



## Legislative Update

For the week of: **March 28 - April 1**  
Legislative Days: **34- 37**

*Prepared By: Administrative Office of the Courts*

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### In This Issue

- Adjournment Schedule
- Budget Update
- Legislative Log

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## Week 11 of the 2011 Legislative Session

The Georgia General Assembly met for week twelve of the 2011 legislature. The body was in session Monday-Thursday of this week - days 34 thru 37. The week was highlighted by the legislature's work on an expected tax reform proposal.

Judicial Branch legislative efforts have begun to bear fruit, with bills starting to pass out of the Senate after starting in the House. There are many more bills still waiting to get on the calendar in Rules Committees, so the legislative effort must continue in earnest during these final days of the session. The legislative schedule for the remainder of the session was amended yesterday to the following plan:

### Adjournment Schedule:

|                                    |        |
|------------------------------------|--------|
| 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 |

This newsletter provides a brief overview of the committee meetings to date. To follow legislation on the web, you can visit <http://www.ciclt.net/aoc>.

## Budget Update

**HB 78**, FY2012 Appropriations Act, was taken up in the Senate this week. On Monday, March 28, the Senate Appropriations Committee voted for a DO PASS recommendation without much discussion. On Wednesday, March 30, the Senate voted to pass the FY12 budget.

Both House and Senate insisted on their positions and appointed Conference Committee Members to work out the differences. The House Conferees are as follows: Rep. Jan Jones (R - Milton), Larry O'Neal (R - Bonaire), and Terry England (R - Auburn). The Senate Conferees are as follows: Sen. Jack Hill (R - Reidsville), Ross Tolleson (R - Perry), and Renee Unterman (R - Buford).

The Conference Committee Members will meet next week to work out an agreement before the General Assembly adjourns Sine Die on Thursday, April 14, 2011.

## Legislative Log

### **SB 26 - Firearms; prohibit any additional limitations 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.

**Amendment 1:** The proposed amendment deletes the phrase “while acting during a declared official state of emergency” relating to the carrying and possession of firearms by an officer or employee of the state. **Amendment 1 was ADOPTED.**

**NOTE: a potential problem with the amendment has been identified to the sponsor, who we are told intends to address the matter.**

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

### **SB 30 - Municipal Courts; require municipal court judges to be attorneys; exceptions**

SB 30 requires a judge of the Municipal Court be licensed to practice law in the State of Georgia and a member in good standing of the State Bar of Georgia. Any Municipal Court Judge, serving on June 30, 2011, who does not meet the qualifications, may serve as municipal court judge in any municipality. When the seat becomes vacant, it must be filled by an attorney.

**SB 30 PASSED out of the House.**

### **SB 31 - Evidence; extend the attorney-client privilege to third persons**

SB 31 extends attorney-client privilege to third persons under certain circumstances and corrects cross references. For the purposes of the attorney-client privilege, “client” is defined as:

- A person who is represented by or is seeking representation from an attorney;
- A person who was been provided a court appointed attorney or public defender; or
- If the client is a minor accused of a crime or delinquent act, that minor’s parent will also be considered a client.

Only the minor has the right to waive the privilege. For the purposes of the attorney-client privilege, “parent” is defined as: the legal mother, legal father, stepparent, legal guardian, foster parent, or person who has court ordered legal custody.

**SB 31 received a DO PASS from the House Judiciary (Civil) Committee.**

**SB 33 - Waste Reduction Act of 2011; Zero-Base Budgeting Act; application to the budget process; analysis of departmental/program objectives**

SB 33 adds a new code section, 45-12-75.1, to the "Budget Act". The new code section requires that the Governor in preparing his or her budget report, and budget units in preparing their budget estimates under Code Section 45-12-78 (which includes the judicial branch agencies), make use of zero-base budgeting. The requirements shall apply with respect to the budget report presented to the General Assembly in January of 2012 and each year thereafter.

In any given year the Governor's budget report shall include zero-base budgeting for no more than one-third nor less than one-quarter of all the programs in the most recently passed General Appropriations Act. The Office of Planning and Budget will determine which programs will submit zero-base budget recommendations in each year. No program shall use zero-base budgeting more often than once every four years.

In the years in which zero-base budgeting applies, each budget unit must include in its budget estimate an analysis summarizing past and proposed spending plans by program and revenue source. The information presented must include a statement of the budget unit's departmental and program purposes, effectiveness, efficiency, equity measures and program size indicators.

**SB 33 received a DO PASS by COMMITTEE SUBSTITUE from the House Budget and Fiscal Affairs Oversight Committee.**

**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 the action will also be reported to the licensing board.
- An individual authorized to access electronic data base prescription information pursuant to this part that 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.**

**SB 39 - Courts; create mental health court divisions; assignment of cases**

SB 39 enacts enabling legislation for mental health courts and provides for the Judicial Council of Georgia to create standards for mental health courts.

**SB 39 received a DO PASS from the House Judiciary (Civil) Committee.**

**SB 47 - Georgia Magistrate Courts Training Council; provisions**

In 2009 a provision for Magistrate training to be reduced from 20 hours to 12 - for years 2009 and 2010. In 2011 the hours return to 20. This request would give the Magistrate Court Training Council the flexibility to decide on a yearly basis of what training hours would be required. The window is 12 to 20 hours.

**SB 47 received a DO PASS from the House Judiciary (Civil) Committee.**

**SB 50 - Courts; add certain fees for funding of local victim assistance programs**

SB 50 amends Code Section 15-6-95 of the O.C.G.A., relating to priorities list for distribution of fines and fees collected in superior court for use if the full amount is not collected. This bill amends the list in the following ways:

- Priority level 6: Instead of county law libraries, funds for jail construction and staff is moved up;
- Level 7: Probation fees are added;
- Level 8: Funding for local victim assistance programs are added;
- Level 9: Georgia Crime Victims Emergency Fund is added;
- Level 10: Application fee for legal defense services is moved down;
- Level 11: Brian and Spinal Injury Trust Fund is added;
- Level 12: Balance of the fine will be paid to the county;
- Level 13: Drug Abuse Treatment and Education Fund is moved down;
- Level 14: Funding for county law libraries is moved here

**SB 50 received a DO PASS from the House Judiciary (Civil) 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.**

**SB 88 - Motor Vehicles; increase the age requirements for use of child restraint systems**

SB 88 increases the age requirement for use of child restraint systems from six to eight years of age.

**SB 88 PASSED out of the House.**

**SB 94 - Firearms; change certain definitions (now the Runaway Youth Safety Act)**

SB 94 was amended, its provisions replaced by those 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.**

**SB 115 - Child Support; exclude foster care payments; calculations of gross income**

SB 115 amends Code Section 19-6-15 of the O.C.G.A., by excluding foster care payments from the calculation of gross income for determining child support obligations.

**SB 115 received a DO PASS from the House Judiciary (Civil) Committee.**

**SB 134 - Guardianship; make technical corrections, correct terminology and update cross-references reflecting the enactment; legislative sessions**

SB 134 amends Title 29, Chapter 9 of Title 34, and Chapter 12 of Title 53 of the Official Code of Georgia Annotated, relating to guardian and ward, workers' compensation, and trusts by making technical corrections, correct terminology, and updating cross-references reflecting the enactment of the guardianship and trust codes in recent legislative sessions. It also allows natural guardians of children to consent on behalf of a beneficiary if there is no conflict of interest.

**SB 134 PASSED out of the House.**

**SB 139 - Appellate Practice; appeals involving nonmonetary judgments; child custody**

SB 139 provides for appeals involving nonmonetary judgments in child custody cases; changes provisions relating to judgments and ruling deemed directly appealable; and changes provisions relating to cases requiring application for appeal. Where an appeal is taken for a judgment or order granting nonmonetary relief in a child custody case, the judgment or order shall stand until reversed or modified by the reviewing court unless the trial court states otherwise in its judgment or order.

**SB 139 received a DO PASS as AMENDED from the House Judiciary (Civil) Committee.**

**SB 172 - Adoption; require home study by an evaluator prior to the placement of a child**

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 a court-appointed evaluator prior to the placement of a child into the home of adoptive parents. The evaluator must be a third party who is neither a stepparent nor a relative.

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

**SB 193 - Civil Practice; update administrative provisions; reimbursement to counties for habeas corpus costs**

SB 193 amends Article 2 of Chapter 14 of Title 9 of the O.C.G.A., relating to procedure for persons under sentence of state court of record, by updating administrative provisions relating to the reimbursement to counties for habeas corpus costs.

**SB 193 PASSED out of the House.**

### **SB 200 - Henry County; office of judge of the Probate Court; nonpartisan elections**

SB 200 states that all elections for the office of judge of the Probate Court of Henry County conducted after January 1, 2012, shall be nonpartisan elections. Such nonpartisan election shall be held at the nonpartisan general election immediately preceding the expiration of the term of office of such judge of probate court.

**SB 200 PASSED out of the House.**

### **SB 214 - Inmate Policies; definitions; it is illegal to provide an inmate with wireless handset; penalties**

SB 214 amends Article 2 of Chapter 8 of Title 42 of the O.C.G.A., relating to the state-wide probation system, so as to provide for the transfer of certain confidential probation records to the parole board. Supervision records of the state-wide probation system may be made available to officials employed with the State Board of Pardons and Paroles, provided that the same shall remain confidential and not available to any other person or subject to subpoena unless declassified by the board.

**SB 214 PASSED out of the House.**

### **HB 24 - Evidence; revise, supersede, and modernize provisions; provide definitions**

HB 24 is the rewrite of the Evidence Code of Georgia, Title 24, to provide that Georgia law track federal evidence rules more closely. The bill includes a provision on court foreign language interpreters and interpreters for the hearing impaired. The Supreme Court may establish fees to be paid by persons desiring certification to cover the costs of certifying, regulating, and training court qualified interpreters. The Judicial Council supports this legislation.

**HB 24 received a DO PASS from the Senate Judiciary Committee.**

### **HB 30 - Restrictive Covenants - reasonable restraint of trade**

HB 30 is an attempt to define and codify reasonable restraints on trade (primarily restrictive covenants in employer-employee type relationships), as well as assumptions and presumptions to be applied by courts in determining the reasonableness of contractual restraints. Finally, there are directives to the court that lean toward upholding and enforcing restrictive covenants.

**HB 30 received a DO PASS by COMMITTEE SUBSTITUTE as AMENDED from the Senate Judiciary Committee.**

### **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.

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

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

HB 78 is the General appropriations bill for FY 2012. Click [here](#) to review the House's version of HB 78. Click [here](#) to review the Senate's version of HB 78

**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).**

### **HB 110- Mortgages and liens; vacant property registry**

HB 110 amends 44-14-1 of the O.C.G.A., relating generally to mortgages, conveyances to secure debt, and liens, so as to provide for a vacant property registry. When any vacant real property is acquired by foreclosure under power of sale or acquired pursuant to a deed in lieu of foreclosure, and the deed is filed with the clerk of superior court within 60 days of the transfer, a county or municipal corporation shall not require the transferee to register the vacant real property or the payment of any administrative fees pursuant.

The administrative procedures adopted pursuant to a county or municipal ordinance shall include the right to appeal to the municipal or recorder's court in the city where the vacant real property is located or to the magistrate or recorder's court of the county in which the property is located.

**HB 110 received a DO PASS by the House Banking and Financial Institutions Committee.**

### **HB 129 - Conveyances; future conveyance of real property; prohibit fee**

HB 129 amends Code Section 44-14-1 of the O.C.G.A., relating generally to mortgages, conveyances to secure debt, and liens, so as to prohibit a fee for a future conveyance of real property except under limited circumstances. It provides that the fee charged to transfer real property should be eliminated except under limited circumstances. The fee can only be required when it is associated with the conveyance of the property to be paid to an association with the purposes of exercising the powers of any condominium, or a property owners' association with the purposes of exercising the powers of property owners. The fees should only be used to pay common expenses for the operation of the association.

**HB 129 received a DO PASS recommendation from the Senate Judiciary Committee.**

### **HB 143 - Elections; revise, modernize, and correct errors or omissions**

HB 143 amends Title 21 of the O.C.G.A., relating to elections, so as to revise, modernize, and correct errors or omissions of the Code.

**HB 143 PASSED out the Senate.**

**HB 149 - Magistrates; termination under certain circumstances; provide**

HB 149 amends Code Section 15-10-20 of the O.C.G.A. Magistrates will serve at the pleasure of the chief magistrate, who may remove them “for cause” and with the consent of a majority of the superior court judges of the circuit. Counties with local legislation governing the selection of magistrates will continue to operate according to their local legislation.

**HB 149 received a DO PASS from the Senate Judiciary Committee.**

**HB 162 - Sexual offender registry; photograph minor without parent permission; prohibit**

HB 162 amends Code Section 42-1-2 of the O.C.G.A., relating to the sexual offender registration review board. It prohibits any person, who is required to register on the state sexual offender registry, from photographing a minor without the permission of the minor's parent. Any person who knowingly violates this code section shall be found guilty of a misdemeanor of a high and aggravated nature

**HB 162 received a DO PASS recommendation from the Senate Judiciary Committee.**

**HB 199 - Controlled substances; additional Schedule I substances; provide**

HB 199 amends Code Section 16-13-25 of the O.C.G.A., relating to Schedule I controlled substances, by adding Methylenedioxypropylvalerone (MDPV), Methylenedioxypropylamphetamine (Mephedrone), Methylenedioxypropylmethamphetamine (Methylone), Methoxypropylmethamphetamine and Fluoromethamphetamine to the Schedule I controlled substances list.

**HB 199 PASSED out the Senate as AMENDED**

**HB 200 - Crimes and offenses; human trafficking; change compensation; provisions**

HB 200 amends Titles 16, 17, and 35 of the O.C.G.A., relating to crimes and offenses, criminal procedure, and law enforcement, respectively, so as to discourage trafficking of persons for labor or sexual servitude and provide greater protections to persons subject to these crimes. The age of consent for sexual activity or the accused's lack of knowledge of the person's age being trafficked shall not constitute a defense in a prosecution.

The sexual history or history of commercial sexual activity of a person alleged to have been trafficked or the person's connection by blood or marriage to an accused in the case shall be excluded from evidence, if determined that the probative values of the evidence is substantially out-weighted by the danger of unfair prejudice, confusion of the issues, or misleading the jury. This determination will be made at a hearing outside the presence of the jury.

Any accused who commits the offense of trafficking a person for labor or sexual servitude shall be guilty of a felony. Upon conviction they shall be punished by imprisonment for not less than ten nor more than 20 years and/or a fine not to exceed \$100,000.00. If a person being trafficked for labor or sexual servitude is less than 18 years old, then the accused will be imprisoned for not less than twenty-five nor more than fifty years and/or receive a fine of no more than \$100,000.00.

Any person convicted of any offense related to an act of prostitution, pimping or pandering when the offense involves a person under the age of 16 shall be guilty of a felony. The punishment shall be imprisonment for a period of not less than ten nor more than 30 years and a fine of not more than \$100,000.00.

Any real and personal property of every kind used or intended for use in the course of, derived from, or realized through a violation of this bill shall be subject to forfeiture to the state. HB 200 also provides the eligibility of victims of human trafficking to apply for compensation and the right to be notified of eligibility. It also provides guidelines and procedures for the incorporation of training materials and requires the investigation and identification of human trafficking.

**HB 200 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 received a DO PASS from the Senate Public Safety Committee.**

**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 238 - Legal defense for indigents; powers and duties of council; change provisions**

A substitute with many changes passed the Senate Judiciary Committee this week. HB 238 amends Chapter 12 of Title 17 of the O.C.G.A, relating to legal defenses for indigents, so as to change certain provisions relative to the powers and duties of the Georgia Public Defender Standards Council. The Board shall be reduced to nine members and will no longer represent districts. Furthermore, the director is given more authority, including the hiring and firing of circuit public defenders.

HB 238 provides for the creation of a circuit public defender supervisory panel which is comprised of three members, one of whom shall be a circuit public defender, and all shall be attorneys who regularly practice in that particular judicial circuit. The chief judge of the superior court of the circuit shall appoint one member. The Governor shall appoint one member and one member shall be appointed by the chairperson governing authority or sole commission. The circuit public defender supervisory panel, by majority vote, shall appoint not more than three people to serve as the circuit public defender in the circuit. The circuit public defender may be removed for cause by the director. If the circuit public defender wants to appeal such removal, he or she may appeal the decision to the council. The director's decisions on policies and the removal of circuit public defenders may be overturned by a two-thirds vote of the entire council.

**HB 238 received a DO PASS recommendation from the Senate Judiciary Committee.**

**HB 266 - Carrying weapons; constables; authorize**

HB 266 allows constables employed by a magistrate court authority to carry weapons under certain circumstances.

**HB 266 PASSED out the Senate.**

**HB 269 - Drivers' licenses; provide definitions; background checks; provisions**

HB 269 amends Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses. Any person 14 years of age or older who has been issued a restricted noncommercial Class P instruction permit because a parent or guardian is medically incapable of being licensed to operate a motor vehicle due to visual impairment, must be accompanied whenever operating a motor vehicle by the physically impaired parent or guardian or by a person at least 21 years of age who is licensed as a driver for a commercial or noncommercial Class C vehicle. The accompanying person must be fit and capable of exercising control over the vehicle, and must occupy a seat beside the driver.

A driver's license suspended as a result of a conviction of a violation of Code Section 40-6-391 will not become valid and will remain suspended until a person submits proof of installation and maintenance of an ignition interlock device for a period of six months coinciding with the issuance of an ignition interlock device limited driving permit as provided in Code Section 40-5-64 unless waived due to financial hardship.

HB 269 adds a new subsection to Code Section 42-8-111, relating to court ordered installation of ignition interlock devices. This new section allows exemptions granted due to financial hardship be exempt from the subject-matter jurisdiction limitations imposed in Code Sections 40-13-32 (Restrictions on ability of courts to change or modify traffic law sentences or judgments) and 40-13-33 (Limitation on habeas corpus challenge of misdemeanor traffic conviction).

A license will be reinstated if a person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of \$310.00. The restoration fee is \$300.00 when the reinstatement is processed by mail. A driver's license suspended pursuant to Code Section 40-5-67.1 will not become valid and will remain suspended until a person submits proof of completion of a DUI Alcohol or Drug use risk reduction fee of \$410.00. The restoration fee is \$400.00 when the reinstatement is processed by mail.

**HB 269 received a DO PASS from the Senate Public Safety Committee.**

**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 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.

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

**HB 290 - State purchasing; protect against fraudulent use of state purchasing cards; correct oversight**

HB 290 amends Part 1 of Article 3 of Chapter 5 of Title 50 of the O.C.G.A., relating to general authority, duties, and procedure relative to state purchasing. It corrects an oversight in provisions protecting against fraudulent use of state purchasing cards as discovered and recommended by the House Committee on Information and Audits and to apply the fraud protection provisions to all state entities including state authorities.

**HB 290 PASSED out the Senate.**

**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, and streamlines procedures for the hearing of appeals of vaccination or quarantine orders and for the declaration of a court emergency. This bill is supported by the Judicial Council.

**HB 339 PASSED out the Senate.**

**HB 390 - Criminal cases; state have right of direct appeal; authorize**

HB 390 authorizes the state to have the right of direct appeal rather than seeking a certificate for immediate review when a defendant's motion for new trial or extraordinary motion of new trial is granted.

**HB 390 received a DO PASS from the Senate Judiciary Committee.**

### **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 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 received a DO PASS from the Senate Judiciary Committee**

### **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 537 - Johnson County; probate judge serve as chief magistrate; provide**

HB 537 amends an Act creating the Small Claims Court of Johnson County, now the Magistrate Court of Johnson County. The bill provides that on and after January 1, 2013 the probate judge shall serve as chief magistrate of the Magistrate Court of Johnson County. HB 537 provides for the office of the current magistrate and the expiration of his term. The term of office of the judge serving as chief magistrate shall be concurrent with the judge's term of office as the judge of the probate court. The governing authority of Johnson County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended, no later than 60 days after the date on which this Act is approved by the Governor or otherwise becomes law without the approval.

**HB 537 PASSED out the Senate.**

**HB 551 - Jackson County; board of elections and registration; create**

HB 551 creates a board of elections and registration for Jackson County and provides for its powers and duties and for the composition of the board and the selection and appointment of members including the qualification, terms, and removal of members. The board shall be composed of a chairperson and two members. The current chief registrar shall be the initial chairperson of the board. Successors to the members shall be selected by the chief judge of the Superior Court of Jackson County upon the recommendation of the grand jury of the county.

**HB 551 PASSED out the Senate.**

**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 553 - Habersham County; board of elections and registration; create**

HB 553 creates a board of elections and registration for Habersham 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 Habersham County. The board shall have the powers, duties, and responsibilities of the judge of the probate court of Habersham County. The first members of the board shall be appointed to take office on July 1, 2011. The board shall take no official action until all members have been certified to the clerk of the Superior Court of Habersham County.

**HB 553 PASSED out the Senate.**

**HB 566 - Jefferson County; board of elections and registration; create**

HB 566 creates a board of elections and registration for Jefferson 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 Jefferson County.

**HB 566 PASSED out 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 House.**

**HB 570 - Charlton County; compensation for chief magistrate; provide**

HB 570 provides that the judge of the Probate Court of Charlton County shall also serve as the chief magistrate of the Magistrate Court of Charlton County on and after January 1, 2013.

**HB 570 PASSED out of the House.**

**HB 571 - McIntyre, Town of; incorporate; grant new charter**

HB 571 incorporates and grants a new charter for the Town of McIntyre, Georgia. It establishes a municipal court and provides for appointment of a municipal court judge. In addition, HB 571 establishes the jurisdiction, powers, and duties of the municipal court judge.

**HB 571 PASSED out of the House.**

**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 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 House.**

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

HB 586 requires that all elections for the office of judge of the Probate Court of Rockdale County conducted after January 1, 2012, be nonpartisan elections. The nonpartisan election shall be held at the nonpartisan general election immediately preceding the expiration of the term of office of such judge of probate court.

**HB 586 PASSED out of the House.**

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

HB 599 requires that all elections for the office of judge of the Probate Court of Cook County conducted after January 1, 2012, be nonpartisan elections. The nonpartisan election shall be held at the nonpartisan general election immediately preceding the expiration of the term of office of such judge of probate court.

**HB 599 PASSED out of the House.**

**HB 600 - Candler County; compensation of solicitor; change provisions**

HB 600 amends the Act establishing the State Court of Candler County. This bill changes provisions relating to the compensation of the state court solicitor. The solicitor shall receive a salary equal to 90 percent of the salary of the judge of state court.

**HB 600 PASSED out of the House.**

**HB 602 - Bacon County; board of elections, selection and appointment; change composition**

HB 602 reconstitutes and changes the composition to the board of elections and registration for Bacon County. All appointments to the board shall be promptly certified by the board of commissioners of Bacon County to the clerk of the Superior Court of Bacon County. The bill provides for the qualification and removal of members and for filling vacancies. The Board of Elections and Registration of Bacon County shall cause, through its legal counsel, this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, within 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

**HB 602 PASSED out of the House.**

**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.**

**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.**