# CRIMES AND OFFENSES

***Georgia Survivor Justice Act: Amend Titles 16, 17, 24, and 45 of the Official Code of Georgia Annotated, Relating to Crimes and Offenses, Criminal Procedure, Evidence, and Public Officers and Employees, respectively, so as to Provide for Defendants to Support a Justification Defense by Offering Evidence of Family Violence, Dating Violence, or Child Abuse Committed by the Alleged Victim; Provide for Petitions for the Opportunity to Present such Evidence; Revise Provisions for the Defense of Coercion and to Provide for the Application of Such Defense in All Criminal Cases; Provide a Privilege for Participation in Victim Centered Programs and Victim-Offender Dialogues; Provide for Definitions; Provide for Limitations; Provide for Civil Immunity for Facilitators in Certain Circumstances; Provide for a Short Title; Provide for Uniform Oaths to be Sworn by All Peace Officers; Provide for Aspirational Language in Such Oaths; Limit the Legal Effect of Any Such Aspirational Language; Limit the Crime of Violation of Oath of a Public Officer to Codified Oaths; Limit the Violation of Oath by a Public Officer to Violations Predicated on Certain Offenses; Provide for Related Matters; Repeal Conflicting Laws; and for Other Purposes***

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| CODE SECTIONS: | O.C.G.A. §§ 16-3-21 (amended); 16-3-26 (amended); 16-10-1 (amended); 17-10-1 (amended); 17-10-22 (amended); 24-5-501 (amended); 45-3-7 (amended) |
| BILL NUMBER: | HB 582 |
| ACT NUMBER: | 131 |
| GEORGIA LAWS: | 2025 Ga. Laws 497 |
| EFFECTIVE DATE: | July 1, 2025 |

SUMMARY: This Act permits criminal defendants to introduce evidence that they are survivors of family violence, dating violence, or child abuse in support of a justification defense, sentencing mitigation hearing, or resentencing hearing. It amends various Code sections to provide for the admissibility of such evidence, clarify the applicability of justification defenses, and establish evidentiary standards. The Act also creates an evidentiary privilege to protect communications made within the context of a victim-centered program, such as Restorative Justice, and provides civil immunity for facilitators of those dialogues. Finally, the Act imposes a uniform oath requirement for peace officers statewide.

*History*

In the United States, between 74% and 95% of incarcerated women have survived some form of domestic abuse or sexual violence, and in the state of Georgia, over 35% of women have experienced some form of intimate partner violence.[1] Domestic violence claims the life of a Georgian almost every forty eight hours.[2] Victims of domestic

1. Letter from Lisel Petis, Pol'y Dir., Crim. Just. & C.L., R. St. Inst., to Brian Kemp, Gov., State of Ga. (Apr. 11, 2025), https://www.rstreet.org/outreach/r-street-letter-to-ga-governor-kemp-in-support-of-hb-582-georgia-survivor-justice-act/ [https://perma.cc/Q8EL-JEJB]; Charlotte Kramon, *Georgia Bill to Reduce Prison Sentences for Domestic Violence Survivors on Its Way to Becoming Law*, ASSOC. PRESS (June 14, 2025), https://apnews.com/article/25e23744d3365f0d19c766537b5cd56c [https://perma.cc/38GE-A6FW].

2. Letter from Lisel Petis to Brian Kemp, *supra* note 1.

violence often face prosecution and incarceration for actions they take under the coercion of their abusers, or for actions they take in self-defense.[3]

House Bill (HB) 582 has the potential to allow hundreds of incarcerated women in Georgia to have their sentences reduced.[4] One of these women is Latoya Dickens, who was convicted of felony murder, served twenty-five years in prison, and is now on parole for the rest of her life.[5] Dickens says she still wants a court to hear evidence that shows she killed her husband in self-defense, in the hopes of a fair chance at rebuilding her life.[6] Dickens says that for years, her husband physically abused her, once picking her up and throwing her off of a porch while she was eight months pregnant.[7] She lived her daily life in fear because of her husband's regular physical abuse "at least about ten times out of the month."[8] If Dickens had been able to present evidence of her husband's abuse, her prison sentence could have been as little as ten years under HB 582.[9]

HB 582, titled the "Georgia Survivor Justice Act," was introduced in the 2025-2026 legislative session on February 21, 2025, by Representative Stan Gunter (R-8th) and a group of co-sponsors to provide relief for survivors of domestic violence, sexual assault, and trafficking who are moving through the criminal justice system as defendants; during session, the bill enjoyed broad bipartisan support.[10] Ellie Williams, Legal Director of the Georgia Coalition Against

3. *Id.*; Kramon, *supra* note 1.

4. Kramon, *supra* note 1.

5. Mark Strassmann, *She Says She Killed Her Husband After Years of Enduring His Abuse. A New Georgia Law Could Reduce Her Sentence*, CBS NEWS (June 10, 2025), https://www.cbsnews.com/news/georgia-law-domestic-violence-survivors-resentencing/ [https://perma.cc/YE3J-MSFW].

6. *Id.*

7. *Id.*

8. *Id.*

9. *Id.*

10. 2025 Ga. Laws 497, § 1, at 498; Georgia General Assembly, HB 582, Bill Tracking [hereinafter HB 582, Bill Tracking], https://www.legis.ga.gov/legislation/70670 [https://perma.cc/95FL-Y5AB]; Interview with Wade Askew, Pol'y Dir., Ga. Just. Project (June 9, 2025) [hereinafter Askew Interview] (on file with the Georgia State University Law Review).

Domestic Violence (GCADV) and Wade Askew of the Georgia Justice Project originally presented Representative Gunter with a draft of the bill.[11] Representative Deborah Silcox (R-53rd), one of the bill's supporters, described HB 582 as one of her "favorite bills of the whole session," and emphasized the bill's importance to vulnerable people within the criminal justice system.[12]

HB 582 allows criminal defendants to introduce evidence of past abuse in their lives—such as family violence, dating violence, or child abuse—to support justification for their alleged crimes, self-defense, or coercion defenses, and to seek reduced sentencing or resentencing if such abuse significantly contributed to the offense.[13] For crimes carrying a mandatory life sentence, judges can instead impose ten to thirty years, or even less with prosecutor agreement.[14] For other offenses, judges are limited to half the maximum sentence.[15] The bill also creates a privilege for victim-centered dialogues and strengthens evidentiary standards and procedural safeguards.[16]

Mr. Askew described the bill as addressing the systemic failures of the old framework, explaining that the basic approach to criminal law was not "trauma informed," especially for those accused of crimes related to their own survival.[17] He emphasized that HB 582 has the potential to reduce unnecessary arrests while "approach[ing] accountability from a different standpoint for the person who's accused of creating harm."[18]

HB 582 received strong bipartisan support, largely due to education efforts by advocates of the bill and legal experts.[19] Representative

11. Interview with Rep. Stan Gunter (R-8th) (June 16, 2025) [hereinafter Gunter Interview] (on file with the Georgia State University Law Review).

12. Interview with Rep. Deborah Silcox (R-53rd) (June 5, 2025) (on file with the Georgia State University Law Review).

13. Kramon, *supra* note 1.

14. *Id.*

15. *Id.*

16. *Id.*

17. Askew Interview, *supra* note 10.

18. *Id.*

19. Telephone Interview with Rep. Mary Ann Santos (D-117th) (May 30, 2025) (on file with Georgia State University Law Review).

Mary Ann Santos (D-117th) maintained that once people understood the impact of the bill, particularly on currently incarcerated survivors, they were more inclined to support it.[20] "Their stories were just basically unheard. And it was more of 'did you do it or did you not do it?' Like a black and white scenario," she noted.[21] Representative Stan Gunter emphasized that this bill makes the "whole history of abuse" relevant in a proceeding where the victim of abuse is facing the criminal justice system as a defendant.[22]

*Bill Tracking of HB 582*

*Consideration and Passage by the House (HB 582)*

Representative Stan Gunter (R-8th) sponsored HB 582 in the House with Representatives Matt Reeves (R-99th), Kimberly New (R-40th), Soo Hong (R-103rd), Tyler Smith (R-18th), and James Burchett (R-176th) cosponsoring.[23] The House read the bill for the first time on February 24, 2025, and committed it to the House Committee on Judiciary Non-Civil.[24] The House read the bill for the second time on February 26, 2025.[25]

In committee, Representative Esther Panitch (R-51st) proposed an amendment that removed a strike through "except murder" and added the word "malice."[26] This amendment maintained current law that the coercion defense is inapplicable to charges of malice murder, but expanded the defense's applicability to both felony and second degree

20. *Id.*
21. *Id.*
22. Gunter Interview, *supra* note 11.
23. HB 582, Bill Tracking, *supra* note 10.
24. State of Georgia Final Composite Status Sheet, HB 582, May 15, 2025; HB 582, Bill Tracking, *supra* note 10.
25. State of Georgia Final Composite Status Sheet, HB 582, May 15, 2025.
26. Video Recording of House Judiciary Non-Civil Committee at 35 min., 9 sec. (YouTube, Mar. 3, 2025) (remarks by Wade Askew, Pol'y Dir., Ga. Just. Project), https://www.youtube.com/watch?v=lTG3ufwuFo0&t=591s [https://perma.cc/6GKA-LGVK]. *Compare* HB 582 (HCS), § 3, l. 54, 2025 Ga. Gen. Assemb., *with* HB 582, as introduced, § 3, l. 54, 2025 Ga. Gen. Assemb.

murder.[27] On March 4, 2025, the Judiciary Non-Civil Committee favorably reported the bill by substitute. [28] The House read the bill for the third time and passed it on March 6, 2025, by a vote of 166 to 2.[29]

*Consideration and Passage by the Senate (HB 582)*

Senator Bo Hatchett (R-50th) sponsored HB 582 in the Senate.[30] The Senate read the bill for the first time on March 10, 2025, and committed it to the Senate Committee on Judiciary.[31] On March 28, 2025, the Senate Committee on Judiciary favorably reported the bill by substitute, making many substantive changes.[32]

First, the substitute clarified that all evidence introduced under Code section 16-3-21(d) shall be subject to the rules of evidence in Code sections 24-4-401, 24-4-402, and 24-4-403.[33] This amendment was a result of concerns from district attorneys.[34] They expressed that the bill could be interpreted as allowing the list of relevant evidence to be automatically admitted, notwithstanding other evidentiary rules in sections 24-4-401, 24-4-402, and 24-4-403.[35] Second, the substitute replaced the word "shall" with the word "may," now reading "the defendant may offer relevant evidence." [36] This again addressed the

27. HB 582 (HCS), § 3, l. 54, 2025 Ga. Gen. Assemb.

28. State of Georgia Final Composite Status Sheet, HB 582, May 15, 2025.

29. *Id.*; Georgia House of Representatives Voting Record, HB 582, #254 (May 6, 2025).

30. HB 582, Bill Tracking, *supra* note 10.

31. State of Georgia Final Composite Status Sheet, HB 582, May 15, 2025; HB 582, Bill Tracking, *supra* note 10.

32. State of Georgia Final Composite Status Sheet, HB 582, May 15, 2025. *See generally* HB 582 (LC 49 2384S), 2025 Ga. Gen. Assemb.

33. Interview with Ellie Williams, Legal Dir., Ga. Coal. Against Domestic Violence, and Karimah Dillard, Dir. of Pol'y, Ga. Coal. Against Domestic Violence (June 2, 2025) [hereinafter GCADV Interview] (on file with the Georgia State University Law Review). *Compare* HB 582 (LC 49 2384S), § 2, 2025 Ga. Gen. Assemb., *with* HB 582, as introduced, § 2, 2025 Ga. Gen. Assemb. Code section 24-4-401 defines relevant evidence, Code section 24-4-402 declares all relevant evidence is generally admissible, and Code section 24-4-403 allows the exclusion of relevant evidence on the grounds of prejudice, confusion, or waste of time. O.C.G.A. §§ 24-4-401 to -403 (1981).

34. GCADV Interview, *supra* note 33.

35. *Id.*

36. *Id. Compare* HB 582 (LC 49 2384S), § 2, l. 22, 2025 Ga. Gen. Assemb., *with* HB 582, as introduced, § 2, l. 22, 2025 Ga. Gen. Assemb.

district attorneys' concerns about automatically admitting evidence of family violence, dating violence, or child abuse.[37] Instead, the substitute clarified that this evidence is still subject to other evidentiary rules.[38] Third, the substitute included language that made judgments under 17-10-1(f) subject to direct appeal.[39] Fourth, the substitute added new requirements for petitions for resentencing.[40] This change allows a person currently serving a sentence to petition for resentencing if the offense was committed before July 1, 2025, or if the petition includes new evidence that was not part of the record of the case at any prior sentencing hearing.[41] The change was a response to more district attorneys' concerns that petitioners could seek relief repeatedly using the same evidence.[42] Fifth, the substitute changed the mandatory minimum for persons convicted of a crime punishable by death or by life imprisonment from one year to ten years.[43] This was a result of a compromise with the district attorneys, who originally sought parole ineligibility for resentenced persons whose convictions were originally punishable by death or by life imprisonment.[44] The authors of the bill instead maintained parole eligibility for resentencing,[45] which is what the broader sentence modification statute already allows.[46] They did, however, agree to raise the mandatory minimum to ten years, but noted that the law allows departure from the mandatory minimum if the prosecutor agrees.[47] Sixth, the substitute tweaked one of the available paths to resentencing for incarcerated survivors.[48] While one path

37. GCADV Interview, *supra* note 33.

38. *Id*.

39. *Id. Compare* HB 582 (LC 49 2384S), § 4, ll. 109–10, 2025 Ga. Gen. Assemb., *with* HB 582, as introduced, § 4, 2025 Ga. Gen. Assemb.

40. *Compare* HB 582 (LC 49 2384S), § 4, ll. 81–83, Ga. Gen. Assemb., *with* HB 582, as introduced, § 4, 2025 Ga. Gen. Assemb.

41. HB 582 (LC 49 2384S), § 4, ll. 81–83, Ga. Gen. Assemb.

42. GCADV Interview, *supra* note 33.

43. *Id. Compare* HB 582 (LC 49 2384S), § 5, l. 151, 2025 Ga. Gen. Assemb., *with* HB 582, as introduced, § 6, ll. 152–53, 2025 Ga. Gen. Assemb.

44. GCADV Interview, *supra* note 33.

45. *Id.*; HB 582 (LC 49 2384S), § 5, ll. 154–58, 2025 Ga. Gen. Assemb.

46. O.C.G.A. § 17-10-1(f) (2025).

47. HB 582 (LC 49 2384S), § 5, ll. 150–54, 2025 Ga. Gen. Assemb.

48. *Compare id.* at ll. 147–48, *with* HB 582, as introduced, § 6, l. 150, 2025 Ga. Gen. Assemb.

remained the same—allowing survivors to petition for resentencing if they meet the burden of showing their history of abuse was a significant contributing factor to their conversion—a second path to resentencing was changed.[49] That second path to reduced sentencing, meeting a standard that resentencing is in "[t]he best interest of justice and welfare of society," can only be pursued upon state consent.[50] This was a response to prosecutors' concerns that the sentence reductions would be nearly non-appealable, as "the interest of justice" is a vague standard.[51] Seventh, the substitute removed the language in what was previously section four of the bill relating to felony murder.[52] Eighth, the substitute added language allowing the State to move for a sixty-day extension for responding to petitions.[53] Ninth, the substitute added a requirement that courts schedule a hearing within ninety days of the petition's filing date or within sixty days of the State's response deadline.[54] Tenth, the substitute added the standard for determining the defendant was subject to family violence, dating violence, or child abuse as "a preponderance of the evidence." [55] Lastly, the substitute made a minor change by replacing "except malice murder" with "except for the offense of murder provided for in subsection (a) of Code Section 16-51-1."[56]

The Senate read the bill for the second time on March 28, 2025.[57] However, before the Senate passed the bill, the Senate integrated HB

49. *Compare* HB 582 (LC 49 2384S), § 5, ll. 147–48, 2025 Ga. Gen. Assemb *with* HB 582, as introduced, § 6, l. 150, 2025 Ga. Gen. Assemb.

50. *Compare* HB 582 (LC 49 2384S), § 5, ll. 147–48, 2025 Ga. Gen. Assemb., *with* HB 582, as introduced, § 6, l. 150, 2025 Ga. Gen. Assemb.

51. GCADV Interview, *supra* note 33.

52. *Compare* HB 582 (LC 49 2384S), 2025 Ga. Gen. Assemb., *with* HB 582 (HCS), § 4, 2025 Ga. Gen. Assemb.

53. *Compare* HB 582 (LC 49 2384S), § 4, 85–87, 2025 Ga. Gen. Assemb., *with* HB 582 (HCS), § 5, 2025 Ga. Gen. Assemb.

54. HB 582 (LC 49 2384S), § 4, ll. 94–96, 2025 Ga. Gen. Assemb.

55. HB 582 (LC 49 2384S), § 5, ll. 143–46, 2025 Ga. Gen. Assemb.

56. *Compare id.* at § 3, ll. 55–56, 2025 Ga. Gen. Assemb., *with* HB 582 (HCS), § 6, 2025 Ga. Gen. Assemb.

57. State of Georgia Final Composite Status Sheet, HB 582, May 15, 2025.

384 into HB 582 in sections four and nine.[58] Representative Gunter expressed concerns about HB 384 in the House Judiciary Non-Civil Committee. He disagreed that officers should not be held liable for a violation of oath of office when committing a misdemeanor off duty.[59] He remarked, "Whether they do it on duty or off doesn't matter. They're violating the law. I disagree with this Bill."[60] Despite his concerns, Representative Gunter did not object to integrating the two bills.[61] He noted that at this point they "were getting close to the end of the session and if that's all they're going to do to [his] bill, then [he] was OK with letting them do that."[62] He thought "everything that [they] changed about the bill over in the Senate was fine. And when they added in the other bill . . . [he] was fine with that as long as it honestly didn't weigh it down."[63] The Senate read the bill for the third time on April 2, 2025.[64] The Senate passed the bill by substitute on April 2, 2025.[65] The House agreed to the changes and passed the bill once again on April 4, 2025.[66]

*Bill Tracking of HB 384*

Both HB 582 and 384 would amend Title 16 of the Official Code of Georgia Annotated.[67] HB 384 sought to create a uniform oath to be sworn by all peace officers, to set limits on the legal effect of aspirational language, and to limit the crime of violation of oath of a

58. *Compare* HB 582 (AM 62 0042), §§ 4, 9, 2025 Ga. Gen. Assemb., *with* HB 384 (HCS), §§ 1–2, 2025 Ga. Gen. Assemb.

59. Video Recording of House Judiciary Non-Civil Committee at 1 hr., 11 min., 51 sec. (Feb. 25, 2025) [hereinafter Non-Civil Committee Video (remarks by Rep. Stan Gunter (R-8th)), https://www.youtube.com/watch?v=Aq_EFHNRoHo&t=1100s [https://perma.cc/HBQ6-BXDB].

60. *Id.*

61. *Id*.

62. Gunter Interview, *supra* note 11.

63. *Id.*

64. State of Georgia Final Composite Status Sheet, HB 582, May 15, 2025.

65. *Id*.

66. *Id.*

67. HB 582, as introduced, §§ 2–4, 2025 Ga. Gen. Assemb.; HB 384, as introduced, § 1, 2025 Ga. Gen. Assemb.

public officer.[68] HB 384 passed unanimously in the House but was ultimately integrated into sections four and nine of HB 582.[69]

*Consideration and Passage by the House (HB 384)*

Representative Devan Seabaugh (R-34th) sponsored HB 384 in the House along with Representatives Matt Reeves (R-99th), John Carson (R-46th), Bill Hitchens (R-161st), Tim Flemming (R-114th), and Houston Gaines (R-120th) cosponsoring.[70] The House read the bill for the first time on February 12, 2025, and committed the bill to the House Judiciary Non-Civil Committee.[71] The House read the bill for the second time on February 13, 2025.[72] On March 6, 2025, the House Judiciary Non-Civil Committee amended the bill and favorably reported a substitute.[73] The substitute added "or a misdemeanor of a high and aggravated nature" in line twenty-two.[74] This change expanded the types of crimes for which officers can be subject to prosecution for a violation of their oaths.[75] Whereas the original bill only permitted prosecution for felonies, the House substitute subjected officers to prosecution for the commission of a felony or a misdemeanor of a high and aggravated nature.[76] Representative Seabaugh noted while introducing the substitute that this language "ensures the focus [of the bill] remains on serious misconduct."[77] The

68. *See generally* HB 384 (HCS), 2025 Ga. Gen. Assemb.

69. Georgia House of Representatives Voting Record, HB 384, #242 (Mar. 6, 2025); *see* Gunter Interview *supra* note 11.

70. Georgia General Assembly, HB 384, Bill Tracking [hereinafter HB 384, Bill Tracking], https://www.legis.ga.gov/legislation/70184 [https://perma.cc/BXE2-37GH].

71. State of Georgia Final Composite Status Sheet, HB 384, May 15, 2025.

72. *Id.*

73. *Id.*

74. *Compare* HB 384 (HCS), § 1, l. 22, 2025 Ga. Gen. Assemb., *with* HB 384, as introduced, § 1, l. 22, 2025 Ga. Gen. Assemb.

75. HB 384 (HCS), § 1, l. 22, 2025 Ga. Gen. Assemb.

76. HB 384, as introduced, § 1, l. 22, 2025 Ga. Gen. Assemb.

77. Video Recording of House Judiciary Non-Civil Committee at 1 hr., 32 min., 48 sec. (YouTube, Mar. 5, 2025) (remarks by Rep. Devan Seabaugh (R-34th)), https://www.youtube.com/watch?v=Rf2QFdzzAdg&t=1296s, [https://perma.cc/A22T-DB9Z].

House then read the bill for a third time on March 6, 2025, and adopted the substitute unanimously.[78]

*Consideration and Passage by the Senate (HB 384)*

Senator John Albers (R-56th) sponsored HB 384 in the Senate.[79] The Senate read the bill for the first time on March 10, 2025, and referred the bill to the Senate Judiciary Committee.[80] The Senate Judiciary Committee favorably reported the bill on March 20, 2025.[81] On March 21, 2025, the Senate read the bill for the second time.[82] The Senate never passed HB 384, but instead integrated it into HB 582 in sections four and nine.[83] The integrated bill was sent to Governor Brian Kemp (R) on April 10, 2025.[84] Governor Kemp signed the bill into law on May 12, 2025, and it became effective on July 1, 2025. [85]

*The Act*

The Act amends four areas of the code. First, it amends Title 16 of the Official Code of Georgia Annotated in Article 2 of Chapter 3 and Article 1 of Chapter 10.[86] This amendment provided for both "a justification and excuse under defenses to criminal prosecutions" and clarified liability for oaths of public officers.[87] Second, the Act amends Title 17 of the Official Code of Georgia Annotated in Article 1 of Chapter 10 to provide for new sentencing guidelines for survivors of domestic violence and child abuse and for a resentencing procedure under the new guidelines.[88] Third, it amends Title 24 of the Official

78. State of Georgia Final Composite Status Sheet, HB 384, May 15, 2025.
79. HB 384, Bill Tracking, *supra* note 70.
80. State of Georgia Final Composite Status Sheet, HB 384, May 15, 2025.
81. *Id.*
82. *Id.*
83. *Id.*; *see* Gunter Interview *supra* note 11.
84. State of Georgia Final Composite Status Sheet, HB 582, May 15, 2025.
85. *Id.*; HB 582, Bill Tracking, *supra* note 10.
86. 2025 Ga. Laws 497, §§ 2–4, at 498, 499.
87. *Id.*
88. 2025 Ga. Laws 497, §§ 5–6, at 499, 501.

Code of Georgia Annotated in Chapter 5 by revising paragraphs 8 and 9 and adding a new paragraph to subsection (a) of Code section 24-5-501.[89] This section creates an evidentiary privilege for communications between participants of a victim-centered practice or victim-offender dialogue.[90] Lastly, it amends Title 45 of the Official Code of Georgia Annotated by revising Code section 45-3-7 to provide for a uniform oath for public officers and employees.[91]

*Section 1*

Section 1 titles the Act as the "Georgia Survivor Justice Act."[92]

*Section 2*

Section 2 of the Act amends subsection (d) of Code section 16-3-21.[93] First, it amends section (d)(1) to expand defense justifications from solely murder or manslaughter to all crimes against a person, as enumerated in Chapter 5 of Title 16.[94] Such crimes include homicide, assault and battery, kidnapping, false imprisonment and related offenses, reckless conduct, cruelty to children, feticide, stalking, and crimes against elder persons.[95] Second, it amends the section so that the defendant "may offer relevant evidence that the defendant had been subjected to acts of family violence, dating violence, or child abuse committed by the alleged victim."[96] Third, it

89. 2025 Ga. Laws 497, §§ 7–8, at 502.

90. *Id.*

91. 2025 Ga. Laws 497, § 9, at 504.

92. 2025 Ga. Laws 497, § 1, at 498.

93. 2025 Ga. Laws 497, § 2, at 498. Code section 16-3-21 covers use of force in defense of self or others as a justification. O.C.G.A. § 16-3-21 (2025).

94. 2025 Ga. Laws 497, § 2, at 498 (codified at O.C.G.A. § 16-3-21(d)(1) (2025)).

95. O.C.G.A. §§ 16-5-1 to -110.

96. 2025 Ga. Laws 497, § 2, at 498 (codified at § 16-3-21(d)(1)). Family violence is defined in Code section 19-13-1 as a felony or "battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass" that is committed "between 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."

amends the section so that such evidence may be admitted to establish that "the threat or use of force or deadly force was immediately necessary."[97] Fourth, the section removes the restriction that such evidence may only include "evidence that the defendant had been the victim of acts of family violence or child abuse committed by the deceased," and "expert testimony regarding the condition of the mind of the defendant at the time of the offense."[98] Instead, the section lists the types of relevant evidence as including, but not limited to, evidence (a) "pertaining to the alleged victim's prior acts," (b) expert testimony as to "relevant facts and circumstances relating to the family violence, dating violence, or child abuse," and (c) "[a]ny other evidence the court determines is of sufficient credibility or probative value."[99] Lastly, the section clarifies that any evidence introduced under subsection (d) shall be subject to the rules of evidence in Code sections 24-4-401, 2-4-402, and 24-4-403.[100]

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O.C.G.A. § 19-13-1 (1993). However, family violence does not include reasonable discipline administered by a parent to a child. *Id.* Dating violence is defined in Code section 19-13A-1 as a felony or commission of "simple battery, battery, simple assault, or stalking" between one or more "persons through whom a current pregnancy has developed or who are currently, or within the last 12 months were, in a dating relationship." O.C.G.A. § 19-13A-1 (2022). Child abuse is defined in Code section 19-15-1: as (a) "[p]hysical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;" (b) "[n]eglect or exploitation of a child by a parent or caretaker thereof;" (c) "[s]exual abuse of a child;" or (d) "[s]exual exploitation of a child." O.C.G.A. § 19-15-1 (2021).

97. 2025 Ga. Laws 497, § 2, at 498 (codified at § 16-3-21(d)(1)).

98. *Id.*

99. *Id.*

100. *Id.* Code section 24-4-401 defines "relevant evidence" as any "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." O.C.G.A. § 24-4-401 (2011). Code section 24-4-402 notes that relevant evidence shall be admissible, except as limited by the constitution or by other laws or rules, but that evidence which is not relevant shall not be admissible. O.C.G.A. § 24-4-402. (2011). Code section 24-4-403 excludes relevant evidence if "its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." O.C.G.A. § 24-4-403 (2011).

*Section 3*

Section 3 of the Act revises Code section 16-3-26.[101] This section makes a person not guilty of any crime if the criminal liability is based on an act performed under coercion.[102] The section expands the definition of coercion so that defendants may raise the defense for all offenses except malice murder.[103] It also amends coercion to only require the person to reasonably believe performing the act is necessary to prevent imminent death or great bodily injury to themselves or a third person.[104]

*Section 4*

Section 4 of the Act revises Code section 16-10-1, relating to violation of oath by public officers.[105] The section first adds gender-inclusive terms to the code section, changing the language from "his oath" to "his or her oath."[106] Second, the section adds that a peace officer who has sworn the oath shall be subject to prosecution only for violations of the oath which are predicated on the commission of a felony or a misdemeanor of a high and aggravated nature.[107]

*Section 5*

Section 5 of the Act revises Code section 17-10-1(f).[108] The section amends the section to provide for resentencing under the new Code

101. 2025 Ga. Laws 497, § 3, at 499.

102. *Id.* (codified at O.C.G.A. § 16-3-26 (2025)).

103. *Id.* The Act describes the exception as "except for the offense of murder provided for in subsection (a) of Code Section 16-5-1." *Id.* Code section 16-5-1(a) provides that "[a] person commits the offense of murder when he unlawfully and with malice aforethought, either express or implied, causes the death of another human being." O.C.G.A. § 16-5-1(a) (2014).

104. 2025 Ga. Laws 497, § 3, at 499.

105. 2025 Ga. Laws 497, § 4, at 499.

106. *Id.* (codified at O.C.G.A. § 16-10-1).

107. *Id.* Code section 35-8-2 defines "peace officers." O.C.G.A. § 35-8-2. "The oath" includes those prescribed in Code sections 15-16-4 and 45-3-7. O.C.G.A. § 15-16-4 (1933); *id.* § 45-3-7 (2025).

108. 2025 Ga. Laws 497, § 5, at 499.

section 17-10-22.[109] A person is eligible for resentencing if the offense was committed before the Act took effect on July 1, 2025.[110] If the offense was committed after July 1, 2025, the petition must include evidence that was not part of the record at any sentencing hearing.[111]

Petitioners shall serve their petition upon the district attorney, and the State shall file its response within sixty days of service.[112] A superior court shall grant the State one extension of no more than 180 days after a hearing and showing of good cause.[113] There is a presumption in favor of granting a hearing on the petition filed unless the court determines there is a lack of circumstantial guarantees of trustworthiness, an inherent unreliability of the facts asserted, or a deficiency in the factual allegations of the petition.[114] The hearing must be scheduled within ninety days of the petition or within sixty days of the deadline for the State's response, whichever is later.[115]

Based on evidence presented at the hearing, if the court determines the petitioner met the criteria in Code section 17-10-22(b), the court shall enter an order reducing the defendant's sentence pursuant to 17-10-22(c).[116] Any order under this new section, including those denying a hearing, shall include written findings of fact and the reasons for such order,[117] and any judgments shall be final judgments, subject to direct appeal.[118]

*Section 6*

Section 6 of the Act adds Code section 17-10-22, which outlines sentencing procedures for defendants subject to family violence,

109. *Id.*
110. O.C.G.A. § 17-10-1(f)(2) (2025).
111. *Id.*
112. *Id.*
113. *Id.*
114. *Id.*
115. *Id.*
116. O.C.G.A. § 17-10-1(f)(2).
117. *Id.*
118. *Id.* Final Judgments are subject to direct appeal under Code sections 5-6-34 and 5-7-1. *Id.*

dating violence, or child abuse.[119] Under subsection (a), the defendant may present evidence of this abuse and that such acts were a significant contributing factor to the offense.[120] The evidence is still subject to the rules of evidence, except that the following evidence shall be admissible: (1) hearsay; (2) character evidence; (3) evidence that the defendant sought law enforcement assistance; (4) evidence that the defendant sought services from a counselor, social worker or domestic violence program, or other relevant agency or service provider; (5) evidence that the defendant sought medical attention; (6) prior statements regarding the acts of family violence, dating violence, or child abuse; (7) evidence of the effects of battering and post-traumatic stress disorder on the defendant; (8) evidence of the perpetrator's history of other acts of family violence, dating violence, or child abuse; (9) expert testimony; (10) any other evidence that the court determines is of sufficient credibility or probative value.[121] The final exception admits, notwithstanding the rules of evidence, "[a]ny other evidence that the court determines is of sufficient credibility or probative value," giving the courts significant leeway in admitting evidence for sentencing.[122]

Subsection (b) identifies findings required for sentencing under subsection (c).[123] If the court finds by a preponderance of the evidence that the defendant was subject to family violence, dating violence, or child abuse, it shall impose a sentence as described in subsection (c).[124] The court shall also impose a subsection (c) sentence if the court finds that "[t]he best interest of justice and welfare of society would be served; provided, however, that such finding shall only be entered with consent of the state."[125]

119. 2025 Ga. Laws 497, § 6, at 501 (codified at O.C.G.A. § 17-10-22 (2025)).
120. § 17-10-22(a).
121. *Id.*
122. § 17-10-22(b).
123. *Id.*
124. *Id.*
125. *Id.*

Subsection (c) provides the sentencing guidelines for a defendant with findings under subsection (b).[126] First, a defendant convicted of a crime punishable by death or life imprisonment shall instead "be punished by imprisonment for not less than ten years nor more than 30 years."[127] However, the judge may depart from the mandatory minimum sentence when the prosecuting attorney and the defendant have agreed to do so.[128] Further, such sentence may be reduced by parole, early release, work release, leave, or other sentence-reducing measures.[129] Second, a defendant convicted of a felony not punishable by death or life imprisonment shall be punished by imprisonment no less than one year, and no more than one-half the maximum time or fine they could have been sentenced, or both.[130]

*Section 7*

Section 7 of the Act amends Title 24 in Code section 24-5-501 to create privileges for communications made in victim-centered practices or victim-offender dialogues.[131] These communications are further provided for in Section 8.[132]

126. § 17-10-22(c).
127. *Id.*
128. *Id.*
129. *Id.*
130. *Id.*
131. 2025 Ga. Laws 497, § 7, at 502. Code section 24-5-501 finds certain admissions and communications excluded from evidence on grounds of public policy. O.C.G.A. § 24-5-501 (2025). A "victim centered practice" is defined in the Act as "a gathering in which parties gather to identify and respond to wrongdoing, repair harm, reduce the likelihood of further harm, and strengthen community ties by focusing on the needs and obligations of all parties involved through a participatory process." 2025 Ga. Laws 497, § 8, at 502 (codified at O.C.G.A. § 24-5-511(a) (2025)). A "victim-offender dialogue" is defined in the Act as "a process in which the victim of a crime, or his or her surviving family members, and the offender who committed the crime meet in a secure setting to engage in a dialogue facilitated by a facilitator with the goal of repairing harm and addressing trauma." *Id.*
132. 2025 Ga. Laws 497, § 8, at 502.

*Section 8*

Section 8 provides for victim-centered practice and victim-offender dialogues.[133] The Act reiterates that any communication made during a victim-centered practice or victim-offender dialogue shall be privileged.[134] Such communication "shall not be subject to discovery or disclosure in any judicial or extrajudicial proceeding and shall not be subject to public inspection."[135] Any waiver of the privilege shall be limited to the participation and communication of only the waiving party, and any other party's participation or communication shall remain privileged.[136] However, evidence created or discovered outside of the victim-centered practice or victim-offender dialogue shall not become inadmissible or protected from discovery simply because it was discussed or used in such practice or dialogue.[137] This privilege does not apply to situations where there are threats of imminent violence to self or others, the facilitator believes a child is being abused, or the safety of a party or other person is in danger.[138] A court may also require a report on the victim-centered practice or victim-offender dialogue, but it shall be limited to only the practice or dialogue's occurrence and whether further engagements are expected.[139] Such privilege shall not be a failure to comply with mandatory reporting requirements in Code section 19-7-5—reporting of child abuse—or Chapter 5 of Title 30—protection of disabled adults and older persons.[140] Lastly, facilitators shall not be held civilly liable for any statement, action, omission, or decision made during a victim-centered practice or victim-offender dialogue unless they act with

133. *Id.*
134. *Id.* (codified at O.C.G.A. § 24-5-511(b)(2025)).
135. § 24-5-511(b). A public inspection is provided for in Title 50, Chapter 18, Section 4. O.C.G.A. §§ 50-18-70 to -78 (2025).
136. § 24-5-511(b).
137. § 24-5-511(c).
138. § 24-5-511(d).
139. *Id.*
140. § 24-5-511(e).

gross negligence and malice, or with willful disregard for the safety or property of any party to the practice or dialogue.[141]

*Section 9*

Section 9 of the Act amends Code section 45-3-7, relating to the oaths of officers.[142] The Act first amends the section to include gender-inclusive language.[143] Then the Act prescribes a uniform oath that all peace officers must take:

> I, (name of person taking oath), hereby swear or affirm that I will faithfully, fairly, and without malice or partiality uphold the laws of the State of Georgia, as well as any ordinances which I am authorized to enforce, to the best of my ability and support and defend the Constitution of the United States and the Constitution of Georgia. So help me God.[144]

Peace officers may take their oaths before the chief executive officer of the agency or any authorized judicial official.[145] Such oath may be filed and entered in the records of the agency.[146] An agency may administer additional oaths, but those oaths are only aspirational and have no legal effect.[147]

*Section 10*

The final section of the Act simply declares that all laws in conflict with this Act are repealed.[148]

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141. § 24-5-511(f).
142. 2025 Ga. Laws 497, § 9, at 504.
143. *Id.* (codified at O.C.G.A. § 45-3-7 (2025)) ("A deputy sheriff may take his or her oaths.").
144. *Id.*
145. § 45-3-7(c).
146. *Id.*
147. § 45-3-7(d).
148. 2025 Ga. Laws 497, § 10, at 504.

*Analysis*

*Comparison with Other States*

The authors of HB 582 drew inspiration from recent legislative reforms in several other states.[149] One such law that served as a model is New York's Domestic Violence Survivors Justice Act (DVSJA).[150] Passed in 2019, the DVSJA amended New York's sentencing laws and allowed individuals to file motions for resentencing.[151] Similar to HB 582, the DVSJA broadened the circumstances under which judges may consider the history of abuse suffered by domestic violence survivors when determining sentences for survivors who have been charged or convicted of crimes.[152]

An example of the positive impact of New York's DVSJA occurred in 2024, when Nikki Addimando was released from prison after being resentenced under the DVSJA.[153] Addimando served almost five years for killing the father of her two children.[154] She endured years of physical and sexual abuse at the hands of her partner and ultimately shot him to death.[155] Before the passage of the DVSJA, Addimando was convicted of second-degree murder and criminal possession of a weapon.[156] She was originally sentenced to nineteen years to life in prison.[157] In 2021, the State Supreme Court Second Department

149. GCADV Interview, *supra* note 33.

150. *Id.*

151. *Domestic Violence Survivors Justice Act*, N.Y. STATE DEFS. ASS'N, https://www.nysda.org/page/DVSJA [https://perma.cc/4AGP-JGTS] (last visited Aug. 17, 2025).

152. *Id.* The DVSJA can come into play for resentencing of defendants who have already been sentenced, as well as during the initial sentencing phase. *Id.*

153. Phillip Pantuso & Lana Bellamy, *Nikki Addimando Released from Prison After Sentence is Reduced*, TIMES UNION (Jan. 5, 2024), https://www.timesunion.com/hudsonvalley/news/article/nikki-addimando-released-from-jail-18591928.php [https://perma.cc/KB33-BVRF].

154. *Id.*

155. *Id.*

156. *Id.*

157. *Id.*

Appellate Division resentenced her under the DVSJA, reducing her sentence to seven-and-a-half years.[158]

When Georgia lawmakers voiced concerns that the resentencing provision in HB 582 could overwhelm district attorneys' offices with petitions, co-author Ellie Williams pointed to data from New York to show that in six years, just over 200 resentencing petitions were filed under the DVSJA, which is only around thirty per year.[159] Further, under HB 582, petitioners are not entitled to an attorney for the resentencing petition process, which will likely limit the number of survivors who will petition.

HB 582's authors also looked at Oklahoma's Survivor's Act during the drafting process, observing that under the Oklahoma law, survivors who have been convicted of a sex offense or child abuse are not permitted to introduce evidence of abuse they have suffered to mitigate their sentence.[160] For HB 582's authors it was important to exclude such a restriction from the Georgia law because they recognized that in some cases, survivors may be convicted of crimes actually committed by their abusers or that were committed by the survivors under coercion from their abusers.[161] For example, a survivor may be forced to perform sexual acts on her abuser in front of a child, which under current law can result in a child molestation charge, even when the survivor never touched the child and was coerced into the act.[162]

*Unintended Consequences*

While HB 582 creates new opportunities for survivors to present evidence of the abuse they have suffered, it also introduces the potential for retraumatization. Balancing the constitutional right to due process with the domestic abuse survivor's mental and emotional

158. *Id.*
159. GCADV Interview, *supra* note 33.
160. *Id.*; OKLA. STAT. tit. 22, § 1090.3 (2024).
161. GCADV Interview, *supra* note 33.
162. *Id.*

well-being is a delicate task.[163] There is ample evidence that testifying repeatedly in cases involving severe abuse can have a negative impact on the survivor's mental health and may lead to increased mistrust of and disengagement from the legal system.[164]

While HB 582 does allow a survivor to give live testimony as evidence of abuse suffered, it also permits a diverse range of evidence to be submitted, including expert testimony of psychologists or domestic violence experts, documentation of abuse (such as police reports or related medical records), as well as sworn statements from third-party witnesses to the abuse.[165]

HB 582 also avoids strict documentation requirements that might otherwise prevent many survivors from seeking relief.[166] Under New York's DVSJA, survivors must provide at least two pieces of state-certified documentation to substantiate the abuse, such as police reports, hospital records, or shelter documentation.[167] The authors of HB 582 were concerned this could create a barrier for some survivors, particularly those who were unable to safely report the abuse at the time it occurred, and the authors worked to mirror a portion of Oklahoma's Survivor Act.[168] Oklahoma's Survivor Act requires survivors to provide only one piece of documentary evidence of the abuse they suffered.[169] Further, Oklahoma's law allows this documentation to include sworn statements from third-party witnesses,

163. *See id.* As Williams explains:

> The domestic violence advocate in me says [the survivor] should just have to say I was abused, and that's enough. . . . The attorney, who cares about the Constitution, in me says . . . we need to properly adjudicate these things . . . [Because] if we can just take [the survivor's] word for it, then we can just take [the abuser's] word for it.

*Id.*

164. *See generally* Jodi A. Quas, Gail S. Goodman, Simona Ghetti, Kristen W. Alexander, Robin Edelstein, Allison D. Redlich, Ingrid M. Cordon & David P. H. Jones, *Childhood Sexual Assault Victims: Long-Term Outcomes After Testifying in Criminal Court*, 70 MONOGRAPHS SOC'Y FOR RSCH. CHILD DEV. 1 (2005).

165. O.C.G.A. § 16-3-21(d) (2025).

166. *Id.*

167. N.Y. PENAL LAW § 60.12 (LexisNexis 2019); N.Y. CRIM. PROC. LAW § 440.47 (2019).

168. GCADV Interview, *supra* note 33.

169. OKLA. STAT. tit. 22, § 1090.3 (2024).

which could be helpful to those who were not able to file a police report or seek medical treatment related to the abuse they suffered.[170] Under HB 582, there is no fixed number of documents required; rather, the survivor must show by a preponderance of the evidence that the abuse they experienced significantly contributed to the offense for which they were convicted.[171] This evidentiary standard aims to create flexibility for courts to assess the unique facts of each case while lowering procedural barriers for survivors seeking relief.[172]

HB 384, which aimed, among other things, to limit the crime of violation of oath of a public officer,[173] was integrated into sections four and nine of HB 582.[174] Representative Stan Gunter, who introduced HB 582, did have concerns about the effects of HB 384, and in a committee hearing voiced his discontentment with what some see as a lowering of standards for police officers when they commit misdemeanors off duty.[175] Although he initially had concerns about integrating the two bills, he ultimately did not oppose it.[176] By the end of the legislative session, compromises of that kind can be necessary to secure passage.[177] Representative Gunter and others accepted the integration of HB 384 and HB 582 so long as the changes did not overburden the original purpose of HB 582.[178]

## *Conclusion*

The Georgia Survivor Justice Act of 2025 received bipartisan support in updating Georgia's laws to support a modern understanding of domestic violence dynamics.[179] The Act represents not only a

170. *Id.*
171. O.C.G.A. § 17-10-22(b) (2025).
172. GCADV Interview, *supra* note 33.
173. *See generally* HB 384 (HCS), 2025 Ga. Gen. Assemb.
174. Georgia House of Representatives Voting Record, HB 384, #242 (Mar. 6, 2025); *see* Gunter Interview *supra* note 11.
175. Non-Civil Committee Video, *supra* note 59, at 1 hr., 11 min., 51 sec.
176. Gunter Interview, *supra* note 11.
177. *Id.*
178. *Id.*
179. *See supra* note 10 and accompanying text.

monumental shift for these survivors, but it also signifies a movement toward adapting the legal system to account for the totality of circumstances.[180] GCADV Legal Director, Ellie Williams, remarked, "Domestic violence is not black and white. Nothing about humanity is black and white, and we have a black and white system that's supposed to account for things that are gray 99% of the time."[181] The Georgia Survivor Justice Act creates space for the gray.

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180. GCADV Interview, *supra* note 33.
181. *Id.*