

House Bill 489

By: Representatives Moore of the 95th, Nguyen of the 89th, and Holcomb of the 81st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual
2 offenses, so as to provide for a protective order for victims against persons who have
3 committed acts of sexual assault; to provide for a definition; to provide for procedures; to
4 provide for related matters; 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 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,
8 is amended by adding a new Code section to read as follows:

9 "16-6-26.

10 (a) As used in this Code section, the term 'sexual assault' means an act that constitutes one
11 or more violations of:

12 (1) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;

13 (2) Trafficking of persons for labor or sexual servitude in violation of Code
14 Section 16-5-46;

15 (3) Rape in violation of Code Section 16-6-1;

16 (4) Aggravated sodomy in violation of Code Section 16-6-2;

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- 17 (5) Statutory rape in violation of Code Section 16-6-3;
18 (6) Child molestation or aggravated child molestation in violation of Code
19 Section 16-6-4;
20 (7) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
21 (8) Improper sexual contact by employee, agent, or foster parent in violation of Code
22 Section 16-6-5.1;
23 (9) Incest in violation of Code Section 16-6-22;
24 (10) Sexual battery in violation of Code Section 16-6-22.1;
25 (11) Aggravated sexual battery in violation of Code Section 16-6-22.2;
26 (12) Electronically furnishing obscene material to minors in violation of Code
27 Section 16-12-100.1; or
28 (13) Computer pornography and child exploitation in violation of Code
29 Section 16-12-100.2.
30 (b)(1) Any person who has been subjected to, threatened with, or placed in fear of,
31 domestic abuse, stalking, or sexual assault may seek relief under this chapter by filing a
32 sworn petition alleging domestic abuse, stalking, or sexual assault by the respondent.
33 (2) Any petition filed by an unemancipated person under 18 years of age shall be signed
34 by a parent or guardian.
35 (c) The petitioner must demonstrate by a preponderance of evidence that they were
36 subjected to, threatened with, or placed in fear of sexual assault by the respondent.
37 (d) Upon the filing of a verified petition in which the petitioner alleges with specific facts
38 that probable cause exists to establish that sexual assault by the respondent has occurred
39 one or more times in the past and may occur in the future, the court may order such
40 temporary relief ex parte as it deems necessary to protect the petitioner or any minor of the
41 household from sexual assault. If the court issues an ex parte order, a copy of the order
42 shall be immediately furnished to the petitioner and to the National Crime Information
43 Center.

44 (e) The court may grant a protective order or approve a consent agreement to the petitioner
45 against the respondent to bring about a cessation of conduct constituting sexual assault.

46 Orders or agreements shall:

47 (1) Direct the respondent to refrain from such conduct;

48 (2) Order the respondent to refrain from harassing or interfering with the petitioner or
49 any minor of the household; and

50 (3) Provide that violations of such order shall constitute contempt pursuant to Code
51 Section 15-6-8.

52 (f) Any person convicted of a violation of subsection (e) shall be guilty of a misdemeanor.

53 (g) Code Section 19-13-2, the provisions of subsections (c) and (d) of Code
54 Section 19-13-3, subsections (b), (c), and (d) of Code Section 19-13-4, and Code
55 Section 19-13-5, relating to family violence petitions, shall apply to petitions filed pursuant
56 to this Code section, except that the clerk of court may provide forms for petitions and
57 pleadings to persons alleging conduct constituting sexual assault and to any other person
58 designated by the superior court pursuant to this Code section as authorized to advise
59 persons alleging conduct constituting sexual assault on filling out and filing such petitions
60 and pleadings."

61 **SECTION 2.**

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