



# Legislative Update

For the week of: March 29 - April 2  
Legislative Days: 31-33

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## Week 10 of the 2010 Legislative Session

The Georgia General Assembly met this week for the tenth week of the legislative session. The Legislature has begun a 10 day recess, and will reconvene on Monday, April 12<sup>th</sup>. No committee meetings have been scheduled during the recess. However, the Senate plans on hold meetings next week to discuss the FY 2011 budget.

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.

## Legislative Log

### Monday, March 29, 2010 – Recess

No legislation was taken up today.

### Tuesday, March 30, 2010 – Legislative Day 31

**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 of guilty shall be charged with 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 systems as long as it supports law enforcement.

**The HOUSE SUBSTITUTE to SB 56 was DISAGREED to by the Senate.**

**SB 57 - Georgia Fair Lending Act; definitions; provide for limitations on homeloans; fees for filling documents**

SB 57 amends Chapter 6A of Title 7 of the O.C.G.A. relating to the "Georgia Fair Lending Act". This bill provides for definitions of terms used. It provides for limitations on home loans, and limitations on high-cost home loans. SB 57 calls for no prepayment fees or penalties to be charged with a subprime home loan. This does not include mortgage interest under a government-sponsored mortgage insurance or guaranty program. No creditor shall make a subprime home loan to a borrower unless the creditor reasonably and in good faith believes the borrower will be able to make the payments. The creditor shall not be at fault if acting in good faith followed compliance and gave the borrower ample time/opportunity to pay the loan. Creditors shall not "flip" a subprime home loan. A mortgage broker must act in the borrower's best interest and properly disclose any information related to the home loan too all concerned parties.

**Amendment 1:** page 8: adds prohibition of yield spread premiums for subprime loans. **Amendment failed.**

**Amendment 2:** lines 344 and 345: replaces 30 day foreclosure notice to 45 day notice. **Amendment failed.**

**Amendment 3:** defines yield spread premium as "a payment made by lender resulting from a higher interest rate." **Amendment adopted.**

**Amendment 4:** line 257: changes 5 business days to 3 business days. **Amendment adopted.**

**Amendment 5:** line 292: changes 50% to 40%. **Amendment adopted.**

**SB 57 received a DO PASS by COMMITTEE SUBSTITUTE as AMENDED from the House Judiciary (Civil) Jacobs Subcommittee.**

**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.

The bill also expands the definition of bullying, provides for legislative findings, and allows for students committing bullying offenses to be moved to a different school. No individual reporting an incident to a law enforcement agency or officer shall be subject to any action for malicious prosecution, malicious abuse of process, or malicious use of process

**Amendment 1:** Adds bullying language from HB 927. **Amendment Adopted.**

**SB 250 PASSED out of the House by a vote of 119-45.**

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

This bill raises the population threshold, from 700,000 to 950,000, whereby law library funds go into the general county treasury.

**HB 858 received a DO PASS by Committee Substitute by the Senate Special Judiciary Committee.**

**HB 859- Probationer duties; tolling of probated sentences; clarify provisions**

HB 859 clarifies the provisions related to tolling of probated sentences and requires probationers to keep his or her probation supervisor informed on their residence, whereabouts, and violations. It requires the running of a probated sentence be suspended upon the failure of a probationer to report to his or her probation supervisor as directed by the court or failure to appear in court for a probation revocation hearing. Either of the failures may be evidence by an affidavit from the probation supervisor setting forth a failure and that the probationer has absconded and cannot be found.

The effective date of the tolling of the sentence must be the date the court enters the tolling order. Any tolled period of time is not to be included in computing creditable time served on probation or as any part of the time that the probationer was sentenced to serve.

**HB 859 PASSED out of the Senate by a vote of 46-0**

**HB 896 - Continuances; witness on active duty; change provisions**

HB 896 amends 17-7-170, stating that the court shall grant a continuance if it is established that the witness has been activated for military duty and will not be available for some time. A party is no longer required to appeal to "the proper military authorities" for the testimony of a witness.

**HB 896 was HELD by the Senate Special Judiciary Committee.**

**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 received a DO PASS by the Senate Special Judiciary Committee.**

**HB 1015 - Street gang terrorism and prevention; expand and change provisions**

HB 1015 amends Chapter 15 of Title 16 and Title 17 of the O.C.G.A by expanding and changing provisions relating to criminal street gangs and criminal gang activity. It would allow evidence of common activities, customs, or behaviors to be used when establishing the existence of a street gang. HB 1015 would give the Georgia Bureau of Investigation the authority to establish, develop, manage, and maintain a state-wide criminal street gang data base, to be known as the Georgia Criminal Street Gang Database. This bill would require criminal gang offenses to be granted bail by a superior court judge. For cases involving a conviction under the 'Georgia Street Gang Terrorism and Prevention Act,' the period of supervision shall remain in effect until the termination of the sentence.

**HB 1015 received a DO PASS by the Senate Special Judiciary Committee.**

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

HB 1236 reduces the number of court reports that are distributed.

**HB 1236 received a DO PASS from the Senate Government Oversight Committee.**

**HB 1324 - Mental health; Department of Behavioral Health and Developmental Disabilities; revise provisions**

HB 1324 requires any plaintiff who sues the Department of Behavioral Health and Development Disabilities, the Board of Behavioral Health and Development Disabilities, the commissioner of Behavioral Health and Development Disabilities, or any employee, to serve a process on the commissioner or his/her agent. Service of process will not be perfected until it has been served.

The bill expands the Behavioral Health Coordinating Council to include the commissioner of community affairs, the Labor Commissioner, the state school superintendent, the chair of the Board of Pardons and Paroles, and the disability services ombudsman.

**HB 1324 received a DO PASS from the Senate Government Oversight Committee.**

**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 House by a vote of 151-0.**

**HB 1458 - Habersham County, State Court; judge and solicitor be full-time; provide**

HB 1458 provides that the judge and solicitor of the State Court of Habersham County court be full-time positions and changes their compensation. Neither the judge nor the solicitor shall be permitted to engage in the practice of law.

**HB 1458 PASSED out of the House by a vote of 151-0.**

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**Wednesday, March 31, 2010 – Legislative Day 32**

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

SB 6 amends Code Section 40-5-30 by changing the penalty for violation of restrictions of a driver's license. The changes include the assessment of a civil penalty fee that cannot exceed \$100.00 for the first offense, \$300.00 for the second offense, and \$500.00 for the third offense and any further offenses. It gives the Courts more discretion by allowing it to suspend and determine the duration of the suspension of a license.

**Amendment 1:** After "license" on line 16, adds "for a period to not exceed 6 months." And after line 17, add "The department shall reinstate the license at the end of six months upon receipt of a reinstatement fee of \$210.00 or \$200.00 if paid by mail." **Amendment Adopted.**

**SB 6 received a DO PASS by Committee Substitute as AMENDED by the House Judiciary (Non-Civil) Committee.**

**SB 112 - Courts; additional criminal penalties for purposes of drug abuse treatment/education programs; revise provisions**

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.

**Amendment 1:** strikes language attached to the bill in subcommittee which stated the 50 percent penalty may be made payable in monthly increments upon showing of good cause to the court. **Amendment Adopted.**

**SB 112 received a DO PASS by Committee Substitute as AMENDED by the House Judiciary (Non-Civil) Committee.**

**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 received a DO PASS from the House Judiciary (Civil) Lane Subcommittee.**

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

SB 299 prohibits a child from being detained or placed in shelter care prior to the hearing on the petition by virtue of a standing court order. In addition, SB 299 changes certain provisions relating to the zero tolerance policy on weapons in schools. The bill was amended to remove the provision in Section 1 about standing court orders.

***Amendment 1: The bill will become effective upon the governor's signature. Amendment Adopted.***

**SB 299 received a DO PASS by Committee Substitute as AMENDED by the House Judiciary (Non-Civil) Committee.**

**SB 390 - Local Government; municipal corporation may determine when to establish a conservation easement**

SB 390 grants the governing authority of any municipal or county corporation the power to lease or enter into a contract for valuable consideration for the use, operation, or management of any real or personal property of the municipal corporation under certain conditions.

**SB 390 received a DO PASS by SUBSTITUTE from the House Judiciary (Civil) Lane Subcommittee.**

**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.

It 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.

***Amendment 1: various noncontroversial technical changes. Amendment adopted.***

**SB 461 received a DO PASS by SUBSTITUTE as AMENDED by the House Judiciary (Civil) Lane Subcommittee.**

**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.

**SB 491 received a DO PASS from the House Judiciary (Civil) Lane Subcommittee.**

**HB 128 - Disabled veterans and blind persons; eligibility certificate; provisions**

HB 128 amends Chapter 12 of Title 43 of the O.C.G.A, relating to disabled veterans and blind persons engaging in peddling, operating businesses, or practicing professions. It provides that a certificate of eligibility, issued by the judge of the probate court, for an exemption from occupation taxes, administrative fees, and regulatory fees be valid for a period of ten years.

**HB 128 PASSED out of the Senate 47-0.**

**HB 665 - Elections; 2010 pilot program; electronic transmission of absentee ballots; provisions**

HB 665 amends Chapter 2 of Title 21 of the O.C.G.A. by charging the Secretary of State to develop and implement a pilot program for the electronic transmission, receipt, and counting of absentee ballots for the 2010 general primary and general election.

**HB 665 received a DO PASS from the Senate Ethics Committee.**

**HB 1073 - Elections; absentee ballots to uniformed and overseas voters; provisions**

HB1073 amends Chapter 2 of Title 21 of the O.C.G.A by providing that an absentee voter may apply electronically for an absentee ballot. In the event that they do not receive an absentee ballot in time, they may use a write-in ballot.

**HB 1073 received a DO PASS from the Senate Ethics Committee.**

**HB 1224 - Drivers' licenses; defense for drivers; no vision condition restriction; provide**

This bill amends 40-5-30 to stipulate that a person shall not be guilty of driving in violation of a restriction requiring that he or she wear eyeglasses or contact lenses if that person can demonstrate at the time of their hearing that he or she no longer suffers from the applicable vision condition.

**HB 1224 received a DO PASS by the Senate Public Safety Committee.**

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## Thursday, April 1, 2010 – Legislative Day 33

### **SB 57 - Georgia Fair Lending Act; definitions; provide for limitations on homeloans; fees for filling documents**

SB 57 amends Chapter 6A of Title 7 of the O.C.G.A. relating to the “Georgia Fair Lending Act”. This bill provides for definitions of terms used. It provides for limitations on home loans, and limitations on high-cost home loans. SB 57 calls for no prepayment fees or penalties to be charged with a subprime home loan. This does not include mortgage interest under a government-sponsored mortgage insurance or guaranty program. No creditor shall make a subprime home loan to a borrower unless the creditor reasonably and in good faith believes the borrower will be able to make the payments. The creditor shall not be at fault if acting in good faith followed compliance and gave the borrower ample time/opportunity to pay the loan. Creditors shall not “flip” a subprime home loan. A mortgage broker must act in the borrower’s best interest and properly disclose any information related to the home loan too all concerned parties.

**SB 57 received a DO PASS by COMMITTEE SUBSTITUTE from the House Judiciary (Civil) Committee.**

### **SB 58 - Local Government; newly created municipalities; change certain provisions**

SB 58 amends Title 36 of the Official Code as it relates to changing local government provisions with respect to newly created municipalities. It would provide for procedures, conditions, and limitations as they relate to the offer of sale to certain qualified municipalities of county property.

In the event of a dispute between the county and the qualified municipality as to the purchase of any qualified county property, the county or qualified municipality may file a petition in superior court of the county seeking mandatory mediation. The petition shall be assigned to a judge, who is not a judge in the circuit in which the county is located. The judge selected may also be a senior judge who resides in another circuit. The visiting or senior judge shall appoint a mediator within 30 days of receipt of the petition. Mediation shall commence within 30 days of the appointment of a mediator. The mandatory mediation process shall be completed within 60 days following the appointment of the mediator.

**NO ACTION was taken on SB 58 by the House State Planning & Community Affairs Committee.**

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

**SB 143 - Public Meetings; limitation on action to contest agency action, recording, notice of time/place; change certain provisions**

HB 143 amends Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to open and public meetings, so as to change certain provisions relating to meetings to be open to the public, and limitation on action to contest agency action. This bill provides that any action contesting a formal action done by the county commission in question is to be done within 90 days. The 90 day period shall not commence until the minutes of the meeting where the violation occurred have been made public.

**SB 143 received a DO PASS from the House Judiciary (Civil) Committee.**

**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.

**SB 287 received a DO PASS from the House Motor Vehicles Committee.**

**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. SB 308 would place the weapons licensing process within the office of the Secretary of State, effective January 1, 2012. It provides for penalties, fingerprinting and background checks of license applicants. A person shall be guilty of a misdemeanor when he or she carries a weapon while in a government building; a courtroom; a jail or prison; provides the Board of Regents with the power to regulate the carrying of weapons on board property.

**NO ACTION was taken on SB 308 by the House Judiciary (Non-Civil) Setzler Subcommittee.**

**SB 322 - Property; covenants with the land; zoning laws; clarify provisions**

SB 322 amends Code Section 44-5-60 of the O.C.G.A. Any covenant restricting lands to certain uses which was created prior to zoning laws being adopted by a county or municipality shall continue to be effective until the expiration of such covenant in accordance with its terms. Current law states that these covenants expire 20 years after the county or municipality adopts zoning laws.

**SB 322 FAILED TO PASS out of the House Government Affairs Committee.**

**SB 390 - Local Government; municipal corporation may determine when to establish a conservation easement**

SB 390 grants the governing authority of any municipal corporation the power to lease or enter into a contract for valuable consideration for the use, operation, or management of any real or personal property of the municipal corporation under certain conditions.

**SB 390 received a DO PASS from the House Judiciary (Civil) Committee.**

**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.

It 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.

**SB 461 received a DO PASS from the House Judiciary (Civil) Committee.**

**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.

**SB 491 received a DO PASS from the House Judiciary (Civil) Committee.**

**HB 180 - Public health and morals; tattooing near the eye; change certain provisions**

HB 180 amends Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public health and morals. HB 180 allows for cosmetic eye surgery one inch from the eye socket by a physician or physician tech.

**NO ACTION was taken on HB 180 by the Senate Health and Human Services Committee.**

**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.

**HB 486 received a DO PASS by COMMITTEE SUBSTITUTE from the Senate Retirement Committee.**

**HB 567 - Crime Victims' Bill of Rights; rights of crime victims; change certain provisions**

HB 567 expands provisions relative to victims' participation in the court system in juvenile and state courts. The bill permits a victim to address the juvenile court and present any information in regards to the impact of the allegedly delinquent act upon the victim. Also the victim has the right to be present and be heard at the dispositional hearing. HB 567 provides the victims with the right to a reasonable and timely notice of scheduled court date, a timely notice of escaped or arrested accused, the right to confer with the prosecuting attorney related to the victim, and the right to restitution provided by the law. A judge of any court of competent jurisdiction shall, in sentencing an offender, make a finding as to the amount of restitution due any victim, and order an offender to make full restitution to the victim. The code also allows the victim the right to deny or accept an interview by the accused.

Within 15 days after the receipt of the sentence information from the clerk of the court, the commissioner shall assign the convicted person to a correctional institution designated by the commissioner.

***Amendment 1:** adds language that establishes that within 15 days after the receipt of the sentencing information from the clerk of the court, the commissioner shall assign the convicted person to a correctional institution designated by the commissioner. **Amendment Adopted.***

**HB 567 received a DO PASS by COMMITTEE SUBSTITUTE as AMENDED from the Senate Special Judiciary Committee.**

**HB 896 - Continuances; witness on active duty; change provisions**

HB 896 amends 17-8-2 of the O.C.G.A, by changing provisions relating to a continuance in a speedy trial demand case involving a witness who is on active duty as a member of the National Guard or component of the armed forces of the United States. In cases in which a demand for speedy trial has been filed, the court shall grant the continuance if the party moving for a continuance establishes by testimony, affidavits, or other evidence that the witness has been activated to military duty.

**HB 896 received a DO PASS by COMMITTEE SUBSTITUTE from the Senate Special Judiciary Committee.**

### **HB 916 - Retirement ages; nullify application for retirement; provisions**

HB 916 amends Code Section 47-2-110 of the Official Code of Georgia Annotated, relating to retirement ages, application and eligibility for a retirement allowance, suspension of retirement allowance upon reemployment, and health benefits. If an employee has not reached normal retirement age on the effective date of retirement, the employer shall certify that no agreement exists to allow the employee to return to service, including service as or for an independent contractor. Any return to employment or rendering of any paid service by the employee, including service as or for an independent contractor, for any employer within two consecutive calendar months of the effective date of retirement shall render the severance invalid, nullifying the application for retirement.

HB 916 also provides that certain service as an independent contractor shall not result in a suspension of retirement benefits.

**HB 916 PASSED out of the Senate by a vote of 42-0.**

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

HB 1002 increases the punishment for certain crimes committed upon crimes against officers of the court. It defines "officers of the court" to include judges, attorneys, clerks of court, deputy clerks of court, court reporters, 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.

**HB 1002 received a DO PASS by the Senate Special Judiciary Committee.**

### **HB 1016 - Identity fraud; include businesses as potential identity theft victims; revise**

HB 1016 amends Article 8 of Chapter 9 of Title 16 of the O.C.G.A, by replacing the word "individual" with "person". This would allow the code section to include businesses as potential identity theft victims.

**HB 1016 received a DO PASS from the Senate Judiciary Committee.**

### **HB 1021 - Dangerous drugs; Salvia divinorum A; include**

This bill amends 16-13-71, adding salvia divinorum and salvia divinorum A to the list of dangerous drugs. Possessing salvia divinorum for purely aesthetic, landscaping purposes is allowed.

***Amendment 1: "salvia divinorum A" changed to "salvia divinorum or salvia divinorum A". Amendment adopted.***

**HB 1021 received a DO PASS as AMENDED by the Senate Health and Human Services Committee.**

**HB 1085 - Reunification of family; additional case plan and permanency plan requirements; provisions**

HB 1085 mandates that children, when entering foster care, should be kept with their siblings whenever possible. If at all possible, a child shall not be forced to change schools when entering foster care. Also, the bill provides for “transition planning” when the foster child is soon to become aged 18.

**HB 1085 received a DO PASS from the Senate Judiciary Committee.**

**HB 1150 - Retirement and pensions; Georgia Firefighters' Pension Fund; define terms**

HB 1150 amends Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to define certain terms relative to the Georgia Firefighters' Pension Fund. Any person who knowingly makes any false statements or falsifies or permits to be falsified any records of the fund in an attempt to defraud the fund shall be guilty of a misdemeanor and, upon conviction be punished by a fine not to exceed \$5,000.00, imprisonment for up to five years, or both.

**HB 1150 received a DO PASS from the Senate Retirement Committee.**

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

Crime scene or death 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 or death 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. This prohibition does not apply to habeas corpus cases.

***Amendment 1:*** entire language moved to a new paragraph in Code Section 50-18-72 subsection (a), relating to when public disclosure is not required. ***Amendment adopted.***

***Amendment 2:*** provisions of the bill shall not apply to Habeas Corpus cases. ***Amendment adopted.***

**HB 1322 received a DO PASS by COMMITTEE SUBSTITUTE as AMENDED from the Senate Judiciary Committee.**

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

HR 178 amends 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.

***Amendment 1:*** *ballot language changed to: "Shall the Constitution of Georgia be amended so as to permit the General Assembly to enact laws that authorize contract provisions regarding competitive agreements to enable courts to uphold the agreements and to enable courts to ensure the reasonableness of such contracts?"* **Amendment adopted.**

**HR 178 received a DO PASS as AMENDED from the Senate Judiciary Committee.**

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## Friday, April 2, 2010 – Recess

No legislation was taken up today.