

House Bill 1136

By: Representatives Mainor of the 56th, Gullett of the 19th, Leverett of the 123rd, Persinger of the 119th, Cameron of the 1st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to stalking, so as to revise a definition; to clarify that stalking and aggravated
3 stalking can be committed both directly and indirectly; to provide that each violation of
4 stalking and aggravated stalking constitutes a separate offense and shall not merge with any
5 other offense; to amend Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia
6 Annotated, relating to arrest by law enforcement officers generally, so as to revise the
7 information to be supplied in family violence reports; to provide for periodic audits of police
8 agencies with regard to the completion and filing of such reports; to provide for related
9 matters; to provide for an effective date and for applicability; to repeal conflicting laws; and
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
14 stalking, is amended in subsection (a) of Code Section 16-5-90, relating to stalking and
15 psychological evaluation, by revising paragraph (1) and by adding a new paragraph to read
16 as follows:

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17 "(a)(1) A person commits the offense of stalking when he or she follows, places under
18 surveillance, or contacts another person at or about a place or places without the consent
19 of the other person for the purpose of harassing and intimidating the other person. For
20 the purpose of this article, the terms 'computer' and 'computer network' shall have the
21 same meanings as set out in Code Section 16-9-92; the term 'contact' shall mean any
22 communication including without being limited to communication in person, by
23 telephone, by mail, by broadcast, by computer, by computer network, or by any other
24 electronic device; and the place or places that contact by telephone, mail, broadcast,
25 computer, computer network, or any other electronic device is deemed to occur shall be
26 the place or places where such communication is received. For the purpose of this article,
27 the term 'place or places' shall include any public or private property occupied by the
28 victim ~~other than the residence of the defendant~~. For the purposes of this article, the term
29 'harassing and intimidating' means a knowing and willful course of conduct directed at
30 a specific person which causes emotional distress by placing such person in reasonable
31 fear for such person's safety or the safety of a member of his or her immediate family, by
32 establishing a pattern of harassing and intimidating behavior, and which serves no
33 legitimate purpose. This Code section shall not be construed to require that an overt
34 threat of death or bodily injury has been made. This Code section shall include actions
35 taken by a person:

36 (A) Directly to follow, place under surveillance, or contact another person at or about
37 a place or places without the consent of the other person for the purpose of harassing
38 and intimidating the other person; and

39 (B) Indirectly through third parties to follow, place under surveillance, or contact
40 another person at or about a place or places without the consent of the other person for
41 the purpose of harassing and intimidating the other person."

42 "(3) Each violation of this Code section shall constitute a separate offense and shall not
43 merge with any other offense."

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SECTION 2.

Said article is further amended in Code Section 16-5-91, relating to aggravated stalking, by revising subsection (a) and by adding a new subsection to read as follows:

"(a) A person commits the offense of aggravated stalking when such person, in violation of a bond to keep the peace posted pursuant to Code Section 17-6-110, temporary restraining order, temporary protective order, permanent restraining order, permanent protective order, preliminary injunction, good behavior bond, or permanent injunction or condition of pretrial release, condition of probation, or condition of parole in effect prohibiting the behavior described in this subsection, follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person. This Code section shall include actions taken by a person:

(1) Directly in violation of a bond to keep the peace posted pursuant to Code Section 17-6-110, temporary restraining order, temporary protective order, permanent restraining order, permanent protective order, preliminary injunction, good behavior bond, or permanent injunction or condition of pretrial release, condition of probation, or condition of parole in effect prohibiting such behavior to follow, place under surveillance, or contact another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person; and

(2) Indirectly through third parties in violation of a bond to keep the peace posted pursuant to Code Section 17-6-110, temporary restraining order, temporary protective order, permanent restraining order, permanent protective order, preliminary injunction, good behavior bond, or permanent injunction or condition of pretrial release, condition of probation, or condition of parole in effect prohibiting such behavior to follow, place under surveillance, or contact another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person."

71 "(c) Each violation of this Code section shall constitute a separate offense and shall not
72 merge with any other offense."

73 **SECTION 3.**

74 Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to
75 arrest by law enforcement officers generally, is amended in Code Section 17-4-20.1, relating
76 to investigation of family violence, "predominant aggressor" defined, preparation of written
77 report, review of report by defendant arrested for family violence, and compilation of
78 statistics, by revising subsection (c) and by adding a new subsection to read as follows:

79 "(c) Whenever a law enforcement officer investigates an incident of family violence,
80 whether or not an arrest is made, the officer shall prepare and submit to the supervisor or
81 other designated person a written report of the incident entitled 'Family Violence Report.'
82 Forms for such reports shall be designed and provided by the Georgia Bureau of
83 Investigation. The report shall include the following:

- 84 (1) Name of the parties;
85 (2) Relationship of the parties;
86 (3) Sex of the parties;
87 (4) Date of birth of the parties;
88 (5) Time, place, and date of the incident;
89 (6) Whether children were involved or whether the act of family violence was committed
90 in the presence of children;
91 (7) A full and complete description of the type ~~Type~~ and extent of the alleged abuse;
92 (8) Existence of substance abuse;
93 (9) Number and types of weapons involved;
94 (10) Existence of any prior court orders;
95 (11) A full and complete description of the type ~~Type~~ of police action taken in
96 disposition of case, the reasons for the officer's determination that one party was the

97 predominant physical aggressor, and mitigating circumstances for why an arrest was not
98 made;

99 (12) Whether the victim was apprised of available remedies and services; and

100 (13) Any other information that may be pertinent."

101 "(f) The Georgia Bureau of Investigation shall periodically audit or cause to be audited all
102 police and county sheriff departments to ensure that the family violence reports required
103 by this Code section are being properly completed and filed with the Georgia Bureau of
104 Investigation. Such audits shall be public records; provided, however, that such audits
105 shall not contain any personally identifiable information regarding victims of family
106 violence."

107 **SECTION 4.**

108 This Act shall become effective on July 1, 2024, and shall apply to all violations occurring
109 on or after such date.

110 **SECTION 5.**

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