

The House Committee on Judiciary Non-Civil offers the following substitute to HB 1136:

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 provide that stalking and aggravated stalking can be committed
3 both directly and indirectly; to amend Article 2 of Chapter 4 of Title 17 of the Official Code
4 of Georgia Annotated, relating to arrest by law enforcement officers generally, so as to revise
5 the information to be supplied in family violence reports; to provide for related matters; to
6 provide for an effective date and for applicability; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "(a)(1) A person commits the offense of stalking when he or she follows, places under
14 surveillance, or contacts another person at or about a place or places without the consent
15 of the other person for the purpose of harassing and intimidating the other person. For
16 the purpose of this article, the terms 'computer' and 'computer network' shall have the

H. B. 1136 (SUB)

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

34 **SECTION 2.**

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

37 "(a) A person commits the offense of aggravated stalking when such person, in violation
38 of a bond to keep the peace posted pursuant to Code Section 17-6-110, temporary
39 restraining order, temporary protective order, permanent restraining order, permanent
40 protective order, preliminary injunction, good behavior bond, or permanent injunction or
41 condition of pretrial release, condition of probation, or condition of parole in effect
42 prohibiting the behavior described in this subsection, follows, places under surveillance,

43 or contacts another person at or about a place or places without the consent of the other
44 person for the purpose of harassing and intimidating the other person. This Code section
45 may include indirect actions taken by a person through a third party to follow or place the
46 alleged victim under surveillance, without consent, for the purpose of harassing and
47 intimidating the alleged victim."

48 **SECTION 3.**

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

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

- 59 (1) Name of the parties;
- 60 (2) Relationship of the parties;
- 61 (3) Sex of the parties;
- 62 (4) Date of birth of the parties;
- 63 (5) Time, place, and date of the incident;
- 64 (6) Whether children were involved or whether the act of family violence was committed
65 in the presence of children;
- 66 (7) A full and complete description of the type ~~Type~~ and extent of ~~the~~ alleged abuse;
- 67 (8) Existence of substance abuse;
- 68 (9) Number and types of weapons involved;

- 69 (10) Existence of any prior court orders;
- 70 (11) A full and complete description of the type ~~Type~~ of police action taken in
71 disposition of the case, the reasons for the officer's determination that one party was the
72 predominant physical aggressor, and mitigating circumstances for why an arrest was not
73 made;
- 74 (12) Whether the victim was apprised of available remedies and services; and
- 75 (13) Any other information that may be pertinent."

76 **SECTION 4.**

77 This Act shall become effective upon its approval by the Governor or upon its becoming law
78 without such approval and shall apply to all violations occurring on or after such date.

79 **SECTION 5.**

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