

House Bill 1311

By: Representatives Santos of the 117<sup>th</sup> and Crawford of the 89<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 15 of Title 9 and Chapter 6 of Title 13 of the Official Code of Georgia  
2 Annotated, relating to court and litigation costs and damages and costs generally,  
3 respectively, so as to prohibit courts from awarding attorney's fees to defendants who have  
4 been found guilty of or pleaded guilty or nolo contendere to a sexual offense when the  
5 plaintiff is the victim of such offense; to provide for a short title; to provide for related  
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Survivor Civil Protection Act."

10 **SECTION 2.**

11 Chapter 15 of Title 9 of the Official Code of Georgia Annotated, relating to court and  
12 litigation costs, is amended in Code Section 9-15-14, relating to litigation costs and attorney's  
13 fees assessed for frivolous actions and defenses, by adding a new subsection to read as  
14 follows:

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15 "(i)(1) In any civil action where a party has been the victim of an offense under Chapter 6  
16 of Title 16 and another party has been found guilty or pleaded guilty or nolo contendere  
17 to such offense or a lesser included offense, the victim of such offense and such victim's  
18 attorney shall not be assessed attorney's fees or expenses of litigation under this Code  
19 section. This subsection shall apply to civil actions related in any manner to such  
20 criminal offense.  
21 (2) It is the intent of the General Assembly that no sanctions shall be awarded against  
22 such victim in the action."

### 23 SECTION 3.

24 Chapter 6 of Title 13 of the Official Code of Georgia Annotated, relating to damages and  
25 costs generally, is amended by revising Code Section 13-6-11, relating to recovery of  
26 expenses of litigation generally, as follows:

27 "13-6-11.

28 (a) The expenses of litigation generally shall not be allowed as a part of the damages; but  
29 where the plaintiff has specially pleaded and has made prayer therefor and where the  
30 defendant has acted in bad faith, has been stubbornly litigious, or has caused the plaintiff  
31 unnecessary trouble and expense, the jury may allow them.

32 (b)(1) In any civil action where a party has been the victim of an offense under Chapter 6  
33 of Title 16 and another party has been found guilty or pleaded guilty or nolo contendere  
34 to such offense or a lesser included offense, the victim of such offense and such victim's  
35 attorney shall not be assessed attorney's fees or expenses of litigation under this Code  
36 section. This subsection shall apply to civil actions related in any manner to such  
37 criminal offense.

38 (2) It is the intent of the General Assembly that no sanctions shall be awarded against  
39 such victim in the action."

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**SECTION 4.**

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