

9-1-1993

DOMESTIC RELATIONS Family Violence: Provide for State-Wide Enforcement of Protective Orders

Peggy Ochandarena

Follow this and additional works at: <https://readingroom.law.gsu.edu/gsulr>

 Part of the [Law Commons](#)

Recommended Citation

Peggy Ochandarena, *DOMESTIC RELATIONS Family Violence: Provide for State-Wide Enforcement of Protective Orders*, 10 GA. ST. U. L. REV. (1993).

Available at: <https://readingroom.law.gsu.edu/gsulr/vol10/iss1/25>

This Peach Sheet is brought to you for free and open access by the Publications at Reading Room. It has been accepted for inclusion in Georgia State University Law Review by an authorized editor of Reading Room. For more information, please contact mbutler@gsu.edu.

DOMESTIC RELATIONS

Family Violence: Provide for the State-Wide Enforcement of Protective Orders

CODE SECTION: O.C.G.A. § 19-13-4 (amended)
BILL NUMBER: HB 680
ACT NUMBER: 447
SUMMARY: The Act provides for the mandatory statewide enforcement of protective orders and consent agreements issued by a judge to prevent family violence.
EFFECTIVE DATE: July 1, 1993

History

This bill was introduced to overcome the problems encountered by victims of violence with the enforcement of protective orders in counties other than the one in which the order had been issued.¹ For example, protected persons encountered enforcement problems in situations where they lived in one county but worked in another county; law enforcement personnel were often hesitant about enforcing a protective order issued in a county other than their own.² The bill had the support of the Board of Directors of the Council on Battered Women and the Georgia Council of Superior Judges.³ The bill's purpose is to facilitate intended reciprocity of enforcement of protective orders among counties within the state.⁴

HB 680

The Act amends a statute currently providing the court that issues a protective order or consent agreement with discretion in ordering its enforcement by any law enforcement personnel, or other official.⁵ The Act replaces the discretionary word "may" with the mandatory word

1. Telephone Interview with Rep. Barbara J. Mobley, House District No. 69 (Apr. 9, 1993) [hereinafter Mobley Interview]. Rep. Mobley was the sponsor of HB 680.

2. *Id.*

3. *Id.* The bill had the support of other groups such as the American Civil Liberties Union and the National Organization of Women. *Id.* There was no opposition to the bill. *Id.*

4. *Id.* Rep. Mobley remarked that "protection should not be an accident as to the county where the order was issued." *Id.*

5. O.C.G.A. § 19-13-4(d) (1982).

“shall.”⁶ The Act clearly states that any protective order issued by a court pursuant to this Code section is effective throughout the state.⁷ Every superior court and every state, county, or municipal law enforcement officer is required to enforce a valid protective order.⁸ The only change to the Act as it passed through the House Committee on Special Judiciary was the addition of the word “valid” before “protective order” in the previous sentence.⁹

Peggy Ochandarena

6. *Id.* § 19-13-4(d) (Supp. 1993).

7. *Id.*

8. *Id.*

9. HB 680 (HCS), 1993 Ga. Gen. Assem.