



Legislative Update

For the week of: April 26 - April 30
Legislative Days: 39 - 40

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Governmental Affairs Division

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Week 13 of the 2010 Legislative Session

The Georgia General Assembly met this week for the last week of the 2010 legislative session.

The following newsletter provides a brief overview of the committee meetings thus far. To follow legislation on the web, you can visit <http://www.ciclt.net/aoc>, where you can also get up-to-the-minute updates on our Twitter feed.

FY 2011 Budget

After several months of agencies reducing their budgets, [HB 948](#), FY 11 Appropriations Act was adopted by the General Assembly with several hours left until the end of the session. The \$17.9 billion budget for the year beginning July 1, 2010, was taken up and adopted at 5:00 pm Thursday evening. To view the FY 2011 "tracking sheet" please click [here](#). The judiciary is located on pages 9 – 16.

This Report - Bills To Receive Final Passage

| | | |
|--------|--------|---------|
| SB 6 | SB 461 | HB 889 |
| SB 131 | SB 491 | HB 898 |
| SB 136 | SB 542 | HB 948 |
| SB 138 | SB 545 | HB 1002 |
| SB 149 | SB 548 | HB 1040 |
| SB 239 | HB 23 | HB 1104 |
| SB 250 | HB 199 | HB 1231 |
| SB 291 | HB 207 | HB 1236 |
| SB 299 | HB 258 | HB 1322 |
| SB 308 | HB 303 | HB 1378 |
| SB 313 | HB 323 | HB 1450 |
| SB 346 | HB 329 | HB 1489 |
| SB 360 | HB 335 | HB 1503 |
| SB 367 | HB 396 | HB 1506 |
| SB 371 | HB 486 | HB 1513 |
| SB 388 | HB 540 | HB 1514 |
| SB 418 | HB 571 | HR 136 |
| SB 447 | HB 790 | HR 178 |
| SB 458 | HB 858 | |

Legislative Log

Monday, April 26, 2010 – Recess

No legislation was taken up

Tuesday, April 27, 2010 – Legislative Day 39

SB 7 - Truth in Testimony Act; require an oath for purposes of presenting certain evidence to committee/subcommittee of General Assembly

SB 7 adds language from HB 1057 which amends Code Section 15-10-105 of the Official Code of Georgia Annotated, relating to magistrate court clerks. It provides that the General Assembly may at any time specify by local law who shall serve as clerk of magistrate court.

Amendment 1: provides that the General Assembly may at any time specify by local law who shall serve as clerk of magistrate court. Amendment Adopted.

SB 7 PASSED out of the House by a vote of 129-22.

SB 138 - Transparency in Lawsuits Protection Act; provide legislative enactments do not create a private right of action unless expressly stated

SB 138 amends Article 1 of Chapter 2 of Title 9 of the O.C.G.A, relating to general provisions applicable to actions. This bill provides that legislative enactments do not create a private right of action unless expressly stated therein.

SB 138 PASSED out of the House by a vote of 132-15.

SB 287 - Drivers' License; instructional permit reported stolen or forged; department shall issue a replacement permit with a new number

SB 287 requires the Department of Driver Services to issue a new drivers' license or instructional permit when a license or permit is reported stolen. The new license, upon the discretion of the license holder, can have a new number, making the old license number invalid. It also raises the fee from \$5 to \$10.

Amendment 1: Adds a notice of convicted felon on the driver's license of such individuals for the duration of the individual's sentence. Amendment adopted.

SB 287 PASSED out of the House by a vote of 119-28.

SB 291 - Firearms; laws concerning carrying of concealed weapons; revise comprehensively

HB 291 establishes new procedures for the probate courts to renew firearm licenses. It requires, at least 90 days before the expiration of a license, the judge of the probate court to notify the license holder in writing that their license is expiring and provide forms for renewing the license. To renew the license, the license holder shall submit the forms for renewal to the court not less than 45 days prior to the expiration of the license along with a fee of \$15.00—plus any GBI records check fees. Within two business days after receiving the forms the judge shall cause a criminal history records check to determine the eligibility for a license renewal. The check shall be conducted and the report returned to the judge of the probate court within 30 days. Then, the judge shall verify the eligibility of the license holder for a renewal license within ten days after receiving the report. The judge shall date stamp the report to show the date that it was received. Upon verifying the license holder's eligibility, the judge of the probate court shall issue the license holder a renewal license valid for five years.

When a non-U.S. citizen applies for renewal of a license, they must complete a different form furnished by the Department of Public Safety and must provide proof of his or her qualifications for an exception to the federal firearm prohibition (18 U.S.C. Section 922). The judge shall cause a search of the records maintained by United States Immigration and Customs Enforcement. If the person is found to be ineligible for a license, the judge shall deny the license renewal and provide a written explanation.

Any person who has been convicted of a forcible misdemeanor and has not been free of all restraint or supervision for at least seven years shall not be eligible for a license or renewal. In relation to fingerprinting, the probate court is no longer required to provide law enforcement with blank license forms. Also, fingerprinting is no longer required for license renewals. The license itself is no longer required to display the person's fingerprints, though it must now display their gender. Distinctive licenses shall be issued to former law enforcement officers.

HB 291 restricts the seizure, forced registration, and/or prohibition of firearms by a government agent during a state of emergency.

SB 291 PASSED out of the House by a vote of 120-37.

SB 360 - Motor Vehicles; prohibit persons 18 years of age or younger from using wireless telecommunications devices; text messages

SB 360 was substituted with the language from HB 938. SB 360 now prohibits text messaging by adults and minors while driving. Minors are also prohibited from using a cell phone while driving. A violation shall put 1 point on the driver's license. If the driver is determined to be at fault in an automobile accident while violating this code section, they shall submit the driver's license to the court upon conviction and the court shall forward the driver's license to the department. After the suspension period and when the person pays a restoration fee of \$60.00 or, when processed by mail, \$50.00, the suspension shall terminate and the department shall return the person's driver's license. Any violation by class D or instruction permit holder under the age of 18 who violates this Code section, except in a driver emergency, shall be punishable by a fine of not less than \$50.00, nor more than \$100.00. If the operator is involved in an accident at the time of violation, the fine shall be equal to double the amount of the fine imposed initially.

SB 360 PASSED out of the House by a vote of 131-19. The House INSISTED on their position of SB 360. A Conference Committee was assigned: Rep. Peake, Rep. Ramsey, Rep. Day. The Senate DISAGREED with the House substitute to SB 360. A conference committee was appointed: Sen. Bill Jackson (R – Appling), Sen. Jack Murphy (R – Cumming), and Sen. Jeff Mullis (R – Chickamauga).

SB 364 - Massage Therapist; conviction for sexual offense; license suspended for certain time periods; penalties

SB 364 provides harsher penalties for practicing massage therapy without a license. The first violation shall be punished as a misdemeanor; the second violation shall be punished as a misdemeanor of a high and aggravated nature. The third or subsequent violation shall be treated as a felony offense and shall be punished by one to five years imprisonment, a fine not to exceed \$25,000.00, or both. Each act shall be considered a separate offense. The bill also clarifies that local governments may regulate massage therapy in their districts.

SB 364 PASSED out of the House by a vote of 150-8.

SB 367 - Influenza; revise the definition of "influenza vaccine"

SB 367 has been changed from addressing the influenza definition and now addresses a current gap in the law by expanding the list of individuals who can consent for medical treatment for people who are unable to consent for themselves.

It expands the list to include adult grandchildren, adult nieces and nephews, as well as adult friends in the case of no family member existing. This creates an expedited process for a temporary decision maker before a guardian is appointed which can taken months and may not be in time before treatment is effective.

SB 367 PASSED out of the House by a vote of 92-65.

SB 371 - Georgia Bureau of Investigation; provide with authority to investigate certain offenses involving fraudulent real estate transactions

SB 371 amends Article 5 of Chapter 8 of Title 16 and Chapter 3 of Title 35 of the O.C.G.A., relating to residential mortgage fraud and the Georgia Bureau of Investigation, so as to provide the Georgia Bureau of Investigation with the authority to investigate certain offenses involving fraudulent real estate transactions.

In any investigation of a violation or other criminal violations involving fraudulent real estate transactions, the director for investigations shall be authorized to issue a subpoena, with the consent of the Attorney General. Upon the failure of a person without lawful excuse to obey a subpoena, the director for investigations, through the Attorney General or district attorney, may apply to a superior court having jurisdiction for an order compelling compliance. The court may issue an order modifying or setting aside the subpoena or directing compliance with the original subpoena. Failure to obey a subpoena issued may be punished by the court as contempt of court.

SB 371 PASSED out of the House by a vote of 152-2.

SB 458 - Safety Belts; eliminate certain exceptions to the required use of safety belts

SB 458 amends Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to the use of safety belts in passenger vehicles. It defines the term 'passenger vehicle' to mean every motor vehicle, including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to carry ten passengers or fewer and used for the transportation of people. The term excludes motorcycles; motor driven cycles; or off-road vehicles or pickup trucks being used by an owner, driver, or occupant 18 years of age or older in connection with farming operations.

SB 458 PASSED out of the House by a vote of 132-29.

SB 488 - Georgia Foreign Money Judgments Recognition Act; not recognize foreign judgments in defamation actions

SB 488 amends Article 5 of Chapter 12 of Title 9 of the Official Code of Georgia Annotated, relating to the "Georgia Foreign Money Judgments Recognition Act," so as to not recognize foreign judgments in defamation actions unless such jurisdiction's laws provide sufficiently similar constitutional protections as provided by courts in this state.

SB 488 also amends Code Section 9-3-99, relating to tolling of limitations for tort actions while criminal prosecution is pending. 'Crime' is defined for that Code section as: a felony; a violation of Article 15 of Chapter 6 of Title 40; or a misdemeanor violation that results in a person's death or serious bodily harm.

The Senate AGREED with the House substitute to SB 488.

SB 491 - Civil Practice; grounds of exercise; personal jurisdiction over nonresidents involved in domestic relation cases; provisions

SB 491 allows Georgia courts to exercise personal jurisdiction over nonresidents involved in domestic relation cases.

Language from HB 545 was added to SB 491. HB 545 creates the profession of certified process server. Certified process servers will be entitled to serve process for any court of the state, anywhere within the state, provided that the sheriff of the county for which process is to be served allows the servers to operate.

A person at least 18 years of age who files with a sheriff of any county of this state an application stating that he or she complies with rules and regulations set forth in any rules or regulations promulgated by the Judicial Council of Georgia shall, absent good cause shown, be certified as a process server. The certification will be effective for three years or until the approval is withdrawn by a superior court judge.

Any person seeking certification shall upon applying for certification present evidence that he or she has completed a 12 hour course of instruction relating to service of process which course has been approved by the Administrative Office of the Courts in consultation with the Georgia Sheriffs' Association. Evidence must also be presented that shows they have passed a test approved by the Administrative Office of the Courts which will measure the applicant's knowledge of state law regarding serving of process and other papers on various entities and persons.

SB 491 PASSED out of the House by a vote of 149-2.

HB 23 - Motor vehicles; cell phones; text messaging; prohibit use

HB 23 amends Title 40 of the O.C.G.A. It prohibits the use of cell phones and text messaging by individuals under age 18 while operating a motor vehicle. Any violation by class D or instruction permit holder under the age of 18 who violates this Code section, except in a driver emergency, shall be punishable by a fine of \$150.00. It reduces the penalty from two points against a license to just one. If the operator is involved in an accident at the time of violation, the fine shall be double the amount of the fine imposed initially.

Additional language taken from SB 2 was added to the bill, relating to fleeing or attempting to elude a police officer. Any person who:

1. Flees or attempts to elude a pursuing police vehicle or police officer in an attempt to escape arrest,
2. Operates his or her vehicle in excess of 20 miles an hour above the posted speed limit,
3. Strikes or collides with another vehicle or a pedestrian,
4. Flees in traffic conditions which place the general public at risk of receiving serious injuries,
5. Commits a violation of driving under the influence of alcohol, drugs, or

other intoxicating substances, or

6. Leaves the state shall be guilty of a felony punishable by a fine of \$5,000.00 or imprisonment for not less than one year nor more than five years or both.

HB 23 PASSED by COMMITTEE SUBSTITUTE out of the Senate by a vote of 47-0.

HB 199 - Warrants for arrest; persons who may issue warrants; provisions

HB 199 amends Code Section 17-4-40 of the O.C.G.A., by allowing judges the discretion to dismiss frivolous warrant applications without a hearing.

HB 199 PASSED out of the Senate by a vote of 46-0.

HB 207 - Off-road vehicles; operating restrictions; change certain provisions

HB 207 amends Chapter 7 of Title 40 of the Official Code of Georgia Annotated, relating to off-road vehicles. It restricts the use of all terrain vehicles within navigable waters, except for public or private crossings.

The House AGREED to the Senate Substitute to HB 207.

HB 303 - Child abuse reports; access to records; solicitors-general; authorize

HB 303 amends Code Section 49-5-41 of the Official Code of Georgia Annotated, relating to persons and agencies permitted access to records concerning reports of child abuse. It authorizes solicitors-general and assistant solicitor-general to have access to the reports for official purposes.

HB 303 PASSED out of the Senate by a vote of 48-0.

HB 323 - Death penalty cases; Supreme Court; pretrial proceedings; extend review period

HB 323 Extends the period of review for the Supreme Court's consideration of applications for pretrial proceedings in death penalty cases from 20 to 45 days of the date on which the case was received.

Amendment 1: returns the requirement that the Court conduct a proportionality review.

HB 323 PASSED by COMMITTEE SUBSTITUTE as AMENDED out of the Senate by a vote of 47-0.

HB 329 - Probated or suspended sentences; maximum period of revocation; change provisions

HB 329 allows for a misdemeanor committed in another state to be treated as a felony in Georgia for purposes of probation revocation if the act would constitute a felony had it been committed in this state. The effective date to the bill was change to July 1, 2010.

The House AGREED to the Senate Substitute to HB 329.

HB 335 - Revenue and taxation; comprehensive revision of provisions; provide

HB 335 provides for the comprehensive revision of provisions regarding revenue and taxation. The commissioner is authorized to use garnishment to collect any tax, fee, license, penalty, interest, or collection costs due the state. The summons of garnishment may be served to the garnishee by registered or certified mail or statutory overnight delivery, return receipt requested. Either the return receipt indicating receipt by the garnishee or the envelope bearing the official notification from the United States Postal Service of the garnishee's refusal to accept delivery of such registered or certified mail or statutory overnight delivery shall be filed with the Clerk of Superior Court.

HB 335 PASSED by COMMITTEE SUBSTITUTE out of the Senate by a vote of 44-2.

HB 396 - Drivers' licenses; driving record; uniform traffic citations; provisions

HB 396 amends provisions of the Official Code of Georgia Annotated relating to drivers and drivers' licenses. This bill clarifies language pertaining to the Department of Driver Services by allowing federal background check on regulated drivers and increase in driver's license fee to \$5 per year the license is valid. It adds back language that requires DDS to pay the counties \$.40 for each report transmitted electronically in a timely manner, which was taken out of the original bill. The bill is asking for Pickup trucks to fall under the GA seatbelt law, with an exemption for agricultural vehicles. Changed the drivers' license fee back to \$4 a year.

The Senate INSISTED on the Senate substitute to HB 396. A conference committee was appointed: Sen. John Crosby (R – Tifton), Sen. Jack Murphy (R – Cumming), and Sen. Jeff Mullis (R – Chickamauga).

HB 540 - Elections; remove references to ballot cards; provisions

HB 540 amends Chapter 2 of Title 21 of the O.C.G.A. relating to primaries and elections. The bill eliminates the use of the term ballot card; establishes voting locations as polling places; requires certification and training for all chief registrars and clerks; enables inactive voters to be reestablished as an active and registered voter by signing a petition, irrespective of the petition's validity. The provision also permits the grand jury to appoint two registrars to serve two-year terms of office or until qualified successors are appointed. It also extends the delivery date for the list of electors for the municipality from 21 to 30 days to ensure an accurate list is provided for the election. It also affords more security and confidentiality to a challenged ballot by placing ballot in a sealed envelope in a secure ballot box. It only requires one write-in qualified candidate to hold an official election or an official election is not needed if the candidate is unopposed. HB 540 eliminates DRE training for voter's county-wide unless requested; eliminates requirement of a reason for absentee ballots. The bill permits candidates to vote or transact business only with the board of registrars at the polling place and for no other purposes should the candidate enter the polling place.

The Senate INSISTED on the Senate substitute to HB 540. A conference committee was appointed: Sen. John Crosby (R – Tifton), Sen. Bill Hamrick (R – Carrollton), Sen. Dan Moody (R – Johns Creek), Rep. Austin Scott (R – Tifton), Rep. Mark Hamilton (R – Cumming), and Rep. Paul Battles (R – Cartersville).

HB 571 - Sexual offenders; classification; change and enact provisions

HB 571 updates and changes provisions of the law relating to the classification of sexual offenders. It amends Code Section 5-6-35 of the O.C.G.A., requiring an application for appeal, so as to make the Code section applicable to appeals from decisions of superior courts reviewing a decision of the Sexual Offender Registration Review Board. HB 571 also amends Article 1 of Chapter 10 of Title 17 of the O.C.G.A., relating to procedures for sentencing in criminal cases, so as to provide that, with respect to sexual offenses committed after a certain date in this state, classification shall be by the sentencing court rather than the Sexual Offender Registration Review Board. The bill changes provisions relative to the process of classification by the Sexual Offender Registration Review Board and review of the classifications.

Language from SB 439 has been added to the committee substitute to HB 571. SB 439 provides for gender neutrality with regard to the offense of incest involving sexual intercourse or sodomy. It allows for male to male and female to female intercourse or sodomy to be considered incest.

Language from HB 897 has also been added to the committee substitute to HB 571. HB 897 amends Chapter 6 of Title 16 of the O.C.G.A., relating to sexual offenses by clarifying the circumstances that qualify as sexual assault against persons in custody, and persons subject to the authority of a supervisor or disciplinary person. This bill establishes that consent of the victim shall not be a defense to a prosecution. A person convicted of sexual assault shall be punished by imprisonment between 1 and 25 years and/or a fine. If a person commits sexual assault against a child under the age of 16, then he/she shall receive a prison sentence between 25 and 50 years. If at the time of the offense the victim of the offense is at least 14 years old

but less than 16 years old and the actor is 18 years old or younger, but no more than four years older than the victim, the person shall be guilty of a misdemeanor.

The House AGREED to the Senate Substitute to HB 571.

HB 790 - Doraville, City of; municipal elections; provisions

HB 790 amends the charter for the City of Doraville. First, the bill grants municipal judges certain authorities regarding the sentencing of local offenders. Second, the bill provides procedures to appeal municipal court decisions. Lastly, the city attorney may not serve as the municipal court judge.

HB 790 PASSED out of the Senate by a vote of 44-1.

HB 858 - County law libraries; payment of certain funds into county general fund; provisions

HB 858 amends 36-15-7. First, the population threshold, whereby law library funds go into the general county treasury, is raised from 700,000 to 950,000. Second, money paid to the law library fund may be used – at the discretion of the board of trustees – to reimburse purchases made by a county's superior court, state court, probate court, magistrate court, or juvenile court. Third, the chief judge of any county court may request a new library.

Amendment 1:** money paid to the law library fund may be used – at the discretion of the board of trustees – to reimburse purchases made by a county's superior court, state court, probate court, magistrate court, or juvenile court. The chief judge of any county court may request a new library. **Amendment adopted.

HB 858 PASSED by COMMITTEE SUBSTITUTE as AMENDED out of the Senate by a vote of 38-0.

HB 889 - Recognizance bonds; persons charged with certain crimes; limit

HB 889 amends 17-6-1 of the O.C.G.A. by limiting recognizance bonds for persons charged with certain crimes. A person charged with a serious offense shall not be released on bail on his or her own recognizance for the purpose of entering any type of pretrial release program.

The substitute to HB 889 provides for an exception if an elected magistrate, state or superior court judge enters a written order with specific reasons allowing release on bail in order to enter a pretrial release, intervention or diversion program.

Amendment 1:** elected magistrate judges are now included. **Amendment adopted.

HB 889 PASSED by COMMITTEE SUBSTITUTE as AMENDED out of the Senate by a vote of 44-1.

HB 898 - Driving under the influence; notice of conviction publication; change provisions

HB 898 amends Code Section 40-6-391 of the O.C.G.A, by no longer requiring the publication of notice, from the county's legal organ, provide an address for a person convicted of a second or subsequent DUI within five years.

HB 898 PASSED out of the Senate by a vote of 44-0.

HB 982 - Revenue and taxation; administrative garnishment; comprehensive revisions

HB 982 allows for administrative garnishments under certain conditions. A garnishee may appeal any final administrative ruling to superior court within 30 days from receipt of the final administrative ruling. Upon the filing of an appeal the delinquent taxpayer shall be a party to all further proceedings upon the administrative garnishment.

Amendment 1: Upon the filing of an appeal the delinquent taxpayer shall be a party to all further proceedings upon the administrative garnishment.

HB 982 PASSED by COMMITTEE SUBSTITUTE as AMENDED by a vote of 46-2.

HB 1040 - Georgia Registered Professional Nurse Practice Act; certain health activities not require license; provisions

HB 1040 amends Code Section 43-26-12 of the O.C.G.A, relating to exceptions to the operation of the "Georgia Registered Professional Nurse Practice Act". It provides that the performance of health maintenance activities by a designated caregiver to a proxy caregiver under certain conditions shall not require licensure as a registered professional nurse.

An attending physician, advanced practice registered nurse or physician assistant whose orders provide for the provision of health maintenance activities to a disabled person shall not be vicariously liable for a proxy caregiver's negligent performance. The attending physician, advanced practice registered nurse or physician assistant can be held liable if the proxy caregiver is their employee and the proxy caregiver's qualifications do not meet the applicable standard of care to perform their health maintenance activities.

The House AGREED to the Senate Substitute to HB 1040.

HB 1053 - Solicitors-general; act during pendency of vacancy in office; provide

HB 1053 states that, in the event of a vacancy in the office of solicitor-general, the chief or senior assistant solicitor-general shall serve as the acting solicitor-general until the governor can make an appointment. If there is no assistant solicitor-general, then the chairman of the board of county commissioners shall appoint an acting solicitor-general.

HB 1053 PASSED by COMMITTEE SUBSTITUTE out of the Senate.

HB 1104 - Juvenile proceedings; graduated sanctions and secure detention for probation violators; provisions

HB 1104 amends Code Section 15-11-66 of the O.C.G.A., relating to dispositions for delinquent children by extending the effective date for increasing maximum dates or services that may be court ordered from July 1, 2011 to July 1, 2013.

Language from SB 423 was added to the committee substitute to HB 1104. SB 423 creates a new statute defining the offense of smash and grab burglary, the intentional and without authority entering of a retail establishment with the intent to commit theft, in addition to causing more than \$500 of damage without the owner's consent. Smash and grab burglary will be a felony punishable by 2 to 20 years in prison and/or a \$100,000 fine. A second or subsequent conviction will carry a prison term of five to twenty years and/or the fine.

The crime of contributing to the delinquency of a minor in Code Section 16-12-1 is amended to include knowingly and willfully hiring, soliciting, conspiring with, encouraging, etc. and minor to commit burglary of retail property, including retail property fencing, if it would be a felony if committed by an adult. A first offense conviction will carry a prison sentence of one to ten years.

Code Section 15-11-63, relating to the commission of a designated felony act of burglary by a child 15 years or older, will not apply to smash and grab burglary.

The House DISAGREED with the Senate's position on HB 1104. The House INSISTED on its position. A Conference Committee was assigned: Rep. Pruett, Rep. Oliver, Rep. Collins.

HB 1231 - Uniform rules of the road; proper execution of a left turn; clarify

HB 1231 clarifies the proper execution of a left turn by establishing that if a left turn has multiple turn lanes, you must stay in the same turn lane from which you entered the intersection. It changes the maximum allowable speed over the speed limit from 30 to 20 miles per hour, and adds DUI as an extenuating circumstance. Any person who commits a violation of driving under the influence of alcohol, drugs, or other intoxicating substances, while fleeing or attempting to elude a pursuing police vehicle shall be guilty of a felony punishable by a fine of \$5,000.00 or imprisonment for not less than one year nor more than five years or both.

HB 1231 PASSED by COMMITTEE SUBSTITUTE out of the Senate 42-0.

HB 1236 - Court reports; reduce number of reports to distribute; change provisions

HB 1236 amends 36-32-1.1, requiring municipal court judges to be licensed to practice law in the State of Georgia and a member in good standing with the State Bar of Georgia. This does not apply to any judge serving on June 30, 2010.

Amendment 1: strikes the body of the original bill. Adds language from HB 478 requiring new municipal court judges to be attorneys. Current municipal judges are grandfathered in. Amendment adopted.

HB 1236 PASSED by COMMITTEE SUBSTITUTE as AMENDED out of the Senate by a vote of 46-0.

HB 1378 - Lumpkin County, Magistrate Court of; appoint clerk; provide

HB 1378 provides that the clerk of the Magistrate Court of Lumpkin County shall be appointed by and serve at the pleasure of the chief magistrate pending the enactment of a general law. It also provides that the General Assembly may specify by local law who shall serve as clerk of magistrate court.

HB 1378 PASSED out of the Senate by a vote of 44-1.

HB 1450 - State Court of DeKalb County; certain fees; change

HB 1450 amends the Act creating the State Court of DeKalb County by changing and providing for certain fees.

HB 1450 PASSED out of the Senate by a vote of 44-1.

HB 1489 - Remerton, City of; provide new charter

HB 1489 creates the Remerton Municipal Court.

HB 1489 PASSED out of the Senate by a vote of 44-1.

HB 1503 - Clayton County Civil Service Act; review and appeal decisions; change provisions

HB 1503 provides that any person aggrieved by a final decision of the civil service board is entitled to judicial review by certiorari to the Superior Court of Clayton County.

HB 1503 PASSED out of the Senate by a vote of 44-1.

HB 1513 - Fannin County; Magistrate Court clerk; appointed by chief magistrate; provide

HB 1513 provides that the clerk of the Magistrate Court of Fannin County shall be appointed by and serve at the pleasure of the chief magistrate. The Act shall become effective only if there is enacted into law at the 2010 session of the General Assembly a general law to provide that the General Assembly may at any time specify by local law who shall serve as clerk of magistrate court.

HB 1513 PASSED out of the House by a vote of 130-0.

HB 1514 - Gilmer County; Magistrate Court clerk; appointed by chief magistrate; provide

HB 1514 provides that the clerk of the Magistrate Court of Gilmer County shall be appointed by and serve at the pleasure of the chief magistrate. The Act shall become effective only if there is enacted into law at the 2010 session of the General Assembly a general law to provide that the General Assembly may at any time specify by local law who shall serve as clerk of magistrate court.

HB 1514 PASSED out of the House by a vote of 130-0.

HR 136 - Owners of real property; industrial areas; remove property - CA

HR 136 is a proposal to amend the state constitution to allow for property owners in Chatham County to voluntarily remove their property from industrial zoning.

The substitute to the resolution requires, upon being removed from the industrial area, the property shall be annexed by the city which provides water service or fire service.

HR 136 PASSED by COMMITTEE SUBSTITUTE out of the Senate by a vote of 45-2.

HR 178 - Enforcement of contracts; restrict competition; provisions - CA

Proposes an amendment to the Georgia Constitution allowing the General Assembly to authorize judicial enforcement of contracts restricting or regulating competitive activities. The General Assembly may grant the courts power to limit restrictive covenants contained in contracts.

The House ADOPTED the Conference Committee Report to HR 178.

Wednesday, April 28, 2010 – Recess

No legislation was taken up today.

Thursday, April 29, 2010 – Legislative Day 40

SB 6 - Driver's Licenses; restricted; change the penalty for violation

SB 6 changes provisions relating to suspension of a license when driving on a restricted license. Upon a person being convicted of driving on a restricted license, the court may order the department to suspend the person's license for a period not to exceed six months. The court shall determine the length of the suspension and report the suspension and the length of time to the department. The department shall reinstate the license at the end of the suspension period upon receipt of a reinstatement fee of \$210.00 or \$200.00 if paid by mail.

The Senate AGREED to the House substitute to SB 6.

SB 56 - Georgia StopMeth Log; establish; electronically recording the identity; provide statement of purpose; definitions; misdemeanor penalty

SB 56 establishes the Georgia StopMeth Log for electronically recording the identity of those individuals purchasing certain medications used for the production of methamphetamine, including pseudoephedrine. It requires that no person shall purchase or attempt to purchase an amount of ephedrine, pseudoephedrine, or phenylpropanolamine in violation of state or federal law.

Any person convicted shall be guilty of a misdemeanor. Each separate purchase or attempted purchase made in violation shall constitute a separate offense. Each transaction where records are not generated or maintained shall constitute a separate offense. SB 56 was amended by committee substitute to allow pharmacies that already have an electronic system in place to maintain that system as long as it supports law enforcement.

The House INSISTED on its position on SB 56. The Senate DISAGREED with the House substitute. A conference committee was appointed: Sen. Gloria Butler (D – Stone Mountain), Sen. Jack Murphy (R – Cumming), and Sen. Buddy Carter (R – Pooler).

SB 131 - The Revised Georgia Trust Code of 2009; comprehensively revise provisions relating to trusts

SB 131 amends Title 53 of the Official Code of Georgia Annotated, relating to wills, trusts, and estates. This bill would comprehensively revise provisions relating to trusts, charitable trusts, trustees, and trust investments. It also provides to enact the Georgia Principle and Income Act. SB 131 also amends Code Section 7-1-242 of the Official Code of Georgia Annotated, relating to restrictions on corporate fiduciaries, so as to provide that nonprofit corporations and other entities may lawfully act as a fiduciary. This bill also allows tort and restitution judgments limited access to spendthrift trusts.

The House AGREED to the Senate amendment to the House substitute to SB 131.

SB 136 - Penal Institutions; U.S. Immigration and Customs Enforcement Rapid Removal of Eligible Parolees Accepted for Transfer; participate

SB 136 requires the Department of Corrections and the State Board of Pardons and Paroles to participate in the United States Immigration and Customs Enforcement Rapid Removal of Eligible Parolees Accepted for Transfer (REPAT) Program or similar federal deportation program. It allows for immediate deportation of illegal immigrants who have already been deported and then returned to the State. An alien prisoner who is granted parole and is subject to deportation must be conditioned upon the deportation of the prisoner pursuant to a final removal order. There is a further condition which requires the prisoner to abide by the deportation order and all immigration laws of the United States.

The Senate AGREED to the House substitute to SB 136.

SB 149 - Uniform Athlete Agents Act; regulation of athlete agents; terminate Georgia Athlete Agent Regulatory Commission; definitions

SB 149 amends Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to revise the "Uniform Athlete Agents Act". This bill also provides to terminate the Georgia Athlete Agent Regulatory Commission; to provide for general powers and duties of the Secretary of State relating to the regulation of athlete agents. An athlete agent who violates Code Section 43-4A-14 shall be guilty of a felony and, upon conviction, be punished by a fine of not less than \$5,000.00 nor more than \$100,000.00, by imprisonment of one to five years, or both the fine and imprisonment. In section 43-4A-17 it states that the Secretary of State may assess a civil penalty against an athlete agent not to exceed \$25,000.00 for a violation of this chapter.

The Senate AGREED with the House substitute to SB 149.

SB 239 - Education; mandatory attendance; provisions; require new residents in a local school system to enroll a child within 30 days

SB 239 amends Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to school attendance in elementary and secondary education, so as to revise certain provisions relating to mandatory attendance. This bill requires new residents in a local school system to enroll a child within 15 days. Any parent, guardian who fails to enroll a child is guilty of a misdemeanor.

Any parent, guardian, or other person residing in this state who shall fail to send the child or children in a public school, a private school, or a home study program in accordance with this Code section shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine not less than \$50.00 and not greater than \$500.00, imprisonment not to exceed 10 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Also, upon conviction, an offender shall be subject to punishment as for a misdemeanor with the exception that any imprisonment portion of the sentence shall not exceed 30 days.

The Senate AGREED to the House substitute as AMENDED by the Senate. The House AGREED to the Senate amendment to the House substitute to SB 239.

SB 244 - Ga. Registered Professional Nurse Practice Act; performance of health maintenance act by a designated caregiver shall not be prohibited

Language from SB 391 was added to SB 244. The added language would provide that when a child is found mentally incompetent to stand trial, the Department of Behavioral Health and Developmental Disabilities shall be authorized to place the defendant in a secure hospital or community facility designated by the department.

The House AGREED to the conference committee report to SB 244.

SB 250 - Education; unlawful disruption of/interference; operation of public schools or public school buses; revise provisions

SB 250 makes it unlawful for any person to knowingly and intentionally, or recklessly disrupt or interfere with the operation of any public school, public school bus, or public school bus stop. Any person violating this Code section shall be guilty of a misdemeanor.

Senate AGREED to the House substitute.

SB 287 - Drivers' License; instructional permit reported stolen or forged; department shall issue a replacement permit with a new number

SB 287 requires the Department of Driver Services to issue a new drivers' license or instructional permit when a license or permit is reported stolen. The new license, upon the discretion of the license holder, can have a new number, making the old license number invalid.

Amendment 1: replace lines 22-26. Retailers may increase the price of goods during an emergency. Amendment adopted.

The Senate AGREED with the House substitute as AMENDED by the Senate.

SB 299 - Juvenile Proceedings; zero tolerance policy on weapons in schools; change provisions

SB 299 prohibits a child from being pre-hearing detention by virtue of a standing court order. In addition, SB 299 changes certain provisions relating to the zero tolerance policy on weapons in schools.

SB 299 PASSED out of the House by a vote of 156-0. The Senate ADOPTED the House substitute to SB 299.

SB 308 - Firearms; carrying and possession; change provisions; definitions

SB 308 amends Title 16 of the O.C.G.A., relating to crimes and offenses, so as to change provisions regarding the carrying and possession of firearms. It also provides for overt and covert security features on issued licenses beginning January 1, 2012. The probate courts shall petition the Department of Administrative Services to purchase the equipment and supplies necessary for producing the weapons carry licenses. For both weapons carry license applications and requests for license renewals, the judge of the probate court, shall within five business days following the receipt of the application, direct the law enforcement agency to request a fingerprint based criminal history records check from the Georgia Crime Information Center and Federal Bureau of Investigation for purposes of determining the suitability of the applicant and return an appropriate report to the judge of the probate court.

This bill establishes that no person shall carry a weapon without a valid weapons carry license unless they meet certain exceptions. An individual convicted of the offense of carrying a weapon without a weapons carry license shall, on the first offense, be guilty of a misdemeanor. For the second and subsequent offenses, they shall be guilty of a felony. Upon conviction they shall be imprisoned for not less than two years and not more than five years.

SB 308 increases the weapons carry license application and renewal fee to \$30. The bill establishes that if an eligible applicant fails to receive a license, temporary permit, or renewal license within the required time period and the application or request has been properly filed, the applicant may bring an action in mandamus or other legal proceeding in order to obtain a license, temporary license, or renewal license. In addition, the applicant shall be entitled to recover his or her costs in the action, including reasonable attorney's fees, upon showing that the denial of the application lacked substantial justification.

SB 308 allows individuals with a gun license to carry a firearm in bars with the permission of the owner, in school safety zones (within 1000 ft.), in parking lots of airports, universities, courthouses, etc. as long as the gun is in the car. It restricts guns from being taken onto college campuses and in places of worship. This bill prohibits the carrying of weapons in certain unauthorized locations and provides for penalties.

The Senate ADOPTED the conference committee report. The House ADOPTED the conference committee report to SB 308.

SB 313 - Grand Juries; oath shall be given to all witnesses; to provide that an unsworn testimony shall be disallowed

SB 313 amends Part 1 of Article 4 of Chapter 12 of Title 15 of the O.C.G.A., relating to general provisions relative to grand juries. The oath shall be administered to all witnesses, including law enforcement officers, in criminal cases before the grand jury. Unsworn testimony is to be disallowed for all purposes. Any action taken by a grand jury based in whole or in part on unsworn testimony, including any 'true bill' or 'no bill' on an indictment shall be void.

SB 313 PASSED out of the House by a vote of 153-0.

SB 346 - Ad Valorem Taxes; comprehensive revisions

SB 346 amends Title 48 of the O.C.G.A, relating to revenue and taxation, so as to revise comprehensively provisions regarding ad valorem taxes. It provides for appeal procedures for property tax assessments. At the time of certification of the appeal, the county board of tax assessors shall serve the taxpayer and his or her attorney of record, if any, or employee with a copy of the certification along with any other papers specified by the person seeking arbitration along with the civil action file number assigned to the appeal. Within 15 days of filing the certification to the clerk of the superior court, the chief judge of the superior court of the circuit in which the property is located shall issue an order authorizing the arbitration. If the taxpayer's value is determined by the arbitrator to be the value, the county shall be responsible for the clerk of the superior court's fees, if any, and the fees and costs of such arbitrator.

The House AGREED to the Senate Amendment to the House Substitute to SB 346.

SB 364 - Massage Therapist; conviction for sexual offense; license suspended for certain time periods; penalties

This bill provides harsher penalties for practicing massage therapy without a license. The first violation shall now be punished as a misdemeanor; the second violation shall be punished as a misdemeanor of a high and aggravated nature. The third or subsequent violation shall be treated as a felony offense and shall be punished by one to five years imprisonment, a fine not to exceed \$25,000.00, or both. Each act shall be considered a separate offense. The bill also clarifies that local governments may regulate massage therapy in their districts.

The Senate AGREED to the House substitute to SB 364.

SB 367 - Influenza; revise the definition of "influenza vaccine"

SB 367 has been changed from addressing the influenza definition and now addresses a current gap in the law by expanding the list of individuals who can consent for medical treatment for people who are unable to consent for themselves.

It expands the list to include adult grandchildren, adult nieces and nephews, as well as adult friends in the case of no family member existing. This creates an expedited process for a temporary decision maker before a guardian is appointed which can take months and may not be in time before treatment is effective.

The Senate AGREED with the House substitute to SB 367.

SB 388 - State Printing; any state law authorizes a state officer/agency to publish any matter such publication made in printed and electronic format

SB 388 allows the Administrative Office of the Courts, the Council of Juvenile Court Judges, and the Criminal Justice Coordinating Council (along with other agencies) to publish information electronically. The House substitute to SB 388 adds language from HB 235, which removes the requirement of publishing a volume of rules from the definition of reports. The rules compilation is to be contained in an electronic database that is made assessable to the public through the Internet or other suitable methods.

Additionally, the bill adds language from HB 1236, which requires superior court and probate court judges to place a written order with the reporter to receive court reports. A written order will stay in effect until changed by a subsequent written order. HB 1279 which changes the number of hardbound volumes of Georgia Laws to be distributed to different agencies was also added to the House substitute to SB 388. The state will distribute electronic volumes of the Georgia Laws in place of softbound volumes.

SB 388 PASSED out of the House by a vote of 162-1. The Senate AGREED to the House Substitute to SB 388.

SB 418 - Controlled Substance; establishment of a program; monitoring of prescribing/dispensing Schedule II, III, IV, or V

SB 418 establishes a program to monitor the prescribing and administering of controlled substances for the purpose of controlling the illegal distribution of said substances.

This bill establishes the computer database used to distribute the information. The agency can only maintain the information for two years and then it must be destroyed. Doctors consider this a patient safety act; it will help discourage patients 'doctor-shopping,' which currently doctors have little to no control over. This bill does not limit doctor's ability to prescribe in any way. Four House and Senate committees can object to anything the agency wants to do as a way of oversight for the General Assembly. Doctors are not required to look up the information – they will not be punished.

The penalties: dispensers that don't send the information in to the agency – misdemeanor and \$1000 fine; multiple offenses – felony; intentional misuse of data – felony and \$100,000; multiple offenses – felony and \$250,000.

SB 418 PASSED out of the House by a vote of 141-17. The Senate AGREED to House substitute as AMENDED by the Senate.

SB 447 - State; preference to in-state materialman, contractors, builders, when preference does not impair quality and cost considerations

SB 447 was amended in the House and now contains language from HB 1164, which amends Code Section 13-10-91 of the O.C.G.A. concerning employment eligibility. Employers are now required to keep the affidavits signed by their employees for 5 years. The requirements of the old code section now apply to all employees, contractors, and subcontractors employed by a state contractor. Any person convicted of knowingly making a false, fictitious, or fraudulent statement in an employee work eligibility affidavit, shall be punished by a fine of not more than \$1,000.00 or imprisonment for one to five years, or both.

The Senate AGREED to the House substitute to SB 447.

SB 461 - Wills, Trusts, Estate; provide for construction of wills/trust instruments referring to federal estate; provide for judicial construction of such wills

SB 461 provides for the construction of wills and trust instruments referring to federal estate and generation-skipping transfer tax laws for testators and settlors dying on or after December 31, 2009, but prior to January 1, 2011.

SB 461 also provides for judicial construction of wills and trust instruments. A court may construe a will or trust instrument to determine whether this statute would apply, or whether the instrument manifests an intention that the provision should be construed in another manner. A personal representative, beneficiary or trustee may petition the court for construction of an instrument under this statute within one year of the death of the testator or settlor.

The Senate AGREED with the House Substitute to SB 461.

SB 488 - Georgia Foreign Money Judgments Recognition Act; not recognize foreign judgments in defamation actions

SB 488 amends Article 5 of Chapter 12 of Title 9 of the Official Code of Georgia Annotated, relating to the "Georgia Foreign Money Judgments Recognition Act," so as to prohibit recognition of foreign judgments in defamation actions unless such jurisdiction's laws provide sufficiently similar constitutional protections as provided by courts in this state.

SB 488 also amends Code Section 9-3-99, relating to tolling of limitations for tort actions while criminal prosecution is pending. 'Crime' is defined for that Code section as: a felony; a violation of Article 15 of Chapter 6 of Title 40; or a misdemeanor violation that results in a person's death or serious bodily harm.

The House DISAGREED with the Senate amendment to SB 488. The Senate INSISTED on its position on SB 488. Sen. John Wiles (R - Kennesaw), Sen. Bill Cowsert (R - Athens), and Sen. Preston Smith (R - Rome). The House INSISTED on its position to SB 488. Rep. Jacobs (R-Atlanta), Rep. Willard (R-Sandy Springs), Rep. Weldon (R - Ringgold).

SB 491 - Civil Practice; grounds of exercise; personal jurisdiction over nonresidents involved in domestic relation cases; provisions

SB 491 allows Georgia courts to exercise personal jurisdiction over nonresidents involved in domestic relation cases.

Language from HB 545 was added to SB 491. HB 545 creates the profession of certified process server. Certified process servers will be entitled to serve for any court of the state, anywhere within the state, provided that the sheriff of the county for which process is to be served allows the servers to operate.

A person at least 18 years of age who files with a sheriff of any county of this state an application stating that he or she complies with rules and regulations set forth in any rules or regulations promulgated by the Judicial Council of Georgia shall, absent good cause shown, be certified as a process server. The certification will be effective for three years or until the approval is withdrawn by a superior court judge.

Any person seeking certification shall upon applying for certification present evidence that he or she has completed a 12 hour course of instruction relating to service of process which course has been approved by the Administrative Office of the Courts in consultation with the Georgia Sheriffs' Association. Evidence must also be presented that shows they have passed a test approved by the Administrative Office of the Courts which will measure the applicant's knowledge of state law regarding serving of process and other papers on various entities and persons.

The Senate AGREED with the House amendment to SB 491.

SB 542 - Griffin Judicial Circuit; not decrease the county supplements for the superior court judges of that circuit

SB 542 amends the Act creating the Griffin Judicial Circuit to prohibit decreases in county supplements for the superior court judges of that circuit.

SB 542 PASSED out of the House by a vote of 126-0.

SB 545 - Turner County; create a board of elections and registration; provide for powers and duties; definitions; composition

SB 545 creates a board of elections and registration for Turner County.

SB 545 PASSED out of the House by a vote of 126-0.

SB 548 - Lee County; provide the chief Magistrate shall appoint the clerk of the Magistrate Court

SB 548 provides that the chief magistrate of Lee County shall have the authority to appoint a person other than the clerk of the superior court to serve as clerk of the Magistrate Court of Lee County. The salary of the clerk of the magistrate court shall be fixed by the Lee County Board of Commissioners.

HB 548 PASSED out of the House by a vote of 126-0.

HB 23 - Motor vehicles; cell phones; text messaging; prohibit use

HB 23 amends Title 40 of the O.C.G.A. It prohibits the use of cell phones and text messaging by individuals under age 18 while operating a motor vehicle. Any violation by class D or instruction permit holder under the age of 18 who violates this Code section, except in a driver emergency, shall be punishable by a fine of \$150.00. It reduces the offense from two points on your license to just one. If the operator is involved in an accident at the time of violation, the fine shall be equal to double the amount of the fine imposed initially.

Additional language taken from SB 2 was added to the bill, relating to fleeing or attempting to elude a police officer. Any person who:

1. Flees or attempts to elude a pursuing police vehicle or police officer in an attempt to escape arrest,
2. Operates his or her vehicle in excess of 20 miles an hour above the posted speed limit,
3. Strikes or collides with another vehicle or a pedestrian,
4. Flees in traffic conditions which place the general public at risk of receiving serious injuries,
5. Commits a violation of driving under the influence of alcohol, drugs, or other intoxicating substances, or
6. Leaves the state shall be guilty of a felony punishable by a fine of \$5,000.00 or imprisonment for not less than one year nor more than five years or both.

The House AGREED to the Senate substitute to HB 23.

HB 323 - Death penalty cases; Supreme Court; pretrial proceedings; extend review period

HB 323 Extends the period of review for the Supreme Court's consideration of applications for pretrial proceedings in death penalty cases from 20 to 45 days of the date on which the case was received.

The House AGREED to the Senate substitute to HB 323.

HB 486 - Superior Court Clerks' Retirement Fund of Georgia; not entitled credit for service after July 1, 2010; provisions

HB 486 amends Article 5 of Chapter 14 of Title 47 of the Official Code of Georgia Annotated, relating to retirement benefits, disability benefits, and spouses' benefits under the Superior Court Clerks' Retirement Fund of Georgia, by requiring that a person who becomes members on or after July 1, 2010, not be entitled to credit for service as a deputy clerk. It also includes a death benefit in the amount of \$5,000.00 be paid to the designated beneficiary of any member who dies in service. In the absence of a designated beneficiary, the amount shall be paid the deceased member's estate.

The House AGREED to the Senate substitute to HB 486.

HB 858 - County law libraries; payment of certain funds into county general fund; provisions

HB 858 amends 36-15-7. First, the population threshold, whereby law library funds go into the general county treasury, is raised from 700,000 to 950,000. Second, money paid to the law library fund may be used – at the discretion of the board of trustees – to reimburse purchases made by a county’s superior court, state court, probate court, magistrate court, or juvenile court. HB 858 also provides that the chief judge of any county court may request a new library.

The House AGREED to the Senate substitute to HB 858.

HB 889 - Recognizance bonds; persons charged with certain crimes; limit

HB 889 amends 17-6-1 of the O.C.G.A by limiting recognizance bonds for persons charged with certain crimes. A person charged with a serious offense shall not be released on bail on his or her own recognizance for the purpose of entering any type of pretrial release program. HB 889 also provides for an exception if an elected magistrate, state or superior court judge enters a written order with specific reasons allowing release on bail in order to enter a pretrial release, intervention or diversion program.

HB 889 establishes that whatever procedure the council establishes for each conflict of interest cases shall be adhered to by the circuit public defender office.

The House AGREED to the Senate substitute as amended by the House to HB 889. The Senate AGREED to the House amendment to the senate substitute to HB 889.

HB 982 - Revenue and taxation; administrative garnishment; comprehensive revisions

HB 982 allows for administrative garnishments under certain conditions. A garnishee may appeal any final administrative ruling to superior court within 30 days from receipt of the final administrative ruling. Upon the filing of an appeal the delinquent taxpayer shall be a party to all further proceedings upon the administrative garnishment.

The House DISAGREED with the Senate substitute to HB 982. The House insisted on its position to HB 982 and appointed a conference committee: Rep. Larry O’Neal (R - Bonaire), Jay Roberts (R - Ocilla), Greg Morris (R - Vidalia). The Senate INSISTED on the Senate substitute to HB 982.

HB 1002 - Crimes and offenses; crimes against judges and court personnel; increase punishment

HB 1002 increases the punishment for certain crimes committed against officers of the court. It defines "officers of the court" to include judges, attorneys, clerks of court, deputy clerks of court, court reporters, court interpreters, and probation officers. The maximum prison sentence for intimidation of officers of the court is increased from 5 years to 20 years. A person who commits aggravated assault upon an officer of the court shall be punished by imprisonment between 5 and 20 years. A person convicted of intimidating or injuring a grand or petit juror or court officer, shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not more than five 20 years, or both. A person convicted of disseminating information relating to terroristic acts shall be punished by imprisonment for 1 to 10 years or by a fine of at least \$100,000.00 or both.

The House AGREED to the Senate amendment to HB 1002.

HB 1053 - Solicitors-general; act during pendency of vacancy in office; provide

HB 1053 states that, in the event of a vacancy in the office of solicitor-general, the chief or senior assistant solicitor-general shall serve as the acting solicitor-general until the governor can make an appointment. If there is no assistant solicitor-general, then the chairman of the board of county commissioners shall appoint an acting solicitor-general.

Language from SB 112 was added to HB 1053. SB 112 amends Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to dispositions of fines and forfeitures. This bill is to revise provisions relating to additional criminal penalties for purposes of drug abuse treatment and education programs. An additional 50 percent penalty shall also be imposed in every case in which a fine is imposed for violation of:

- a. Furnishing, purchasing, attempting to purchase, or possession of alcoholic beverages by, a person under 21
- b. DUI
- c. Homicide by vehicle or
- d. Serious injury by vehicle

The bill also states that the funds from such penalties may be used for drug court division purposes, as well as for the previously authorized purposes

Language from HB 1153 was added, which increases the fees for the administration of pretrial intervention and diversion programs. The prosecuting attorney shall be authorized to assess and collect from each offender who enters the program a fee not to exceed \$600 for the administration of the program. The fee may be waived in part or in whole or made payable in monthly increments upon a showing of good cause to the prosecuting attorney.

The House AGREED to the Senate substitute to HB 1053 as amended by the House.

HB 1133 - Pretrial intervention and diversion programs; administration fees; increase

This bill allows prosecuting attorneys to delegate supervision of cases in Pretrial Intervention and Diversion Programs to a public or private probation department. Prosecuting attorneys are now able to charge an administrative fee of up to \$500. Any applicant denied admission to the program may petition the court for admission into the program.

Amendment 2: *maximum administrative fee reduced from \$1,000 to \$500. Amendment adopted.*

Amendment 3: *Any applicant denied admission to the program may petition the court for admission into the program. Amendment adopted.*

HB 1133 PASSED out of the Senate by COMMITTEE SUBSTITUTE as AMENDED by a vote of 45 – 0.

HB 1231 - Uniform rules of the road; proper execution of a left turn; clarify

HB 1231 clarifies the proper execution of a left turn by establishing that if a left turn has multiple turn lanes, you must stay in the same turn lane from which you entered the intersection. It changes the maximum allowable speed over the speed limit from 30 to 20 miles per hour, and adds DUI as an extenuating circumstance. Any person who commits a violation of driving under the influence of alcohol, drugs, or other intoxicating substances, while fleeing or attempting to elude a pursuing police vehicle shall be guilty of a felony punishable by a fine of \$5,000.00 or imprisonment for not less than one year nor more than five years or both.

The House AGREED to the Senate substitute to HB 1231.

HB 1236 - Court reports; reduce number of reports to distribute; change provisions

HB 1236 was replaced with language from HB 478, which 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, 2010, who does not meet the qualifications will be grandfathered in. When the seat becomes vacant, an attorney must fill it.

The House AGREED to the Senate amendment to HB 1236.

HB 1322 - Public disclosure exemption; certain graphic image photographs; provisions

HB 1322 states that crime scene photographs and video recordings, including photographs and video recordings created or produced by a state or local agency or by a perpetrator or suspect at a crime scene, which depict or describe a deceased person in a state of dismemberment, decapitation, or similar mutilation including, without limitation, where the deceased person's genitalia are exposed, shall not be subject to disclosure. Video or audio recordings of a person in physical pain or distress (such as 9-1-1 calls) are exempted from disclosure.

The Senate AGREED with the House amendment to the Senate substitute to HB 1322.

HB 1506 - Turner County; board of elections and registration; create

HB 1506 PASSED out of the Senate by a vote of 47-1.

HB 1513 - Fannin County; Magistrate Court clerk; appointed by chief magistrate; provide

HB 1513 provides that the clerk of the Magistrate Court of Fannin County shall be appointed by and serve at the pleasure of the chief magistrate. The Act shall become effective only if there is enacted into law at the 2010 session of the General Assembly a general law to provide that the General Assembly may at any time specify by local law who shall serve as clerk of magistrate court.

HB 1513 PASSED out of the Senate by a vote of 47-1.

HB 1514 - Gilmer County; Magistrate Court clerk; appointed by chief magistrate; provide

HB 1514 PASSED out of the Senate by a vote of 47-1.

HR 136 - Owners of real property; industrial areas; remove property – CA

Proposed amendment to the state constitution to allow for property owners in Chatham County to voluntarily remove their property from industrial zoning. The substitute requires that, upon being removed from the industrial area, the property shall be annexed by the city which provides water service or fire service.

The House AGREED to the Senate Substitute to HR 136.

Conference Committee Reports

Conference Committee Reports will not be available until next week. A more thorough and comprehensive report will be given in the final legislative wrap-up.

SB 360 - Motor Vehicles; prohibit persons 18 years of age or younger from using wireless telecommunications devices; text messages

SB 360 was substituted with the language from HB 938. SB 360 now prohibits text messaging adults and minors while driving. Minors are also prohibited from using a cell phone while driving. A violation shall put 1 point on the driver's license. If the driver is determined to be at fault in an automobile accident while violating this code section, they shall submit the driver's license to the court upon conviction and the court shall forward the driver's license to the department. After the suspension period and when the person pays a restoration fee of \$60.00 or, when processed by mail, \$50.00, the suspension shall terminate and the department shall return the person's driver's license. Any violation by class D or instruction permit holder under the age of 18 who violates this Code section, except in a driver emergency, shall be punishable by a fine of not less than \$50.00, nor more than \$100.00. If the operator is involved in an accident at the time of violation, the fine shall be equal to double the amount of the fine imposed initially.

The Senate ADOPTED the conference committee report to SB 360. The House ADOPTED the conference committee report to SB 360.

HB 258 - Driver's license; minor of disabled guardian; restricted learner's permit; provisions

HB 258 allows any person 15 years of age or older who has a parent or guardian who is medically incapable of being licensed to operate a motor vehicle to drive with the disabled person in the vehicle. It also allows a holder of a valid instruction permit to drive with a disabled guardian or parent who has been issued an identification card containing the international handicapped symbol.

HB 258 also gives sentencing judge discretion when deciding to issue a limited driving permit to persons 18 and older if their license was suspended for exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour.

The House ADOPTED the conference committee report to HB 258. The Senate ADOPTED the conference committee report to HB 258.

HB 335 - Revenue and taxation; comprehensive revision of provisions; provide

HB 335 provides for the comprehensive revision of provisions regarding revenue and taxation. The commissioner is authorized to use garnishment to collect any tax, fee, license, penalty, interest, or collection costs due the state. The summons of garnishment may be served to the garnishee by registered or certified mail or statutory overnight delivery, return receipt requested. Either the return receipt indicating receipt by the garnishee or the envelope bearing the official notification from the United States Postal Service of the garnishee's refusal to accept delivery of such registered or certified mail or statutory overnight delivery shall be filed with the Clerk of Superior Court.

The House ADOPTED the conference committee report to HB 335.

HB 396 - Drivers' licenses; driving record; uniform traffic citations; provisions

HB 396 amends provisions of the Official Code of Georgia Annotated relating to drivers and drivers' licenses. This bill clarifies language pertaining to the Department of Driver Services by allowing federal background check on regulated drivers and increase in driver's license fee to \$5 for each year the license is valid. It adds back language that requires DDS to pay the counties \$.40 for each report transmitted electronically in a timely manner, which was taken out of the original bill. The bill is asking for Pickup trucks to fall under the GA seatbelt law, with an exemption for agricultural vehicles. Changed the drivers license fee back to \$4 a year.

HB 396 also amends Code Section 40-5-75, relating to license suspensions by operation of law for drug convictions. Any permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles shall have his or her permit revoked by the department. Any court in which the conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction. Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department.

The House ADOPTED the conference committee report on HB 396. The Senate ADOPTED the conference committee report on HB 396.

HB 540 - Elections; remove references to ballot cards; provisions

HB 540 amends Chapter 2 of Title 21 of the O.C.G.A relating to primaries and elections. The bill eliminates the use of the term ballot card; establishes voting locations as polling places; requires certification and training for all chief registrars and clerks; enables inactive voters to be reestablished as an active and registered voter by signing a petition, irrespective of the petition's validity. The provision also permits the grand jury to appoint two registrars to serve a two-year term of office until qualified successors are appointed. It also extends the delivery date for the list of electors for the municipality from 21 to 30 days to ensure an accurate list is provided for the election. It also affords more security and confidentiality to a challenged ballot by placing ballot in a sealed envelope in a secure ballot box. It only requires one write-in qualified candidate to hold an official election or an official election is not needed if the candidate is unopposed. HB 540 eliminates DRE training for voter's county- wide unless requested; eliminates requirement of a reason for absentee ballots. The bill permits candidates to vote or transact business only with the board of registrars at the polling place and for no other purposes should the candidate enter the polling place.

The Senate ADOPTED the conference committee report to HB 540. The House ADOPTED the conference committee report to HB 540.

HB 948 - General appropriations; State Fiscal Year July 1, 2010 - June 30, 2011

HB 948 is the 2011 Budget. To view the "tracking sheet", please click [here](#).

The House ADOPTED the conference committee report to HB 948. The Senate ADOPTED the conference committee report on HB 948.

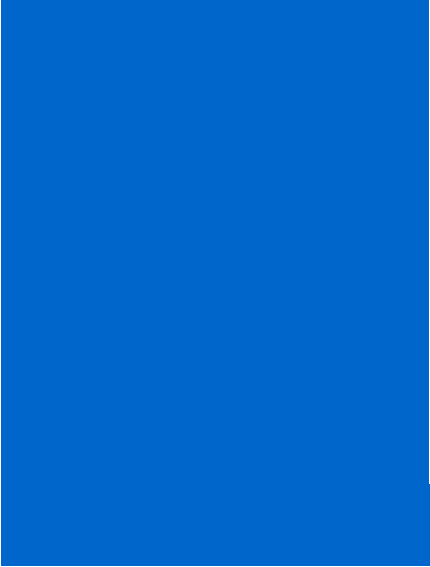
HB 1104 - Juvenile proceedings; graduated sanctions and secure detention for probation violators; provisions

HB 1104 amends Code Section 15-11-66 of the O.C.G.A, relating to dispositions for delinquent children by extending the effective date for increasing maximum dates or services that may be court ordered from July 1, 2011 to July 1, 2013.

Language from SB 423 was added to the committee substitute to HB 1104. SB 423 creates a new statute defining the offense of smash and grab burglary, the intentional and without authority entering of a retail establishment with the intent to commit theft, in addition to causing more than \$500 of damage without the owner's consent. Smash and grab burglary will be a felony punishable by 2 to 20 years in prison and/or a \$100,000 fine. A second or subsequent conviction will carry a prison term of five to twenty years and/or the fine.

The crime of contributing to the delinquency of a minor in Code Section 16-12-1 is amended to included knowingly and willfully hiring, soliciting, conspiring with, encouraging, etc. and minor to commit burglary of retail property, including retail property fencing, it if would be a felony if committee by an adult. A first offense conviction will carry a prison sentence of one to ten years.

Code Section 15-11-63, relating to the commission of a designated felony act of burglary by a child 15 years or older, will not apply to smash and grab burglary.



**The House ADOPTED the conference committee report to HB 1104.
The Senate ADOPTED the conference committee report on SB 1104.**

HR 178 - Enforcement of contracts; restrict competition; provisions – CA

This resolution proposes an amendment to the Georgia Constitution allowing the General Assembly to authorize judicial enforcement of contracts restricting or regulating competitive activities. The General Assembly may grant the courts power to limit restrictive covenants contained in contracts.

The Senate ADOPTED the conference committee report to HR 178. The House ADOPTED the conference committee report to HR 178.