

The House Committee on Judiciary, Non- Civil offers the following substitute to HB 464:

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) As used in this Code section, the term 'predominant aggressor' means the individual
13 who poses the most serious ongoing threat, and who may not be the initial aggressor in a
14 specific incident.

15 (b) Any victim of a violation of:

- 16 (1) Aggravated assault, and who is not the predominant aggressor, as defined in Code
17 Section 16-5-21;
- 18 (2) Aggravated battery, as defined in Code Section 16-5-24;
- 19 (3) Female genital mutilation, as defined in Code Section 16-5-27;
- 20 (4) Kidnapping, as defined in Code Section 16-5-40;
- 21 (5) Rape, as defined in Code Section 16-6-1;
- 22 (6) Aggravated sodomy, as defined in Code Section 16-6-2; or
- 23 (7) Aggravated sexual battery, as defined in Code Section 16-6-22.2;
- 24 provided, however, that such person is no way an accomplice to the crime such person is
25 reporting to law enforcement.
- 26 (c) Any person who is a victim of a crime as provided for in paragraphs (1) through (7) of
27 subsection (b) of this Code section who in good faith seeks law enforcement assistance for
28 himself or herself or who is the subject of such a request shall not be arrested, charged, or
29 prosecuted for a criminal violation if the evidence for the arrest, charge, or prosecution of
30 such criminal violation resulted solely from seeking such assistance from law enforcement.
31 Any such person shall also not be subject to, if related to the seeking of such 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.