

ADMINISTRATIVE OFFICE OF THE COURTS OF GEORGIA
DAILY LEGISLATIVE UPDATE

THURSDAY, FEBRUARY 16, 2012 | LEGISLATIVE DAY 20

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

FLOOR ACTION

SENATE SESSION

SB 366 – Juvenile Justice Dept.; revise restrictions; possessions of contraband at juvenile detention centers

SB 366 amends Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Juvenile Justice, so as to revise restrictions regarding possession of contraband at juvenile detention centers. The bill restricts an individual from coming onto the grounds of a juvenile detention center to sell, buy, give, provide, barter, exchange, or trade any contraband with any youth assigned to a juvenile detention center. Any person found to be in violation shall be guilty of a felony and, upon conviction punished by imprisonment for not less than one nor more than five years.

SB 366 PASSED out of the Senate

The Senate stands ADJOURNED until 9:00 AM Friday, February 17, 2012.

HOUSE SESSION

HB 744 – Uniform Partition of Heirs Property Act; enact

HB 744 amends Part 2 of Article 7 of Chapter 6 of Title 44 of the O.C.G.A., relating to partition, so as to enact the “Uniform Partition of Heirs Property Act”. The Uniform Partition of Heirs Property Act lays out the means by which property, if determined by the court to be ‘heirs property,’ shall be partitioned in a consistent and economically advantageous manner. ‘Heirs property’ is defined as real property held in tenancy in common, which satisfies all of the following requirements on the date of filing a partition action: 1) There is no agreement in a record binding all the cotenants which governs the partition of the property; 2) One or more of the cotenants acquired the title from a relative; 3) Any of the following applies: twenty percent or more of the interests are held by cotenants who are relatives or by an individual who acquired the property from a relative, or twenty percent or more of the cotenants are relatives. HB 744 also amends Code Section 24-7-706 of the O.C.G.A., relating to court appointed experts, so as to include cross-references.

HB 744 PASSED out of the House

The House stands ADJOURNED until 9:00 AM Friday, February 17, 2012

COMMITTEE ACTION

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

HOUSE GOVERNMENTAL AFFAIRS

HB 811 – Budgetary and financial affairs; automatic fee adjustment in certain cases; provide

HB 811 amends Part 1 of Article 4 of Chapter 12 of Title 45 of the O.C.G.A., relating to management of budgetary and financial affairs. This bill provides for automatic fee adjustments in cases where funds are not appropriated in the amounts or for the purposes for which they were imposed. 'State department or agency' means any state department, state agency, or state authority or any public officer, public official, or public entity which collects or receives proceeds of a fee specified under this Code section. Beginning in 2014, not later than June 30, each state department or agency which collects or receives a fee shall determine the base fee amount collected or received for the particular purpose or function as described in this Code section for which the fee was collected or received by such state department or agency during the previous calendar year beginning on January 1 and concluding on December 31. The Office of Planning and Budget shall determine the total amount of funds appropriated to the state department or agency for purposes of administration and enforcement relative to the purpose or function of the fee for the following fiscal year. Adjustments of fees shall continue each fiscal year until the total amount of appropriated funds is 95 percent or more of the base fee amount. It is the responsibility of each state department or agency to promulgate such rules and regulations as are necessary and appropriate to implement and administer this code section.

HB 811 received a DO PASS by the House Governmental Affairs Committee

HB 776 – Elections; nonpartisan elections for members of consolidated governments considered county elections; provide

HB 776 amends Chapter 2 of Title 21 of the O.C.G.A., relating to primaries and elections, so as to provide that all nonpartisan elections for members of consolidated governments shall be considered county elections and not municipal elections. This act is intended to clarify the intent of the original legislation.

HB 776 received a DO PASS by the House Governmental Affairs Committee.

HB 899 – Primaries and elections; dates of nonpartisan elections; provide

HB 899 amends Chapter 2 of Title 21 of the O.C.G.A., relating to primaries and elections. HB 899 provides that Justices of the Supreme Court, Judges of the Court of Appeals, judges of the superior courts, and county judicial officers, shall be elected in the nonpartisan general election next preceding the expiration of the term of office. A qualifying petition shall be in the form and manner determined by the Secretary of State and approved by the State Elections Board. Each sheet of a qualifying petition shall bear the affidavit of the circulator. This affidavit shall be subscribed and sworn to before a notary. If any person whose name is not on the list of registered electors maintained by the Secretary of State desires to vote at any special primary or special election, such person may make application by the close of business on the fifth Monday prior to the date of the special primary or special election or, if such Monday is a legal holiday, by the close of business on the following business day. The board of registrars or absentee ballot clerk shall issue official absentee ballots to all eligible applicants not more than 49 days but not less than 45 days prior to any presidential preference primary, general primary other than a municipal general primary, general election other than a municipal general election, or special primary or special election in which there is a candidate for a federal office on the ballot; 22 days prior to any municipal general primary or municipal general election; and as soon as possible prior to any runoff. In the case of all other special primaries or special elections, the board of registrars or absentee ballot clerk shall issue official absentee ballots to all eligible applicants no earlier than 22 days prior to the election; provided, however, that should any elector of the jurisdiction be permitted to vote by absentee ballot beginning 49 days prior to a primary or election, all eligible applicants of such jurisdiction shall be entitled to vote by absentee ballot beginning 49 days prior to such primary or election. In the case that an elections officer makes a mistake that affects the qualification of a candidate, then such candidate's qualifying fee shall be refunded. No person shall use cameras or other electronic monitoring or recording devices while such person is in a polling place while voting is taking place unless allowed to do so by the polling manager. In addition, no photography shall be allowed of a ballot, the face of a voting machine, or DRE unit while an elector is voting nor of an electors list, electronic electors list, or the use of an electors list or electronic electors list.

HB 899 received a DO PASS by the House Governmental Affairs Committee.

HB 949 – Primaries and elections; number of signatures for certain petitions shall be based on the turnout in last presidential election; provide

HB 949 amends amend Chapter 2 of Title 21 of the O.C.G.A., relating to primaries and elections generally. HB 949 provides Justices of the Supreme Court, Judges of the Court of Appeals, judges of the superior courts, and county judicial officers, shall be elected in the nonpartisan general election next preceding the expiration of the term of office. Whenever a municipal general primary or election is held in conjunction with the general primary or November general election in even-numbered years, the time specified for the closing of the registration list, the time within which candidates must qualify for the municipal primary or election, and the time specified for the holding of any runoff necessary shall be the same as specified for general elections. Each candidate for a nonpartisan municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's nonpartisan

qualifying period. Each municipal superintendent shall designate the days of such qualifying period. A qualifying petition shall be signed by the number of voters set forth in Section 2 according to the type of office sought. A qualifying petition shall be in the form and manner determined by the Secretary of State and approved by the State Elections Board. Each candidate, or his or her agent, desiring to have his or her name placed on the general election ballot shall file a notice of his or her candidacy according to the deadlines set forth in Section 2 of HB 949. A person who is qualified to register to vote in this state and who has a valid Georgia driver's license or identification card may submit a voter registration application on the Internet website of the Secretary of State. An absentee ballot may be mailed to an incarcerated elector at the elector's place of incarceration. No person shall use cameras or other electronic monitoring or recording devices while voting is taking place unless allowed to do so by the polling manager.

HB 949 received a DO PASS by the House Governmental Affairs Committee.

HOUSE JUDICIARY (NON-CIVIL) RAMSEY SUBCOMMITTEE

HB 685 – Dogs; dangerous and vicious; extensively revise provisions

HB 685 amends Title 4 of the O.C.G.A., regarding dogs, explicitly vicious or dangerous dogs. The bill defines and redefines the owner's liability for damages and injuries caused by dogs. It also amends Chapter 2 of Title 51 of the O.C.G.A. concerning imputable negligence for state legislative intent. The owner or custodian (if owner cannot be found) exercising care/control over any dog is liable for any damage caused to public or private property and consequential damages by the dog. Any person convicted of a felony from the time they were convicted to ten years after completion of sentence will be unable to possess/have custody or live in a residence with any dog or puppy over 12 weeks old that has not been spayed or neutered or any dog classified as vicious. HB 685 establishes that any superior court judge of Georgia may order euthanasia of a dog found guilty of killing or seriously injuring a human being or presents danger to human beings. The superior court judge may also order euthanasia if the owner or custodian of a dog is in violation of any state criminal law and if the charge is related to the dog. In addition, a superior court judge may order euthanasia if any local government or person has filed a civil action in the court requesting the euthanasia of the dog. The owner of a vicious dog that violates any provision in this article will be found guilty of a high and aggravated misdemeanor. Also, in addition to any confinement imposed at owner's conviction, the owner will receive a fine of no less than \$1,000.00 for first conviction and no less than \$5,000.00 for second or subsequent convictions.

NO ACTION was taken on HB 685 by House Judiciary (Non-Civil) Ramsey Subcommittee

SENATE RETIREMENT COMMITTEE

SB 402 – “Employees’ Retirement System of Georgia Enhanced Investment Authority Act”; define certain terms relating to certain types of investments

SB 402 establishes the "Employees' Retirement System of Georgia Enhanced Investment Authority Act." The bill allows certain public retirement systems to invest retirement assets in certain types of alternative investments, private placements, and other private investments. The alternative investments by the retirement system shall not in the aggregate exceed 5 percent of the retirement

system's assets at any time.

SB 402 received a DO PASS from the Senate Retirement Committee

LOOKING FORWARD: RULES CALENDARS FOR LEGISLATIVE DAY 21

SENATE

SB 107 – Superior Courts; increase penalties that can be imposed for contempt of court

SB 362 – Submerged Cultural Resources; permits; authorization to contract for investigation, survey; change certain provisions

SB 369 – Natural Resources; provide for an extension of the automatic repeal of Code Section 12-5-9

SB 395 – Sales and Use Tax; allow certain taxes to be imposed at a rate of less than 1 percent

HOUSE

HB 904 - Monroe County Probate Court; future elections for the office of judge shall be non-partisan

HB 636- Brookhaven, City of; provide a charter

HB 824- Quality Basic Education Act; calculating equalization grants; revise method

HB 407- Payment of taxes; population bracket under 2010 census

Committee Meeting Schedule

Friday, February 17, 2012 - Legislative Day 21

8:30 AM	House Rules	341 CAP
9:00 AM	Senate Session	Senate Gallery
9:00 AM	House Session	House Gallery

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