

House Bill 541

By: Representatives Strickland of the 111th, Golick of the 40th, Brockway of the 102nd, Oliver of the 82nd, Evans of the 42nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 16 and 19 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses and to domestic relations, respectively, so as to prohibit persons convicted of
3 misdemeanor crimes of family violence from receiving, possessing, or transporting a firearm
4 and to prohibit persons subject to family violence protective orders from receiving,
5 possessing, or transporting a firearm; to provide an effective date and applicability; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
10 amended by revising Code Section 16-5-20, relating to simple assault, as follows:

11 "16-5-20.

12 (a) A person commits the offense of simple assault when he or she either:

13 (1) Attempts to commit a violent injury to the person of another; or

14 (2) Commits an act which places another in reasonable apprehension of immediately
15 receiving a violent injury.

16 (b) Except as provided in subsections (c) through (h) of this Code section, a person who
17 commits the offense of simple assault shall be guilty of a misdemeanor.

18 (c) Any person who commits the offense of simple assault in a public transit vehicle or
19 station shall, upon conviction thereof, be punished for a misdemeanor of a high and
20 aggravated nature. For purposes of this Code section, 'public transit vehicle' means a bus,
21 van, or rail car used for the transportation of passengers within a system which receives a
22 subsidy from tax revenues or is operated under a franchise contract with a county or
23 municipality of this state.

24 (d) If the offense of simple assault is committed between past or present spouses, persons
25 who are parents of the same child, parents and children, stepparents and stepchildren, foster
26 parents and foster children, or other persons excluding siblings living or formerly living in

27 the same household, the defendant shall be punished for a misdemeanor of a high and
 28 aggravated nature. In no event shall this subsection be applicable to corporal punishment
 29 administered by a parent or guardian to a child or administered by a person acting in loco
 30 parentis.

31 (d.1) Upon conviction of simple assault under paragraph (1) of subsection (a) of this Code
 32 section, or, if the offense involves a firearm, under paragraph (2) of subsection (a) of this
 33 Code section, that is committed between past or present spouses, persons who are parents
 34 of the same child, parents and children, stepparents and stepchildren, foster parents and
 35 foster children, or other persons living or formerly living in the same household, the court
 36 shall inform the offender orally and in writing that such offender is prohibited from
 37 receiving, possessing, or transporting any firearm under subsection (b) of Code
 38 Section 16-11-131, indicate such prohibition on the record of conviction, order such
 39 offender orally and in writing to transfer any and all firearms in his or her possession or
 40 control, and ensure transfer is made as provided under subsection (b.1) of Code Section
 41 16-11-131.

42 (e) Any person who commits the offense of simple assault against a person who is 65 years
 43 of age or older shall, upon conviction thereof, be punished for a misdemeanor of a high and
 44 aggravated nature.

45 (f) Any person who commits the offense of simple assault against an employee of a public
 46 school system of this state while such employee is engaged in official duties or on school
 47 property shall, upon conviction of such offense, be punished for a misdemeanor of a high
 48 and aggravated nature. For purposes of this Code section, 'school property' shall include
 49 public school buses and stops for public school buses as designated by local school boards
 50 of education.

51 (g) Any person who commits the offense of simple assault against a female who is
 52 pregnant at the time of the offense shall, upon conviction thereof, be punished for a
 53 misdemeanor of a high and aggravated nature.

54 (h) Nothing in this Code section shall be construed to permit the prosecution of:

55 (1) Any person for conduct relating to an abortion for which the consent of the pregnant
 56 woman, or person authorized by law to act on her behalf, has been obtained or for which
 57 such consent is implied by law;

58 (2) Any person for any medical treatment of the pregnant woman or her unborn child;
 59 or

60 (3) Any woman with respect to her unborn child.

61 For the purposes of this subsection, the term 'unborn child' means a member of the species
 62 homo sapiens at any stage of development who is carried in the womb."

63

SECTION 2.

64 Said title is further amended by revising Code Section 16-5-23, relating to simple battery, as
65 follows:

66 "16-5-23.

67 (a) A person commits the offense of simple battery when he or she either:

68 (1) Intentionally makes physical contact of an insulting or provoking nature with the
69 person of another; or

70 (2) Intentionally causes physical harm to another.

71 (b) Except as otherwise provided in subsections (c) through (i) of this Code section, a
72 person convicted of the offense of simple battery shall be punished as for a misdemeanor.

73 (c) Any person who commits the offense of simple battery against a person who is 65
74 years of age or older or against a female who is pregnant at the time of the offense shall,
75 upon conviction thereof, be punished for a misdemeanor of a high and aggravated nature.

76 (d) Any person who commits the offense of simple battery in a public transit vehicle or
77 station shall, upon conviction thereof, be punished for a misdemeanor of a high and
78 aggravated nature. For purposes of this Code section, 'public transit vehicle' has the same
79 meaning as in subsection (c) of Code Section 16-5-20.

80 (e) Any person who commits the offense of simple battery against a police officer,
81 correction officer, or detention officer engaged in carrying out official duties shall, upon
82 conviction thereof, be punished for a misdemeanor of a high and aggravated nature.

83 (f) If the offense of simple battery is committed between past or present spouses, persons
84 who are parents of the same child, parents and children, stepparents and stepchildren, foster
85 parents and foster children, or other persons excluding siblings living or formerly living in
86 the same household, the defendant shall be punished for a misdemeanor of a high and
87 aggravated nature. In no event shall this subsection be applicable to corporal punishment
88 administered by a parent or guardian to a child or administered by a person acting in loco
89 parentis.

90 (f.1) If the offense of simple battery is committed between past or present spouses, persons
91 who are parents of the same child, parents and children, stepparents and stepchildren, foster
92 parents and foster children, or other persons living or formerly living in the same
93 household, the court, upon conviction, shall inform such offender orally and in writing that
94 the offender is prohibited from receiving, possessing, or transporting any firearm under
95 subsection (b) of Code Section 16-11-131, indicate such prohibition on the record of
96 conviction, order such offender orally and in writing to transfer any and all firearms in his
97 or her possession or control, and ensure transfer is made as provided under subsection (b.1)
98 of Code Section 16-11-131.

99 (g) A person who is an employee, agent, or volunteer at any facility licensed or required
100 to be licensed under Code Section 31-7-3, relating to long-term care facilities, or Code
101 Section 31-7-12.2, relating to assisted living communities, or Code Section 31-7-12,
102 relating to personal care homes, or who is required to be licensed pursuant to Code Section
103 31-7-151 or 31-7-173, relating to home health care and hospices, who commits the offense
104 of simple battery against a person who is admitted to or receiving services from such
105 facility, person, or entity shall be punished for a misdemeanor of a high and aggravated
106 nature.

107 (h) Any person who commits the offense of simple battery against a sports official while
108 such sports official is officiating an amateur contest or while such sports official is on or
109 exiting the property where he or she will officiate or has completed officiating an amateur
110 contest shall, upon conviction thereof, be punished for a misdemeanor of a high and
111 aggravated nature. For the purposes of this Code section, the term 'sports official' means
112 any person who officiates, umpires, or referees an amateur contest at the collegiate,
113 elementary or secondary school, or recreational level.

114 (i) Any person who commits the offense of simple battery against an employee of a public
115 school system of this state while such employee is engaged in official duties or on school
116 property shall, upon conviction of such offense, be punished for a misdemeanor of a high
117 and aggravated nature. For purposes of this Code section, 'school property' shall include
118 public school buses and stops for public school buses as designated by local school boards
119 of education."

120 SECTION 3.

121 Said title is further amended by revising Code Section 16-5-23.1, relating to battery, as
122 follows:

123 "16-5-23.1.

124 (a) A person commits the offense of battery when he or she intentionally causes substantial
125 physical harm or visible bodily harm to another.

126 (b) As used in this Code section, the term 'visible bodily harm' means bodily harm capable
127 of being perceived by a person other than the victim and may include, but is not limited to,
128 substantially blackened eyes, substantially swollen lips or other facial or body parts, or
129 substantial bruises to body parts.

130 (c) Except as provided in subsections (d) through (l) of this Code section, a person who
131 commits the offense of battery is guilty of a misdemeanor.

132 (d) Upon the second conviction for battery against the same victim, the defendant shall be
133 punished by imprisonment for not less than ten days nor more than 12 months, by a fine
134 not to exceed \$1,000.00, or both. The minimum sentence of ten days for a second offense

135 shall not be suspended, probated, deferred, stayed, or withheld; provided, however, that it
 136 is within the authority and discretion of the sentencing judge to:

137 (1) Allow the sentence to be served on weekends by weekend confinement or during the
 138 nonworking hours of the defendant. A weekend shall commence and shall end in the
 139 discretion of the sentencing judge, and the nonworking hours of the defendant shall be
 140 determined in the discretion of the sentencing judge; or

141 (2) Suspend, probate, defer, stay, or withhold the minimum sentence where there exists
 142 clear and convincing evidence that imposition of the minimum sentence would either
 143 create an undue hardship upon the defendant or result in a failure of justice.

144 (e) Upon a third or subsequent conviction for battery against the same victim, the
 145 defendant shall be guilty of a felony and shall be punished by imprisonment for not less
 146 than one nor more than five years. The minimum sentence provisions contained in
 147 subsection (d) of this Code section shall apply to sentences imposed pursuant to this
 148 subsection.

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

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

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

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

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

169 (f.1) If the offense of battery is committed between past or present spouses, persons who
 170 are parents of the same child, parents and children, stepparents and stepchildren, foster
 171 parents and foster children, or other persons living or formerly living in the same

172 household, the court, upon conviction, shall inform such offender orally and in writing that
173 such offender is prohibited from receiving, possessing, or transporting any firearm under
174 subsection (b) of Code Section 16-11-131, indicate such prohibition on the record of
175 conviction, order such offender orally and in writing to transfer any and all firearms in his
176 or her possession or control, and ensure transfer is made as provided under subsection (b.1)
177 of Code Section 16-11-131.

178 (g) Any person who commits the offense of battery in a public transit vehicle or station
179 shall, upon conviction thereof, be punished for a misdemeanor of a high and aggravated
180 nature. For purposes of this Code section, 'public transit vehicle' has the same meaning as
181 in subsection (c) of Code Section 16-5-20.

182 (h) Any person who commits the offense of battery against a female who is pregnant at the
183 time of the offense shall, upon conviction thereof, be punished for a misdemeanor of a high
184 and aggravated nature.

185 (i) Any person who commits the offense of battery against a teacher or other school
186 personnel engaged in the performance of official duties or while on school property shall,
187 upon conviction thereof, be punished by imprisonment for not less than one nor more than
188 five years or a fine of not more than \$10,000.00, or both. For purposes of this Code
189 section, 'school property' shall include public school buses and public school bus stops as
190 designated by local school boards of education.

191 (j) Except as otherwise provided in subsection (e) and paragraph (2) of subsection (f) of
192 this Code section, any person who commits the offense of battery against a person who is
193 65 years of age or older shall, upon conviction thereof, be punished for a misdemeanor of
194 a high and aggravated nature.

195 (k) A person who is an employee, agent, or volunteer at any facility licensed or required
196 to be licensed under Code Section 31-7-3, relating to long-term care facilities, or Code
197 Section 31-7-12.2, relating to assisted living communities, or Code Section 31-7-12,
198 relating to personal care homes, or who is required to be licensed pursuant to Code Section
199 31-7-151 or 31-7-173, relating to home health care and hospices, who commits the offense
200 of battery against a person who is admitted to or receiving services from such facility,
201 person, or entity shall, upon conviction thereof, be punished by imprisonment for not less
202 than one nor more than five years, or a fine of not more than \$2,000.00, or both.

203 (l) Any person who commits the offense of battery against a sports official while such
204 sports official is officiating an amateur contest or while such sports official is on or exiting
205 the property where he or she will officiate or has completed officiating an amateur contest
206 shall, upon conviction thereof, be punished for a misdemeanor of a high and aggravated
207 nature. For purposes of this Code section, the term 'sports official' means any person who

208 officiates, umpires, or referees an amateur contest at the collegiate, elementary or
 209 secondary school, or recreational level."

210 **SECTION 4.**

211 Said title is further amended by revising Code Section 16-11-102, relating to pointing or
 212 aiming a gun or pistol at another, as follows:

213 "16-11-102.

214 (a) A person is guilty of a misdemeanor when he or she intentionally and without legal
 215 justification points or aims a gun or pistol at another, whether the gun or pistol is loaded
 216 or unloaded.

217 (b) If the offense of pointing or aiming gun or pistol at another is committed between past
 218 or present spouses, persons who are parents of the same child, parents and children,
 219 stepparents and stepchildren, foster parents and foster children, or other persons living or
 220 formerly living in the same household, the court, upon conviction, shall inform such
 221 offender orally and in writing that such offender is prohibited from receiving, possessing,
 222 or transporting any firearm under subsection (b) of Code Section 16-11-131, indicate the
 223 prohibition on the record of conviction, order such offender orally and in writing to transfer
 224 any and all firearms in his or her possession or control, and ensure transfer is made as
 225 provided under subsection (b.1) of Code Section 16-11-131."

226 **SECTION 5.**

227 Said title is further amended by revising Code Section 16-11-131, relating to possession of
 228 firearms by convicted felons and first offender probationers, as follows:

229 "16-11-131.

230 (a) As used in this Code section, the term:

231 (1) 'Felony' means any offense punishable by imprisonment for a term of one year or
 232 more and includes conviction by a court-martial under the Uniform Code of Military
 233 Justice for an offense which would constitute a felony under the laws of the United
 234 States.

235 (1.1) 'Family violence protective order' means an order issued under Code
 236 Section 19-13-4 or an equivalent order in this state or elsewhere that was issued after the
 237 restrained person received notice of the proceedings and an opportunity to be heard.

238 (2) 'Firearm' includes any handgun, rifle, shotgun, or other weapon which will or can be
 239 converted to expel a projectile by the action of an explosive or electrical charge.

240 (3) 'Misdemeanor crime of family violence' means any offense punishable by
 241 imprisonment for a term of one year or less that:

242 (A) Is committed between past or present spouses, persons who are parents of the same
 243 child, parents and children, stepparents and stepchildren, foster parents and foster
 244 children, or other persons living in or formerly living in the same household; and

245 (B) Involves the use or attempted use of physical force or the threatened use of a
 246 firearm.

247 (b) Any person who is on probation as a felony first offender pursuant to Article 3 of
 248 Chapter 8 of Title 42, who is subject to a family violence protective order, or who has been
 249 convicted of a felony or a misdemeanor crime of family violence by a court of this state or
 250 any other state; by a court of the United States including its territories, possessions, and
 251 dominions; or by a court of any foreign nation and who receives, possesses, or transports
 252 any firearm commits a felony and, upon conviction thereof, shall be imprisoned for not less
 253 than one nor more than five years; provided, however, that if the felony as to which the
 254 person is on probation or has been previously convicted is a forcible felony, then upon
 255 conviction of receiving, possessing, or transporting a firearm, such person shall be
 256 imprisoned for a period of five years.

257 (b.1)(1) Upon entering a conviction for a misdemeanor crime of family violence a court
 258 shall immediately:

259 (A) Inform such offender orally and in writing that, pursuant to subsection (b) of this
 260 Code section, the offender shall not receive, possess, or transport any firearm;

261 (B) Order such offender orally and in writing to surrender all firearms in the offender's
 262 possession, within 24 hours of the order to a federally licensed firearms dealer;

263 (C) Provide such offender the opportunity to attest orally and in writing that the
 264 offender, at the time of the conviction, has no firearms in the offender's possession or
 265 control; and

266 (D) If such offender does not attest orally and in writing as provided in paragraph (3)
 267 of this subsection, schedule a hearing to occur within 72 hours, during which time the
 268 offender shall either:

269 (i) Present a receipt showing that any firearms in the offender's possession or control
 270 at the time of conviction were physically surrendered to a federally licensed firearms
 271 dealer and attest orally and in writing that such firearms have been physically
 272 surrendered to a federally licensed firearms dealer and that the offender, at the time
 273 of the hearing, has no firearms in the offender's possession or control; or

274 (ii) Attest orally and in writing that the offender, at the time of the conviction, had
 275 no firearms in the offender's possession or control and, at the time of the hearing, has
 276 no firearm in the offender's possession or control.

277 (2) An offender transporting a firearm to surrender in accordance with this subsection
 278 shall not be subject to prosecution under subsection (b) of this Code section.

279 (b.2) Any person who is prohibited by this Code section from possessing a firearm because
280 of conviction of a forcible felony or because of being on probation as a first offender for
281 a forcible felony pursuant to this Code section and who attempts to purchase or obtain
282 transfer of a firearm shall be guilty of a felony and shall be punished by imprisonment for
283 not less than one nor more than five years.

284 (c) This Code section shall not apply to any person who has been pardoned for the felony
285 by the President of the United States, the State Board of Pardons and Paroles, or the person
286 or agency empowered to grant pardons under the constitutions or laws of the several states
287 or of a foreign nation and, by the terms of the pardon, has expressly been authorized to
288 receive, possess, or transport a firearm.

289 (d) A person who has been convicted of a felony, but who has been granted relief from the
290 disabilities imposed by the laws of the United States with respect to the acquisition, receipt,
291 transfer, shipment, or possession of firearms by the secretary of the United States
292 Department of the Treasury pursuant to 18 U.S.C. Section 925, shall, upon presenting to
293 the Board of Public Safety proof that the relief has been granted and it being established
294 from proof submitted by the applicant to the satisfaction of the Board of Public Safety that
295 the circumstances regarding the conviction and the applicant's record and reputation are
296 such that the acquisition, receipt, transfer, shipment, or possession of firearms by the
297 person would not present a threat to the safety of the citizens of Georgia and that the
298 granting of the relief sought would not be contrary to the public interest, be granted relief
299 from the disabilities imposed by this Code section. A person who has been convicted
300 under federal or state law of a felony pertaining to antitrust violations, unfair trade
301 practices, or restraint of trade shall, upon presenting to the Board of Public Safety proof,
302 and it being established from said proof, submitted by the applicant to the satisfaction of
303 the Board of Public Safety that the circumstances regarding the conviction and the
304 applicant's record and reputation are such that the acquisition, receipt, transfer, shipment,
305 or possession of firearms by the person would not present a threat to the safety of the
306 citizens of Georgia and that the granting of the relief sought would not be contrary to the
307 public interest, be granted relief from the disabilities imposed by this Code section. A
308 record that the relief has been granted by the board shall be entered upon the criminal
309 history of the person maintained by the Georgia Crime Information Center and the board
310 shall maintain a list of the names of such persons which shall be open for public inspection.

311 (e) As used in this Code section, the term 'forcible felony' means any felony which
312 involves the use or threat of physical force or violence against any person and further
313 includes, without limitation, murder; murder in the second degree; burglary in any degree;
314 robbery; armed robbery; home invasion in any degree; kidnapping; hijacking of an aircraft
315 or motor vehicle; aggravated stalking; rape; aggravated child molestation; aggravated

316 sexual battery; arson in the first degree; the manufacturing, transporting, distribution, or
 317 possession of explosives with intent to kill, injure, or intimidate individuals or destroy a
 318 public building; terroristic threats; or acts of treason or insurrection.

319 (f) Any person placed on probation as a first offender pursuant to Article 3 of Chapter 8
 320 of Title 42 and subsequently discharged without court adjudication of guilt as a matter of
 321 law pursuant to Code Section 42-8-60 shall, upon such discharge, be relieved from the
 322 disabilities imposed by this Code section."

323 **SECTION 6.**

324 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
 325 amended by revising Code Section 19-13-4, relating to family violence protective orders and
 326 consent agreements, as follows:

327 "19-13-4.

328 (a) The court may, upon the filing of a verified petition, grant any protective order or
 329 approve any consent agreement to bring about a cessation of acts of family violence. The
 330 court shall not have the authority to issue or approve mutual protective orders concerning
 331 paragraph (1), (2), (5), (9), or (11) of this subsection, or any combination thereof, unless
 332 the respondent has filed a verified petition as a counter petition pursuant to Code
 333 Section 19-13-3 no later than three days, not including Saturdays, Sundays, and legal
 334 holidays, prior to the hearing and the provisions of Code Section 19-13-3 have been
 335 satisfied. The orders or agreements may:

- 336 (1) Direct the respondent to refrain from such acts;
- 337 (2) Grant to a party possession of the residence or household of the parties and exclude
 338 the other party from the residence or household;
- 339 (3) Require a party to provide suitable alternate housing for a spouse, former spouse, or
 340 parent and the parties' child or children;
- 341 (4) Award temporary custody of minor children and establish temporary visitation rights;
- 342 (5) Order the eviction of a party from the residence or household and order assistance to
 343 the victim in returning to it, or order assistance in retrieving personal property of the
 344 victim if the respondent's eviction has not been ordered;
- 345 (6) Order either party to make payments for the support of a minor child as required by
 346 law;
- 347 (7) Order either party to make payments for the support of a spouse as required by law;
- 348 (8) Provide for possession of personal property of the parties;
- 349 (9) Order the respondent to refrain from harassing or interfering with the victim;
- 350 (10) Award costs and attorney's fees to either party; and

- 351 (11) Order the respondent to receive appropriate psychiatric or psychological services
352 as a further measure to prevent the recurrence of family violence.
- 353 (a.1)(1) An order issued pursuant to subsection (a) of this Code section that was granted
354 after notice was provided to the respondent and after such respondent was given an
355 opportunity to be heard shall prohibit such respondent from receiving, possessing, or
356 transporting any firearm. Upon issuance of such an order a court shall immediately:
- 357 (A) Inform such respondent in writing that, pursuant to subsection (b) of Code
358 Section 16-11-131, the offender shall not receive, possess, or transport any firearm;
- 359 (B) Order such respondent in writing to surrender all firearms in the respondent's
360 possession within 24 hours of the order to a federally licensed firearms dealer;
- 361 (C) If such respondent is present at the time the order is issued, provide the respondent
362 the opportunity to attest orally and in writing that the respondent, at the time of the
363 issuance of the protective order, has no firearms in the respondent's possession or
364 control; and
- 365 (D) If such respondent does not attest orally and in writing as provided in paragraph
366 (3) of this subsection, schedule a hearing to occur within 72 hours, during which time
367 the respondent shall either:
- 368 (i) Present a receipt showing that any firearms in the respondent's possession or
369 control at the time the order was issued were physically surrendered to a federally
370 licensed firearms dealer and attest orally and in writing that any firearms in the
371 respondent's possession or control at the time the protective order was issued have
372 been physically surrendered to a federally licensed firearms dealer and that the
373 respondent, at the time of the hearing, has no firearms in the respondent's possession
374 or control; or
- 375 (ii) Attest orally and in writing that the respondent, at the time the protective order
376 was issued, had no firearms in the respondent's possession or control and, at the time
377 of the hearing, has no firearm in the respondent's possession or control.
- 378 (2) A respondent transporting a firearm to surrender in accordance with this subsection
379 shall not be subject to prosecution under subsection (b) of Code Section 16-11-131.
- 380 (b) A copy of the order shall be issued by the clerk of the superior court to the sheriff of
381 the county wherein the order was entered and shall be retained by the sheriff as long as that
382 order shall remain in effect.
- 383 (c) Any order granted under this Code section shall remain in effect for up to one year;
384 provided, however, that upon the motion of a petitioner and notice to the respondent and
385 after a hearing, the court in its discretion may convert a temporary order granted under this
386 Code section to an order effective for not more than three years or to a permanent order.

387 (d) A protective order issued pursuant to this Code section shall apply and shall be
388 effective throughout this state. It shall be the duty of every superior court and of every
389 sheriff, every deputy sheriff, and every state, county, or municipal law enforcement officer
390 within this state to enforce and carry out the terms of any valid protective order issued by
391 any court under the provisions of this Code section."

392 **SECTION 7.**

393 This Act shall become effective on July 1, 2017, and shall apply to any conviction or
394 protective order issued on or after such date.

395 **SECTION 8.**

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