



Legislative Update

For the week of: **March 21- March 25**
Legislative Days: 31- 33

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Week 11 of the 2011 Legislative Session

The Georgia General Assembly met this week for the eleventh week of the legislative session. The Legislature will be in session every day next week and will recess the following week for spring break, returning the week after to complete the 2011 session. This will be an especially busy time, with time winding down and opportunities for legislation to pass dwindling. We will be on the lookout for last minute amendments and changes that have the potential to revive legislation or substantially alter current versions even as we continue our efforts to secure passage of Judicial Council legislative items.

An Adjournment Resolution - **HR 641** was adopted by the House and Senate setting a calendar through Legislative Day 40.

Monday, March 28	Day 34
Tuesday, March 29	Day 35
Wednesday, March 30	Day 36
Thursday, March 31	Day 37
Friday, April 1-	Day 38
Saturday, April 2, 2011	Recess
Sunday, April 3	Recess
Monday, April 4- Friday, April 8	Recess
Monday, April 11	Recess
Tuesday, April 12	Day 39
Wednesday, April 13	Recess
Thursday, April 14	Day 40

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>.

Legislative Log

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

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

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

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

NO ACTION was taken on SB 19 by the House Judiciary (Non-Civil) Ramsey Subcommittee.

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

SB 26 amends Part 3 of Article 4 of Chapter 11 of Title 16 of O.C.G.A., as it relates to the possession of a firearm. This bill prohibits any additional limitations on carrying a firearm during a state of emergency and seeks to provide civil remedies for violations to this amendment. In addition to remedies at law or equity, individuals may bring action for return of firearm in superior court of the county in which they reside. This bill would require the court to award the prevailing party, other than the state, attorney fees.

Amendment 1: Strike subsection C and re-letter subsection B as C. **Amendment adopted.**

Amendment 2: On line 35, insert "and" before "action". **Amendment adopted.**

Amendment 3: On line 37, insert "civil" between "any" and "action" and strike proceeding. **Amendment adopted.**

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

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

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

SB 30 received a DO PASS as AMENDED from the House Judiciary (Civil) Committee.

SB 31 - Evidence; extend the attorney-client privilege to third persons under certain circumstances

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

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

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

Amendment 1: On line 38, change "a" to "the" and "the" to "such" on line 111.
Amendment adopted.

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

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

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

Amendment 1: On line 15, insert paragraph 3 after paragraph 2, a definition of mental health court division. **Amendment adopted.**

Amendment 2: On lines 49 and 82, change the word "program" to the word "division". **Amendment adopted.**

Amendment 3: On line 30, in between the words "a" and "work" insert the word "written". **Amendment adopted.**

SB 39 received a DO PASS as AMENDED from the House Judiciary (Civil) Jacobs Subcommittee.

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

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 80 received a DO PASS by COMMITTEE SUBSTITUTE from the House Judiciary (Non-Civil) Committee.

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

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

SB 88 received a DO PASS from the House Motor Vehicle Committee.

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

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 80 received a DO PASS from the House Judiciary (Non-Civil) Committee.

SB 94 - Firearms; change certain definitions

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

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

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

SB 94 received a DO PASS by COMMITTEE SUBSTITUTE from the House Judiciary (Non-Civil) Committee.

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

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

SB 134 received a DO PASS from the House Judiciary (Civil) Committee.

SB 162 - Rules of the Road; provide driving under influence of alcohol/drugs by illegal alien is a felony

SB 162 establishes driving under the influence of alcohol or drugs by a person who is an illegal alien to be a felony.

NO ACTION was taken on SB 162 by the House Judiciary (Non-Civil) Ramsey Subcommittee.

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

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

SB 193 received a DO PASS as AMENDED from the House Judiciary (Civil) Committee.

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

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

SB 200 received a DO PASS from the House Judiciary (Civil) Committee.

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

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

SB 214 received a DO PASS from the House Judiciary (Non-Civil) Committee.

SB 231 - Probation; provide additional offenses for which first offender status shall not be granted

SB 231 amends Code Section 42-8-60 of the Official Code of Georgia Annotated, relating to probation prior to adjudication of guilt, violation of probation, and review of criminal record by a judge, so as to provide additional offenses for which first offender status shall not be granted probation. The court shall not sentence a defendant under the provisions of this article who has been found guilty of or entered a plea of guilty or a plea of nolo contendere for:

- Aggravated assault as defined in Code Section 16-5-21;
- Aggravated battery as defined in Code Section 16-5-24; or
- Obstructing or hindering a law enforcement officer when the action results in physical harm or injury to the law enforcement officer.

SB 231 received a DO PASS from the House Judiciary (Non-Civil) Committee.

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

HB 24 is a 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 language objected to by the Judicial Council in Section 20 was removed with the agreement of the sponsor.

NO ACTION taken on HB 24 by the Senate Judiciary Committee.

HB 46 - Uniform Interstate Depositions and Discovery Act; enact

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 46 received a DO PASS from the Senate Judiciary Committee.

HB 64 - Attorney fees; validity and enforcement; change provisions

HB 64 amends Code Section 13-1-11 of the O.C.G.A., relating to the validity and enforcement of obligations to pay attorney's fees upon notes or other evidence of indebtedness. If the note or other evidence of indebtedness provides for the payment of reasonable attorney's fees without specifying any specific percent, the provision shall be construed to mean an amount found by the court to be reasonable and necessary for asserting the rights of the aggrieved party. The bill includes a subsection that grants those required to pay fees in excess of \$10,000.00 in a civil matter an opportunity to file an affidavit with the courts to determine reasonableness of the attorney's fees.

HB 64 also states that debt management agencies must disclose, to the debtors that hire them, the agencies plan to alleviate that debtor's debt. The agency may also not collect payment for any services before or during the plan is in action. The agency can only collect its fee once the debtor's debt has been settled.

NO ACTION taken on HB 64 by the Senate Judiciary Committee.

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

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 92 received a DO PASS by the Senate State and Local Government Committee.

HB 101 - Bicycles; safety; change provisions

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

HB 101 received a DO PASS from the Senate Public Safety Committee.

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

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.

NO ACTION taken on HB 114 by the Senate Judiciary Committee.

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

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 123 received a DO PASS from the Public Safety Committee.

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

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 142 received a DO PASS from the Senate Judiciary Committee.

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

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

HB 143 received a DO PASS from the Senate Judiciary Committee.

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

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 144 received a DO PASS from the Senate Judiciary Committee.

HB 158 - Elections; nonpartisan election; change date

HB 158 amends Chapter 2 of Title 21 of the Official Code of Georgia Annotated, to primaries and elections generally. Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy to the Secretary of the State no earlier than 9:00 AM on the fourth Monday in April and no later than 12:00 PM on the Friday following the fourth Monday in April. Each candidate for a county judicial office desiring to have his or her name placed on the nonpartisan election ballot shall file notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in April.

Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the Secretary of State no earlier than 9:00 A.M. on the third Wednesday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the third Wednesday in June. Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on third Wednesday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the third Wednesday in June.

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 who have qualified with the Secretary of State for the office of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court of this state and the names of all candidates who have qualified with the election superintendent for the office of judge of a state court 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 provided 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 158 received a DO PASS BY COMMITTEE SUBSTITUTE from the Senate State and Local Government Operations Committee.

HB 198 - Superior court clerks; real estate or personal property filing fees; extend sunset dates

HB 198 amends Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts. This bill extends the sunset dates for real estate or personal property filing fees, and the collection and remittance of real estate or personal property filing from July 1, 2014 to July 1, 2016.

HB 198 received a DO PASS from the Senate Judiciary Committee.

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

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

HB 199 received a DO PASS from the Senate Health and Human Services Committee.

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

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

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

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

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

Any real and personal property of every kind used or intended for use in the course of, derived from, or realized through a violation of this bill shall be subject to forfeiture to the state. HB 200 also provides the eligibility of victims of human trafficking to apply for

compensation and the right to be notified of eligibility. It also provides guidelines and procedures for the incorporation of training materials and requires the investigation and identification of human trafficking.

HB 200 received a DO PASS from the Senate Health and Human Services Committee.

HB 237 - Residential mortgage fraud; mortgage lending process; revise definition

HB 237 amends Article 5 of Chapter 8 of Title 16 of the O.C.G.A., relating to residential mortgage fraud. The bill revises the definition of “mortgage lending process” and provides for investigative and subpoena powers of district attorneys and the Attorney General relative to residential mortgage fraud.

In any investigation of criminal violations involving fraudulent real estate transactions, the Attorney General or district attorney shall be authorized to issue a subpoena to compel records, documents, and other tangible things. Upon the failure of a person to obey a subpoena without a lawful excuse, the Attorney General or district attorney may apply to a superior court for an order compelling compliance. The court may issue an order modifying or setting aside a subpoena or if it is objected by an individual because it fails to comply with this code or may order direct compliance with the original subpoena. Failure to obey a subpoena may be punished by the court.

HB 237 received a DO PASS from the Senate Judiciary Committee.

HB 262 - Elections; add 1 percent judicial qualifying fee to fund the Commission; provide

HB 262 amends Chapter 2 of Title 21 of the O.C.G.A., relating to primaries and elections generally. It provides that an additional 1 percent qualifying fee has to be added for judicial candidates for the purpose of funding the Judicial Qualifications Commission and provides the establishment, collection and remitting of the fees.

NO ACTION was taken on HB 262 by the Senate Ethics Committee.

HB 266 - Carrying weapons; constables; authorize

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

HB 266 received a DO PASS from the Public Safety Committee.

HB 272 - Juvenile court; rehearing an order of associate juvenile court judge; delete provision

HB 272 removes the requirement for rehearing of associate juvenile court judges' decisions.

HB 272 received a DO PASS by the Senate Judiciary Committee.

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

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

HB 290 received a DO PASS by the Senate State and Local Government Operations Committee.

HB 293 - Retirement bills; define a certain term

HB 293 amends provisions relating to the Public Retirement Systems Standards Law. This bill revises the phrase "Retirement bill having a fiscal impact" to include any retirement bill or amendment which grants to a public retirement system an insurable interest in active or retired members which authorizes or directs a public retirement system to expend or obligate funds to purchase life insurance on its members.

HB 293 received a DO PASS from the Senate Retirement Committee.

HB 297 - Retirement and pensions; public systems prohibited from expending fund for certain purposes; provide

HB 297 amends general provisions relating to retirement and pensions. It specifically prohibits any public retirement system from having an insurable interest in active or retired members of their system. No public retirement system shall have the authority to expend or obligate funds under their control to purchase life insurance on its members unless the benefits are paid to a member's estate or to a beneficiary designated by the individual member.

HB 297 received a DO PASS from the Senate Retirement Committee.

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

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 302 received a DO PASS from the Senate Ethics Committee.

HB - 314 Jessie's Law; enact

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 314 received a DO PASS from the Senate Education and Youth Subcommittee.

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

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

It also allows the department or any party to appeal any order to the Supreme Court and this court or any available Judge shall consider the appeal on an expedited basis and may suspend any time requirements for the parties to file briefs.

HB 339 received a DO PASS from the Senate Judiciary Committee.

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

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.

Amendment 1: Changes the 10 day notice of hearing on motion to 14 days.
Amendment adopted

HB 373 received a DO PASS from the Senate Judiciary Committee.

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

HB 421 amends Title 17 of the O.C.G.A., relating to criminal procedure. It changes provisions relating to the proceedings upon a plea of mental incompetency to stand trial. It provides for definitions and the use of consistent terminology. Whenever the accused in a criminal case files a special plea alleging that the accused is mentally incompetent to stand trial, it shall be the duty of the court to have a bench trial 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.

NO ACTION was taken on HB 421 by the Senate Judiciary Committee.

HB 482 - Fayette County; qualifications and salary of magistrate court judges; modify

HB 482 modifies the qualifications and salary of the magistrate court judges of Fayette County. No person shall be judge of the magistrate court unless he or she is 25 years of age, has been a citizen of the state for three years, has practiced law for seven years, and has been duly reinstated to the practice of law in the event of his or her disbarment, or has served as a judge of the Magistrate Court of Fayette County in good standing for seven or more years.

The chief judge of the Magistrate Court of Fayette County shall receive as compensation an amount equal to 17 percent of the base salary of a judge in the superior courts for the State of Georgia plus any supplement which may be provided by the County. The compensation shall be paid in equal monthly installments from the funds of Fayette County.

All other judges of the Magistrate Court of Fayette County shall receive as compensation an amount equal to 14 percent of the base salary of a judge in the superior courts for the State of Georgia plus any supplement which may be provided by the County. The compensation shall be paid in equal monthly installments from the funds of Fayette County.

HB 482 PASSED out the Senate.

HB 496 - Hiltonia, Town of; provide new charter

HB 496 provides a new charter for the Town of Hiltonia. This bill provides for a municipal court and the judge or judges thereof and other matters relative to those judges. It also provides for the court's jurisdiction, powers, practices, and procedures and the right of appeal.

HB 496 PASSED out the Senate.

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

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

HB 503 received a DO PASS by the Senate Judiciary Committee.

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

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

HB 537 PASSED out of the House.

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

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

HB 551 PASSED out of the House.

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

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

HB 553 PASSED out of the House.

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

HB 566 creates a board of elections and registration for Jefferson County and provide for its powers and duties. The board shall have the powers, duties, and responsibilities of the judge of the probate court of Jefferson County.

HB 566 PASSED out of the House.

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

HB 566 creates a board of elections and registration for Charlton County and provide for its powers and duties. The board shall have the powers, duties, and responsibilities of the judge of the probate court of Charlton County.

HB 569 PASSED out of the House.



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

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

HB 570 PASSED out of the House.