

**Daily Update for Thursday, March 31, 2011  
Legislative Day 37**

**Senate Session**

**Local Calendar:**

**HB 396 - Peachtree Corners, City of; provide new charter**

HB 396 is a bill to incorporate the City of Peachtree Corners and to provide its charter. It provides for a municipal court and the judge or judges thereof and other matters relative to those judges. HB 396 also provides for the court's jurisdiction, powers, practices, procedures and for the right of certiorari.

**HB 396 PASSED out the Senate.**

**HB 573 - Brooks County; board of elections and registration; create**

HB 573 creates a board of elections and registration for Brooks County. The appointment of each member shall be made by the commissioners filing an affidavit with the clerk of the superior court no later than 30 days preceding the date at which the member is to take office stating the name and residential address of the person appointed and certifying that the member has been duly appointed as provided in this Act. The clerk of the superior court shall record each of the certifications on the minutes of the court and shall certify the name of each member to the Secretary of State and shall provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

**HB 573 PASSED out the Senate.**

**HB 581 - Forsyth County Civil Services System; chief deputy clerk; exempt**

HB 581 provides that all employees of Forsyth County shall be members of the Forsyth County Civil Service System except: Elected officers of the county, members of appointed boards, members of commissions and authorities, the county attorney, the county physician, part-time employees, hourly wage earners, seasonal employees and consultants, employees of the Probate Court of Forsyth County, employees of Forsyth County Pre-Trial Services, the chief deputy clerk of the Superior Court of Forsyth County, the office manager of the office of clerk of Superior Court of Forsyth County, and other employees expressly exempt by law.

**HB 581 PASSED out the Senate.**

**HB 582 - Parrott, Town of; provide new charter**

HB 582 provides a new charter for the Town of Parrott. It provides for a municipal court and the judge or judges thereof and other matters relative to those judges. HB 582 provides for the court's jurisdiction, powers, practices, and procedures, the right of appeal, and for elections.

**HB 582 PASSED out the Senate.**

## Rules Calendar:

The General Assembly adopted an adjournment resolution setting a calendar through Legislative Day 40  
– HR 791

Friday, April 1 - Sunday, April 10	Recess
Monday, April 11	Day 38
Tuesday, April 12	Day 39
Wednesday, April 13	Recess
Thursday, April 14	Day 40

### HB 40 - Chief's Law; enact

HB 40 mandates that antifreeze used or sold in Georgia must contain denatonium benzoate—a bitter agent. It also states that manufacturers and sellers of antifreeze shall not be held liable for damages resulting solely from the inclusion of this chemical.

**Amendment 1:** Changes the labeling requirements to indicate that the antifreeze contains a bitter agent. **Amendment 1 was ADOPTED.**

**HB 40 PASSED out the Senate as AMENDED.**

### HB 214 - Public Health, Department of; establish

HB 214 establishes the Department of Public Health. It reassigns functions of the Division of Public Health of the Department of Community Health to the Department of Public Health and provides for transition to the new agency.

**HB 214 PASSED out the Senate and was transmitted to the House.**

### HB 277 - Hunting; baiting and hunting of deer and feral hogs; regulate; change provisions

HB 277 amends Part 1 of Article 1 of Chapter 3 of Title 27 of the O.C.G.A., relating to general provisions relative to hunting. It provides for changes relating to unlawful enticement of game and hunting in the vicinity of feed or bait and certain restrictions on hunting feral hogs. A person who takes any big game animal, other than deer, within 200 yards of a place where feed or bait has been placed or scattered so as to attract game birds or game animals shall, upon conviction, be guilty of a misdemeanor of a high and aggravated nature and punished by a fine not to exceed \$5,000.00 or jail confinement not to exceed 12 months, or both.

**Amendment 1:** Deletes the words “other than deer” in line 19 relating to the designated area of 200 yards and the protection of property rights. **Amendment 1 was ADOPTED.**

**HB 277 PASSED out the Senate as AMENDED.**

### HB 292 - Employment security; extend rates and credits; change certain provisions

HB 292 amends Code Section 34-8-151 of the O.C.G.A., relating to employment security by extending certain contribution rates and credits five years.

**HB 292 PASSED out the Senate.**

### **HB 339 - Emergency powers; challenge of quarantine or vaccination order; revise courts; provisions**

HB 339 allows the Chief Justice to extend the duration of a judicial emergency order when a public health emergency exists. Currently, an order has a limited duration of 30 days however, that order may be modified or extended for no more than two periods not exceeding 30 days each.

**HB 339 PASSED out the Senate.**

### **HB 421 - Criminal procedure; plea of mental incompetency; change provisions**

HB 421 amends Title 17 of the O.C.G.A., relating to criminal procedure. It changes provisions relating to the proceedings upon a plea of mental incompetency to stand trial. It provides for definitions and the use of consistent terminology. Whenever the accused in a criminal case files a special plea alleging that the accused is mentally incompetent to stand trial, it shall be the duty of the court to have a bench trial, or jury trial, to determine the accused's mental competency to stand trial within 45 days of the court's receipt of the department's evaluation. If the accused is a child, the department shall be authorized to place the child in a secure facility designated by the department.

HB 421 clarifies procedures for competency evaluations. The court shall order the department to conduct an evaluation by a department physician or licensed psychologist to determine the accused's mental competency to stand trial. It provides that an accused determined to be mentally competent to stand trial may be housed by the Department of Behavioral Health and Developmental Disabilities under certain circumstances. It will reorganize the Code relative to competency evaluations and procedures. It provides for a court to request a competency evaluation under certain circumstances. The court may order the Department of Behavioral Health and Developmental Disabilities to conduct an evaluation of the accused's competency. It amends the "Crime Victim's Bill of Rights" so as to change provisions relating to victim notification from the Department of Behavioral Health and Developmental Disabilities.

**HB 421 PASSED out the Senate.**

### **HB 503 - Sexual offenses; fund certain medical examinations; provide**

HB 503 amends Chapter 6 of Title 16 and Chapter 15 of Title 17 of the O.C.G.A., relating to sexual offenses and victim compensation. In the course of a medical examination of a person who is the victim of the alleged crime, the Georgia Crime Victims Emergency Fund, instead of local law enforcement, shall be responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence. When a forensic medical examination is conducted, the cost of the examination shall be paid for by the fund in an amount not to exceed \$1,000.00. The fund shall be responsible for payment of the cost notwithstanding whether the person receiving the examination has health insurance or any other source of health care coverage.

**HB 503 PASSED out the Senate.**

## **HB 78 - General appropriations; State Fiscal Year July 1, 2011 - June 30, 2012**

HB 78 is the General appropriations bill for FY 2012.

**The Senate INSISTED on its position to HB 78, and a conference committee was assigned: Rep. Jan Jones (R-Milton), Larry O'Neal (R – Bonaire), and Terry England (R – Auburn), and Sen. Jack Hill (R – Reidsville), Ross Tolleson (R – Perry), and Renee Unterman (R – Buford).**

**The Senate will reconvene on Monday, April 11, at 1:00 pm.**

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### **House Session**

#### **Local Calendar:**

### **HB 608 - Cobb County State Court; charge technology fee; authorize**

HB 608 amends the Act creating the State Court of Cobb County. It authorizes the clerk of the state court to charge and collect a technology fee not to exceed \$15.00 for the filing of each civil case filed, each criminal fine imposed, and each traffic case fined as a surcharge to each. The technology fee shall be used exclusively to provide for the technological needs of all county court systems.

**HB 608 PASSED out of the House**

### **Rules Calendar**

### **SB 94 - Firearms; change certain definitions**

SB 94 was amended to now include provisions from HB 185. SB 94 shall be known as the "Runaway Youth Safety Act." It amends Title 16 of the O.C.G.A., relating to crimes and offenses. A person commits the offense of interference with custody when without lawful authority to do so, the person knowingly harbors any child or committed person who has absconded; provided, however, a service provider, no later than 72 hours after initial contact with the child, contacts the parent, guardian, or legal custodian of the runaway child or makes a report if the person has reasonable cause to believe that the child has been abused.

SB 94 also changes provisions relating to contributing to the delinquency, unruliness, or deprivation of a minor. A person commits the offense of contributing to the delinquency, unruliness, or deprivation of a minor when the person knowingly and willfully encourages, causes, abets, connives, or aids a minor in committing an act which would cause the minor to be found to be an unruly child provided, however, that a service provider, no later than 72 hours after initial contact with the minor, contacts the parent, guardian, or legal custodian of the runaway minor or makes a report if the person has reasonable cause to believe that the minor has been abused.

Any organization providing assistance to homeless or runaway children shall register and shall pay an annual registration fee of \$25.00. Upon receipt of application, payment of the registration fee and presentation by the applicant of evidence that the organization meets the qualifications to provide services, the department shall issue the organization a registration certificate valid for one year.

**SB 94 PASSED out of the House**

**HB 552 - Jackson County; chief magistrate judge nonpartisan elections; provide**

HB 552 provides that future elections for the office of chief magistrate judge of the magistrate Court of Jackson County and the probate judge of the probate court of Jackson County be nonpartisan elections.

**HB 552 PASSED out of the House**

**HB 610 - Emanuel County; probate court judge; nonpartisan elections**

HB 610 provides that future elections for the office of judge of the probate court of Emanuel County be nonpartisan elections after January 1, 2012.

**HB 610 PASSED out of the House**

**HB 599 - Cook County; probate court judge; nonpartisan elections**

HB 599 provides that future elections for the office of judge of the probate court of Cook County be nonpartisan elections after January 1, 2012.

**HB 599 PASSED out of the House**

**HB 586 - Rockdale County; chief magistrate; provide election**

HB 586 amends the Act creating a Magistrate's Court of Rockdale County, by establishing the election of the Chief Magistrate be a nonpartisan election.

**HB 586 PASSED out of the House**

**SB 36 - Controlled Substances; provide establishment of program to monitor prescribing/dispensing; Electronic Database Review Advisory Committee**

SB 36 amends Chapter 13 of Title 16 of the O.C.G.A., relating to controlled substances. It provides for the establishment of a program to monitor the prescribing and dispensing of controlled substances. The program will consist of an Electronic Database Review administered by the Georgia composite medical board at the direction and oversight of the board.

The bill provides the following penalties for individuals who violate this code:

- A dispenser who knowingly and intentionally fails to submit prescription information to the board as required by this part or knowingly and intentionally submits incorrect prescription information shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by imprisonment for a period not to exceed 12 months and/or a fine not to exceed \$1,000.00, and the action will also be reported to the licensing board.
- An individual authorized to access electronic data base prescription information pursuant to this part who negligently uses, releases, or discloses the information in a manner or for a purpose in violation of this part shall be guilty of a misdemeanor.
- Any person who is convicted of negligently using, releasing, or disclosing such information in violation of this part shall, upon the second or subsequent conviction, be guilty of a felony and

shall be punished by imprisonment for not less than one nor more than three years and/or a by a fine not to exceed \$5,000.00.

- An individual authorized to access electronic data base prescription information pursuant to this part who knowingly obtains or discloses such information in a manner or for a purpose in violation of this part shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed \$50,000.00 and/or imprisonment for not more than one year.
- Any person who knowingly obtains, attempts to obtain, or discloses electronic data base prescription information pursuant to this part under false pretenses shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed \$100,000.00 and/or by imprisonment for not more than five years.
- Any person who obtains or discloses electronic data base prescription information pursuant to this part with the intent to sell, transfer, or use such information for commercial advantage, personal gain, or malicious harm shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed \$250,000.00 and/or by imprisonment for not more than ten years.
- Any person who is injured by reason of any violation of this part shall have a cause of action for the actual damages sustained and, where appropriate, punitive damages. Such person may also recover attorney's fees in the trial and appellate courts and the costs of investigation and litigation reasonably incurred.

**SB 36 PASSED out of the House**

**HB 214 - Public Health, Department of; establish**

HB 214 establishes the Department of Public Health. It reassigns functions of the Division of Public Health of the Department of Community Health to the Department of Public Health and provides for transition to the new agency

**The House AGREED to the Senate Substitute to HB 214.**

**HB 78 - General appropriations; State Fiscal Year July 1, 2011 - June 30, 2012**

HB 78 is the General appropriations bill for FY 2012.

**The House DISAGREED with the Senate substitute to HB 78, and the Senate INSISTED. A conference committee was assigned: Rep. Jan Jones (R - Milton), Larry O'Neal (R - Bonaire), and Terry England (R - Auburn), and Sen. Jack Hill (R - Reidsville), Ross Tolleson (R - Perry), and Renee Unterman (R - Buford).**

**The House will reconvene on Monday, April 11, at 1:00 p.m.**

## **House Judiciary (Civil) Jacobs Subcommittee**

### **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.

**Amendment 1:** establishes that two attempts to notify the protected person by the marshal or sheriff shall suffice. **Amendment adopted**

**SB 52 received a DO PASS as AMENDED by the House Judiciary (Civil) Jacobs Subcommittee.**

### **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 from the House Judiciary (Civil) Jacobs Subcommittee.**

## **House Judiciary Committee (Non Civil)**

### **SB 19 - Forgery/Fraudulent Practices; definitions; medical identity fraud; provide punishment**

SB 19 would make the misuse of identity information for purposes of obtaining medical services, prescription drugs or financial gain a felony and expressly provide for a civil remedy for the victim of that fraud.

Any person who commits the offense of medical identity fraud shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not less than two nor more than ten years, a fine not to exceed \$100,000.00, or both. Any person who is convicted upon the second or subsequent conviction shall be guilty of a felony and shall be punished by imprisonment for not less than three nor more than 15 years, a fine not to exceed \$250,000.00, or both.

Any victim who is injured by reason of any violation of this article shall have a cause of action for the actual damages sustained and, where appropriate, punitive damages. The victim may also recover attorney's fees in the trial and appellate courts and the costs of investigation and litigation reasonably incurred.

**SB 19 received a DO PASS from the House Judiciary (Non-Civil) Committee.**

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## **House Motor Vehicles Committee**

### **SB 57 - Drivers' Licenses; prohibit persons convicted; offense against a victim who is a minor; driving commercial motor vehicles; transport 16/more persons**

SB 57 amends Article 7 of Chapter 5 of Title 40 of the O.C.G.A, relating to commercial drivers' licenses. The bill will prohibit persons convicted of a criminal offense against a victim who is a minor from driving commercial motor vehicles designed to transport 16 or more persons. Any person who makes a false affidavit, or who knowingly swears or affirms falsely may be subject to imprisonment for up to one year and a fine not to exceed \$1,000.00, or both. Any person who drives a commercial motor vehicle and who does not have a valid commercial driver's license because the person was convicted of a criminal offense against a person who is a minor is guilty of a felony. Punishments include imprisonment for not more than two years and a fine not to exceed \$5,000.00, or both.

**SB 57 received a DO PASS from the House Motor Vehicles Committee.**