

House Bill 1142 (COMMITTEE SUBSTITUTE)

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, 19, and 42 of the Official Code of Georgia Annotated, relating to courts,
2 domestic relations, and penal institutions, respectively, so as to require certain agreements
3 for certain offenses to be eligible for a Pretrial Intervention and Diversion Program; provide
4 for the creation of a registry of recidivist domestic violence offenders; to provide for the
5 maintenance of such registry; to provide for clerks of court to provide certain information to
6 the Georgia Bureau of Investigation; to provide for the registration of recidivist domestic
7 violence offenders; to provide for the removal of recidivist domestic violence offenders from
8 the registry; to provide for registration requirements for first offender sentencing; to provide
9 for definitions; to provide for an effective date and applicability; to provide for related
10 matters; 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 4
14 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:

H. B. 1142 (SUB)

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, a plea of
27 guilty, or a plea of nolo contendere. Such term shall include a person who has been
28 discharged without an adjudication of guilt pursuant to Article 3 of Chapter 8 of Title 42
29 or had a domestic violence offense discharged under pretrial diversion programs.

30 (2) 'Dating relationship' shall have the same meaning as set forth in Code Section
31 19-13A-1.

32 (3) 'Domestic violence offense' means the commission of the offense of simple assault,
33 aggravated assault, simple battery, battery, aggravated battery, false imprisonment,
34 stalking, or aggravated stalking between persons involved in a dating relationship, past
35 or present spouses, persons who are parents of the same child, parents and children, and
36 stepparents and stepchildren.

37 (4) 'Recidivist domestic violence offender' means a person who has:

38 (A) Been convicted in this state of a domestic violence offense; and

39 (B) At least one prior conviction for a domestic violence offense.

40 19-13B-2.

41 (a) There is created within the Georgia Bureau of Investigation a searchable registry of
42 recidivist domestic violence offenders.

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

50 (c)(1) The registry shall comprise the recidivist domestic violence offender's name, and
51 any known aliases, as listed in criminal history data from the Georgia Crime Information
52 Center; date of birth; conviction date; county or counties of convictions; and a current
53 photograph of each recidivist domestic violence offender.

54 (2) When an individual's first prior domestic violence offense resulted in a successful
55 discharge without an adjudication of guilt pursuant to Article 3 of Chapter 8 of Title 42
56 or such offense was resolved through a pretrial diversion program, no information
57 pertaining to such offense shall be identified in the registry; provided, however, that, if
58 such prior offense resulted in a verdict of guilty by a judge or jury, a plea of guilty, or a
59 plea of nolo contendere, to the extent the conviction date and county or counties of
60 conviction information is available regarding the registrant's prior offense, such
61 information shall be included in the registry.

62 (3) Placement on the registry shall only occur when the Georgia Bureau of Investigation
63 receives an order by the convicting court as provided by the clerk of court pursuant to
64 subsection (d) of this Code section.

65 (d)(1) If an individual is convicted of a domestic violence offense the convicting court
66 shall, upon proof of any prior domestic violence offense convictions, order the defendant
67 to register under this chapter.

68 (2) If the convicting court orders a defendant to register under this chapter, such court
69 shall forward to the Georgia Bureau of Investigation a certified copy of the conviction
70 and the date of birth of the defendant. The clerk of court shall forward such information
71 to the Georgia Bureau of Investigation within 30 days of the date of conviction.

72 (3) The convicting court's order under paragraph (2) of this subsection shall indicate
73 whether the defendant is to remain on the registry for a period of five years if the
74 defendant has one prior domestic violence conviction, or ten years if the defendant has
75 two or more prior domestic violence convictions.

76 (e) Offenses discharged under a pretrial conversion program shall only be considered a
77 conviction for purposes of meeting registration requirements of this Code section.

78 (f) The Georgia Bureau of Investigation shall remove from the registry the name and other
79 identifying information of an individual required to register under this chapter:

80 (1) Within 30 days of receipt of a certified copy of a convicting court order as provided
81 by the clerk of court dismissing or vacating the charge or charges;

82 (2) Five years after the date of the most recent conviction for a domestic violence offense
83 as indicated in the convicting court order if the defendant has one prior domestic violence
84 offense conviction; and

85 (3) Ten years after the date of the most recent conviction for a domestic violence offense
86 as indicated in the convicting court order if the defendant has two or more prior domestic
87 violence convictions.

88 (g) The provisions of this chapter shall apply only to defendants convicted of a domestic
89 violence offense committed on or after January 1, 2027. This chapter shall not apply to any
90 domestic violence offense that occurred prior to January 1, 2027."

SECTION 3.

91

92 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
93 in Chapter 8, relating to probation, by revising paragraph (1) of subsection (h) and subsection
94 (i) of Code Section 42-8-60, relating to probation prior to adjudication of guilt, violation of
95 probation, and review of criminal record by judge, as follows:

96 "(h)(1) When the clerk of court receives for filing an order of exoneration of guilt and
97 discharge or is notified by the Georgia Crime Information Center that a defendant has
98 completed his or her first offender sentence or was discharged pursuant to subsection (g)
99 of this Code section, it shall be the duty of the clerk of court to enter on the criminal
100 docket, accusation or indictment, sentencing order, and any subsequent order modifying
101 the original first offender sentencing order within 30 days of the receipt of such order or
102 notification the following:

103 'Discharge filed completely exonerates the defendant of any criminal purpose and shall
104 not affect any of his or her civil rights or liberties, except for registration requirements
105 under the state sexual offender registry and the recidivist domestic violence offender
106 registry and except with regard to employment as specified in Code Section 42-8-63.1;
107 and the defendant shall not be considered to have a criminal conviction. O.C.G.A.
108 42-8-60.'

109 "(i) Except for the registration requirements under the state sexual offender registry and
110 the recidivist domestic violence offender registry and except as otherwise provided in Code
111 Section 42-8-63.1, the first offender exoneration of guilt and discharge shall completely
112 exonerate the defendant of any criminal purpose and shall not affect any of his or her civil
113 rights or liberties, and the defendant shall not be considered to have a criminal conviction."

114

SECTION 4.

115 This Act shall become effective on January 1, 2027, and shall apply to all offenses
116 committed on or after such date.

117

SECTION 5.

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