

**Daily Update for Monday, April 11, 2011
Legislative Day 38**

Senate Session:

Local Calendar:

SB 271 - State Court of Putnam County; concurrent jurisdiction with the Magistrate Court of Putnam County; violations of county ordinances

SB 271 allows the State Court of Putnam County to have concurrent jurisdiction with the Magistrate Court of Putnam County regarding violations of county ordinances of Putnam County.

SB 271 PASSED out of the Senate.

SB 273 - Lumpkin County; provide chief magistrate appoint the clerk of the Magistrate Court of Lumpkin County

SB 273 gives the chief magistrate of Lumpkin County the authority to appoint a person other than the clerk of the superior court to serve as clerk of the Magistrate Court of Lumpkin County. The salary of the clerk of the magistrate court shall be fixed by the Lumpkin County Board of Commissioners, subject to appropriations by the board of commissioners.

SB 273 PASSED out of the Senate.

HB 511 - Greenville, City of; provide new charter

HB 511 provides a new charter for the City of Greenville. It provides for the creation of a municipal court and the appointment of judges of the municipal court. It provides the time of convening of the court and the jurisdiction and powers of the municipal court. It creates a process for the appeal of decisions and adoption of rules of the municipal court.

HB 511 PASSED out of the Senate.

HB 569 - Charlton County; board of elections and registration; create

HB 569 creates a board of elections and registration for Charlton County and provide for its powers and duties. The board shall have the powers, duties, and responsibilities of the judge of the probate court of Charlton County.

HB 569 PASSED out of the Senate.

HB 585 - Rockdale County; Probate Court judge; change compensation

HB 585 provides an annual salary for the judge of the Probate Court of Rockdale County in lieu of the fee system of compensation. The bill also allows judges of the Probate Court of Rockdale County to participate in the Group Retirement Program, the Group Hospitalization Benefit Program and any other employee benefit program if he or she meets the normal eligibility requirements of the programs.

HB 585 PASSED out of the Senate.

Rules Calendar:

HB 46 - Uniform Interstate Depositions and Discovery Act; enact

HB 46 replaces the Uniform Foreign Depositions Act with the "Uniform Interstate Depositions and Discovery Act." Under the new statute, persons seeking to serve a subpoena from a foreign jurisdiction would submit that subpoena to the local clerk of superior court for issuance of a subpoena to be served in that county.

When a foreign subpoena is issued by a court, a witness may be compelled by subpoena issued by the clerk of court in the county where the witness resides.

Service of such subpoenas would be subject to the requirements of OCGA 24-10-23.

HB 46 PASSED out of the Senate.

HB 87 - Illegal Immigration Reform and Enforcement Act of 2011; enact

HB 87 is the Illegal Immigration Reform and Enforcement Act of 2011. This bill requires all employers including private employers to use the employment eligibility verification system. Use of the verification system aims help with the prevention of illegal immigration. Any agency or official found in violation will be fined with not less than 1,000.00 or more than 5,000.00 for each separate violation. The court will be able to collect and remit these penalties for payment to any law enforcement agency within the court's jurisdiction for the purpose of training in matters related to enforcement of immigration law.

Any local governing body shall have 30 days from the date of service of a claim alleging any specific violation of this code to correct the allegation and take reasonable measures to implement and follow the stated requirements. If after 30 days a claimant has a good faith basis for claiming that the violation has not been corrected a civil action filing may proceed.

A person seeking for employment who commits the offense of aggravated identity fraud when he or she willfully and fraudulently uses any counterfeit or fictitious identifying information concerning a real, fictitious, or deceased person shall be punishable by imprisonment for not less than one nor more than 15 years and/or a fine not to exceed \$250,000.00 and the sentence shall run consecutively to any other sentence which the person has received.

A person convicted of transporting an illegal alien who moves seven or fewer illegal aliens at the same time will be guilty of a misdemeanor and if convicted shall be punished with a fine up to 1,000.00 or imprisonment of 12 months or both. This does not include any government employee transporting or moving of illegal alien as part of his or her law enforcement duties. A person convicted for a second or subsequent offense of transporting or moving eight or more aliens at the same time shall be guilty of a felony and upon conviction shall be punished with a fine of not less than \$5,000.00 or more than \$20,000.00, and/or imprisonment of not less than one or more than five years. A person who commits the offense of transporting or moving illegal aliens with the intent of making profit or receiving anything of value shall be guilty of a felony and punished with a fine of not less than \$5,000.00 or more than \$20,000.00, and/or imprisonment of not less than one or more than five years

The E-Verify requirements become effective July 1, 2012 for those employers with 100 or more employees, and December 31, 2011 for employers with 5 or more employees.

HB 87 PASSED as out of the Senate as AMENDED.

HB 92 - Elections; in-person absentee balloting; provide limitations

HB 92 amends Chapter 2 of Title 21 of the O.C.G.A., relating to primaries and elections generally. The superintendent shall, at least 45 days prior to any general primary or general election other than a municipal general primary or general election, as soon as possible prior to a runoff, and at least 21 days prior to any municipal general primary or general election, prepare, obtain, and deliver an adequate supply of official absentee ballots to the board of registrars or absentee ballot clerk for use in the primary or election.

There shall be a period of advance voting that shall commence on the fourth Monday immediately prior to each primary or election and as soon as possible prior to a runoff and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted during normal business hours on weekdays during such period and shall be conducted on the second Saturday prior to a primary or election during the hours of 9:00 A.M. through 4:00 P.M. Except as otherwise restricted, counties and municipalities may extend the hours for voting beyond regular business hours and may provide for addition voting locations to suit the needs of the electors of the jurisdiction at their option.

HB 92 PASSED out of the Senate.

HB 114 - Lien foreclosures; abandoned vehicles; file affidavit; set fee

HB 114 amends Code Section 40-11-5 of the O.C.G.A., relating to lien foreclosures on abandoned motor vehicles, so as to set the fee for filing an affidavit. No additional fees or moneys shall be added to the cost of filing an affidavit, except where a full hearing is requested and subsequently granted by the court. The court hearing the case shall be authorized to assess its normal fee for the hearing.

Amendment 1: The proposed amendment clarifies that the owner of a car can collect the personal belongings left in a car deemed abandoned within a period of 30 days. **Amendment 1 was ADOPTED.**

HB 114 PASSED out of the Senate as AMENDED.

HB 123 - Weapon removal from public official; include stun guns and tasers; clarify

HB 123 amends Code Section 16-10-33 of the O.C.G.A., relating to the removal or attempted removal of a weapon from a public official, by including stun guns and tasers under the term "firearm".

HB 123 PASSED out of the Senate.

HB 142 - Official Code of Georgia Annotated; revise, modernize, and correct errors or omissions

HB 142 revises, modernizes, and corrects errors or omissions in the Official Code of Georgia Annotated and amends portions of the Code that have become obsolete, unconstitutional or have been preempted or superseded by subsequent laws.

HB 142 PASSED out of the Senate.

HB 144 - Retirement and pensions; revise, modernize, and correct errors or omissions

HB 144 amends Title 47 of the O.C.G.A., relating to retirement, so as to revise, modernize, and correct errors, omissions and portions of the Code that have become obsolete, unconstitutional or have been preempted or superseded by subsequent laws.

HB 144 PASSED out the Senate.

HB 203 - Georgia Peace Officers Standards and Training Council; investigate or discipline peace officers; notify

HB 203 amends Chapter 8 of Title 35 of the O.C.G.A., relating to the employment and training of peace officers. If the certification of a peace officer is suspended or revoked by either the executive director or council, then the council will notify the head of the law enforcement agency that employs the peace officer; the district attorney of the judicial circuit in which the law enforcement agency is located; and the solicitor of the state court, if any, of the county in which the law enforcement agency is located.

HB 203 PASSED out of the House.

HB 302 - Elections; certain 2012 elections and qualifying; adjust dates

HB 302 amends Chapter 2 of Title 21 of the O.C.G.A., relating to primaries and elections. The bill adjusts the dates for certain elections to be held and the dates for qualifying for the elections. The general primary shall be conducted on the last Tuesday of July. The candidates or their agents for political party nomination to county offices, for political party nomination to federal and state offices in a general, and for the office of presidential elector shall commence qualifying at 9:00 A.M. on the Wednesday immediately following the third Monday in May immediately prior to the primary and shall cease qualifying at 12:00 Noon on the Friday immediately following the Wednesday immediately following the third Monday in May.

HB 302 PASSED out of the Senate.

HB 373 - Designated felony acts; modify order for restrictive custody; clarify provisions

HB 373 allows for modification of restrictive custody orders. An order for restrictive custody in the case of a child found to have committed a designated felony act may be modified to shorten the length of confinement in a youth development center.

HB 373 PASSED out of the Senate.

HB 415 - Jury Composition Reform Act of 2011; enact

HB 415 is a proposal to create statewide jury list and remove provisions for balancing the jury box to meet equal protection requirements. This effort is supported by the Judicial Council and is based on recommendations from the Supreme Court Jury Composition Committee.

HB 415 PASSED out of the Senate.

The Senate will reconvene on April 12, 2011 at 12:00 PM.

House Session

<http://www.ciclt.net/aoc>

Local Calendar:

HB 629 - Hall County Family Connection Network Act; enact

HB 629 establishes the Hall County Family Connection Network. The Hall County Family Connection Network will allow the Hall County community to address problems pertaining to its youth, children, and families which reside in the Hall County community.

HB 629 PASSED out of the House.

The House will reconvene on April 12, 2011 at 9:30 AM.

Senate Education & Youth

HB 314- Jessie's Law; enact

HB 314 amends Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the O.C.G.A., relating to compulsory attendance for students in elementary and secondary education. A foster care student who attends court proceedings relating to the student's foster care shall be credited as present by the school for any day, portion of a day, or days missed from school.

HB 314 received a DO PASS by the Senate Education & Youth Committee

House Judiciary (Civil) Committee

SB 26 - Firearms; prohibit any additional limitations on carrying firearms during states of emergency

SB 26 amends Part 3 of Article 4 of Chapter 11 of Title 16 of O.C.G.A., as it relates to the possession of a firearm. This bill would prohibit any additional limitations on carrying a firearm during a state of emergency and seeks to provide civil remedies for violations to this amendment. In addition to remedies at law or equity, individuals may bring action for return of firearm in superior court of the county in which they reside. This bill would require the court to award the prevailing party, other than the state, attorney fees.

SB 26 received a DO PASS from the House Judiciary (Civil) Committee.

SB 52 - Courts; require marshals to notify protected persons upon the service of certain protective orders

SB 52 requires marshals and sheriffs (for service and execution of processes from justices' courts) to notify protected persons upon the service of certain protective orders. Protective orders include when a restraining order, protective order, injunction, or similar court order relating to harassment, work place violence, domestic violence, stalking or elder abuse is serviced by a marshal or sheriff. The marshal or sheriff will notify the protected person by electronic or telephonic means that the order has been served on the restrained person. The notification will only be required if the protected person has requested notification and has provided a telephone number or e-mail address to the marshal or sheriff for purposes of notification – two attempts to notify the protected person shall suffice. The notification will be made within 24 hours following the service of the order and shall include the date and time when the order was served. At the time an order is issued, the court will notify the person requesting an order of his or her option to be notified as provided in the Code section.

SB 52 received a DO PASS from the House Judiciary (Civil) Committee.

SB 112 - Military Parents Rights Act; procedures governing parental rights in the event one parent is subject to military deployment

SB 112 amends Article 2 of Chapter 9 of the O.C.G.A., relating to the Child Custody Intrastate Jurisdiction Act. It provides that if a deployed parent is required to be separated from a child, a court shall not enter a final order modifying parental rights and responsibilities and parent-child contact in an existing order until 90 days after the deployment ends, unless the modification is agreed to by the deploying parent. Upon motion of a deploying or non-deploying parent, the court shall enter a temporary order modifying parental rights and responsibilities or parent-child contact during the period of deployment or mobilization. It also provides that either parent may file a motion to modify the temporary order upon the return of the deploying parent and that the court shall allow the deploying parent to present testimony and evidence by electronic means with respect to parental rights and responsibilities of parent-child contact if reasonable advance notice is given. When determining whether a parent has failed to exercise parent-child contact, the court shall not consider any time period during which the parent did not exercise any contact due to the parent's military duties.

The court may award attorney's fees and costs if the court considers that there was unreasonable failure and delay caused by either party to resolve parental rights and responsibilities or parent-child contact matters or failure of either party to provide timely information about income and earnings to the other party

SB 112 received a DO PASS as AMENDED from the House Judiciary (Civil) Committee.

SB 172 - Adoption; require home study by an evaluator; recommend placement; definitions

SB 172 amends Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption. This bill requires a home study by an evaluator, appointed by the court, prior to the placement of a child into the home of adoptive parents by a third party who is neither a stepparent nor a relative.

SB 172 received a DO PASS from the House Judiciary (Civil) Committee.

SB 234 - Georgia Public Revenue Code; extensively revise provisions; ad valorem tax assessments and appeals from such assessments

SB 234 amends Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to extensively revise provisions relating to ad valorem tax assessments and appeals from such assessments. It also provides for removal of tax assessors for violation of oath of office, and extensively revises procedures for assessment appeals and arbitration. SB 234 provides for recovery of certain interest, costs, attorney's fees, and other amounts by taxpayers who appeal successfully under certain circumstances.

The presiding judge or the chief judge of the superior court, or his or her designee, shall charge each member of the county board of equalization, and alternate members, with the law and duties relating to the office. Any member of the board of equalization shall be removed by the presiding judge of the superior court of the county of which the member serves if there has been an oath violation.

SB 234 received a DO PASS as AMENDED from the House Judiciary (Civil) Committee.