

House Bill 1456

By: Representatives Lim of the 98<sup>th</sup>, Lupton of the 83<sup>rd</sup>, Wilkerson of the 38<sup>th</sup>, and Werkheiser of the 157<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual  
2 offenses, so as to provide for protective orders or consent agreements for victims against  
3 persons who have committed acts of sexual assault; to provide for a definition; to provide for  
4 temporary relief ex parte orders under certain circumstances; to provide for procedures; to  
5 provide for penalties; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,  
10 is amended by adding a new Code section to read as follows:

11 "16-6-26.

12 (a) As used in this Code section, the term 'sexual assault' means an act that constitutes one  
13 or more violations of:

14 (1) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;

15 (2) Trafficking of persons for labor or sexual servitude in violation of Code  
16 Section 16-5-46;

- 17 (3) Rape in violation of Code Section 16-6-1;  
18 (4) Aggravated sodomy in violation of Code Section 16-6-2;  
19 (5) Statutory rape in violation of Code Section 16-6-3;  
20 (6) Child molestation or aggravated child molestation in violation of Code  
21 Section 16-6-4;  
22 (7) Enticing a child for indecent purposes in violation of Code Section 16-6-5;  
23 (8) Improper sexual contact by employee, agent, or foster parent in violation of Code  
24 Section 16-6-5.1;  
25 (9) Incest in violation of Code Section 16-6-22;  
26 (10) Sexual battery in violation of Code Section 16-6-22.1;  
27 (11) Aggravated sexual battery in violation of Code Section 16-6-22.2;  
28 (12) Electronically furnishing obscene material to minors in violation of Code  
29 Section 16-12-100.1; or  
30 (13) Computer pornography and child exploitation in violation of Code  
31 Section 16-12-100.2.  
32 (b)(1) Any person who has been subjected to, threatened with, or placed in fear of sexual  
33 assault may seek relief under this chapter by filing a sworn petition alleging such sexual  
34 assault by the respondent.  
35 (2) Any petition filed by an unemancipated person under 18 years of age shall be signed  
36 by a parent or guardian.  
37 (c) The petitioner must demonstrate by a preponderance of evidence that they were  
38 subjected to, threatened with, or placed in fear of sexual assault by the respondent.  
39 (d) Upon the filing of a verified petition in which the petitioner alleges with specific facts  
40 that probable cause exists to establish that sexual assault by the respondent has occurred  
41 one or more times in the past and may occur in the future, the court may order such  
42 temporary relief ex parte as it deems necessary to protect the petitioner or any minor of the  
43 household from sexual assault. If the court issues an ex parte order, a copy of the order

44 shall be immediately furnished to the petitioner and to the National Crime Information  
45 Center.

46 (e) The court may grant a protective order or approve a consent agreement to the petitioner  
47 against the respondent to bring about a cessation of conduct constituting sexual assault.

48 Such orders or agreements shall:

49 (1) Direct the respondent to refrain from such conduct;

50 (2) Order the respondent to refrain from harassing or interfering with the petitioner or  
51 any minor of the household; and

52 (3) Provide that violations of such order or agreement shall constitute contempt pursuant  
53 to Code Section 15-6-8.

54 (f) Any person convicted of a violation of subsection (e) of this Code section shall be  
55 guilty of a misdemeanor.

56 (g) The provisions of Code Section 19-13-2, subsections (c) and (d) of Code  
57 Section 19-13-3, subsections (b), (c), and (d) of Code Section 19-13-4, and Code  
58 Section 19-13-5 shall apply to petitions filed pursuant to this Code section, except that the  
59 clerk of court may provide forms for petitions and pleadings to persons alleging conduct  
60 constituting sexual assault and to any other person designated by the superior court  
61 pursuant to this Code section as authorized to advise persons alleging conduct constituting  
62 sexual assault on filling out and filing such petitions and pleadings."

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## SECTION 2.

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