

House Bill 1142

By: Representatives Hagan of the 156th, Hong of the 103rd, Jones of the 47th, Donatucci of the 105th, Reeves of the 99th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 15 and 19 of the Official Code of Georgia Annotated, relating to courts and
2 domestic relations, respectively, so as to require certain agreements for certain offenses to
3 be eligible for a Pretrial Intervention and Diversion Program; provide for the creation of a
4 registry of recidivist domestic violence offenders; to provide for the maintenance of such
5 registry; to provide for clerks of court to provide certain information to the Georgia Bureau
6 of Investigation; to provide for the registration of recidivist domestic violence offenders; to
7 provide for the assessment of fees on recidivist domestic violence offenders; to provide for
8 the removal of recidivist domestic violence offenders after a period of time; to provide for
9 definitions; to provide for an effective date and applicability; to provide for related matters;
10 to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Article
14 4 of Chapter 18, relating to Pretrial Intervention and Diversion Program, by adding a new
15 subsection to Code Section 15-18-80, relating to policy and procedure, to read as follows:

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16 "(i) No prosecuting attorney shall accept any offender into the program for a domestic
17 violence offense if such offender has not agreed that any subsequent domestic violence
18 conviction will be subject to being ordered for inclusion in the domestic violence registry
19 pursuant to Chapter 13B of Title 19."

20 **SECTION 2.**

21 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
22 amended by adding a new chapter to read as follows:

23 "CHAPTER 13B

24 19-13B-1.

25 As used in this chapter, the term:

26 (1) 'Convicted' or 'conviction' means a verdict of guilty by a judge or jury or a plea of
27 guilty. A plea of guilty shall include a plea of nolo contendere. Such verdict or plea shall
28 apply to a recidivist domestic violence offender who has been sentenced as a first
29 offender pursuant to Article 3 of Chapter 8 of Title 42 or had a domestic violence offense
30 discharged under pretrial diversion programs or reduced to a lesser offense. Such
31 offenses discharged under a pretrial diversion program or reduced to a lesser offense shall
32 only be a conviction for the purposes of this chapter.

33 (2) 'Recidivist domestic violence offender' means a person who has:

34 (A) Been convicted in this state of an offense committed against a victim; and

35 (B) At least one prior conviction for an offense committed against a victim.

36 (3) 'Victim' means a person who has experienced family violence as such term is defined
37 in Code Section 19-13-1 or dating violence as such term is defined in 19-13A-1.

38 19-13B-2.

39 (a) There is created within the Georgia Bureau of Investigation a registry of recidivist
40 domestic violence offenders.

41 (b) The Georgia Bureau of Investigation shall maintain such registry based upon
42 information provided by clerks of court pursuant to subsections (c) and (d) of this Code
43 section and information available to the Georgia Bureau of Investigation from the
44 Department of Corrections and local law enforcement agencies. The Georgia Bureau of
45 Investigation shall publish such registry on its website but such registry shall not include
46 the address, social security number, driver's license number, or any other state or federal
47 identification number of a recidivist domestic violence offender.

48 (c) The registry shall comprise the name, date of birth, conviction date, county or counties
49 of convictions, and a current photograph of each recidivist domestic violence offender.
50 The Georgia Bureau of Investigation may request additional information, including copies
51 of each recidivist domestic violence offender's driver's license, or other state or federal
52 identification, and such other identifying data the Georgia Bureau of Investigation deems
53 necessary to identify a recidivist domestic violence offender and exclude innocent
54 individuals.

55 (d)(1) If a defendant is convicted of an offense committed against a victim and such
56 defendant has at least one prior conviction for an offense committed against a victim, the
57 convicting court shall, upon proof of any prior convictions committed against a victim,
58 order the defendant to register as a recidivist domestic violence offender under this
59 chapter.

60 (2) If the convicting court orders a defendant to register under this chapter, such court
61 shall forward to the Georgia Bureau of Investigation a certified copy of the conviction
62 and the date of birth of the defendant. The clerk of court shall forward the information
63 to the Georgia Bureau of Investigation within seven days of the date of conviction.

64 (e) Notwithstanding other laws to the contrary, and in addition to any other punishment
65 that may be imposed for a conviction of the offense, a defendant required to register under
66 this chapter shall be assessed a registration fee of \$150.00, which shall be paid to the clerk
67 of the sentencing court, who shall:

68 (1) Withhold \$50.00 of the fee; and

69 (2) Remit \$100.00 of the fee to the general fund.

70 (f) The Georgia Bureau of Investigation shall remove the name and other identifying
71 information of a recidivist domestic violence offender required to register under this
72 chapter:

73 (1) Two years after the date of the most recent conviction for an offense committed
74 against a victim if the defendant has one prior conviction for an offense committed
75 against a victim;

76 (2) Five years after the date of the most recent conviction for an offense committed
77 against a victim if the defendant has two prior convictions for an offense committed
78 against a victim; and

79 (3) Ten years after the date of the most recent conviction for an offense committed
80 against a victim if the defendant has three or more prior convictions for an offense
81 committed against a victim.

82 (g) The provisions of this Code section shall apply only to offenders convicted of an
83 offense committed against a victim that occurred on or after January 1, 2027. The
84 provisions of this Code section shall not apply to any conviction that occurred prior to
85 January 1, 2027."

86 **SECTION 3.**

87 This Act shall become effective on January 1, 2027, and shall apply to all offenses
88 committed against victims on or after such date.

89

SECTION 4.

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