



## JUDICIAL COUNCIL OF GEORGIA ADMINISTRATIVE OFFICE OF THE COURTS

# WEEKLY LEGISLATIVE REPORT

March 29, 2019

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Week 11 (Legislative Days 36-39)

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The General Assembly returned to session on Monday, March 25 (LD 36), and spent every day this week in session with the exception of Wednesday, March 27. After this week, only one more legislative day remains. The General Assembly will adjourn Sine Die on Tuesday, April 2 (LD 40). As in previous years, the final legislative day will be extremely active and it is expected that both chambers will work until the late hours of the night.

For legislation to achieve final passage by the General Assembly, both the House and Senate must agree to the same version of the legislation. If a bill is passed out of one chamber and then changed by the other, the original chamber may move to agree or disagree to the changes, and potentially insist on its version of the legislation. If both chambers insist on their respective version, a conference committee may be appointed. Conference committees consist of members from both the House and Senate who deliberate the legislation and report out a final version to both chambers. If both chambers agree to the conference committee report, the legislation achieves final passage and is sent to the Governor. Many bills will face this process to some extent over the final day of session.

On Thursday, March 28, both chambers agreed to the conference committee report of [HB 31](#), the budget for FY 2020. This marks final passage of the budget which now awaits the Governor's signature. The final version can be found [here](#). [HB 257](#) (magistrate court update) also achieved final passage with a vote in the Senate on Thursday.

Several bills of interest to the judiciary were placed on the Rules Calendars for on Friday, March 29. These include [SB 38](#) ( post-judgment filings), [HB 381](#) (child support guidelines update), [HB 134](#) (law library funds) and [HB 492](#) (writ of possession). Of these, [HB 134](#) received final passage by time of publication of this report.

The General Assembly will be in recess on Monday April 1, before reconvening on Tuesday, April 2, for Legislative Day 40 (Sine Die). This report is a compilation of the items acted on this week<sup>1</sup> affecting Georgia's judiciary. To view more legislation pertaining to the judiciary, as well as bill summaries, previous reports, and committee meeting schedules, please visit [legislation.georgiacourts.gov](http://legislation.georgiacourts.gov).

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<sup>1</sup> As of 7:30 p.m. Friday, March 29, 2019.

## **Floor and Committee Action**

### **Legislation Supported by the Judicial Council**

#### **[HB 134 - County law libraries; repeal a population provision regarding the disposition of law library funds in certain libraries](#)**

Sponsor: Rep. Bonnie Rich (R – Suwanee)

HB 134 moves to repeal Code Section 36-15-11 of the OCGA which provides for law library funds to be directed to the general fund in counties with a population of 950,000 or more.

**Action:** HB 134 passed out of Senate Rules (3/28/19); and passed the Senate 44-3 (3/29/19).  
***Final Passage.***

#### **[HB 257 - Council of Magistrate Court Judges; organization and provide for officers; increase authority](#)**

Sponsor: Rep. Mitchell Scoggins (R – Cartersville)

HB 257 amends Chapter 10 of Title 15 of the OCGA to update and modernize the magistrate court statutes.

**Action:** HB 257 passed out of Senate Rules (3/26/19); and passed the Senate 52-0 (3/28/19).  
***Final passage.***

#### **[HB 381 - Child support; defined terms and terminology, grammar, and punctuation; revise and correct](#)**

Sponsor: Rep. Chuck Efstration (R – Dacula)

HB 381 moves to amend Code Section 19-6-15 of the OCGA to remove language specifying the use of imputing gross income based on a 40-hour workweek at minimum wage and to provide for cleanup and technical changes to reflect changes in Federal law, rules and regulations.

**Action:** HB 381 received a Do Pass from the Senate Judiciary Committee (3/27/19); passed out of Senate Rules (3/28/19); *further action pending at time of this report.*

#### **[HB 492 - Property; dispossessory proceedings; require applications for execution of a writ of possession be made within 30 days of issuance of the writ unless good cause is shown](#)**

Sponsor: Rep. Bonnie Rich (R – Suwanee)

HB 492 amends OCGA 44-7-55 to require that an application for execution of a writ of possession be made within 30 days of being issued, unless good cause is shown in an affidavit accompanying the application for such writ.

**Action:** HB 492 passed out of Senate Rules (3/28/19); *further action pending at time of this report.*

[SB 38 – Courts; electronic filing requirements of superior and state courts; certain types of filings; exclude](#)

Sponsor: Sen. William Ligon (R – Brunswick)

SB 38 amends Title 15 of the OCGA to clarify the filing of paper documents at a courthouse and exempt certain groups from electronic filing fees in civil cases.

SB 38 further amends Title 15 of the OCGA to require that new case numbers be given to post-judgment proceedings filed more than 30 days after the initial judgment or dismissal of a case. The amendment also provides for the computerized record-keeping of such post-judgment filings.

SB 38 also includes amended language from [HB 502](#), relating to continuances.

*(The Judicial Council position applies to the language relating to post-judgment filings.)*

**Action:** SB 38 received a Do Pass by Committee Substitute from the House Judiciary Civil Committee (3/26/19).

**Other Bills**

[HB 31 - General appropriations; State Fiscal Year July 1, 2019 - June 30, 2020](#)

Sponsor: Speaker David Ralston (R – Blue Ridge)

**Action:** HB 31 passed the Senate with a vote of 55-0 (3/25/19); the Senate adopted HB 31's Conference Committee report with a vote of 53-0, and the House adopted the Conference Committee report with a vote of 165-11 (3/28/19). ***Final passage.***

[HB 64 - Parent and child; require child welfare agencies to make efforts to determine whether a parent or guardian of a child who is the subject of abuse allegations is on active duty in the military](#)

Sponsor: Rep. Brian Prince (D – Augusta)

**Action:** HB 64 passed the Senate 51-0 (3/25/19). ***Final passage.***

[HB 70 - Guardian and ward; guardian and conservators of minors and adults; revise provisions](#)

Sponsor: Rep. Chuck Efstration (R – Dacula)

**Action:** HB 70 passed out of Senate Rules (3/28/19); *further action pending at time of this report.*

[HB 79 - Blind persons; child custody matters; provisions](#)

Sponsor: Rep. Carl Wayne Gilliard (D – Garden City)

**Action:** HB 79 received a Do Pass by Committee Substitute from the Senate Judiciary Committee (3/25/19); passed out of Senate Rules (3/26/19); and passed the Senate by Substitute 49-2 (3/28/19).

[HB 91 - Hospitals and health care facilities; Federal Bureau of Investigation to retain fingerprints when an agency or entity is participating in the Georgia Bureau of Investigation's program; allow](#)

Sponsor: Rep. Andrew Welch (R – McDonough)

**Action:** HB 91 received a Do Pass from the Senate Judiciary Committee (3/25/19); passed out of Senate Rules (3/26/19); and passed the Senate 52-0 (3/28/19). ***Final passage.***

[HB 118 - Crimes and offenses; transmitting a false alarm; revise offense](#)

Sponsor: Rep. Marc Morris (R – Cumming)

**Action:** HB 118 received a Do Pass by Committee Substitute from the Senate Judiciary Committee (3/25/19); passed out of Senate Rules (3/28/19); and, passed the Senate by Substitute 43-1 (3/29/19)

[HB 171 - Motor vehicles; use of mounts on windshields for the support of wireless telecommunications devices and stand-alone electronic devices under certain circumstances; allow](#)

Sponsor: Rep. Timothy Barr (R – Lawrenceville)

**Action:** HB 171 passed out of Senate Rules (3/25/19); and failed to pass the Senate with a vote of 27-28 (3/26/19).

[HB 213 - Georgia Hemp Farming Act; enact](#)

Sponsor: Rep. John Corbett (R – Lake Park)

**Action:** HB 213 passed out of Senate Rules (3/25/19); passed the Senate by Substitute 45-6 (3/26/19); the House agreed to the Senate substitute as amended by the House 151-5 (3/29/2019).

[HB 217 - Crimes and offenses; employees and agents of syringe services programs are not subject to certain offenses relating to hypodermic syringes and needles; provide](#)

Sponsor: Rep. Houston Gaines (R – Athens)

**Action:** HB 217 passed the Senate 45-4 (3/25/19). ***Final passage.***

[HB 227 - Insurance; discrimination against victims of family violence to include victims of sexual assault; expand prohibitions](#)

Sponsor: Rep. Spencer Frye (D – Athens)

**Action:** HB 227 passed the Senate with a vote of 38-13 (3/25/19). ***Final passage.***

[HB 228 - Marriage; change minimum age from 16 to 17 and require any person who is 17 to have been emancipated](#)

Sponsor: Rep. Andrew Welch (R – McDonough)

**Action:** HB 228 passed out of Senate Rules (3/26/19); and passed the Senate by Substitute 51-0 (3/29/19).

[HB 239 - Georgia Business Court; establish](#)

Sponsor: Rep. Chuck Efstration (R – Dacula)

**Action:** HB 239 passed out of Senate Rules (3/28/19); *further action pending at time of this report.*

[HB 281 - Crimes and offenses; pimping and pandering; increase penalty provisions](#)

Sponsor: Rep. Teri Anulewicz (D – Smyrna)

**Action:** HB 281 passed out of Senate Rules (3/26/19); and passed the Senate 49-0 (3/29/19).

***Final passage.***

[HB 282 - Criminal procedure; increase amount of time that law enforcement agencies are required to preserve certain evidence of sexual assault](#)

Sponsor: Rep. Scott Holcomb (D – Atlanta)

**Action:** HB 282 passed out of Senate Rules (3/28/19); *further action pending at time of this report.*

[HB 288 - Superior courts; revise the sums that the clerks are entitled to charge and collect for filing documents and instruments pertaining to real estate or personal property](#)

Sponsor: Rep. Alan Powell (R – Hartwell)

**Action:** HB 288 passed out of Senate Rules (3/28/19); and passed the Senate with a vote of 52-2 (3/29/19). ***Final Passage.***

[HB 296 - Superior Court of Hall County in the Northeastern Circuit; revise term of court](#)

Sponsor: Rep. Lee Hawkins (R – Gainesville)

**Action:** HB 296 received a Do Pass from the Senate Judiciary Committee (3/25/19); and passed out of Senate Rules (3/28/19); and passed the Senate 53-0 (3/29/19). ***Final passage.***

[HB 307 - Abandoned Motor Vehicle Act; enact](#)

Sponsor: Rep. Alan Powell (R – Hartwell)

**Action:** HB 307 passed out of Senate Rules (3/28/19); and, passed the Senate by Substitute 48-3 (3/29/19).

[HB 311 - State government; waiver of immunity of sovereign immunity as to actions ex contractu and state tort claims; provisions](#)

Sponsor: Rep. Andrew Welch (R – McDonough)

**Action:** HB 311 passed the Senate by Substitute 49-0 (3/25/19).

[HB 324 - Georgia's Hope Act; enact](#)

Sponsor: Rep. Micah Gravley (R – Douglasville)

**Action:** HB 324 received a Do Pass by Committee Substitute from the Senate Regulated Industries Committee (3/26/19); passed out of Senate Rules (3/28/19); passed the Senate with a vote of 44-8 (3/29/19); the House disagreed to the Senate Substitute to HB 324, the Senate insisted its position, the House insisted on its position and a Conference Committee was appointed (3/29/19).

[HB 342 - Motor vehicles; issuance of a traffic citation to a vehicle owner in lieu of the individual operating the motor vehicle in certain instances; provide](#)

Sponsor: Rep. Matt Dollar (R – Marietta)

**Action:** HB 342 received a Do Pass from the Senate Public Safety Committee (3/25/19).

[HB 345 - Penal institutions; pregnant female inmates or female inmate who is in the immediate postpartum period; provide prohibited practices](#)

Sponsor: Rep. Sharon Cooper (R – Marietta)

**Action:** HB 345 received a Do Pass by Committee Substitute from the Senate Health & Human Services Committee (3/25/19); passed out of Senate Rules (3/28/19); and, passed the Senate by Substitute as amended (3/29/19).

[HB 346 - Property; prohibit retaliation by a landlord against a tenant for taking certain actions](#)

Sponsor: Rep. Sharon Cooper (R – Marietta)

**Action:** HB 346 passed out of Senate Rules (3/25/19); was tabled by the Senate (3/26/19); was removed from the table and passed the Senate by Substitute 34-16 (3/28/19); and, the House agreed to the Senate Substitute to HB 346 125-28 (3/29/19). **Final passage.**

[HB 396 - Crimes and offenses; unlawful for a person with intent to defraud a creditor's rights to deed or otherwise transfer title to real property to another person without the knowledge or consent of such other person; provide](#)

Sponsor: Rep. Dale Washburn (R – Macon)

**Action:** No action was taken on HB 396 by the Senate Judiciary Committee (3/27/19).

[HB 424 - Crimes and offenses; include certain sex crimes into the definition of criminal gang activity](#)

*(Includes language from [HB 247](#))*

Sponsor: Rep. Deborah Silcox (R – Sandy Springs)

**Action:** HB 424 received a Do Pass by Committee Substitute from the Senate Judiciary Committee (3/27/19); and passed out of Senate Rules (3/28/19); and passed the Senate by Substitute 50-0 (3/29/19).

[HB 470 - Law enforcement officers and agencies; analysis and collection of DNA for individuals charged with a felony offense but sentenced as a first offender or under conditional discharge; provide](#)

Sponsor: Rep. Steven Sainz (R – Woodbine)

**Action:** HB 470 received a Do Pass by Committee Substitute from the Senate Judiciary Committee (3/27/19); and passed out of Senate Rules (3/28/19).

[HB 472 - Juvenile Code; procedures concerning removal considerations; revise](#)

Sponsor: Rep. Bert Reeves (R – Marietta)

**Action:** HB 472 passed out of Senate Rules (3/28/19); and passed the Senate by Substitute 50-0 (3/29/19).

[HB 478 - Social services; improvements to the operation of the child abuse registry; provide](#)

Sponsor: Rep. Mandi Ballinger (R – Canton)

**Action:** HB 478 passed the Senate by Substitute 51-0 (3/29/19).

[HB 481 - Living Infants Fairness and Equality \(LIFE\) Act; enact](#)

Sponsor: Rep. Ed Setzler (R – Acworth)

**Action:** The House agreed to the Senate Substitute of HB 481 with a vote of 92-78 (3/29/19).  
**Final Passage.**

[HB 483 - Controlled substances; Schedules I, IV, and V; change certain provisions](#)

Sponsor: Rep. Ron Stephens (R – Stephens)

**Action:** HB 483 passed the Senate 48-1 (3/25/19). *Final passage.*

[HB 502 - Civil practice; continuances for members of the Board of Regents and the Attorney General; revise](#)

Sponsor: Rep. Andrew Welch (R – McDonough)

**Action:** HB 502 passed out of Senate Rules by Substitute (3/28/19); *further action pending at time of this report.*

[HB 514 - Georgia Mental Health Reform and Innovation Commission; create](#)

Sponsor: Rep. Kevin Tanner (R – Dawsonville)

**Action:** The House agreed to the Senate Substitute of HB 514 as amended by the House 150-7 (3/29/19).

[HB 530 - Education; prohibit parents or guardians from withdrawing or removing a child from a public school for the purpose of avoiding compliance with laws relating to mandatory attendance, school discipline, parental involvement, or parental responsibilities](#)

Sponsor: Rep. Bill Hitchens (R – Rincon)

**Action:** HB 530 passed out of Senate Rules (3/26/19); and passed the Senate with a vote of 50-0 (3/28/19).

[HB 543 - Domestic relations; equitable caregivers; provide](#)

Sponsor: Rep. Chuck Efstoration (R – Dacula)

**Action:** HB 543 received a Do Pass from the Senate Judiciary Committee (3/27/19); *further action pending at time of this report.*

[HB 551 - Controlled substances; kratom; provisions](#)

Sponsor: Rep. Dewayne Hill (R – Ringgold)

**Action:** HB 551 received a Do Pass from the Senate Health & Human Services Committee (3/25/19); passed out of Senate Rules (3/26/19); passed the Senate by as amended 50-0 (3/27/19); the House agreed to the Senate amendment as amended by the House 149-1 (3/29/19).

[HR 585 - House Study Committee on Gang and Youth Violence Prevention; create](#)

Sponsor: Rep. Carl Gilliard (D – Garden City)

**Action:** HR 585 was passed out of House Rules before passing the House with a vote of 147-6 (3/29/19). *Final Passage.*

[SB 6 - Correctional Institutions of the State and Counties; use of unmanned aircraft systems to deliver or attempt to deliver contraband to a place of incarceration; prohibit](#)

Sponsor: Sen. Kay Kirkpatrick (R – Marietta)

**Action:** SB 6 passed out of House Rules (3/26/19); and passed the House with a vote of 166-4 (3/28/19); and passed the Senate by Substitute 50-0 (3/29/19).



[SB 9 - Invasion of Privacy; sexual extortion; prohibit; definitions; elements of the crime; provide](#)  
(Includes language from [HB 43](#))

Sponsor: Sen. Harold Jones (D – Augusta)

**Action:** SB 9 passed out of House Rules (3/25/19); and passed the House by Substitute 169-0 (3/26/19).

[SB 29 - Waiver of Immunity for Motor Vehicle Claims; definition to clarify sheriff, deputy sheriff, other agent, servant, or employee of sheriff's office; include](#)

Sponsor: Sen. Harold Jones (D – Augusta)

**Action:** SB 29 passed out of House Rules (3/25/19); and passed the House 170-0 (3/26/19).

**Final passage.**

[SB 31 - Law Enforcement Officers and Agencies; performing any duty at the scene of an emergency; law enforcement officers shall not be liable; clarify](#)

Sponsor: Sen. Michael Rhett (D – Marietta)

**Action:** SB 31 received a Do Pass by Committee Substitute from the House Judiciary Civil Committee (3/26/19); and passed the House by Substitute with a vote of 134-23 (3/29/19).

[SB 32 - Torts; conditions upon immunity from civil liability in instances of rendering emergency care; provide](#)

Sponsor: Sen. Kay Kirkpatrick (R – Marietta)

**Action:** SB 32 failed to pass the House with a vote of 46-108 (3/25/19).

[SB 37 - Statute of Frauds; clarify that a mutual agreement to modify an existing promise, agreement, contract; shall be in writing and subject to statute of frauds](#)

Sponsor: Sen. William Ligon (R – Brunswick)

**Action:** SB 37 passed out of House Rules; and passed the House 168-0 (3/25/19); and the Senate agreed to the House Substitute to SB 37 55-0 (3/29/19). **Final Passage.**

[SB 77 - State Flag, Seal, and other Symbols; additional protections for government statues; provide](#)

Sponsor: Sen. Jeff Mullis (R – Chickamauga)

**Action:** SB 77 passed out of House Rules (3/26/19); passed the House by Substitute with a vote of 100-71 and the Senate agreed to the House Substitute 33-17 (3/29/19). **Final Passage.**

[SB 110 - Courts; State-wide Business Court; pursuant to the Constitution of this state; establish](#)  
(Includes language from [HB 239](#))

Sponsor: Sen. Jesse Stone (R – Waynesboro)

**Action:** SB 110 passed out of House Rules and passed the House by Substitute 155-10 (3/25/19); the Senate disagreed to the House Substitute to SB 110 and the House insisted on its position (3/28/19); the Senate insisted on its position and a Conference Committee was appointed (3/29/19).



[SB 153 - Trauma Scene Cleanup Services; comprehensive regulation; provide](#)

Sponsor: Sen. Tyler Harper (R – Ocilla)

**Action:** SB 153 passed out of House Rules (3/25/19); and, passed the House 152-13 (3/26/19). ***Final passage.***

[SB 158 - “Anti-Human Trafficking Protective Response Act”](#)

Sponsor: Sen. Sen. Brian Strickland (R – McDonough)

**Action:** SB 158 passed out of House Rules (3/25/19); passed the House by Substitute 167-0 (3/26/19); and, the Senate agreed to the House Substitute 52-0 (3/29/19). ***Final passage.***

[SB 190 - Child Custody Intrastate Jurisdiction Act; party may bring a counterclaim for contempt in response to a complaint seeking a change of legal or physical custody; provide](#)

Sponsor: Sen. John Kennedy (R – Macon)

**Action:** SB 190 received a hearing from the House Juvenile Justice Committee (3/27/19).

[SB 213 - Campaign Contributions; content of and certain reporting crimes for certain campaign disclosure reports; revise](#)

Sponsor: Sen. Bill Heath (R – Bremen)

**Action:** SB 213 received a Do Pass by Committee Substitute from the House Governmental Affairs Elections Subcommittee and received a Do Pass from the House Governmental Affairs Committee (3/27/19); passed out of House Rules (3/29/19); and passed the House by Substitute 162-1 (3/29/19).

[SB 222 - Criminal Procedure; Georgia Council on Criminal Justice Reform; create](#)

Sponsor: Sen. Jesse Stone (R – Waynesboro)

**Action:** SB 222 received a Do Pass by Committee Substitute from the House Judiciary Non-Civil Committee (3/28/19).

[SB 225 - Juvenile Code; in conformity with the federal Social Security Act and the Family First Prevention Services Act; bring provisions](#)

Sponsor: Sen. Larry Walker (R – Perry)

**Action:** SB 225 passed out of House Rules (3/25/19); and, passed the House by Substitute 158-1 (3/26/19).

**Committee Meeting Schedule\***

**Monday April 1, 2019 – Recess**

**No meetings scheduled.**

**Tuesday April 2, 2019 – Legislative Day 40**

9:00 AM	House Rules	341 CAP
10:00 AM	House Floor Session	House Chamber
10:00 AM	Senate Floor Session	Senate Chamber

*\*This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change. Please visit the [House Meetings page](#) and the [Senate Meetings page](#) for a complete list of meetings, the most current schedules and agendas.*

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