

House Bill 177 (AS PASSED HOUSE AND SENATE)

By: Representatives Cooper of the 45th, Silcox of the 53rd, Carpenter of the 4th, Reeves of the 99th, and New of the 40th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,
2 so as to provide protection for household pets in both family violence and dating violence
3 protective orders; to provide for a definition and an exclusion; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
8 amended in Code Section 19-13-4, relating to family violence protective orders and consent
9 agreements, contents, delivery to sheriff, expiration, and enforcement, by revising
10 subsection (a) as follows:

11 "(a) The court may, upon the filing of a verified petition, grant any protective order or
12 approve any consent agreement to bring about a cessation of acts of family violence. The
13 court shall not have the authority to issue or approve mutual protective orders concerning
14 paragraph (1), (2), (5), (9), or (11) of this subsection, or any combination thereof, unless
15 the respondent has filed a verified petition as a counter petition pursuant to Code Section
16 19-13-3 no later than three days, not including Saturdays, Sundays, and legal holidays,

17 prior to the hearing and the provisions of Code Section 19-13-3 have been satisfied. The
18 orders or agreements may:

- 19 (1) Direct the respondent to refrain from such acts;
- 20 (2) Grant to a party possession of the residence or household of the parties and exclude
21 the other party from the residence or household;
- 22 (3) Require a party to provide suitable alternate housing for a spouse, former spouse, or
23 parent and the parties' child or children;
- 24 (4) Award temporary custody of minor children and establish temporary visitation rights;
- 25 (5) Order the eviction of a party from the residence or household and order assistance to
26 the victim petitioner in returning to it, or order assistance in retrieving personal property
27 of the victim petitioner if the respondent's eviction has not been ordered;
- 28 (6) Order either party to make payments for the support of a minor child as required by
29 law;
- 30 (7) Order either party to make payments for the support of a spouse as required by law;
- 31 (8)(A) Provide for possession of personal property of the parties, including the care,
32 custody, and control of any animal owned, possessed, kept, or held as a household pet
33 by either party or by a minor child living in the household or residence of either party.
34 As used in this paragraph, the term 'household pet' means an animal kept for human
35 companionship and enjoyment or an animal which is owned or possessed by either
36 party or by a minor child living in the household or residence of either party. Such term
37 shall not include livestock, laboratory animals, working animals, sport animals, or any
38 other animal which is kept for a commercial purpose or for consumption.
- 39 (B) Order the respondent to refrain from doing any of the following with respect to any
40 animal owned, possessed, kept, or held as a household pet:
- 41 (i) Harassing or harming such household pet;
- 42 (ii) Taking, transferring, encumbering, or concealing such household pet; and
- 43 (iii) Engaging in any conduct that would be a violation of Code Section 16-12-4;

- 44 (9) Order the respondent to refrain from harassing or interfering with the ~~victim~~
 45 petitioner;
- 46 (10) Award costs and attorney's fees to either party; and
- 47 (11) Order the respondent to receive appropriate psychiatric or psychological services
 48 as a further measure to prevent the recurrence of family violence."

49 **SECTION 2.**

50 Said title is further amended in Code Section 19-13A-4, relating to required findings of fact
 51 and authority of court relative to dating violence protective orders, by revising subsection (b)
 52 as follows:

53 "(b) The court may, upon the filing of a verified petition and as provided in subsection (a)
 54 of this Code section, grant any protective order or approve any consent agreement to bring
 55 about a cessation of acts of dating violence. The court shall not have the authority to issue
 56 or approve mutual protective orders concerning paragraph (1), (3), or (5) of this subsection,
 57 or any combination thereof, unless the respondent has filed a verified petition as a counter
 58 petition pursuant to Code Section 19-13A-3 no later than three days prior to the hearing and
 59 the provisions of Code Section 19-13A-3 have been satisfied. The orders or agreements
 60 may:

- 61 (1) Direct the respondent to refrain from such acts;
- 62 (2)(A) Provide for possession of personal property of the parties; including the care,
 63 custody, and control of any animal owned, possessed, kept, or held as a household pet
 64 by either party or by a minor child living in the household or residence of either party.
 65 As used in this paragraph, the term 'household pet' means an animal kept for human
 66 companionship and enjoyment or an animal which is owned or possessed by either
 67 party or by a minor child living in the household or residence of either party. Such term
 68 shall not include livestock, laboratory animals, working animals, sport animals, or any
 69 other animal which is kept for a commercial purpose or for consumption.

- 70 (B) Order the respondent to refrain from doing any of the following with respect to any
71 animal owned, possessed, kept, or held as a household pet:
- 72 (i) Harassing or harming such household pet;
 - 73 (ii) Taking, transferring, encumbering, or concealing such household pet; and
 - 74 (iii) Engaging in any conduct that would be a violation of Code Section 16-12-4;
- 75 (3) Order the respondent to refrain from harassing or interfering with the petitioner;
- 76 (4) Award costs and attorney's fees to either party; and
- 77 (5) Order the respondent to receive appropriate psychiatric, psychological, or educational
78 services as a further measure to prevent the recurrence of dating violence."

79 **SECTION 3.**

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