

House Bill 464

By: Representatives Bell of the 75th, Kahaian of the 81st, Berry of the 56th, Byrd of the 20th,
and Sanchez of the 42nd

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 relative to defenses to criminal prosecutions, so as to
3 provide for immunity for a prospective offender while seeking assistance from law
4 enforcement as a victim of a certain offenses; to provide for limitations regarding
5 prosecution; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "16-3-22.2.

12 (a) Any person who in good faith seeks the assistance of law enforcement while being a
13 victim of a violation of:

14 (1) Aggravated assault, as defined in Code Section 16-5-21;

15 (2) Aggravated battery, as defined in Code Section 16-5-24;

16 (3) Female genital mutilation, as defined in Code Section 16-5-27;

H. B. 464

- 17 (4) Kidnapping, as defined in Code Section 16-5-40;
18 (5) Rape, as defined in Code Section 16-6-1;
19 (6) Aggravated sodomy, as defined in Code Section 16-6-2;
20 (7) Aggravated sexual battery, as defined in Code Section 16-6-22.2; or
21 (8) Armed robbery, as defined in Code Section 16-8-41
22 shall not be arrested, charged, or prosecuted for any criminal violation, if the evidence for
23 the arrest, charge, or prosecution of criminal violation resulted solely from seeking such
24 assistance.
- 25 (b) Any person who is a victim of a crime as provided for in paragraphs (1) through (8)
26 of subsection (a) of this Code section who in good faith seeks law enforcement assistance
27 for himself or herself or who is the subject of such a request shall not be arrested, charged,
28 or prosecuted for a criminal violation if the evidence for the arrest, charge, or prosecution
29 of such criminal violation resulted solely from seeking such assistance from law
30 enforcement. Any such person shall also not be subject to, if related to the seeking of such
31 assistance:
- 32 (1) Penalties for a violation of a permanent or temporary protective order or restraining
33 order; or
34 (2) Sanctions for a violation of a condition of pretrial release, condition of probation, or
35 condition of parole based on a drug violation."

36 **SECTION 2.**

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