

House Bill 452 (AS PASSED HOUSE AND SENATE)

By: Representatives Ballinger of the 23rd, Efstration of the 104th, Fleming of the 121st, Powell of the 32nd, Golick of the 40th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated,
2 relating to the Family Violence and Stalking Protective Order Registry, so as to provide for
3 registration of pretrial release orders that prohibit contact with others issued in this state and
4 in foreign courts; to revise the short title; to revise definitions; to provide for conforming
5 references to the defined terms; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to the
10 Family Violence and Stalking Protective Order Registry, is amended by revising Code
11 Section 19-13-50, relating to the short title, as follows:

12 "19-13-50.

13 This article shall be known and may be cited as the ~~'Family Violence and Stalking~~
14 ~~'Protective Order Registry Act.'~~"

15 **SECTION 2.**

16 Said article is further amended by revising paragraphs (3), (5), and (7) of Code Section
17 19-13-51, relating to definitions, as follows:

18 "(3) 'Foreign protective order' means any temporary ~~protective order of protection,~~
19 ~~protective order of protection,~~ restraining order, ~~or injunction, pretrial release order, or~~
20 ~~sentencing order~~ that prohibits contact, acts of family violence, or stalking ~~or both~~ issued
21 by a foreign court ~~of competent jurisdiction in another state, territory, or tribal~~
22 ~~jurisdiction in the United States.~~"

23 "(5) 'Modification' means any amendment, dismissal, or continuance ~~of a protective~~
24 ~~order.~~"

25 "(7) 'Protective order' means ~~any:~~

26 (A) An ex parte, temporary, six-month, permanent order, or restraining, pretrial
 27 release, or sentencing order issued by a judge in this state that prohibits contact or that
 28 is pursuant to Code Sections 16-5-90 through 16-5-94 Article 7 of Chapter 5 of Title
 29 16 or this chapter; and also where appropriate in this context includes a
 30 (B) A foreign protective order."

31 **SECTION 3.**

32 Said article is further amended by revising Code Section 19-13-52, relating to the purpose
 33 of the registry, maintenance, access to information, and linking to National Crime
 34 Information Center Network, as follows:

35 "19-13-52.

36 (a) The Georgia Protective Order Registry shall be created to serve as a state-wide,
 37 centralized data base for state-wide the collection of protective orders issued pursuant to
 38 Code Sections 16-5-90 through 16-5-94 and this chapter. The registry is intended to
 39 enhance victim safety by providing law enforcement officers, prosecuting attorneys, and
 40 the courts access to protective orders issued by the courts of this state and foreign courts
 41 24 hours of the day and seven days of the week. Access to the registry is intended to aid
 42 law enforcement officers, prosecuting attorneys, and the courts in the enforcement of
 43 protective orders and the protection to victims ~~of stalking and family violence.~~

44 (b) The registry shall be maintained by the Georgia Crime Information Center. The
 45 Georgia Commission on Family Violence may consult with the Georgia Crime Information
 46 Center regarding the effectiveness of the registry in enhancing the safety of victims ~~of~~
 47 ~~domestic violence and stalking.~~

48 (c) The registry shall include a complete and systematic record and index of all ~~valid~~
 49 protective orders and modifications thereof. Law enforcement officers and the courts shall
 50 have access to the registry.

51 (d) The registry shall be linked to the National Crime Information Center Network, and
 52 protective orders or modifications thereof entered in the registry shall be immediately
 53 transmitted to ~~this~~ such network."

54 **SECTION 4.**

55 Said article is further amended by revising subsections (c) and (e) of Code Section 19-13-53,
 56 relating to standardized forms, timing of transmission of information and data entry, and the
 57 responsibility of sheriff's office, as follows:

58 "(c) The Georgia Crime Information Center shall ensure that any protective order or
 59 modification thereof is entered in the registry within 24 hours of receipt of the protective

60 order or modification thereof from the clerk of court. The inability to enter information for
61 all data fields in the registry shall not delay the entry of available information."
62 "(e) The entry of a protective order in the registry shall not be a prerequisite for
63 enforcement of a ~~valid~~ protective order."

64 **SECTION 5.**

65 Said article is further amended by revising subsection (a) of Code Section 19-13-54, relating
66 to foreign protective orders, as follows:

67 "(a) A petitioner who obtains a ~~valid~~ foreign protective order may file that order by filing
68 a certified copy of the foreign protective order with any clerk of court of the superior court
69 in this state."

70 **SECTION 6.**

71 Said article is further amended by revising subsection (a) of Code Section 19-13-56, relating
72 to liability of court or law enforcement personnel, as follows:

73 "(a) The state and any local or state law enforcement officer, court official, or official of
74 the registry shall be held harmless for any delay or failure to file a protective order or
75 modification thereof, to transmit information contained in a protective orders order or
76 modification thereof, or to enter such information in the registry."

77 **SECTION 7.**

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