



Legislative Update

For the week of: March 31- April 4 Legislative Days: 37-40

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Governmental Affairs Division*

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Week 12 of the 2008 Legislative Session

The Georgia General Assembly met this week for the last week of the 2008 legislative session.

The following newsletter provides a brief overview of the committee meetings thus far. For up-to-date information on legislation, meetings, and other news at the Capitol, please visit www.georgiacourts.org and click on "Legislation Affecting Georgia's Judiciary."

Budget Update

HB 990, FY 09 Appropriations Act was adopted by the General Assembly with just three and a half hours left till Sine Die. The budget was agreed upon by the conference committee at 6:30 Friday evening and is required by House rules to sit on the desk of the legislators for one hour. The bill was taken up and adopted at 8:00 pm. To view the FY 09 budget please click on the following link, [Conference Committee Report for H.B. 990](#). The judiciary is located on pages 9 – 16.

A legislative wrap-up consisting of all passed legislation tracked by the Administrative Office of the Courts Governmental Affairs Division will be sent out (via postal mail) after the Governor's final decision on legislation. The Governor has 40 days to sign or veto all legislation.

Judgeships and Pay Raise

HB 1163 started in the House with adding three new judgeships in the following circuits: Brunswick, Alcovy and Atlanta. The Senate amended the bill to add only two new judgeships in the following circuits: Alcovy and Douglas. HB 1163 then went back to the House where they amended the bill, again, to the three judgeships in Brunswick, Alcovy and Atlanta. These three new judgeships will start on July 1, 2009. Both chambers agreed to this final change. HB 1163 now awaits the Governor's signature or veto.

HB 119 made its final passage at 11:45 PM on Friday, April 4. The final bill states a 5% pay increase for appellate court judges, superior court judges and district attorneys starting on July 1, 2009. The amounts, which include COLA increases, are as follows: Supreme Court Justices - \$179,960, Court of Appeals Judges - \$178,858, Superior Court Judges - \$129, 421, and District Attorneys - \$123, 073.24. HB 119 now awaits the Governor's signature or veto.

Legislative Log

SB 1 - Sexual Offenders; unlawful to photograph minors; provide penalties

SB 1 amends Article 2 of Chapter 1 of Title 42. This bill makes it unlawful for persons required to register as sexual offenders to intentionally photograph a minor for indecent purposes. Any sexual offender who knowingly violates this Code section shall be guilty of a felony and be punished by imprisonment for not less than ten years, and not more than 30 years.

*An amendment was added that adds the language of **HB 908** to the bill which repeals certain provisions relating to residency and employment restrictions for certain sexual offenders and provides for restrictions on where sexual offenders and sexually dangerous predators may reside, work, volunteer, or loiter.*

SB 1 was PASSED by both chambers. It now goes to the Governor for signature or veto.

SB 12 - Budget Act; periodic application of zero-base budgeting; analysis of departmental/program objectives

SB 12 provides for the application of zero-base budgeting to the budget process.

SB 12 was PASSED by both chambers. It now goes to the Governor for signature or veto.

SB 16 - Animal Fighting Act; change certain provisions

No person shall remove a collar from a dog without the permission from the dog's owner with the intention of preventing or hindering the owner from locating the dog. Removing certain collars from dogs is a misdemeanor. If the dog is lost or killed as a result of the violator's removal of the collar, the violator shall be required to pay the dog's owner restitution in the amount of the actual value of the dog and any associated veterinary expenses.

SB 16 was PASSED by both chambers. It now goes to the Governor for signature or veto.

SB 55 - Alcoholic Beverages; resealed partially consumed bottle of wine; uniform rules of the road

This bill would authorize restaurant patrons to remove for off-premises consumption a resealed partially consumed bottle of wine that was purchased with a food item. This bill would also provide that a resealed partially consumed bottle of wine that was purchased with a food item is not an open alcoholic beverage container for purposes of the prohibition against possessing an open container of alcohol in the passenger area of a motor vehicle.

SB 55 was PASSED by both chambers. It now goes to the Governor for signature or veto.

SB 88 - Care of a Grandchild Act; provide subsidy to certain grandparents raising grandchildren under certain circumstances

SB 88 amends Chapter 9 of Title 19, relating to child custody proceedings. A parent of a minor child may delegate to any grandparent residing in this state care giving authority regarding the minor child when hardship prevents the parent from caring for the child. This authority may be delegated without the approval of a court by executing in writing a power of attorney for the care of a minor. The grandparent shall not be liable for consenting or refusing to consent to medical, dental, or mental health care for a minor child when such decision is made in good faith. The instrument providing power of attorney shall be executed by both parents, if both are living and have joint legal custody, and shall specify which hardship prevents the parent or parents from caring for the child. The power of attorney shall be signed and acknowledged before a notary public by the parent executing the power of attorney. The grandparent shall have legal custody of the child until each parent who executed the power of attorney for the child revokes the power of attorney in writing and provides notice of the revocation to the grandparent. The Department shall establish a program for providing a grandchild caregiver subsidy to eligible persons. The subsidy shall be 80% of the state-wide foster care rate for each minor grandchild. No more than 1,500 families may participate in the program at one time. For each case in which a grandparent is receiving a grandchild caregiver subsidy, the department shall pursue child support from both parents and the grandparent shall cooperate with all efforts to collect child support.

The language from HB 158 was attached to this bill which clarifies methods of legitimation of a child. It defines 'acknowledgement of legitimation' and 'Legal father'. Provides that prior to a child's first birthday, a father of a child born out of wedlock may render his relationship with the child legitimate when both the mother and father have freely agreed, consented, and signed a voluntary acknowledgment of paternity which includes an acknowledgment of legitimation and which has been made and has not been rescinded. Voluntary acknowledgment of legitimation shall not be recognized if the mother was married to another man when the child was born, the mother was married to another man at any time within the usual period of gestation, there is another legal father, the mother has voluntarily and in writing surrendered all of her parental rights and has not withdrawn her surrender as permitted, the mother has signed a voluntary acknowledgment of legitimation with another man, or the child is one year of age or older. Voluntary acknowledgement does not authorize the father to receive custody or visitation until there is a judicial determination of custody or visitation. A father of a child born out of wedlock may render his relationship with the child legitimate by petitioning the superior court of the county of the residence of the child's mother or other guardian. Upon the presentation and filing of the petition, the court may pass an order declaring the father's relationship with the child to be legitimate, provided that such is in the best interest of the child. Acknowledgement of paternity shall not constitute a legal determination of legitimation. The definition of 'legal father' is expanded to include a man who has legitimated.

SB 88 was PASSED by both chambers. The bill now goes to the Governor for sign or veto

SB 175 - State Government; clarify meaning of criminal action; replace Dept. of Administrative Services with Office of Treasury/Fiscal Services

SB 175 amends 45-9-1 of the O.C.G.A., relating to general provisions relative to insuring and indemnification of state officers and employees; criminal proceeding is clarified to include, but not be limited to, any criminal cause of action, suit, investigation, subpoena, warrant, request for documentation or property, or threat of such action whether formal or informal where such action arises out of the performance of official duties. The bill replaces Department of Administrative Services with Office of Treasury and Fiscal Services in relation to dissolution of electric membership corporations. The bill also provides that the request for bids pursuant to the competitive sealed bidding process and the Department of Administrative Services regulations, discussions may be conducted with qualified bidders for the purposes of clarification. The Department is authorized to solicit multiple revisions to bids for the purpose of obtaining the most advantageous bid to Georgia. The award shall be made to the lowest responsive and responsible bidder whose bid is determined to be the most advantageous taking into consideration the quality of the articles to be supplied and conformity with the standard specifications which have been established, the discount allowed for prompt payment, the transportation charges, the date of dates of delivery, and any other cost affecting the total cost of ownership. No other factors or criteria shall be used in the evaluation.

SB 175 was PASSED by both chambers. It now goes to the Governor for signature or veto.

SB 328 - Georgia State Employee Savings Plan; deferred compensation plan; employer contribution; provide rules/regulations

This bill would provide for employer contributions to be made into a deferred compensation plan for certain members. Such members would then receive a retirement allowance through the ERS at a reduced rate. This bill would apply to persons who first become members on or after January 1, 2009 and to persons who again become members on or after such date if the member did not have a vested right to be reinstated in the ERS. All persons affected by this bill would be required to have an account in the deferred compensation plan offered by the State for public employees.

SB 328 was PASSED by both chambers. It now goes to the Governor for signature or veto.

SB 358 - Georgia Uniform Securities Act of 2008; repealing it in its entirety and enacting a new chapter

SB 358 is known as the "Georgia Uniform Securities Act of 2008". This bill updates Georgia's current securities laws. It provides for qualified immunity and civil and criminal penalties. It also provides for administration and judicial review.

SB 358 was PASSED by both chambers. It now goes to the Governor for signature or veto.

SB 374 - Liens; revise certain time periods of filing materialmen's/mechanic liens; provide for certain notices regarding waiver of liens or claim upon bond

SB 374 amends Part 3 of Article 8 of Chapter 14 of Title 44, relating to mechanics and materialmen. It revises certain time periods for filing materialmen's and mechanics' liens and provides for certain notices regarding waiver of lien or claim upon bond. This bill provides that certain notices shall be sent by registered or overnight mail or statutory overnight delivery. It also provides that certain liens are unenforceable if an action is not commenced within 12 months.

SB 374 was PASSED by both chambers. It now goes to the Governor for signature or veto.

SB 387 - Absentee Ballots; allow electors to request/cast without stating a reason; allow electronic submission of requests by certain electors

SB 387 makes 4 main changes in the process of using absentee ballots. There will no longer be a Monday-Friday time restriction, the person requesting an absentee ballot will not be forced to give a reason, certain people overseas will be able to request ballots electronically instead of through the mail, and the registrar or absentee ballot clerk will compare signatures and other identifying information to make the process more secure and the storage of these ballots will also be more secure.

SB 387 was PASSED by both chambers. It now goes to the Governor for signature or veto.

SB 396 - Administrative Services Dept.; remove/transfer functions; Council of Superior Court Judges of Ga., Prosecuting Attorneys' Council

SB 396 allows for Superior Court Judges and Prosecuting Attorneys to be paid through their respective councils instead of through the Department of Administrative Services.

SB 358 was PASSED by both chambers. It now goes to the Governor for signature or veto.

SB 400 - Forestry/Fire; enforcement of laws; punishment of certain violations; forestry investigators; provide for qualifications/powers

This bill provides for enforcement of laws related to forestry and fire. Investigators who have been so appointed and who have been certified by the Georgia Peace Officer Standards and Training Council may arrest persons accused of violating any law or regulation which such investigator are empowered to enforce by the issuance of a citation, provided that the offense is committed in the presence of the investigator or information concerning the offense constituting a basis for arrest was received by the arresting investigator from a law enforcement officer who observed the offense being committed. The arresting investigator may issue to the accused person a citation which shall enumerate the specific charges against such person and the date upon which such person is to appear and answer such charges. Whenever an arrest is made by the arresting investigator on the basis of information received from another law enforcement officer who observed the offense being committed, such citation shall list the name of each officer, and each officer shall be present when the charges against the offender are heard. If any person charged by citation shall fail to appear in court as specified in the citation, the judge having jurisdiction of the offense may issue a warrant ordering the apprehension of such person and commanding that he or she be brought before the court to answer the charge contained within such citation and the charge of his or her failure to appear as required. Such person shall then be allowed to make a reasonable bond to appear on a given date before the court.

SB 400 was PASSED by both chambers. It now goes to the Governor for signature or veto.

SB 405 - Georgia Revised Uniform Anatomical Gift Act; enactment; definitions; provide for anatomical gift

SB 405 amends Chapter 5 of Title 44 of the O.C.G.A., relating to acquisition and loss of property, so as to provide for the enactment of the "Georgia Revised Uniform Anatomical Gift Act" and to repeal the "Georgia Anatomical Gift Act". This bill is concerned with the issue of anatomical gifts and provides definitions as well as determines who may make an anatomical gift and in what manner. This bill also prohibits the sale or purchase of body parts while providing for penalties and immunity.

SB 405 was PASSED by both chambers. It now goes to the Governor for signature or veto.

SB 406 - Offenses; increase penalties for reproducing, transferring, selling, distributing certain recorded material; forfeiture of certain terms

SB 406 amends Article 3 of Chapter 8 of Title 16 relating to criminal reproduction and sale of recorded material, so as to increase penalties for reproducing, transferring, selling, distributing, or circulating certain recorded material. This bill also provides for forfeiture of certain items as well as restitution as it relates to violations of Code Section 16-8-60, relating to reproduction of recorded material, transfer, sale, distribution, and circulation.

SB 406 was PASSED by both chambers. The bill now goes to the Governor for sign or veto.

SB 412 - Motor Vehicles; change nomenclature from "air bag" to "life bag" and "safety belt" to "life belt"

This bill would change references in Georgia Code from "seat belt" to "life belt" and from "air bag" to "life bag". In addition the bill adds light-emitting diode (LED) lights (along with strobe lights) as a safety feature for emergency vehicles; any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or posts which extend more than for feet beyond the rear of the body or bed of the vehicle.

The manufacturers, distributors, dealers, and sellers of a motor vehicle are immune from civil liability for any injuries caused by the failure of a life bag to deploy when the life bag has been disconnected, turned off, or otherwise disabled by the owner, lessee, or operator of the motor vehicle or an agent of the owner or lessee of the motor vehicle.

The House Motor Vehicles Committee voted to leave SB 412 on the TABLE.

SB 421 - False Identification Documents; change penalties based upon the age of the convicted person/nature of crime

This bill concerns the penalties associated with convictions for manufacturing, selling, or distributing false identification, so as to change the penalties to be based upon the age of the person convicted and the nature of the crime.

SB 421 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SB 425 - Insuring/Indemnification; Commissioner of Admin. Services; amend certain provisions; establish incentive programs

This bill relates to insuring and indemnification, so as to amend certain provisions pertaining to providing insurance coverage by the commissioner of administrative services. It authorizes the Department of Administrative Services to establish incentive programs including differential premium rates and deductibles based on loss histories of state agencies, institutions, and authorities, and such entities' participation in loss control programs. It also repeals provisions relating to employee operation of state motor vehicles.

SB 425 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SB 453 - Controlled Substances; add the state as entity authorized to govern certain criminal activity; designated areas for recreational purpose

SB 453 allows for municipalities to police and arrest for controlled substances in state authority parks

SB 453 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SB 455 - O.C.G.A.; correct errors/omissions

This is an annual bill to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions in the O.C.G.A.

SB 455 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SB 456 - O.C.G.A.; correct/omissions

This is an annual bill to correct typographical, stylistic, capitalization, punctuation, and other errors in Title 21 of the O.C.G.A (election laws).

SB 456 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SB 460 - Superior Court Clerks' Retirement Fund; membership dues in such fund; creditable service; provide a penalty

This bill would amend several provisions relating to the collection of membership dues, fines, and fees relating to the Superior Court Clerks' Retirement Fund. Members would be assessed a late charge if membership dues remain unpaid for 60 days from the due date. Members would not receive creditable service for any month in which dues are in arrears on the last day of the calendar year in which such payments were due. The bill also specifies that the authority responsible for collecting payments for Superior Court Clerks' Retirement Fund must remit payments to the Fund on a monthly basis, or at such other times as the Board provides. These payments will be due on the first of the month, but would be considered timely if received by the 15th day of the month following the month following the month in which the payments were collected. They would be considered late if they are not remitted to the Fund within 60 days of the date on which such remittal is due, and penalties would be imposed. Finally, this bill would authorize the Board to establish a rule or regulation authorizing certain surviving spouses to receive benefits in the event the member dies prior to retirement, provided the member satisfied all requirements for retirement except for being 55 years old. If such rule or regulation is established, the surviving spouse would receive a monthly sum during his or her lifetime that is not greater than 50% of the amount such member would have received. The actual percent will be set by the Board of Trustees.

SB 460 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SB 474 - Minors; provide availability of parental controls over Internet access

This bill provides for the availability of parental control over internet access by children. If an Internet access provider knows that a subscriber currently resides in Georgia, the provider shall make available to the subscriber a product or service that enables the subscriber to control a child's use of the Internet by blocking a child's access to specific websites or domains, restricting their access to specific websites or domains, and allowing the subscriber to monitor the child's internet activity by providing a report of the websites visited. This bill proposes model curriculum for educating students on internet safety. Any person required to register with the state sexual offender registry may, as a condition of probation, be subject to one or more of the following provisions and conditions while remaining on the state sexual offender registry: (1) Continued supervision, either in person or through remote monitoring, of the person's incoming and outgoing e-mail and other Internet based communication for evidence relevant to any crime that would require registration with the state sexual offender registry; (2) Continued supervision, either in person or through remote monitoring, of the person's history of websites visited and content accessed for evidence relevant to any crime that would require registration with the state sexual offender registry; and (3) Periodic unannounced inspections of the contents of the person's computer or any other device with Internet access and the removal of such information, computer, device, or medium to conduct a more thorough inspection for evidence relevant to any crime that would require registration with the state sexual offender registry. If the Internet was used by the individual in the commission of a crime that would require registration with the state sexual offender registry, the court, as part of its sentence, may limit or restrict the person's Internet access in a manner tailored to prevent further use of the Internet by the person to commit any such crime.

SB 474 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SB 482 - Government; state law library; repeal chapter 11

This bill amends Title 50, relating to state government so as to repeal Chapter 11, relating to the State Law Library. It also deletes references to the State Law Library. This bill designates the number of copies of Georgia Laws and the journals of the House of Representatives and the Senate the different courts are authorized to get.

SB 482 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SB 488 - Drivers' Licenses; allow foreign nationals to keep license from their home country; exempt nonresidents; meet all licensing requirements in Georgia

This bill allows foreign nationals to keep their license from their home country, exempts nonresidents from getting a Georgia license as long as they meet all licensing requirements in Georgia except for residency, and provides that certain foreign nationals also have in their immediate possession an international driving permit. It also provides that verification of lawful presence in the United States is necessary to receive a temporary driver's license. The bill states that the maximum term of a temporary license is three years. It also provides for retention of personal identification cards by non-citizens in certain circumstances.

SB 488 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SB 508 - Probate Courts; update/change provisions

SB 508 updates and changes provisions affecting the probate courts. It updates a reference to a conservator involving incompetency or incapacity of a principal on a power of attorney. This bill provides for quarterly terms of court rather than monthly. The probate court shall be held at the place prescribed for the superior court or in the office of the judge of the probate court in each county, on the first Monday in January, April, July, and October.

SB 508 changes provisions relating to the composition of the Probate Judges Training Council. The training council shall consist of one member from each district as elected by the judges of the probate courts within such district. The elections shall occur prior to the annual spring business meeting of The Council of Probate Court Judges of Georgia. Training council members shall serve four-year terms; provided, however, that members from odd-numbered districts shall serve an initial term of two years and members from even-numbered districts shall serve an initial term of four years.

This bill also provides for change in provisions relating to sealing of records of minors. Sealed records of minors may be examined by the ward and the ward's legal counsel, the minor, the minor's parents, and the minor's legal counsel.

SB 508 provides for recordation of certain information relating to real property when no administration is necessary; and eliminates the year support as a bar for probate of a will after five years.

SB 508 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SB 529 - Rules of the Road; commit the offense of felony hit and run; provide for offense of homicide by vehicle, vessel

This bill relates to the uniform rules of the road, so as to provide for an offense of homicide by vehicle where a person has committed the offense of felony hit and run and the accident resulted in the death of the person. It provides that a person who fails to stop and render aid under certain circumstances has committed the offense of hit and run. Where a person injured in such accident is unconscious, appears deceased, or is otherwise unable to communicate, the person that hit them must make every reasonable effort to ensure that emergency medical services and local law enforcement are contacted for the purpose of reporting the accident and making a request for assistance. This offense is punishable by imprisonment for not less than three years or more than 15 years. This bill amends Article 1 of Chapter 7 of Title 52 of the O.C.G.A., relating to general provisions pertaining to the registration, operation, and sale of watercraft, so as to provide for an offense of homicide by vessel where a person has operated a vessel in such a manner as to cause a collision or accident and knowingly fails to stop and attempt to render assistance.

SB 529 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SB 531 - Foreclosure; conduct by the current owner/holder of mortgage; require

This bill relates to foreclosure on mortgages, conveyances to secure debt, and liens, so as to require a foreclosure to be conducted by the current owner or holder of the mortgage, as reflected by public records. It also provides for the identity of the secured creditor to be included in the advertisement and in court records.

SB 531 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SR 445 - Joint Commercial Sexual Exploitation of Minors Study Commission; create

Creating the Joint Commercial Sexual Exploitation of Minors Study Commission composed of 12 members. The President of the Senate shall appoint 3 members of the Senate as members of the commission, the Speaker of the House shall appoint three members of the House as members of the commission, the Governor shall appoint an additional six members of the commission (one local police chief, one DA, one juvenile court judge, one superior court judge, one public defender, and one representative of child advocacy).

SR 445 was ADOPTED by both chambers.

SR 1012 - Public Property; conveyance; 10 counties

This is a resolution authorizing the conveyance of certain state owned real property located in Bartow County, Bulloch County, Cherokee County, Lowndes County, and Mitchell County, Georgia. It also authorizes the conveyance by exchange of certain state owned real property in Brantley County, Georgia authorizing the conveyance of certain state owned real property located in Bulloch County, Georgia and easement over certain state owned real property located in Troup County, Georgia. The deeds of conveyances, leases, and grants of easements shall be recorded in the Superior courts of these counties.

SR 1012 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

SR 1020 - Senate Sexual Exploitation of Minors Study Committee; create

This bill creates a Senate study committee on the sexual exploitation of minors.

SR 1020 was ADOPTED by the Senate.

SR 1093 - Creation of a Georgia MethCheck Data Base; create Senate Study Committee; appointment

A resolution creating the Senate Study Committee for the Creation of a Georgia MethCheck Data Base.

SR 1093 was ADOPTED by the Senate.

SR 1147 Fleeing and Law Enforcement Pursuits; create Senate Study Committee

A resolution creating the Senate Study Committee on Fleeing and Law Enforcement Pursuits.

SR 1147 was ADOPTED by the Senate.

SR 1187 - Senate Children's Mental Health in Georgia Study Committee; create

A resolution creating the Senate children's mental health in Georgia study committee.

SR 1187 was ADOPTED by the Senate.

SR 1288 - Senate Study Committee on the Organization of Mental Health, Developmental Disabilities, and Addictive Diseases Services; create

A resolution creating the Senate Study Committee on the Organization of Mental Health, Developmental Disabilities, and Addictive Diseases Services.

SR 1288 was ADOPTED by the Senate.

HB 89 - Firearms; carrying and possession; change provisions

HB 89 is known as the "Business Security and Employee Privacy Act." It creates a felony for any person who attempts to solicit, persuade, encourage, or entice and dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person. The bill allows any person with a license to carry a weapon to carry such weapon in parks, historic sites, wildlife management areas, or recreational areas, including all publicly owned buildings located in these areas. It also allows such person to carry a firearm on public transportation, provided they do not carry it into a place where firearms are prohibited by federal law. Such person may not consume alcoholic beverages in a restaurant or eating establishment while carrying a firearm. Doing so would constitute a misdemeanor offense.

HB 89 changed certain provisions relating to the issuance of licenses and license renewals for carrying weapons so that the judge of the probate court shall, within 2 business days following the receipt of the application or request, direct the law enforcement agency to request a fingerprint based criminal history records check and a conduct background check and return an appropriate report to the probate judge. The law enforcement agency has 30 days to report their findings to the judge. No later than 10 days after the judge of the probate court receives the report from the law enforcement agency, the judge shall issue such applicant a license or renewal unless the judge determines the applicant has not met all the qualifications, is not of good moral character, or has failed to comply with any of the requirements. The judge shall date stamp the report to show the date on which it was received.

This bill also prohibits private or public employers from conditioning employment on any agreement that would prohibit a licensed employee from entering the parking lot with a firearm.

It added the language of **HB 257** which provides for constables to carry firearms in publicly owned or operated buildings and exempts them from the prohibition of carrying weapons within school safety zones, at school functions, or on school property, provided however, that a courthouse security plan may prohibit the carrying of a pistol.

HB 89 was appointed a conference committee. The conference committee report on HB 89 was ADOPTED by both chambers and now goes to the Governor for signature or veto.

HB 111 – Delayed birth certificates; petitions in probate and superior court; permit

Amend Chapter 10 of Title 31. Permit petitions for delayed birth certificates to be filed in the probate court as well as the superior court.

HB 111 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 119 - Certain justices and judges; annual salaries; increase

HB 119 increases the appellate court judges' and the superior court judges' salaries by 5% starting on July 1, 2009. . The amounts, which include COLA increases, are as follows: Supreme Court Justices - \$179,960, Court of Appeals Judges - \$178,858, and Superior Court Judges - \$129, 421.

*An amendment was added that adds the language of **HB 319** to the bill which would increase the annual salaries of district attorneys by 5% from \$107,900 to \$123,073.24.*

HB 119 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 188 – Jury duty; primary caregiver of certain persons; provide exemption

Amend 15-12-1. Provide for an exemption from jury duty for a primary unpaid caregiver of a person aged six or older with physical or cognitive limitations. Any person seeking the exemption shall furnish the Court, in addition to the aforementioned affidavit, a statement of a physician, or other medical provider, supporting the affidavits statements related to the persons medical condition.

HB 188 was PASSED by both chambers. The bill now goes to the Governor for a signature or veto.

HB 255 – Public retirement systems; public employment related crime; expand definition

HB 255 expands the definition of “public employment related crime” to include federal convictions and also defines “economic impact of a public employment related crime”. If a public employee commits a public employment related crime, upon final conviction such employee shall forfeit all rights and benefits under and membership in any public retirement system in which the employee is a member, effective on the date of final conviction. Any such public employee shall not at any time after such final conviction be eligible for membership in any public retirement system. Any employee contributions made by any such public employee to any public retirement system during membership in the public retirement system shall be reimbursed, without interest, to the public employee within 60 days after the date of final conviction. Such person’s benefits, including any survivor’s benefits if applicable, shall be reduced by an amount equal to three times the economic impact of the crime.

HB 255 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 257 - Firearms; public gatherings; allow constables to carry weapons

This bill provides for constables to carry pistols in publicly owned or operated buildings.

Amendment 1 would provide that if there is a courthouse security plan, they may prohibit the carrying of a firearm.

Amendment 1 was ADOPTED.

Amendment 2 says that if a person has a license to carry a firearm, they may do so on public transportation and in restaurants. But if the restaurant serves alcohol, the person carrying the weapon may not consume any alcohol.

Amendment 2 was ADOPTED.

HB 257 PASSED the Senate floor with a vote of 37-14. House failed to take a vote on agreeing to the Senate amendment.

HB 280 - Controlled substances; sale of marijuana flavored products to minors; ban

This bill bans the sale of marijuana flavored products to minors. Any person who violates this law shall be subject to a fine of \$500 for each offense.

HB 280 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 333 – Weapons; crime or delinquent act; provisions

This bill amends the original Code Section 17-5-52 of the Official Code of Georgia Annotated by providing language that would allow any law enforcement agency (e.g. chief of police), not necessarily the sheriff, to confiscate and retain weapons used during the commission of a crime. When the weapon is no longer needed for evidentiary purposes, the agency involved with possession of the weapon may retain, destroy, or sell it with proceeds going to the involved entity.

Sen. Vincent Fort (D-Atlanta) proposed amendment 1 which is the “no knock warrant” bill.

The amendment was found not to be germane to the bill.

HB 333 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 336 - Driving under the influence; mandatory sentences; increase

Upon a first DUI conviction, a person shall be guilty of a misdemeanor and punishable of up to 12 months imprisonment and/or a fine of not less than \$300.00 and not more than \$1,000.00. A second conviction within ten years shall be guilty misdemeanor and shall be punished with up to a 12 month imprisonment and/or paying a fine of not less than \$600.00 and not more than \$1,000.00. A third DUI conviction within ten years shall be guilty of misdemeanor of a high and aggravated nature, and shall be punished up to 12 months in jail and/or pay a fine not less then \$1,000 and not to exceed \$5,000. A fourth DUI conviction within ten years shall be guilty of a felony and shall be punished up to 5years in jail and/or pay a fine not less then \$1,000 and not to exceed \$5,000.

HB 336 was PASSED by both chambers. The bill now goes to the Governor for sign or veto.

HB 373 - Public Safety, Department of; State Patrol; retirement benefits; amend

This bill relates to retirement benefits in the Employees' Retirement System of Georgia for those in service in the Uniform Division of the Department of Public Safety, so as to provide that such persons may return to full-time employment and retain their retirement benefits.

An amendment was added to include members of the Georgia judicial retirement system.

The amendment was ADOPTED.

HB 373 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 422 Specialized land transactions; minimum amount for liens; provide

HB 422 amends Chapter 3 of Title 44, relating to regulation of specialized land transactions. No foreclosure action against a lien arising out of this subsection shall be permitted unless the amount of the lien is at least \$2,000.

HB 422 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 470 - Georgia Lemon Law; enact

HB 470 enacts the "Georgia Lemon Law". The manufacturer shall publish an owner's manual and provide it to the new motor vehicle dealer. The manual shall include contact information. At the time of purchase, the dealer shall provide a written statement that explains the consumer's rights under this article. If a consumer reports nonconformity during the lemon law rights period, the manufacturer/agent/dealer shall be allowed a reasonable number of attempts to repair and correct the nonconformity. If the nonconformity cannot be fixed the consumer shall give written notice to the manufacturer of the need to repair and correct the nonconformity. If the manufacturer is unable to correct nonconformity after the final attempt or the vehicle has been out of service for 30 days, the manufacturer shall repurchase or replace the vehicle. The manufacturer shall have 10 days from receipt of the notice to repurchase or replace the vehicle. If a manufacturer fails to replace or repurchase the vehicle the consumer may move to compel replacement or repurchase by applying for arbitration. A consumer whose dispute is determined to be ineligible for arbitration may appeal that determination. The decision of the arbitrator is final unless a party appeals the decision to the superior court within 30 days. A fee of \$3.00 shall be collected by the dealer from the consumer at completion of sale of each new vehicle that will be deposited in the new motor vehicle arbitration account. A violation of this article shall constitute an unfair and deceptive act or practice in conduct of consumer transactions.

HB 470 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 515 Lottery for Education Act; define certain terms; provisions

This bill amends Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the "Lottery for Education Act". It provides that under certain circumstances, lottery winnings may be assigned. The right of a person to a prize payable by the corporation in installment payments may be voluntarily assigned as a whole or in part if the assignment is made to a person designated in accordance with an order of the superior court in the county where the corporation is located. Under an appropriate judicial order, any prize or any portion of a prize or any right of any person to a prize awarded payable by the corporation in installment payments

may be paid to any person other than the winner. On the filing by the assignor or the assignee in the superior court of a petition seeking approval of a voluntary assignment, the filing party shall schedule a hearing on such petition and serve notice of the hearing on all interested parties. The court shall conduct an evidentiary hearing.

Written notice of the petition and proposed assignment and any court hearing concerning the petition and proposed assignment shall be given to the corporation's counsel at least ten days before a court hearing. The corporation need not appear in or be named as party to an action that seeks judicial approval of an assignment but may intervene as of right in the action. A certified copy of a court order approving a voluntary assignment shall be given to the corporation not later than ten days before the date on which the payment is to be made. Written notice of the petition and proposed assignment and any court hearing concerning the petition and proposed assignment shall be served by certified mail to the last known address of any interested party. The interested party need not appear in or be named as party to an action that seeks judicial approval of an assignment but may intervene as of right in the action.

The corporation, not later than ten days after receiving a certified copy of a court order approving a voluntary assignment, shall send the assignor and the assignee written confirmation of the court approved assignment and the intent of the corporation to rely on the assignment in making payments to the assignee named in the order free from any attachments, garnishments, or executions. Each court order issued under subsection (c) of this Code section shall provide that any delinquent child support or criminal restitution obligations of the assignor and any debts owed to a state agency by the assignor, as of the date of the court order, shall be set off by the corporation first against remaining payments or portions thereof due the prize winner and then against payments due the assignee. A court order or a combination of court orders under this Code section may not require the corporation to divide a single prize payment among more than three different persons. If the federal Internal Revenue Service or a court of competent jurisdiction issues a determination letter, revenue ruling, or other public document declaring that the voluntary assignment of prizes will affect the federal income tax treatment of lottery prize winners who do not assign their prizes, then within 15 days after the corporation receives the letter, ruling, or other document, the director of the corporation shall file a copy of it with the Attorney General and a court may not issue an order authorizing a voluntary assignment.

HB 515 was PASSED by both chambers. The bill now goes to the Governor for signature of veto.

HB 535 - Mental health; patient advocacy board; create

This bill creates a patient advocacy board and the position of Patient Advocate General to investigate fatalities and allegations of abuse, neglect, or improper treatment occurring in facilities operated by, subjection to certification by, or under contact with the Division of Mental Health, Developmental Disabilities, and Addictive Diseases.

HB 535 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 750 - Sumter County; probate court judge; nonpartisan elections; provide

This bill provides that the future election of judge of the probate court of Sumter County shall be nonpartisan elections after January 1, 2008.

HB 750 PASSED the House Floor by a vote of 156 - 1.

HB 958 - Magistrate court; certain judgments; clarify appeal procedure

HB 958 amends 15-10-3 of the O.C.G.A., relating to civil proceedings in magistrate court by stating that no appeal shall lie from a default judgment or a dismissal for want of prosecution after a nonappearance of a plaintiff for trial. Any voluntary dismissal by the plaintiff or by order of the court for want of prosecution shall be without prejudice except that the filing of a second such dismissal shall operate as an adjudication upon the merits. Review, including review of denial of a post judgment motion to vacate a judgment, shall be by certiorari to the state court of that county or to the superior court of that county. Review of a denial of a post-judgment motion to vacate a judgment shall also be by certiorari to the state or superior court of that county.

At the request of any individual, the judge or clerk may prepare a statement of claim which shall include a brief statement of the claim giving the defendant reasonable notice of the basis for each claim contained in the statement of claim and the address at which the plaintiff desires to receive notice of hearing. It also eliminates the 30 day time frame in which to file interrogatories.

HB 958 was appointed a conference committee. The conference committee report was ADOPTED by both chambers. The bill now goes to the Governor for signature or veto.

HB 960 Ecstasy; certain trafficking; bailable only before superior court judge; require

HB 960 would make certain charges relative to the drug ecstasy bailable only in the superior court.

HB 960 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 975 - County or municipal corporations; authorizing documents; provisions

HB 975 relates to counties and municipal corporations in general and makes it unlawful for any county or municipal corporation to issue any backdated license, permit, or other similar authorization under certain circumstances. This bill also provides for a criminal penalty and an effective date.

HB 975 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 978 - Traffic accidents; illegal immigrants; seize vehicle; allow law enforcement

HB 978 states that if any motor vehicle is involved in an accident or violation of traffic laws while being operated by a person who is not licensed as required by subsection (a) of Code Section 40-5-20, the arresting law enforcement agency shall impound the vehicle. To get the car back, the person claiming the vehicle must present a valid Georgia driver's license, valid vehicle registration, proof of insurance, and proof of ownership. The law enforcement agency will charge a fine no less than \$1000.

Amendment 1 provides that the vehicle owner's spouse, child, parent may pick up the vehicle upon proof of relationship to the owner and after displaying an unexpired driver's license

Amendment 2 provides for an exemption in case of emergencies.

Amendment 3 changes the date that the code section shall be repealed to June 30, 2013.

Amendment 1 was ADOPTED.

Amendment 2 was ADOPTED.

Amendment 3 was ADOPTED.

HB 978 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 990 - FY 09 Appropriations

This is a bill to make and provide appropriations for the State Fiscal Year beginning July 1, 2008, and ending June 30, 2009.

HB 990 was appointed a conference committee. The conference committee report on HB 990 was ADOPTED by both chambers. The bill now goes to the Governor for signature, veto or line-item veto.

HB 993 - Absentee voting; casting ballot in person; provisions

This bill allows voters that are 75 years of age or older to receive preferential treatment when casting their ballots.

HB 993 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1000 - Watercraft Certificate of Title Act; enact

HB 1000 relates to state water, ports and watercraft. It makes it mandatory for a watercraft to be titled if it was purchased after January 1, 2008 with a few exceptions. A person convicted of a felony for the violation of a provision of this chapter shall be punished by a fine not less than \$500.00, nor more than \$5,000.00, by imprisonment for not less than one year, nor more than five years, or by both fine and imprisonment.

HB 1000 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1018 Superior court fees; recording an instrument; cross-indexing; provide additional filing fees

This bill concerns the filing of fees by clerks of Superior Courts. It allows a clerk of a Superior Court to charge a \$2 fee when he is required to cross-index documents. Furthermore, the bill authorizes the use of electronic means for recording. This includes, but is not limited to, real estate, personal property, liens, plats, and any other instruments. The clerk shall be authorized to make such entry or notation through electronic or automated means rather than entering such information manually in paper books or dockets.

HB 1018 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1020 - Civil and criminal cases; minors; certain sexually explicit or obscene evidence; restrict access

HB 1020 restricts access to certain sexually explicit or obscene property or material which is evidence in civil and criminal cases involving minors. It amends Chapter 16 of Title 17, relating to discovery in felony cases and amends Chapter 18 of Title 50, relating to open records. This bill provides for controlled access to such property or materials.

HB 1020 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1027 - Defensive driving courses; alcohol or drug programs; curriculum; provisions

This bill concerns driver improvement courses. It concerns any driver improvement programs that a person is required to attend by the court. It creates a provision for online and other technology based courses to be regulated by the Department of Drivers Services (DDS). Courts can only order people to attend programs that are licensed and approved by DDS. Unlicensed programs will no longer be recognized. Courts shall have the discretion to order or authorize individuals to attend or register for on-line or classroom driver improvement programs that are licensed and approved by the department. On or after July 1, 2008 approved clinics shall charge a fee of \$75.00 for an internet or technology based driver improvement program and \$75.00 for a classroom driver improvement program. On or after July 1, 2009, approved clinics shall charge a fee of not more than \$75.00 for an internet or technology based driver improvement program and not more than \$75.00 for a classroom driver improvement program. The bill prohibits the creation or licensing of any Internet, online, or other technology based DUI Alcohol or Drug Use Risk Reduction Program.

HB 1027 was appointed a conference committee. The conference committee report was ADOPTED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1040 – Juvenile courts; deprived child; permanent guardian; grant jurisdiction

This bill grants juvenile courts with the jurisdiction to appoint a permanent guardian for a child whose custody is a subject of controversy before the court as a result of adjudication that the child is deemed deprived. The Juvenile court may enter an order of support on behalf of the minor child against the parents of the child. Orders shall remain in effect until the child reaches the age of majority (18). The court shall retain jurisdiction over guardianship for the sole purpose of entering an order following the filing of a petition to modify, vacate, or revoke the guardianship and to appoint a new guardian. The superior courts shall have concurrent jurisdiction for enforcement or modification of any child support order entered.

Other courts, in handling divorce, alimony, habeas corpus, or other cases involving the custody of a child or children, may transfer the question of the determination of custody or support to the juvenile court for investigation and a report back to the superior court or for investigation and determination.

HB 1040 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1051 – Child abuse; county multi-agency child fatality review committee; change certain provisions

HB 1051 amends Code Section 19-15-3, relating to the county multiagency child fatality review committee and reporting, by requiring each local review committee to issue an annual report no later than the first day of July in 2001 and in each year thereafter. By January 1 of each calendar year, the panel must submit a report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the Judiciary Committees of the Senate and House of Representatives regarding the prevalence and circumstances of child fatalities in the state.

HB 1051 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1054 - Children and Family Service Strengthening Act of 2008; enact

This bill consolidates the Children and Youth Coordinating Council with the Children's Trust Fund Commission, and places the functions of the Georgia Child Fatality Review Panel under the supervision of the Child Advocacy for the Protection of Children. It establishes the Governor's Office for Children and Families, which will be assigned to the Governor's Office of Planning and Budget. The Governor's Office for Children and Families will be the successor entity to the Children and Youth Coordinating Council and the Children's Trust Fund Commission. The bill transfers the functions and duties of the Children's Trust Fund Commission to the Governor's Office for Children and Families effective July 1, 2008. This bill establishes an executive director of the Governor's Office for Children and Families, and an advisory board.

HB 1054 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1066 - Alcoholic beverages; vaporized forms; prohibit certain conduct

This bill bans the purchase, sale, or use of any vaporized form of alcoholic beverage. Any person in violation of this will be guilty of a misdemeanor upon conviction. It would also make selling or contributing to minors purchase sale, or use of any vaporized form of alcoholic beverage a misdemeanor on the first offense and a misdemeanor of a high or aggravated nature on the second offense.

HB 1066 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1086 - Court bailiffs; maximum per diem; eliminate

HB 1086 amends Code Section 15-12-7, relating to compensation of court bailiffs and expense allowance for jurors to be fixed by the grand jury and increases, so as to eliminate the maximum per diem allowed to court bailiffs. It also eliminates the governing authorities' approval of increases in compensation for court bailiffs.

HB 1086 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1090 – Controlled substances; Schedule I, II, III and IV; change certain provisions

HB 1090 amends Chapter 13 of Title 16, relating to controlled substances, so as to change certain provisions relating to Schedule I, II, III, and IV controlled substances and to change certain provisions relating to the definition of "dangerous drug".

HB 1090 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1093 - Liquidated damages; demand; change certain provisions

This bill concerns the inaction of grantees to comply with the furnishing of cancellations. The bill provides a remedy in the amount of \$500, plus attorney's fees, for the grantor in the situation where the grantee does not comply.

HB 1093 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1098 - Primaries and elections; election superintendents; provisions

HB 1098 adds municipalities to the code for elections. It requires election superintendents to provide notice to the Secretary of State of certain primaries and elections.

HB 1098 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1111 - Drivers' licenses; requirements; fees; provisions

This bill provides for information to be released by the Department of Driver Services for purposes of voter registration. In addition, HB 1111 provides for any person failing to pass a driving test to pay the license fee as a testing fee.

The Department of Drivers' Services must send notice of suspension of driver's license, via certified mail, to the driver's mailing address on the license. This notice will satisfy all notice requirements of law. All uniform traffic citations must include language that failure to appear and respond will result in suspension of driver's license. Permits are renewable upon a \$5.00 fee, and can be renewed until license is reinstated. Identification cards can be renewed by mail, online or in person, and a free replacement card can be obtained within remaining term of card.

The Department of Drivers' Services shall obtain the driving record of any person applying for a commercial driver's license from any other state that person has been licensed. Any commercial driver convicted of violating an out-of-service order shall be subject to a civil penalty of not less than \$2,500 for first offense and not less than \$5,000 for subsequent offense. Any employer knowingly allows or requires a driver to drive in violation of an out of service order shall be subject to a civil penalty of not less than \$2,750 and not more than \$25,000.

HB 1111 also allows for light-emitting diode (LED) lights to be placed on trailing carrying logs, pulpwood, poles or posts which extend more than four feet beyond rear.

HB 1111 was appointed a conference committee. The conference committee report on HB 1111 was ADOPTED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1112 - Elections and primaries; municipal election superintendents; provisions

This bill amends provisions relating to the completion of a certification program by municipal election superintendents. Any county or municipal election superintendent appointed prior to January 1, 2008, who has not met the certification requirement, shall complete a certification program approved by the Secretary of State by no later than December 31, 2008. It also provides for a special election for a United States congressional representative in the event of an extraordinary circumstance where there are more than 100 vacancies in the United States House of Representatives. The Secretary of State may, by agreement with the commissioner of the Department of Corrections, obtain criminal information relating to the conviction, sentencing, and completion of sentencing requirements of felonies involving moral turpitude. Additionally, the Secretary of State shall be authorized to obtain such criminal information relating to Georgia electors convicted of felonies involving moral turpitude, if possible, from other states. In extraordinary circumstances, the registrar or absentee ballot clerk shall determine if the applicants are eligible to vote under this Code section and shall either mail or issue the absentee ballots for the election for representative in the United States Congress to an individual entitled to make application for absentee ballot the same day any such application is received, so long as the application is received by 3:00 P.M., otherwise no later than the next business day following receipt of the application. Any valid absentee ballot shall be accepted and processed so long as the ballot is received by the registrar or absentee ballot clerk no later than 45 days after the ballot is transmitted to the absent uniformed services voter or overseas voter, but in no event later than 11 days following the date of the election. Any person who uses or threatens violence to any poll officer in a manner that would prevent a reasonable poll officer or actually prevents a poll officer from the execution of his or her duties shall be guilty of a felony. Any person who votes or attempts to vote by absentee ballot at any primary or election under Article 10 of this chapter and who knows that he or she is not qualified to vote shall be guilty of a felony.

HB 1112 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1113 - State purchasing; definitions; provisions

Any person who uses state funds through purchase orders, government contracts, credit cards, charge cards or debit cards for his or her own personal benefit will be charged with a misdemeanor of high and aggravated nature if the total amount does not exceed \$500. If the total amount exceeds \$500, the person will be charged with a felony. In addition to fines and imprisonment, restitution equal to the amount of unlawful purchases plus 12 percent interest per year must be paid. Any person assisting in using state funds for personal benefit will be charged with the same penalty. Any person who uses travel advance from state funds will also be charged with a misdemeanor of high and aggravated nature if the amount does not exceed \$500 and a felony if the amount does exceed \$500. HB 1113 also establishes regulations for purchase cards provided by the State of Georgia.

HB 1113 was appointed a conference committee. The conference committee report was ADOPTED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1116 - Probation Management Act of 2004; modify certain provisions

HB 1116 amends the Probation Management Act of 2004, relating to jurisdiction over certain misdemeanor offenders, designation of place of confinement of inmates, and reimbursement of counties for housing state inmates by changing the county reimburse to \$25.00 from \$7.50 per day per inmate if the inmate is not transferred within the 15 days.

HB 1116 removes the language in code section 42-5-50 that relates to convicted persons remaining in county jail instead of transferring to a correctional institution in order to be present for trial. Department of Corrections day reporting center was added to a list of alternative sanctions. The bill further states that a preliminary hearing for violation for probation is not required if the administrative hearing is held within 15 days of arrest.

The bill further states that a hearing officer's decision shall be final unless the options system probationer files for review with the senior hearing officer. The request for review shall be filed within 15 days of the issuance of the department's decision. The request for review shall not stay the department's decision. The senior hearing officer shall issue a response within seven days of receipt of the review request. The senior hearing officer's decision shall be final unless the options system probationer files an appeal in the sentencing court. This section only applies to judicial circuits where the department has allocated certified hearing officers.

HB 1116 was appointed a conference committee. The conference committee report was ADOPTED by both chambers. The bill now goes to the Governor for sign or veto.

HB 1163 - Brunswick Judicial Circuit; fifth judge for superior courts; provide

HB 1163 creates three new judgeships. A fifth judgeship in the Brunswick Judicial Circuit, a fifth judgeship in the Alcovy Judicial Circuit and a twentieth judgeship in the Atlanta Judicial Circuit. All judgeships will be appointed by the Governor starting on July 1, 2009 for a term to expire on December 31, 2010. After the terms expire on December 31, 2010, the judgeship position will then be elected.

HB 1163 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1245 - Indigent defense; revise matters; senior judges; change certain provisions

HB 1245 deals with courts and legal defense for indigents. It addresses the issues of funding, budgeting, and the organization of providing indigent defense. HB 1245 provides that a senior judge shall not be assigned, designated, or preside in any criminal case involving a capital offense for which the death penalty may be imposed, unless the judge had previously been assigned or designated and presided over such case while serving as an elected superior court judge prior to attaining senior judge status. Provisions dealing with the remittance of funds were changed so that funds are to be remitted to the Georgia Superior Court Clerks' Cooperative Authority rather than the Georgia Public Defender Standards Council. The bill raises the bond fee to the lesser of \$100 or 10% of the original amount of bail or bond plus the lesser of an additional \$100 or 10% of the original amount of bail or bond. It changes the definition of an indigent changing the earning requirement from 125% of the federal poverty guidelines to 100%. It changes the definition of a juvenile indigent to mean an individual whose parents earn less than 125 % of the federal poverty guidelines unless there is evidence that the juvenile or their parents have other resources that might reasonably be used to employ a lawyer without undue hardship.

The bill changes provisions relating to the Georgia Public Defender Standards Council so that on or after July 1, 2008, the Lieutenant Governor and the Speaker of the House will be responsible for appointing members to the council instead of the Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals. The Director of the Georgia Public Defender Standards Council will now serve at the pleasure of the Governor instead of the Council.

The bill also appoints the mental health advocacy division as the successor to the office of mental health advocacy and transfers the powers and duties. The length of time in which entitlement to the services of council begins was changed from 72 hours to three business days after the indigent person is taken into custody or service is made upon him or her of the charge, petition, notice, or other initiating process and such person makes an application for counsel to be appointed. Any assistant public defender or other attorney employed full time by the circuit public defender who is compensated by state funds shall not engage in the private practice of law for profit or serve concurrently in any judicial office.

Funding for attorney's fees and expenses between \$150,000.01 and \$250,000.00 for each death penalty case shall be paid through state appropriations for 75 percent of such attorney's fees and expenses, and the county governing authority shall pay 25 percent of such attorney's fees and expenses. Funding for all attorney's fees and expenses in excess of \$250,000.00 for each death penalty case shall be paid through state appropriations for 50 percent of such attorney's fees and expenses, and the county governing authority shall pay 50 percent of such attorney's fees and expenses. In order to retain funding, a governing authority shall verify that the applicant qualifies as an indigent person.

HB 1245 was appointed a conference committee. Both chambers ADOPTED the conference committee report on HB 1245. The bill now goes to the Governor for signature or veto.

HB 1283 - Railroad corporations; presumptions; provisions

This bill provides that provide that occupancy of a railroad right of way is with the permission of the railroad corporation or railroad company, but such presumption may be rebutted. It provides for each railroad corporation and railroad company to record an official map in the superior court in which the land is situated. It also provides for courts to take judicial notice of the information on such official map that has been properly filed and recorded.

HB 1283 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1297 - Sexual assault protocol; afford greater protection to victims; change provisions

HB 1297 deals with sexual assault protocol and criminal procedure, respectively, so as to afford greater protection to victims of sexual crimes. It changes provisions for the preservation of evidence. This bill also gives the victim the right to have a forensic medical examination regardless of whether they participate in the criminal justice system or cooperates with law enforcement in pursuing prosecution of the underlying crime.

HB 1297 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1299 - Certain hospital authorities; contract with nonprofit corporations; require

This bill requires that certain hospital authorities contract with nonprofit corporations for the operation and management of its hospitals. A hospital authority that is not in compliance shall not receive trauma funding. Failure to contract with a nonprofit organization shall be considered a minimum function of a hospital authority for purposes of removal of members. The Georgia Trauma Care Network Commission shall withhold trauma funds from a hospital authority which does not contract with a nonprofit organization. A petition by any resident of any participating county of such hospital authority or the governing authority of such participating county of such hospital authority may be submitted to the superior court of the county wherein the hospital authority operates a hospital to require the hospital authority to comply with subsection (b) of this Code section. The judge of such court shall set a time for the hearing on such petition and after notice to the hospital authority shall hear and determine the petition.

No public hospital shall authorize or permit the performance of an abortion procedure in violation of federal or state law or that is not covered for reimbursement by Medicaid.

The House DISAGREED with the SENATE SUBSTITUTE to HB 1299.

HB 1321 Education; alleged inappropriate behavior by teacher or school personnel; provisions

This bill provides that falsifying reports regarding instances of alleged inappropriate behavior by a teacher or other school personnel is addressed in the student code of conduct. It establishes a state mandated process for students to follow in reporting instances of alleged inappropriate behavior by a teacher or other school personnel. It also provides for statements to local media outlets which reported on instances of alleged inappropriate behaviors. A student enrolled in a public school in this state who is at least ten years of age who maliciously and with the intention of harming a teacher, administrator, or other school employee makes a false accusation of inappropriate behavior against a teacher administrator, or other school employee to law enforcement authorities, school system officials or personnel, or both may, at the discretion of a court of competent jurisdiction, be subject to any of the following penalties: (A) Community service of a type and for a period of time to be determined by the court or (B) Any other sanction as the court in its discretion may deem appropriate.

HB 1321 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1346 – Theft; organized retail theft; create offense

HB 1346 amends Chapter 8 of title 16. The bill creates a new code section defining the term of organized retail theft. A person commits the offense of organized retail theft when two or more people are knowingly involved in the theft of retail property from a retail establishment in quantities that would not normally be purchased for personal use or consumption and aggregated over a 180 day period, with the intent to sell the retail property to a retail property fence or to place the stolen merchandise back into commerce for monetary or other gains. Any property constituting proceeds derived from or realized through a violation of this Code section shall be subject to forfeiture to the State of Georgia.

HB 1346 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1414 Douglas County State Court; additional judge; provide

HB 1414 amends the Act creating the State Court of Douglas County. Effective July 1, 2009 there shall be two judges of the State Court of Douglas County.

HB 1414 was PASSED by both chambers. It now goes to the Governor for signature or veto.

HB 1416 Fayette County State Court; judge; change qualifications and compensation

HB 1416 amends the Act creating the State Court of Fayette County, so as to change the compensation of the judge. The judge of the State Court of Fayette County shall receive as compensation an amount equal to 90 percent of the base salary of a judge of the superior courts in the State of Georgia plus 90 percent of the supplement paid to superior court judges of the Griffin Judicial Circuit.

HB 1416 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1437 Douglas County; board of elections; create

This bill creates a board of elections and registration for Douglas County and to provides for its powers and duties.

HB 1437 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1447 Sylvester, City of; provide new charter

This bill provides a new charter for the City of Sylvester.

HB 1447 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1450 Franklin County; board of elections and registration; create

This bill creates a board of elections and registration for Franklin County and provides for its powers and duties.

HB 1450 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1456 Hall County State Court; additional judge; provide

HB 1456 amends an Act creating the State Court of Hall County. It provides for an additional judge to Hall County State Court.

HB 1456 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HB 1471 Lamar County; Joint Board of Elections and Registration; revise composition of board

HB 1471 amends the Act creating the Joint Board of Elections and Registration of Lamar County.

HB 1471 was PASSED by both chambers. The bill now goes to the Governor for signature or veto.

HR 47 - Joint Legislative Study Committee on Judicial Election Reform; create

Creates the Joint Legislative Study Committee on Judicial Election Reform composed of 16 members. The charge of the committee is to undertake a study, assessment, and evaluation of the financing of judicial elections with public funds as a means of addressing the widely perceived or potential influence of private contributions may by individual or organization with a vested interest in matters before the court. They will also examine the role of political parties in judicial elections.

HR 47 PASSED the House.

HR 1071 – Law enforcement agencies; develop and implement written policies; urge

HR 1071 is a resolution urging all law enforcement agencies of this state to develop and implement written policies for conducting show-ups, photographic lineups, and physical lineups setting forth the manner in which these operations shall be conducted; and for other purposes.

HR 1071 was ADOPTED by the House.

HR 1305 - House Comprehensive Firearms Law Study Committee; create

This is a resolution creating the House Comprehensive Firearms Law Study Committee.

HR 1305 was ADOPTED by the House.

HR 1516 - House Study Committee on Organized Retail Theft; create

This is a resolution creating the House Study Committee on Organized Retail Theft.

HR 1516 was ADOPTED by the House.

HR 1701 - House Study Committee on Prostitution and the Adult Entertainment Industry; create

HR 1701 creates the House Study Committee for the Protection of Abused and Neglected Children.

HR 1701 was ADOPTED by the House.



HR 1746 - House Study Committee on Children's Mental Health in Georgia; create

HR 1746 creates the House Study Committee on Children's Mental Health in Georgia

HR 1746 was ADOPTED by the House.

HR 1932 - House Study Committee on DeKalb County Court Fines and Fees; create

HR 1932 creates the House Study Committee on DeKalb County Court Fines and Fees.

HR 1932 was ADOPTED by the House.