

ADMINISTRATIVE OFFICE OF THE COURTS OF GEORGIA  
**DAILY LEGISLATIVE REPORT**

TUESDAY, FEBRUARY 21, 2012 | LEGISLATIVE DAY 22

*\*The following newsletter only provides updates on legislation and committees affecting the Georgia judiciary\**

## FLOOR ACTION

### SENATE SESSION

#### **SB 383 – 'Georgia International Commercial Arbitration Code'; repeal Part 2, relating to international arbitration**

SB 383 amends Article 1 of Chapter 9 of Title 9 of the O.C.G.A., relating to general provisions for arbitration by repealing Part 2, relating to international transactions; and establishing provisions for court intervention.

**SB 383 PASSED out of the Senate**

#### **HB 638 – Randolph County; board of elections and registration; create**

HB 638 creates the Randolph County Board of Elections and Registration and abolishes the board of elections of Randolph County and the board of registrars and the office of chief registrar of Randolph County. The board shall have all the powers and duties of the former Randolph County Board of Elections relating to the conduct of primaries and elections and shall have the powers and duties of the board of registrars relating to the registration of voters and absentee balloting procedures. Each member of the board shall have the right to resign at any time by giving written notice of resignation to the clerk of the Superior Court of Randolph County.

**HB 638 PASSED out of the Senate**

**The Senate stands ADJOURNED until 10:00 AM Wednesday, February 22, 2012**

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### HOUSE SESSION

#### **HB 733 – Family violence; holdover provisions for appointees; add**

HB 733 Amends Chapter 13 of Title 19 of the O.C.G.A., relating to family violence. HB 733 provides for the addition of holdover provisions for appointees. HB 733 adds, to subsection (c) of the Code Section 19-13-32, that each member of the Family Violence commission shall serve until the date his or her successor is appointed.

**HB 733 PASSED out of the House**

**HB 929 – Judicial circuits; assistant district attorney for certain populations; repeal office**

HB 929 repeals the Act creating the office of assistant district attorney in each judicial circuit whose population is no less than 103,000 and no more than 135,000 persons according to the United States census.

**HB 929 PASSED out of the House**

**HB 930 – Judicial circuits; superior court judge for certain populations; repeal supplemental expense allowance**

HB 930 repeals the Act that provides for a supplemental expense allowance for the judges of the superior courts of each judicial circuit within the state. The aforementioned judges must have a population of not less than 103,000 and not more than 135,000 persons according to the United States census.

**HB 930 PASSED out of the House**

**HB 895 – Sexual Offender Registration Review Board; gathering information relating to sexual offenders; provide more effective methods**

HB 895 Amends Chapter 3 of Title 35 and Article 2 of Chapter 1 of Title 42 of the O.C.G.A., relating to the Georgia Bureau of Investigation (G.B.I.) and the Sexual Offender Registration Review Board. It provides that the G.B.I. will acquire, collect, analyze, and provide to the board any information which will assist the board in determining a sexual offender's risk assessment classification in accordance with the board's duties.

**HB 895 PASSED out of the House**

**The House stands ADJOURNED until 10:00 AM Wednesday, February 22, 2012**

**COMMITTEE ACTION**

**SENATE APPROPRIATIONS COMMITTEE**

**HB 741 - Supplemental appropriations; State Fiscal Year July 1, 2011 – June 30 2012**

HB 741 is the Supplemental Budget for FY 2012. To view the Senate's recommendations for the judicial branch, please [click here](#).

**HB 741 received a DO PASS from the Senate Appropriations Committee**

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## SENATE STATE AND LOCAL GOVERNMENT OPERATIONS

### **SB 176 - Open and Public meetings; authorize all agencies to conduct meetings by teleconference under certain circumstances**

SB 176 amends Code Section 50-14-1 of the O.C.G.A., relating to meetings to be open to the public, by authorizing all agencies to conduct meetings by teleconference under certain circumstances.

**SB 176 received a DO PASS from the Senate State and Local Government Operations Committee**

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## SENATE PUBLIC SAFETY COMMITTEE

### **SB 441 – Obstruction of Public Administration; establish the offense of unlawful pointing of a laser device at a law enforcement officer; penalties**

SB 441 Amends Article 2 of Chapter 10 of Title 16 of the O.C.G.A., relating to obstruction of public administration and related offenses, so as to establish the offense of unlawful pointing of a laser device at a law enforcement officer. 'Laser device' is defined as a device designed to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used as a pointer or highlighter to indicate a specific position, place, item, or object; or a device that projects a beam or point of light by means of light amplification by stimulated emission of radiation or other means or that emits light which simulates the appearance of a beam of light. Any person who knowingly and intentionally points a laser device at a law enforcement officer without the officer's permission, regardless of whether the officer was in a motor vehicle or building, shall be guilty of a high and aggravated misdemeanor and, upon conviction thereof, be punished by imprisonment for not less than 12 months or a fine of not more than \$5,000.00, or both.

**SB 441 received a DO PASS by COMMITTEE SUBSTITUTE from the Senate Public Safety Committee**

### **SB 411 – Georgia Sheriffs' Cooperative Authority; create**

SB 411 amends Article 1 of Chapter 6 of Title 15 of the O.C.G.A., relating to general provisions relative to sheriffs, by adding a new Code section. Said Code section establishes the Georgia Sheriffs' Cooperative Authority; whose purpose is to provide a cooperative for the development, acquisition and distribution of record management systems, information, public safety related data bases, electronic monitoring of inmates and probationers, services, supplies, and materials for sheriffs of this state. Any legal action against the authority shall be brought in the superior court of the county in which its primary office is situated, and that court shall have exclusive, original jurisdiction of such actions; provided that actions seeking equitable relief may be brought in the county of residence of any member of the authority. The Attorney General shall provide legal services for the authority.

**SB 411 received a DO PASS by COMMITTEE SUBSTITUTE from the Senate Public Safety Committee**

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## **HOUSE JUDICIARY (CIVIL) LANE SUBCOMMITTEE**

### **HB 630 – Public officers and employees; sexual orientation and gender identity; prohibit discrimination**

HB 630 amends Title 45 of the O.C.G.A., relating to public officers and employees by prohibiting discrimination based on sexual orientation and gender identity in certain circumstances, and adding sexual orientation, gender identity to the list of prohibited discriminatory offenses laid out in Title 45.

**HB 630 was TABELD by the House Judiciary (Civil) Lane Subcommittee**

### **HB 1048 – Civil practice; who may serve process; change provisions**

HB 1048 amends Code Section 9-11-4 of the O.C.G.A., relating to process, so as to change provisions relating to who may serve process. It removes the requirement of the sheriff to give authorization to a certified process server in order for the process server to serve process.

HB 1048 also establishes the filing fee for an application to be appointed as a certified process server to be \$58.00.

**HB 1048 received a DO PASS from the House Judiciary (Civil) Lane Subcommittee**

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## **HOUSE JUDICIARY (NON-CIVIL) COMMITTEE**

### **HB 954 - Abortion; criminal abortion; change certain provisions**

HB 954 amends Article 5 of Chapter 12 of Title 16 of the O.C.G.A., relating to abortion by changing certain provisions relating to when abortion is legal. HB 954 also amends Title 31, relating to health, by requiring a determination of gestational age prior to abortion.

**NO ACTION was taken on HB 954 by the House Judiciary (Non-Civil) Committee**

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## **HOUSE JUDICIARY (CIVIL) COMMITTEE**

### **SB 50 – Courts; add certain fees for funding of local victim assistance programs**

SB amends Code Section 15-6-95 of the O.C.G.A., relating to priorities of distribution of fines and fees collected in superior court if a partial payment is collected. This bill amends the list in the following ways: Priority level 3: Instead of the Sheriffs' Retirement Fund of Georgia, funds for county law libraries is moved up; Level 6: Balance of the fine is owed to the county; Level 7: The amounts from the probation fee; Level 8: Funding for local victim assistance programs is added; Level 9: Georgia Crime Victims Emergency Fund is added; Level 10: Application fee for legal

defense services is moved down; Level 11: Amounts for jail construction and staffing; Level 12: Brian and Spinal Injury Trust Fund is added; Level 13: Drug Abuse Treatment and Education Fund is moved down; Level 14: The Sheriffs' Retirement Fund of Georgia is moved here.

**SB 50 was RECOMMITTED to subcommittee by the House Judiciary (Civil) Committee**

**HB 844 – Bonds; certain validation hearing appearance provisions; provide**

HB 844 amends subsection (g) of Code Section 36-62-8 of the O.C.G.A., relating to obligations of an authority, use of proceeds, status as revenue obligation, subsequent series of bonds or notes, bond anticipation notes, interest rates, and issuance and validation. HB 844 provides that the district attorney, the Attorney General, or their official representative shall not be required to appear at the validation hearing or any subsequent proceedings related to revenue bonds. In the absence of said persons the authority shall bear the burden of making the case for the validation of bonds at said hearings or proceedings. The validation hearing shall provide confirmation of the bonds and the security for such bonds that may include any ancillary or related agreements or documents as the court deems appropriate. In the event that no appeal is filed within the time prescribed by law or, if an appeal is filed, the judgment of the superior court confirming and validating the issuance of the bonds and the security for such bonds shall be forever conclusive against the governmental body upon the validity of the bonds and security for such bonds with respect to all matters raised or that could have been raised during the aforementioned proceeding.

**HB 844 received a DO PASS as AMENDED by the House Judiciary (Civil) Committee**

**HB 942 – Official Code of Georgia; revise, modernize and correct errors or omissions**

HB 942 amends the O.C.G.A. with the intention to revise, modernize, and correct errors or omissions in the Code as part of the work of the Code Revision Commission. Title 5 of the O.C.G.A., relating to appeal and error; Title 15, relating to courts; Title 16, relating to crimes and offenses; Title 17, relating to criminal procedure; Title 24, relating to evidence; Title 35, relating to law enforcement officers and agencies; Title 42, relating to penal institutions; and Title 45, relating to public officers and employees are amended with grammatical, spelling, and modernizing corrections that have no effect on the law.

**HB 942 received a DO PASS from the House Judiciary (Civil) Committee**

**HB 944 – Official Code of Georgia; retirement and pensions; revise, modernize, and correct errors or omissions**

HB 944 Amends Code Section 47-2-316 of the O.C.G.A., relating to membership in the Employees' Retirement System of Georgia of officers or employees of the Georgia Agricultural Exposition Authority, by replacing "established by Part 8 of Article 7 of Chapter 3 of Title 12" with "established by Chapter 3 of Title 2".

**HB 944 received a DO PASS from the House Judiciary (Civil) Committee**

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## HOUSE PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE

### **HB 161 - Motorcycles; certain traffic regulations; provide**

HB 161 amends Part 2 of Article 13 of Chapter 6 of Title 40 of the O.C.G.A. It provides for certain traffic regulations for motorcycles. The driver of a motorcycle approaching an intersection controlled by a traffic- controlled signal, utilizing a vehicle detection device that is inoperative due to the size of the motorcycle, shall come to a full and complete stop in response to a red light. The driver of the motorcycle must then wait at least 60 seconds for the traffic control signal to detect the motorcycle and may proceed with caution. The driver of any vehicle, which may lawfully do so, shall have the right of way over any motorcycle proceeding through a red light. Under no circumstances, where an accident has occurred as a result of a motorcyclist proceeding through an intersection on a red light, shall a driver of a vehicle be charged with a failure to yield, following too closely or driving too fast for conditions.

**HB 161 received a DO PASS by COMMITTEE SUBSTITUTE from the House Public Safety & Homeland Security Committee**

### **HB 828 - Traffic Offenses; Fleeing or attempting to elude a pursuing police vehicle**

HB 828 amends Article 15 of Chapter 6 of Title 40 of the O.C.G.A., relating to serious traffic offenses and the increase of penalty for fleeing or attempting to elude a pursuing police vehicle or police officer. It is unlawful for any driver of a vehicle to willingly fail or refuse to bring his/her vehicle to a stop when a police officer has given a visual or audible signal to stop. Any person who unlawfully commits the act of fleeing or eluding a police officer will be guilty of a felony and pay a fine of no less than \$1,500.00 and no more than \$5,000.00, as well as imprisonment for not less than one year and no more than five years or both. Furthermore, a plea of nolo contendere will constitute a conviction. A charge for the above violation cannot be merged with any other offense or served concurrently with any other offense. The defendant convicted of fleeing or eluding a pursuing police officer/vehicle must forfeit any and all vehicles used in the crime.

**HB 828 received a DO PASS from the House Public Safety & Homeland Security**

## LOOKING FORWARD: RULES CALENDARS FOR LEGISLATIVE DAY 23

### SENATE

SB 239 - License Plates; unregistered vehicle; presumption of residency under certain circumstances; displaying out-of-state license plate

SB 324 - Veterinary Medicine; clarify a certain definition

SB 332 - County Sales/Use Tax; expand the matters included in annual reporting of the expenditure of certain special purpose local option sales tax proceeds

SB 338 - "Georgia Volunteers in Dentistry and Dental Hygiene Act"; provide for special licenses for dentists and dental hygienists licensed in other jurisdictions

SB 360 - Fish and Fishing; include certain tilapia species as domestic fish; prohibit the use/sale of tilapia as live bait

SB 361 - Healthcare Facilities; expand provisions; nationally recognized health care accreditation body

**SB 370 - Controlled Substances; Schedule I and V controlled substance; "dangerous drug"; provisions**

SB 396 - Herty Advanced Materials Development Center; change prov.; rename and transfer governance to Board of Regents

### HOUSE

HB 687- Alarm monitoring service companies; utilize alarm verification

HB 769 - Consumer's utility counsel division, not necessary to file copies of filings

**HB 850 - Guardian and ward; criminal background checks for persons seeking to become a guardian**

HB 514 - Distilled spirits; free tastings on premises

HB 640 - Insolvent insurers; claimants rights; correct certain language

HB 730 - Administrative services, Department of; public works construction contracts

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

**HB 811 - Budgetary and financial affairs; automatic fee adjustment in certain cases**

HR 1162 - General Assembly; state-wide education policy; clarify authority

**Committee Meeting Schedule**  
**Wednesday, February 22, 2012 - Legislative Day 23**

<b>9:00 AM</b>	<b>House Rules</b>	<b>341 CAP</b>
<b>10:00 AM</b>	<b>Senate Session</b>	<b>Senate Gallery</b>
<b>10:00 AM</b>	<b>House Session</b>	<b>House Gallery</b>
<b>12:00 PM</b> (Upon adj.)	<b>Senate Rules</b>	<b>450 CAP</b>
<b>1:00 PM</b>	<b>House Judiciary (Non-Civil) Committee</b> <a href="#">HB 541</a> – Obstruction of public administration; threaten or intimidate officer or official; provide for offense <a href="#">HB 717</a> – Dogs; criminal penalties for certain owners failing to secure; provide <a href="#">HB 940</a> – Georgia Public Defender Standards Council; pay attorney in event of conflict of interest in capital cases; change certain provisions <a href="#">HB 997</a> – Crimes and offenses; new crime of false lien statements against public officers; provide <a href="#">HB 242</a> – American Laws for Georgia Courts Act; enact	<b>132 CAP</b>
<b>2:00 PM</b>	<b>Senate Ethics Committee</b> <a href="#">SB 377</a> – Elections; provide circulators of petitions shall be required to verify the identity of persons signing the petition <a href="#">HB 725</a> – Elections; selection and qualification of candidates and presidential electors; provisions	<b>310 CLOB</b>
<b>2:00 PM</b>	<b>House Retirement Committee</b> <a href="#">HB 928</a> – Peace Officer's Annuity and Benefit Fund; board of trustees authorized to employ a hearing officer; provide HB 987 – Peace Officers' Annuity and Benefit Fund; member who ceases to be employed shall notify the retirement fund immediately; provide HB 208 – Employees' Retirement System of Georgia; define a certain term	<b>403 CAP</b>
<b>3:00 PM</b>	<b>House Intragovernmental Coordination</b> HB 398 – Fulton County; Board of Education pensions and retirement; correct typographical errors <a href="#">HB 411</a> – Fayette County; probate court judge nonpartisan elections; provide HB 1024 – Budget commission; certain counties; population and census application; revise and change HB 1026 – Municipalities; law enforcement contracts; population brackets and census; change provisions	<b>403 CAP</b>
<b>3:00 PM</b> (Upon adj.)	<b>House Judiciary (Non-Civil) Ramsey Subcommittee</b> <a href="#">HB 872</a> - Commerce and trade; secondary metals recyclers; provide comprehensive revision of provisions <a href="#">HB 888</a> - Secondary metals recyclers; comprehensive regulation of theft of regulated metal property; provide	<b>132 CAP</b>

**3:00 PM**

**House Judiciary (Civil) Jacobs Subcommittee**

**216 CAP**

[HB 397](#) – State government; open meetings and records; revise provisions

[HB 445](#) – Property; foreclosure; provide definitions; change multiple provisions

HB 822 – Georgia Taxpayer Protection False Claims Act; enact

**4:00 PM**

**Senate Judiciary Committee**

**450 CAP**

[SB 356](#) - Superior Courts; provide additional judge of the Bell-Forsyth Judicial Circuit; initial appointment; election and term of office (LC 29 5159S)

[SB 365](#) - Property; collected funds; change prov.; residential real property; provide form Acknowledgment and Waiver of Borrower's Rights (LC 29 5166S)

SB 458 - Government; modify provisions; verification requirements, procedures, and conditions for applicants for public benefits

*\*This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change.*