Upon receipt of an application in compliance with subsection (c) of this Code section,
125 the office shall:

126 (1) Certify the individual as a participant;

127 (2) Issue the participant an address confidentiality card containing the name of and a
128 unique identification number for the participant and the designated address of the
129 participant;

130 (3) Classify each eligible address listed in the application as a confidential address;

131 (4) Provide the participant with information concerning the manner in which the
132 participant may use the office as the agent of the participant for the purposes of receiving
133 mail and service of process; and

134 (5) Provide the participant with information regarding methods to protect a confidential
135 address, including, but not limited to, information regarding the risks of disclosing the
136 confidential address to other persons and the risks of using social media and other similar
137 technologies, including geotagging photographs, and other information that the office
138 determines would help the participant protect his or her confidential address. A
139 participant shall update information provided in an application within 30 days after a
140 change to that information has occurred by submitting a notice of change to the office on
141 a form prescribed by the office.

142 (e) A participant's certification shall be valid for four years. A participant who continues
143 to be eligible for the program pursuant to this article may renew the certification of the
144 participant. The renewal application shall be received by the office within 60 days prior
145 to the end of the four-year certification period. The renewal application shall be on a form
146 prescribed by the office and shall meet the requirements of this article. A renewal of
147 certification of a participant shall not alter the unique identification number issued pursuant
148 to subsection (d) of this Code section.

149 (f) The certification continuance application shall be on a form prescribed by the office,
150 shall meet the requirements of this article, and shall inform the participant of his or her
151 right to choose to continue or discontinue in the program.

152 (g) An application submitted pursuant to this article and the information of a participant
153 shall be confidential, shall not be a public record, shall be exempt from disclosure pursuant
154 to Article 4 of Chapter 18 of Title 50 or any similar law, and may only be disclosed as
155 authorized pursuant to this article.

156 (h) An offender who is required to register pursuant to Code Section 42-1-12 shall not be
157 eligible to submit an application and shall not be certified as a participant.

158 (i) A confidential address shall not be a public record and shall be exempt from disclosure
159 pursuant to Article 4 of Chapter 18 of Title 50 or any similar law, except as otherwise
160 provided in this article.

161 (j) A participant may withdraw from the program at any time by providing written notice
162 of such withdrawal to the office.

163 (k) No individual shall apply for certification as a participant with the intent of avoiding
164 prosecution or a lawful court order.

165 (l) The office shall promulgate rules and regulations as necessary to implement the
166 provisions of this article.

50-18-152.

(a) The office shall develop and offer a training program for victim advocates to obtain certification pursuant to this article. The training program shall, at a minimum, include:

(1) Exhaustive information regarding the program;

(2) Methods for assisting applicants with completing application forms;

(3) Criteria for determining program eligibility;

(4) Information to be provided to participants pursuant to subsection (d) of Code Section 50-18-151; and

(5) Instruction on how to submit completed applications and supporting documents to the office.

(b) The office shall certify a person applying for certification as a victim advocate pursuant to this article if that person has completed the training program pursuant to this Code section. The office shall make available on its website contact information for the organizations that have certified victim advocates.

(c) There shall be no fee or charge to any participant for any services provided by a victim advocate pursuant to this article.

50-18-153.

(a) Upon a participant providing a copy of his or her address confidentiality card to a governmental entity and requesting that such governmental entity only use his or her designated address, the governmental entity shall only use the participant's designated address.

(b) If a participant's employer, or a school or institution of higher education attended by the participant, is not a governmental entity, the participant may request that the employer, school, or institution of higher education use the designated address as the participant's address.

(c) A utility owned by a governmental entity shall not release any confidential address.

(d) A participant may also use the designated address as the participant's work address.
(e) The office on each day that it is open for business shall place all first-class, registered,
or certified mail or statutory overnight delivery received on behalf of a participant into an
envelope or package and mail such envelope or package to the participant at his or her
confidential address. The office may contract with the United States Postal Service for
special rates for any mail forwarded pursuant to this subsection. Service by mail pursuant
to this subsection of court papers, other than service of process, shall be deemed complete
three business days after the office forwards the mail to the participant.
(f) If a person intends to serve process on a participant and makes an inquiry with the
office to determine if the individual is a participant, the office shall only confirm that the
individual is a participant and, except as otherwise allowed pursuant to this article, shall
not disclose further information regarding the participant. If process has been forwarded
to a participant pursuant to subsection (e) of this Code section, the office shall disclose the
date of mailing to the person attempting to serve the participant.

50-18-154.

(a) The office may, after providing at least 30 days prior written notice to a participant,
cancel the certification of a participant in any of the following circumstances:
(1) The participant's legal name or contact information changes, unless the participant
provides the office with prior written notice of such change;
(2) Mail forwarded by the office to the participant's confidential address is returned as
undeliverable by the United States Postal Service for 60 or more days;
(3) The participant is no longer eligible for the program;
(4) The participant requests to withdraw from the program pursuant to Code
Section 50-18-151;
(5) The participant files a notarized request for cancellation on a form prescribed by the
office; or

219 (6) The participant fails to file a renewal application pursuant to Code
220 Section 50-18-151.

221 (b) The office shall cancel a participant's certification if the participant's renewal
222 application or application for continuance contains false information.

223 50-18-155.

224 (a) If a participant notifies a governmental entity in writing, on a form prescribed by the
225 office, that he or she is a participant, such entity shall not knowingly disclose the
226 participant's confidential address, unless:

227 (1) The confidential address is subject to sharing or dissemination pursuant to court
228 order;

229 (2) The confidential address is subject to sharing or dissemination in connection with an
230 active investigation or inspection of a potential health code, building code, fire code, or
231 local ordinance violation allegedly committed by the participant;

232 (3) The confidential address is needed to provide public assistance or other government
233 services to a participant, or to allocate financial responsibility for such assistance or
234 services;

235 (4) The confidential address is necessary to perform a governmental entity's health,
236 safety, or welfare functions, including the provision of emergency 9-1-1 services, the
237 assessment and investigation of child or vulnerable adult abuse or neglect, or the
238 assessment or inspection of services or locations for compliance with health and safety
239 standards;

240 (5) The confidential address is necessary to aid an active law enforcement investigation
241 of the participant upon verification that the disclosure will aid the law enforcement
242 agency in responding to an emergency situation or a criminal complaint or conducting
243 an investigation; or

(6) The person to whom the confidential address is disclosed also resides, is employed at, or goes to school at the confidential address.

(b) Except as may be otherwise provided by law, a confidential address disclosed pursuant to subsection (a) of this Code section may be used only for the purposes authorized in this Code section and may not be further disclosed to any other person or governmental entity. Governmental entities receiving or sharing a confidential address pursuant to this Code section shall establish procedures to protect the confidential address from further disclosure.

(c) When a participant presents his or her designated address to any person, such designated address shall be accepted as the address of the participant. The person shall not require the participant to submit any other address either as a substitute address or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the participant's confidential address."

SECTION 4.

(a) Sections 1 and 2 of this Act shall be effective July 1, 2024.

(b) Section 3 of this Act shall become effective on July 1, 2026.

SECTION 5.

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