

AN ACT

To amend Code Section 16-5-23.1 of the Official Code of Georgia Annotated, relating to battery, so as to change penalty provisions relating to family violence battery; to provide for a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-5-23.1 of the Official Code of Georgia Annotated, relating to battery, is amended by revising subsection (f) as follows:

"(f)(1) As used in this subsection, the term 'household member' means past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household.

(2) If the offense of battery is committed between household members, it shall constitute the offense of family violence battery and shall be punished as follows:

(A) Upon a first conviction of family violence battery, the defendant shall be guilty of and punished for a misdemeanor; provided, however, that if the defendant has previously been convicted of a forcible felony committed between household members under the laws of this state, of the United States, including the laws of its territories, possessions, or dominions, or any of the several states, or of any foreign nation recognized by the United States, which if committed in this state would have constituted a forcible felony committed between household members, he or she shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years; and

(B) Upon a second or subsequent conviction of family violence battery against the same or another victim, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years.

(3) In no event shall this subsection be applicable to reasonable corporal punishment administered by parent to child."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.