

House Bill 1283

By: Representatives Panitch of the 51st, Gunter of the 8th, Hagan of the 156th, Holcomb of the 101st, and Roberts of the 52nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 19 and Chapter 16 of Title 17 of the Official Code of Georgia,
2 relating to family violence and discovery, respectively, so as to authorize the creation of
3 Family Justice Centers; to provide for procedures, conditions, and limitations relative to
4 establishment and operation of such centers; to provide for the establishment of boards; to
5 authorize powers and duties of law enforcement relative to such centers; to authorize
6 acceptance of funds; to provide for reporting; to provide for confidentiality; to provide for
7 immunity; to exempt certain records and data from public disclosure; to provide for
8 construction of discovery rules in felony and misdemeanor cases for evidence obtained at
9 such centers; to provide for definitions; to provide for a short title and legislative findings;
10 to provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to family violence,
14 is amended by adding a new article to read as follows:

H. B. 1283

15 "ARTICLE 5

16 19-13-70.

17 (a) This article shall be known and may be cited as the 'Family Justice Center Act.'

18 (b) The General Assembly finds that victims of family violence, sexual assault, child
19 abuse, elder abuse, and human trafficking often face fragmented and duplicative systems
20 of support that can retraumatize survivors and impede access to justice.

21 (c) It is the intent of the General Assembly to promote a coordinated, multidisciplinary
22 approach to serving victims of family violence by authorizing the establishment and
23 funding of Family Justice Centers that co-locate governmental and community based
24 victim service providers, including law enforcement officers, in a single, safe, and
25 accessible location.

26 (d) The General Assembly further intends to leverage both federal and state victim service
27 funding streams, including but not limited to federal funds received under the Victims of
28 Crime Act, 34 U.S.C. Section 20101, et seq.; the Violence Against Women Act, 34 U.S.C.
29 Section 12491, et seq.; and the Family Violence Prevention and Services Act, 42 U.S.C.
30 Section 136, et seq., to support the creation, expansion, and sustainability of Family Justice
31 Centers in this state.

32 19-13-71.

33 As used in this article, the term:

34 (1) 'Council' means the Criminal Justice Coordinating Council established under Code
35 Section 35-6A-3.

36 (2) 'District attorney' means the elected prosecuting attorney for a judicial circuit.

37 (3) 'Family Justice Center' or 'center' means a co-located, multiagency service center that
38 provides coordinated services to victims of family violence, sexual assault, child abuse,
39 elder abuse, human trafficking, and associated crimes by public and private agencies.

40 (4) 'Law enforcement unit' shall have the same meaning as set forth in Code
41 Section 35-8-2.

42 (5) 'Participating agency' means any public agency, law enforcement unit, district
43 attorney's office, nonprofit organization, or service provider that delivers victim, social,
44 medical, or legal services within a Family Justice Center.

45 (6) 'Peace officer' shall have the same meaning as set forth in Code Section 35-8-2.

46 19-13-72.

47 (a) Any county, municipality, or combination thereof, in partnership with one or more
48 nonprofit organizations, or any district attorney may establish a Family Justice Center
49 consistent with the purposes of this article.

50 (b) A Family Justice Center may be organized and operated:

51 (1) Directly by a county or municipal government;

52 (2) Directly by a district attorney's office; or

53 (3) By a nonprofit corporation formed under Title 14 and designated to operate the center
54 by a county, municipality, or combination thereof.

55 (c)(1) When a Family Justice Center is organized or operated by a county government,
56 municipal government, or a district attorney's office pursuant to paragraph (1) or (2) of
57 subsection (b) of this Code section, a board shall oversee the operations of the center.

58 Such board shall consist of seven members:

59 (A) One member appointed by the county or municipal governing authority;

60 (B) One member appointed by the head of the law enforcement unit with jurisdictional
61 authority over the location of the Family Justice Center;

62 (C) One member appointed by the district attorney representing the county in which
63 the Family Justice Center is located;

64 (D) One member appointed by the entity providing victim services at the Family
65 Justice Center;

66 (E) One member appointed by the entity providing social services at the Family Justice
67 Center; and

68 (F) Two members elected by a majority of nonprofit, community based organizations
69 designated as participating agencies with the Family Justice Center through a
70 memorandum of understanding.

71 (2) Board members for a Family Justice Center shall serve terms of two years from the
72 effective date of their appointment and until their successors are appointed or elected.

73 (3) Any vacancy to the board of a Family Justice Center shall be filled within 60 days
74 in which the position on the board became vacant and shall be filled in the same manner
75 as the appointment to the position on the board which became vacant; provided, however,
76 that, if a vacancy occurs in a position filled by a representative from a nonprofit,
77 community based organization, and there ceases to be any nonprofit organizations that
78 are participating agencies in the Family Justice Center, the remaining members of the
79 board shall elect an individual reasonably familiar with the kind of support services
80 provided by the Family Justice Center to fill such vacancy. An appointment to fill a
81 vacancy other than by expiration of a term of office shall be for the balance of the
82 unexpired term.

83 (d) When a Family Justice Center is organized or operated by a nonprofit corporation
84 pursuant to paragraph (3) of subsection (b) of this Code section, such nonprofit corporation
85 shall:

86 (1) File articles of incorporation and adopt bylaws in accordance with Chapter 3 of
87 Title 14;

88 (2) Maintain a board of directors that meets the requirements of Article 8 of Chapter 3
89 of Title 14 and which shall include representation from the county or municipal
90 governing authority that designated the nonprofit corporation to operate the center and
91 from law enforcement, victim services, prosecution, social services, and nonprofit
92 community based organizations; and

- 93 (3) Designate a lead agency or fiscal agent, which may be the district attorney's office
94 or county or municipal government, for grant administration and oversight.
- 95 (e) Regardless of the organizational structure of a Family Justice Center, each center shall:
- 96 (1) Operate under a written memorandum of understanding among participating
97 agencies, including any law enforcement unit with jurisdictional authority over the
98 location of the center;
- 99 (2) Provide space for law enforcement personnel assigned to the center to perform duties
100 in support of victim safety, investigation, and coordinated response;
- 101 (3) Ensure confidentiality of victim information pursuant to state and federal law;
- 102 (4) Provide services in a manner that is trauma-informed, culturally competent, and
103 accessible to all survivors; and
- 104 (5) Create bylaws related to the minimum qualifications and certifications of
105 participating agencies and their personnel. While such bylaws may not discriminate
106 against any individuals upon the sole basis of having a criminal record, certain specific
107 offenses may be used to disqualify individuals from providing certain services at a
108 Family Justice Center.
- 109 19-13-73.
- 110 (a) A peace officer employed by a law enforcement unit that participates in a Family
111 Justice Center and who is assigned, detailed, or funded by a grant to operate within such
112 center is authorized, when acting in furtherance of the center's mission, to respond to an
113 emergency call for assistance or to provide safety response within the center's designated
114 service area even if response to such would be located outside the peace officer's normal
115 territorial jurisdiction. Such authority to respond shall be limited to exigent or emergency
116 circumstances requiring immediate law enforcement intervention for the protection of life,
117 prevention of serious bodily harm, or response to an active incident.

118 (b) Any peace officer acting pursuant to this Code section shall have the same immunities,
119 powers, and duties as when acting within his or her ordinary jurisdiction, provided that the
120 officer shall promptly notify the law enforcement unit with jurisdictional authority over the
121 center once the exigency has passed.

122 (c) Nothing in this Code section shall be construed to alter existing mutual aid agreements
123 or to restrict counties and municipalities from entering into intergovernmental agreements
124 consistent with Article IX, Section III of the Georgia Constitution.

125 19-13-74.

126 (a) The council is authorized to administer grants, enter into contracts, and distribute funds
127 appropriated by the General Assembly or received from federal sources for the
128 establishment and support of Family Justice Centers.

129 (b) The council shall be authorized to:

130 (1) Issue competitive grants to counties, municipalities, district attorneys' offices, law
131 enforcement units, nonprofit corporations formed under this article, and nonprofit
132 partners for planning, development, and operation of centers;

133 (2) Provide training and technical assistance for the purposes of this article; and

134 (3) Coordinate evaluation of funded programs.

135 (c) The council shall give funding priority to proposals that demonstrate:

136 (1) Broad multidisciplinary collaboration, including law enforcement participation;

137 (2) Significant need based on population, geography, or prevalence of incidents;

138 (3) Sustainability plans;

139 (4) Service to underserved or rural communities; and

140 (5) Measurable outcomes in victim safety and offender accountability.

141 (d) Nothing in this article shall preclude a Family Justice Center from accepting funds
142 from independent sources, including private donations, foundation grants, federal funding,
143 local appropriations, or other lawful revenue streams. Any such independently funded

144 center shall remain subject to the oversight, confidentiality, and reporting requirements of
145 this article when established as a Family Justice Center under the laws of this state.

146 19-13-75.

147 (a) Each center shall submit annual performance reports to the council that includes the
148 following:

149 (1) Services provided;

150 (2) Victims served;

151 (3) Outcomes achieved; and

152 (4) Financial expenditures.

153 (b) The council shall compile and transmit an annual state-wide report on Family Justice
154 Center performance to the Governor, Lieutenant Governor, and Speaker of the House of
155 Representatives that summarizes the activities and impact of Family Justice Centers in this
156 state.

157 19-13-76.

158 (a) No information shared by a victim within a Family Justice Center shall be disclosed
159 without the informed, written consent of such victim, except as where required by law or
160 court order.

161 (b) Each partner and each participating agency shall comply with all applicable state and
162 federal confidentiality requirements.

163 (c) Nothing in this article shall be construed to exempt or relieve any partner or
164 participating agency, employee, or volunteer of a Family Justice Center from the duty to
165 report known or suspected abuse or neglect as required by law. All personnel operating
166 within or affiliated with a Family Justice Center shall comply with the reporting
167 requirement laws of this state, including but not limited to Code Section 19-7-5, Code
168 Section 30-5-4, and any other applicable provisions of law.

169 (d) When a report is contemplated by subsection (c) of this Code section, the reporting
170 party shall limit disclosure to information necessary to satisfy the reporting obligation and
171 shall otherwise maintain the confidentiality of the victim and case information to the extent
172 permitted by law.

173 (e) The council may issue guidance and training standards to ensure consistent application
174 of confidentiality and reporting requirements across all Family Justice Centers operating
175 under this article.

176 19-13-77.

177 (a) Any county, municipality, or district attorney's office establishing or operating a
178 Family Justice Center pursuant to this article shall be deemed to be carrying out a
179 governmental function.

180 (b) Any employee, contractor, or volunteer of a partner or participating agency providing
181 services within a Family Justice Center operated under the authority of a county,
182 municipality, or district attorney's office shall be entitled to the same degree of official or
183 governmental immunity from civil liability as officers or employees of the establishing
184 authority for acts or omissions arising directly out of the performance of duties within the
185 scope of Family Justice Center operations, provided that such acts are:

186 (1) Performed in good faith;

187 (2) Within the course and scope of assigned duties; and

188 (3) Not the result of willful or wanton misconduct, gross negligence, or bad faith.

189 (c) Nothing in this article shall be construed to waive, diminish, or impair the sovereign
190 or official immunity of the state or its political subdivisions or to create a new cause of
191 action against any governmental entity.

192 (d) A county, municipality, or district attorney's office operating a Family Justice Center
193 shall be authorized to procure liability insurance for itself and for partner or participating
194 agency personnel acting within the scope of this article. The purchase of such insurance

195 shall not be construed as a waiver of immunity, except to the extent of the coverage amount
196 purchased.

197 19-13-78.

198 (a) Records, documents, or information created, received, maintained, or possessed related
199 to services provided by a partner or participating agency within a Family Justice Center
200 shall not be considered public records for purposes of Article 4 of Chapter 18 of Title 50
201 unless such agency would otherwise be subject to the provisions of that article independent
202 of its participation in a Family Justice Center.

203 (b) Any record created or maintained by a county, municipality, or district attorney's office
204 operating a Family Justice Center shall remain subject to disclosure in accordance with
205 Article 4 of Chapter 18 of Title 50. Nothing in this article shall be construed to expand or
206 limit any existing exemption available under that article.

207 (c) For any partner or participating agency that is not otherwise subject to Article 4 of
208 Chapter 18 of Title 50, the records, documents, or information such agency maintains as
209 part of services rendered within a Family Justice Center shall remain confidential to the
210 same extent as if such services were rendered outside of the center.

211 (d) Where a record is jointly created or maintained by both a governmental entity and a
212 nongovernmental partner, the record shall be subject to disclosure only to the extent that
213 the governmental entity's ownership, custody, or control of the record is required pursuant
214 to Article 4 of Chapter 18 of Title 50, and disclosure shall be limited to information that
215 does not compromise victim confidentiality or violate federal or state privacy laws.

216 (e) Nothing in this Code section shall be construed to:

217 (1) Create any new exemption for records otherwise subject to disclosure under the laws
218 of this state;

219 (2) Prevent a partner from voluntarily releasing its own records consistent with law and
220 victim consent; or

221 (3) Limit the authority of the council to require data reporting or compliance information
222 from Family Justice Centers."

223 **SECTION 2.**

224 Chapter 16 of Title 17 of the Official Code of Georgia, relating to discovery, is amended in
225 Code Section 17-16-2, relating to applicability of article in felony cases, by adding a new
226 subsection to read as follows:

227 "(d.1) For purposes of this article, any records, reports, notes, data, or other materials
228 created, received, or maintained solely by a partner or participating agency within a Family
229 Justice Center established pursuant to Article 5 of Chapter 13 of Title 19 shall not be
230 deemed to be in the possession, custody, or control of the prosecuting attorney or any law
231 enforcement agency under the prosecuting attorney's direction or control, unless such
232 materials have been obtained, copied, or otherwise come into the actual possession of the
233 prosecuting attorney or a law enforcement agency. Nothing in this subsection shall be
234 construed to:

- 235 (1) Limit a prosecuting attorney's duty to disclose materials actually possessed by the
236 state;
237 (2) Restrict a court's authority to order production under subpoena or protective order;
238 or
239 (3) Affect any statutory or constitutional right of a victim or defendant."

240 **SECTION 3.**

241 Said chapter is further amended by revising Code Section 17-16-20, relating to applicability
242 of article in misdemeanor cases, as follows:

243 "17-16-20.

244 (a) The provisions of this article shall apply only to misdemeanor cases or to felony cases
245 docketed, indicted, or in which an accusation was returned prior to January 1, 1995, if the

246 prosecuting attorney and the defendant do not agree in writing that the provisions of Article
247 1 of this chapter shall apply.

248 (b) For purposes of this article, any records, reports, notes, data, or other materials created,
249 received, or maintained solely by a partner or participating agency within a Family Justice
250 Center established pursuant to Article 3 of Chapter 13 of Title 19 shall not be deemed to
251 be in the possession, custody, or control of the prosecuting attorney or any law enforcement
252 agency under the prosecuting attorney's direction or control, unless such materials have
253 been obtained, copied, or otherwise come into the actual possession of the prosecuting
254 attorney or a law enforcement agency. Nothing in this subsection shall be construed to:

255 (1) Limit a prosecuting attorney's duty to disclose materials actually possessed by the
256 state;

257 (2) Restrict a court's authority to order production under subpoena or protective order;
258 or

259 (3) Affect any statutory or constitutional right of a victim or defendant."

260 **SECTION 4.**

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