



Legislative Update

For the week of: April 11 - April 15
Legislative Days: 38- 40

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Contact Us

Michael Cuccaro
Governmental Affairs
404-651-7616
mike.cuccaro@gaaoc.us

Christopher L. Causey
Project Coordinator
Governmental Affairs
404-463-6296
christopher.causey@gaaoc.us

Legislative Interns

David Arias
Lorie DiMango
Alana Doucette
Paula Molano
Jennifer Obiofuma

Week 14 of the 2011 Legislative Session “Sine Die!”

The Georgia General Assembly met for the fourteenth and final week of the 2011 Legislative Session. After taking last week off for spring break, legislators were anxious to get back to Atlanta and finalize another budget-strapped session.

While Sunday liquor sales, tax reform and immigration grabbed the headlines, the Judicial Branch saw the passage of several bills to improve the administration of justice, notably the sweeping move to a modern evidence code and legislation that will greatly improve jury administration by ending forced balancing of the jury box. The session was also marked by greater cooperation within the Judicial Branch itself, which leveraged our strengths and contributed to the many legislative accomplishments of the Judicial Council and/or the Councils this year.

This newsletter provides a brief overview of the events throughout this week. To follow legislation on the web, you can visit <http://www.ciclt.net/aoc>.

Legislative Log

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

The Senate AGREED to the House substitute to SB 19. SB 19 awaits the signature of the Governor.

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

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

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

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

SB 26 received a DO PASS from the House Judiciary (Civil) Committee. SB 26 was not voted on by the House.

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 an action for return of firearm in superior court of the county in which they reside. This bill would require the court to award attorneys' fees to the prevailing party, unless the state is the prevailing party.

SB 30 - Municipal Courts; require municipal court judges to be attorneys; exceptions
The Senate AGREED to the House substitute to SB 30. SB 30 awaits the signature of the Governor.

SB 30 will require future municipal judges to be licensed to practice law in the State of Georgia and active members in good standing of the State Bar. 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 33 - Waste Reduction Act of 2011; Zero-Base Budgeting Act; application to the budget process; analysis of departmental/program objectives

The Senate AGREED to the House substitute to SB 33 as AMENDED by the Senate. SB 33 was SENT to a conference committee. SB 33 will have to be taken up again during the 2012 Legislative Session.

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.

The Joint Fiscal Affairs Subcommittee shall require each agency to use zero-base budgeting at least once every six years and shall not require any agency or program to use zero-base budgeting more than once every four years. In the years in which zero-base budgeting applies, each budget shall include in its budget estimate an analysis summarizing the prior two fiscal years and proposed spending plans by program, object class, and revenue sources.

SB 33 also authorizes the creation of the Joint Legislative Budget Office as a successor to the Senate Budget Office and the House Budget Office.

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

The House AGREED to the Senate Substitute to SB 36 which altered the membership of the Electronic Database Review Advisory Committee called for in the legislation and protected the authority of other boards to obtain prescription information. SB 36 awaits the signature of the Governor.

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 be administered by the

Georgia composite medical board at the direction and oversight of the board.
The bill provides the following penalties for individuals who violate this code:

- A dispenser who knowingly and intentionally fails to submit prescription information to the board as required by this part or knowingly and intentionally submits incorrect prescription information shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by imprisonment for a period not to exceed 12 months and/or a fine not to exceed \$1,000.00, and the action will also be reported to the licensing board.
- An individual authorized to access electronic data base prescription information pursuant to this part who negligently uses, releases, or discloses the information in a manner or for a purpose in violation of this part shall be guilty of a misdemeanor.
- Any person who is convicted of negligently using, releasing, or disclosing such information in violation of this part shall, upon the second or subsequent conviction, be guilty of a felony and shall be punished by imprisonment for not less than one nor more than three years and/or a by a fine not to exceed \$5,000.00.
- An individual authorized to access electronic data base prescription information pursuant to this part who knowingly obtains or discloses such information in a manner or for a purpose in violation of this part shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed \$50,000.00 and/or imprisonment for not more than one year.
- Any person who knowingly obtains, attempts to obtain, or discloses electronic data base prescription information pursuant to this part under false pretenses shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed \$100,000.00 and/or by imprisonment for not more than five years.
- Any person who obtains or discloses electronic data base prescription information pursuant to this part with the intent to sell, transfer, or use such information for commercial advantage, personal gain, or malicious harm shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed \$250,000.00 and/or by imprisonment for not more than ten years.
- Any person who is injured by reason of any violation of this part shall have a cause of action for the actual damages sustained and, where appropriate, punitive damages. Such person may also recover attorney's fees in the trial and appellate courts and the costs of investigation and litigation reasonably incurred.

SB 39 - Courts; create mental health court divisions; assignment of cases; provide for planning groups and work plans; standards

The Senate **AGREED** to the House substitute to SB 39. **SB 39 awaits the signature of the Governor.**

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 47 - Georgia Magistrate Courts Training Council; training for magistrates/senior magistrates; composition/responsibilities; provisions

SB 47 PASSED out of the House. **SB 47 awaits the signature of the Governor.**

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

SB 52 received a DO PASS from the House Judiciary (Civil) Committee. SB 33 was not voted on by the House.

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

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

SB 57 PASSED out of the House and awaits the signature of the Governor.

SB 57 amends Code Section 40-6-163 of the Official Code of Georgia Annotated, relating to the duty of the driver of a vehicle meeting or overtaking a school bus and reporting of violations. The driver of a motor vehicle overtaking a school bus displaying its visual signals shall be liable for a civil monetary penalty. The amount of the fine shall be \$300.00 for a first offense, \$750.00 for a second offense, and \$1,000.00 for each subsequent offense in a five-year period.

SB 80 - Evidence; provide for DNA analysis of persons arrested for felony offenses

SB 80 PASSED out of the House by substitute, which was agreed to by the Senate. This bill awaits the signature of the Governor.

SB 80 amends Code Section 5-5-41, Code Section 17-5-56, Chapter 4 of Title 24, and Article 2 of Chapter 3 of Title 35 of the O.C.G.A., relating to requirements as to extraordinary motions for new trial generally, maintenance of physical evidence containing biological material, proof generally, and the Georgia Crime Information Center. Any person convicted of a felony offense held in a detention facility or placed on probation shall have a sample of his or her blood, an oral swab, or a sample obtained from a noninvasive procedure taken for DNA analysis. This shall also apply to any person convicted of a felony prior to July 1, 2011, and is currently incarcerated in a detention facility, serving a probation sentence, or serving under a jurisdiction of the Board of Pardons and Paroles.

Language from HB 299 was added to the SB 80. The language amends Chapter 4 of Title 24 of the O.C.G.A., by transferring provisions relating to DNA analysis upon conviction of certain sex offenses to a new article of Chapter 3 of Title 35 of the O.C.G.A., relating to the Georgia Bureau of Investigation.

Language from HB 402 was also added to SB 80. This language amends Article 2 of Chapter 3 of Title 35 of the O.C.G.A., relating to the Georgia Crime Information Center, so as to change provisions relating to disclosure and dissemination of criminal records to private persons and businesses. The center shall not provide records of arrests, charges, or dispositions when access has been restricted. It changes provisions relating to inspection, purging, modifying, or supplementing of criminal records. If an individual believes his or her criminal records to be inaccurate or

incomplete, he or she may request the original agency having custody of the detail records to purge, modify, or supplement them and to notify the center of the changes. The bill provides time frames within which certain actions must be taken with respect to redistricting access to records or modifying, correcting, supplementing, amending or sealing criminal records. If the criminal history record is believed to be inaccurate, incomplete, or misleading, the individual may request the entity having custody or control of the challenged information to modify, correct, supplement, amend, or seal the information and to notify the center of the changes within 60 days. If the entity declines to act within 60 days of the request or the individual believes the entity's decision to be unsatisfactory, within 60 days of the end of the 60 day period or the unsatisfactory decision, whichever occurs last, the individual shall have the right to appeal to the superior court of the county where the entity is located.

The court shall conduct a de novo hearing and may order relief as it finds to be required by law, including, ordering that all records in the custody of the court be sealed and removed from public disclosure. If the court declines to expunge, modify, or supplement an individual's criminal record, or if the court's order is contrary to the desires of the agency or prosecuting attorney, a party may file an action in the superior court where the agency is located. The ruling of the court shall not be reversed absent a showing of an abuse of discretion. The court shall conduct a de novo hearing and may order relief as it finds to be required by law, including, ordering that all records in the custody of the court be sealed and removed from public disclosure. The ruling of the court shall not be reversed absent a showing of an abuse of discretion. Any individual whose criminal history record information is restricted shall not have to disclose the fact of the arrest record on an application for employment.

SB 82 - Elections; provide for oaths of election superintendents/supervisors and designees of board of election

The House AGREED to the Senate Amendment to SB 82 and awaits the signature of the Governor.

SB 82 relates to primaries and elections generally. It provides for oaths of election superintendents and election supervisors and designees of boards of election. It provides that appointments of poll officers will be made available to the public. It clarifies who may vote in runoff primaries. A runoff primary will be in continuation of the primary and only persons who were entitled to vote in the primary will be entitled to vote and only those votes cast for the persons designated for the runoff shall be counted in the tabulation and canvass of the votes cast. Any elector who votes in the primary of one party shall not be eligible to vote in a primary runoff of any other party other than a primary runoff of the party in whose primary the election voted. It provides that the list of persons who have qualified with the state executive committee of a political party will be provided to the office of the Secretary of State. It clarifies the manner of appointment of registers. Electors and poll officials are allowed to use cellular phones, camera, or other electronic communication or photographic devices once the person has entered the polling place.

Amendment 1: The amendment changes the election dates for superintendents and election supervisors and designees to the same date.

SB 87 - Drivers' Licenses; prohibit persons convicted; offense against a victim who is a minor; driving commercial motor vehicles; transport 16/more persons

The Senate AGREED to the House substitute to SB 87 and awaits the signature of the Governor.

SB 57 amends Code Section 40-6-163 of the Official Code of Georgia Annotated,

relating to the duty of the driver of a vehicle meeting or overtaking a school bus and reporting of violations. The driver of a motor vehicle overtaking a school bus displaying its visual signals shall be liable for a civil monetary penalty. The amount of the fine shall be \$300.00 for a first offense, \$750.00 for a second offense, and \$1,000.00 for each subsequent offense in a five-year period.

SB 93 - Controlled Substances; "dangerous drug"; provisions

The Senate AGREED to the House substitute to SB 93 and awaits the signature of the Governor.

SB 93 amends Chapter 13 of Title 16 of the O.C.G.A., relating to controlled substances by adding certain drugs to the Schedule I, III, IV, and V controlled substances list. SB 93 also adds certain drugs to the definition to "dangerous drugs".

SB 94 - Firearms; change certain definitions

The Senate AGREED to the House substitute to SB 94 and awaits the signature of the Governor.

SB 94 was amended, its provisions replaced by those from HB 185 and is now the "Runaway Youth Safety Act." It amends Title 16: 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 112 - Military Parents Rights Act; procedures governing parental rights in the event one parent is subject to military deployment

The Senate AGREED to the House substitute to SB 112 which now is waiting for the signature of the Governor.

SB 112 amends Article 2 of Chapter 9 of the O.C.G.A., relating to the Child Custody

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

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

SB 115 - Child Support; exclude foster care payments from the calculations of gross income for determination of child support obligations

SB 115 PASSED out of the House and awaits the signature of the Governor.

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 139 - Appellate Practice; provide for appeals involving nonmonetary judgments in child custody cases

The Senate AGREED to the House substitute and SB 139 awaits the signature of the Governor.

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. House Judiciary Committee offered the substitute which also amends Code Section 9-10-91, relating to the grounds for exercise of personal jurisdiction over nonresidents.

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

The House AGREED to the Senate Amendment and SB 172 awaits the signature of the Governor.

SB 172 amends Chapter 8 of Title 19 of the Official Code of Georgia Annotated,

relating to adoption. This bill requires a home study by an evaluator, appointed by the court, prior to the placement of a child into the home of adoptive parents by a third party who is neither a stepparent nor a relative.

Amendment 1: The proposed amendment reinstates marriage and family counselors as evaluators. It also clarifies the language regarding the appointment of evaluators and the termination form. **Amendment 1 was ADOPTED.**

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

The Senate **AGREED** to the House substitute to SB 193 and **it awaits the signature of the Governor.**

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

SB 234 received a **DO PASS** as **AMENDED** from the House Judiciary (Civil) Committee but **was not passed by the House.**

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

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

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

SB 271 **PASSED** out of House; **it awaits the signature of the Governor.**

The State Court of Putnam County would have concurrent jurisdiction with the Magistrate Court of Putnam County regarding violations of county ordinances of Putnam County.

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

SB 273 PASSED out of the Senate only. SB 273 will have to be taken up again during the 2012 Legislative Session.

The chief magistrate of Lumpkin County would have the authority to appoint a person

other than the clerk of the superior court to serve as clerk of the Magistrate Court of Lumpkin County. The salary of the clerk of the magistrate court shall be fixed by the Lumpkin County Board of Commissioners, subject to appropriations by the board of commissioners.

HB 24 - Evidence; revise, supersede, and modernize provisions; provide definitions
PASSED out of the Senate and [awaits the signature of the Governor.](#)

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 30 - Restrictive Covenants - reasonable restraint of trade
The Senate RECEDED from the Senate substitute to HB 30. [HB 30 awaits the signature of the Governor.](#)

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 40 - Chief's Law; enact
The House AGREED to the Senate amendment and [HB 40 awaits the signature of the Governor.](#)

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 46 - Uniform Interstate Depositions and Discovery Act; enact
The House AGREED to the Senate substitute to HB 46 as Amended by the House and [HB 46 now awaits the Governor's signature.](#)

HB 46 replaces the Uniform Foreign Depositions Act with the "Uniform Interstate Depositions and Discovery Act." Under the new statute, persons seeking to serve a subpoena from a foreign jurisdiction would submit that subpoena to the local clerk of superior court for issuance of a subpoena to be served in that county. When a foreign subpoena is issued by a court, a witness may be compelled by subpoena issued by the clerk of court in the county where the witness resides. Service of such subpoenas would be subject to the requirements of OCGA 24-10-23.

HB 78- General appropriations; State Fiscal Year July 1, 2011 - June 30, 2012
The House and Senate ADOPTED the CONFERENCE COMMITTEE REPORT to HB 78.

HB 78 is the General appropriations bill for FY 2012. Click [here](#) to review the bill.

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

The House AGREED to a Senate amendment and HB 87 awaits the signature of the Governor.

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

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

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

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

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

Amendment 1A: The proposed amendment strikes the word "persons" on line 39 and replace with "employers." **Amendment 1A was ADOPTED.**

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

HB 92 PASSED out of the Senate and awaits the signature of the Governor.

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

There shall be a period of advance voting that shall commence on the fourth Monday immediately prior to each primary or election and as soon as possible prior to a runoff and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted during normal business hours on weekdays during such period and shall be conducted on the second Saturday prior to a primary or election

during the hours of 9:00 A.M. through 4:00 P.M. Except as otherwise restricted, counties and municipalities may extend the hours for voting beyond regular business hours and may provide for additional voting locations to suit the needs of the electors of the jurisdiction at their option.

HB 101 - Bicycles; safety; change provisions

The House AGREED to the Senate substitute and HB 101 awaits the signature of the Governor.

HB 101 amends Title 40 of the O.C.G.A., relating to motor vehicles and traffic by updating bicycling laws in Georgia.

Amendment 1: The proposed amendment provides that a distance of 3 feet is required between an operating vehicle and a bicycle. **Amendment 1 was ADOPTED.**

HB 107 - Health coverage; spouse and dependents of deceased public employee; provide

The House AGREED to the Senate substitute and HB 107 awaits the signature of the Governor.

HB 107 provides that the surviving spouse and dependents of a state employee killed while acting within the scope of his or her employment, shall be entitled to continue coverage under the state health insurance plan upon agreeing to pay contributions at the same rate as required for state employees and in compliance with the rules and regulations governing the coverage.

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

The House AGREED to the Senate substitute and HB 114 awaits the signature of the Governor.

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

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

HB 123 PASSED out of the Senate and awaits the signature of the Governor.

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

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

The House AGREED to the Senate substitute to HB 129 as Amended by the House. SB 129 will have to be taken up again during the 2012 Legislative Session.

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

HB 142 PASSED out of the Senate and awaits the signature of the Governor.

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

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

HB 144 PASSED out of the Senate and awaits the signature of the Governor.

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

HB 158 - Elections; nonpartisan election; change date

The House AGREED to the Senate Substitute and HB 158 awaits the signature of the Governor.

HB 158 amends Chapter 2 of Title 21 of the Official Code of Georgia Annotated, to primaries and elections generally. Qualifications dates and requirements are covered.

No person elected on a write-in vote shall be eligible to hold office unless notice of his or her intention of candidacy was filed and published no earlier than January 1 and no later than the Tuesday after the first Monday in September prior to the election for county, state, and federal elections. Also, it has to be filed no later than seven days after the close of the qualifying period for nonpartisan elections in the case of nonpartisan elections for state or county offices.

The names of all candidates for nonpartisan elections who have qualified with the Secretary of State or election superintendent shall be placed on the ballot in a nonpartisan election to be held and conducted jointly with the general primary in each even-numbered year.

Offices the General Assembly has provided for by local Act for election in nonpartisan primaries and elections shall no longer require nonpartisan primaries. These officers shall be elected in nonpartisan elections held and conducted in conjunction with the general primary in even-numbered years

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

HB 162 PASSED out the Senate and awaits the signature of the Governor.

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 193 - Union County; chief magistrate elections; provide

HB 193 PASSED out the Senate and awaits the signature of the Governor.

HB 193 provides that the chief magistrate of Union County shall continue to serve in that capacity until the expiration of his or her term of office on December 31, 2012. At the nonpartisan general election of 2012, a successor chief magistrate shall be elected by the voters of Union County for a term of four years beginning on January 1, 2013, and until a successor is elected and qualified. Thereafter, successor chief magistrates shall be elected by the voters of Union County at the nonpartisan general election immediately preceding the expiration of the term of office and shall take office on the first day of January immediately following such election for a term of four years and until a successor is elected and qualified.

The governing authority of Union County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, no later than 60 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

HB 194 - Union County; probate court judge elections; provide

HB 194 PASSED out the Senate and awaits the signature of the Governor.

HB 194 provides that all elections for the office of judge of the probate court of Union County conducted after January 1, 2012, be nonpartisan elections. The sitting judge of the probate court shall serve out the term of office for which he or she was elected and shall be eligible to succeed himself or herself.

The governing authority of Union County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, no later than 60 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

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

HB 203 PASSED out of the Senate and awaits the signature of the Governor.

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

The House AGREED to the Senate substitute and HB 238 awaits the signature of the Governor.

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 265 - 2011 Special Council on Criminal Justice Reform for Georgians; Joint Committee; create

The House AGREED to the Senate substitute to HB 265 which added an additional member to the council. HB 265 awaits the signature of the Governor.

HB 265 creates the 2011 Special Council on Criminal Justice Reform for Georgians and the Special Joint Committee on Georgia Criminal Justice Reform – which are automatically repealed on July 1, 2012.

The council shall conduct a thorough study of the state's current criminal justice structure and make a report of its findings and recommendations for legislation to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and Chief Justice of the Supreme Court no later than November 1, 2011.

During the 2012 session of the General Assembly, the chairperson of the joint committee shall introduce in the House of Representatives one or more bills or resolutions incorporating the recommendations of the council. The legislation shall be referred by the Speaker of the House of Representatives only to the joint committee and no other committee of the House of Representatives

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

The Senate AGREED to the House amendment to the Senate substitute and HB 269 awaits the signature of the Governor.

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 adds the context of HB 309 relating to the establishment of an electronic state data base to help prevent crimes. It provides that a person who has a license

suspended or revoked should be notified through certified mail

Amendment 1: The proposed amendment changes the effective date and makes it subject to appropriations. **Amendment 1 was ADOPTED.**

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

The House **AGREED** to the Senate amendment and **HB 277 awaits the signature of the Governor.**

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

HB 302 PASSED out of the Senate and **awaits the signature of the Governor.**

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

HB 314 - Jessie's Law; enact

HB 314 PASSED out the Senate and **awaits the signature of the Governor.**

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

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

The House **AGREED** to the Senate amendment which provides more procedural direction, and **HB 373 awaits the signature of the Governor.**

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

HB 390 - Criminal cases; state have right of direct appeal; authorize
HB 390 PASSED out of the Senate and awaits the signature of the Governor.

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 415 - Jury Composition Reform Act of 2011; enact
The House and Senate AGREED to several amendments to HB 415 and now the bill awaits the signature of the Governor.

HB 415 creates 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.

As amended, HB 415 now contains the following changes:

Limitation on right of superior court judges to appoint jury clerks in 15-12-23;

No longer requires an appropriation to trigger the effective date;

A change to Title 16 creating a crime involving possession or transfer of electronic fraud devices; and

An exclusion to the open records act for personnel involved in anti-terrorist activity.

HB 421 - Criminal procedure; plea of mental incompetency; change provisions
The House AGREED to the Senate Substitute and HB 421 awaits the signature of the Governor.

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 485 - Wildlife control permits; release trapped feral hog into unfenced area; prohibit
HB 485 PASSED out of the Senate and awaits the signature of the Governor.

Amends Article 1 of Chapter 2 of Title 27 of the O.C.G.A., relating to hunting, trapping, and fishing licenses and permits, so as to change certain provisions relating to wildlife control permits. It prohibits releasing any trapped or transported feral hog into any area that is not fenced to prevent the escape of the feral hog onto the land of another. Any person who violates the law, upon conviction, will be guilty of a misdemeanor of a high and aggravated nature and will be punished by fine and the fine will not be less

than \$1500.00. In addition, any person who previously was issued a license or permit previously issued under the title will not be reissued for a period of 3 years after the date of the conviction. The licensee or permit holder will be notified in person or by letter sent by certified mail or statutory overnight delivery of the revocation to the name and address indicated on the application for the license or permit.

HB 503 – Sexual offenses; fund certain medical examinations; provide

The House AGREED to the Senate substitute and HB 503 awaits the signature of the Governor.

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 511 - Greenville, City of; provide new charter

HB 511 PASSED out of the Senate. HB 511 awaits the signature of the Governor.

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

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

HB 552 PASSED out of the Senate and awaits the signature of the Governor.

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

HB 569 PASSED out of the Senate and awaits the signature of the Governor.

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 570 - Charlton County; compensation for chief magistrate; provide

HB 570 PASSED out of the Senate and awaits the signature of the Governor.

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 585 - Rockdale County; Probate Court judge; change compensation
Senate PASSED HB 585 and it **awaits the Governor's signature.**

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 599 - Cook County; probate court judge; nonpartisan elections
HB 599 PASSED out of the Senate and **awaits the signature of the Governor.**

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 600 - Candler County; compensation of solicitor; change provisions
HB 600 PASSED out of the Senate and **awaits the signature of the Governor.**

HB 600 amends an Act establishing the State Court of Candler County. The bill changes provisions relating to the compensation of the solicitor. The solicitor shall receive a salary equal to 90 percent of the salary of the judge of the court to be paid in the same manner as the judge's salary is paid.

HB 602 - Bacon County; board of elections, selection and appointment; change composition
HB 602 PASSED out the Senate and **awaits the signature of the Governor.**

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 610 - Emanuel County; probate court judge; nonpartisan elections
HB 610 PASSED out the Senate and **awaits the signature of the Governor.**

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 629 - Hall County Family Connection Network Act; enact
HB 629 PASSED out the Senate and **awaits the signature of the Governor.**

HB 629 creates the Hall County Family Connection Network and allows for the membership of the network. It delegates the powers and duties of the network. Any action brought against the network shall be brought to the Superior Court of Hall County.

HB 636 - Brookhaven, City of; provide a charter

HB 636 PASSED out of the House but has not passed the Senate.

This is a bill to incorporate the City of Brookhaven in DeKalb County 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 636 also provides for the court's jurisdiction, powers, practices, procedures and for the right of certiorari.