

House Bill 1087

By: Representatives Hutchinson of the 107<sup>th</sup>, Nguyen of the 89<sup>th</sup>, Mitchell of the 106<sup>th</sup>, Park of the 101<sup>st</sup>, and Schofield of the 60<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 5 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to offenses involving illegal aliens, so as to enact the "Undocumented Persons  
3 Family Violence Protection Act"; to provide a short title; to provide for definitions; to  
4 provide certain protections for undocumented persons who are victims of domestic violence;  
5 to provide for limitations; to provide for related matters; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 5 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to  
10 offenses involving illegal aliens, is amended by adding a new Code section to read as  
11 follows:

12 "16-11-204.

13 (a) This Code section shall be known and may be cited as the 'Undocumented Persons  
14 Family Violence Protection Act.'

15 (b) As used in this Code section, the term:

16 (1) 'Seeks law enforcement assistance' means accesses or assists in accessing the 9-1-1  
17 system or otherwise contacts or assists in contacting law enforcement to report an  
18 incident of family violence.

19 (2) 'Undocumented person' means a person who is verified by the federal government  
20 to be present in the United States in violation of federal immigration law.

21 (c) Any undocumented person who in good faith seeks law enforcement assistance and  
22 who is a victim of family violence or who seeks assistance on behalf of a victim of family  
23 violence, as such term is defined under Code Section 19-13-1, shall not be arrested,  
24 charged, or prosecuted for being an undocumented person.

25 (d) Nothing in this Code section shall be construed to limit the admissibility of any  
26 evidence in connection with the investigation or prosecution of a crime with regard to a  
27 defendant who does not qualify for the protections of subsection (c) of this Code section  
28 or with regard to other crimes committed by a person who otherwise qualifies for  
29 protection pursuant to subsection (c) of this Code section. Nothing in this Code section  
30 shall be construed to limit or abridge the authority of a law enforcement officer to detain  
31 or take into custody a person in the course of an investigation or to effectuate an arrest for  
32 any offense except as provided in subsection (c) of this Code section."

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## **SECTION 2.**

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