

ADMINISTRATIVE OFFICE OF THE COURTS OF GEORGIA
DAILY LEGISLATIVE UPDATE

TUESDAY, FEBRUARY 7, 2012 | LEGISLATIVE DAY 16

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

FLOOR ACTION

SENATE SESSION

The Senate stands adjourned until 10:00 AM Wednesday, February 8, 2012.

HOUSE SESSION

Rules Calendar

HB 711 - Evidence; privileges; change provisions

HB 711 amends Chapter 5 of Title 24 of the O.C.G.A, relating to spousal privilege in criminal proceedings. It adds additional exceptions to which a husband and wife shall be compellable to give evidence in a criminal proceeding for or against each other to include: 1.The husband or wife is charged with a crime against his or her current spouse or their marital or separate property; 2.The husband and wife are alleged to have acted jointly in the commission of the crime charged; or 3. The alleged crime occurred prior to the lawful marriage of the husband and wife. In addition, the bill ascertains that a waiver of confidentiality be provided along with the admissibility of certain information regarding criminal proceedings of victims of family violence or sexual assault.

Amendment 1: Changes “against his or her spouse” on Page 1 Line 26 to “against his or her current spouse”. **Amendment 1 was PASSED.**

HB 711 PASS as AMENDED out of the House with a vote of 162 – 1

HR 1151 - Joint Human Trafficking Study Commission; create

HR 1151 creates the Joint Human Trafficking Study Commission. The commission shall undertake a study of the conditions, needs, issues, and problems of human trafficking in Georgia and recommend any action or legislation which it deems necessary or appropriate. The commission will be composed of 13 members. The Senate Committee on Assignments shall appoint three members of the Senate as members of the commission. The Speaker of the House of Representatives shall appoint three members of the House of Representatives as members of the commission. One member shall be a local police chief appointed by the Georgia Association of Chiefs of Police. One member shall be a district attorney appointed by the Prosecuting Attorneys' Council of the State of Georgia. One member shall be a juvenile court judge appointed by the Council of Juvenile Court Judges. One member shall be a superior court judge appointed by the Council of Superior Court Judges of Georgia. One member shall be a public defender appointed by

the Georgia Public Defender Standards Council. One member shall be an individual with expertise in advocacy for children who are sexually exploited appointed by the Governor's Office for Children and Families. One member shall be an individual with expertise in advocacy for adult victims of human trafficking appointed by the Governor's Office for Children and Families.

HR 1151 PASSED out of the House with a vote of 166 – 1

HB 725 - Elections; selection and qualification of candidates and presidential electors; provisions

HB 725 amends provisions relating to the election and qualification of candidates and presidential electors. In any case where an incumbent files notice of candidacy and has paid the qualifying fee in a nonpartisan election to succeed himself or herself, but withdraws as a candidate prior to the end of the applicable qualifying period. The qualifying period will be reopened for candidates other than the incumbent at 9:00 A.M. on the following Monday and shall be closed at 5:00 P.M. on the Tuesday immediately following the reopening, notwithstanding the fact that any such days may be legal holidays. In the event of the death of a candidate or the withdrawal of a qualifying candidate after the close of qualifying, but prior to the date of a political party primary, qualification may be reopened for the office sought by the deceased or withdrawn candidate for a period of one to three days.

HB 725 PASSED out of the House with a vote of 163 - 0

The House stands adjourned until 10:00 AM Wednesday, February 8, 2012.

COMMITTEE ACTION

HOUSE JUDICIARY (CIVIL) LANE SUBCOMMITTEE

HB 665 - Clerk of superior court offices; modernize provisions

HB 665 contains many provisions of interest to Superior Court Clerks. Various councils have reviewed this bill and found problems with particular provisions.

NO ACTION was taken on HB 665 by the House Judiciary (Civil) Lane Subcommittee

HB 748 - Adoption; issuance of a copy of an original birth certificate to certain adult persons; provide

HB 748 allows an individual 18 years of age or older, who was born in Georgia, and who has had an original birth certificate removed from his or her files due to an adoption, to receive a copy of that original birth certificate.

HB 748 received a DO PASS from the House Judiciary (Civil) Lane Subcommittee

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

HB 850 amends Chapter 9 of Title 29 of the O.C.G.A., relating to court proceedings involving guardian and ward, so as to provide for criminal background checks for persons seeking to become a guardian or conservator. HB 850 permits the probate courts to require a petitioner seeking to become a guardian or conservator, or a nominated guardian or conservator to submit to a criminal history records check.

HB 850 received a DO PASS from the House Judiciary (Civil) Lane Subcommittee

HOUSE GOVERNMENTAL AFFAIRS COMMITTEE

HB 636 - Brookhaven, City of; provide a charter

HB 636 is an Act to incorporate the city of Ashford and to provide a charter for the city. It establishes a court to be known as the Municipal Court of the City of Ashford and the judge or judges thereof.

Amendment 1: Changes the name of the city from Brookhaven to Ashford. **Amendment Adopted**

HB 636 received a DO PASS from the House Governmental Affairs Committee

SENATE SPECIAL JUDICIARY COMMITTEE

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

SB 107 amends Code Section 15-6-8 of the O.C.G.A., relating to jurisdiction and powers of the superior courts, so as to increase penalties that can be imposed for contempt of court. This bill increases the fine of contempt to not exceed \$1,000.00, formerly \$500.00.

SB 107 received a DO PASS from the Senate Special Judiciary Committee.

HOUSE JUDICIARY (NON-CIVIL) RAMSEY SUBCOMMITTEE

HB 348 - Offenses against public order; criminal defamation; change provisions

HB 348 amends Article 2 of Chapter 11 of the O.C.G.A., regarding offences against public order. The bill defines the term 'electronic communication' as any transfer between persons using signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system. Any person who defames another, living or dead, by writing, or any other means, including electronic

communication or who intends to blacken the memory of one who is dead or which exposes one who is alive to hatred, contempt, or ridicule, degradation, or disgrace in society or injury shall be guilty of a misdemeanor. No person shall be convicted on the basis of an oral communication except upon the testimony of two other people that heard and understood the oral statement as defamatory or upon a plea of guilty or nolo contendere.

NO ACTION was taken on HB 348 by the House Judiciary (Non-Civil) Ramsey Subcommittee.

HB 541 - Obstruction of public administration; threaten or intimidate officer or official; provide for offense

HB 541 amends Article 2 of Chapter 10 of Title 16 of the O.C.G.A., by providing for the offense of threatening or intimidating a law enforcement officer, public official, or other person relating to their involvement in a judicial proceeding. A person who knowingly and willfully harms, threatens to harm, or acts in a manner to intimidate a public official or participant in a judicial proceeding in retaliation or response for anything the public official or participant did in his or her official capacity or for participating in a judicial proceeding shall be guilty of a felony. Upon conviction, the guilty party shall be punished by a fine of not less than \$5,000.00 nor more than \$20,000.00, by imprisonment of not less than one nor more than ten years, or both. In addition, an individual convicted of this offense, if found guilty, will receive a felony in addition to fine and/or imprisonment.

NO ACTION was taken on HB 541 by the House Judiciary (Non-Civil) Ramsey Subcommittee.

**LOOKING FORWARD: RULES CALENDAR FOR
WEDNESDAY, FEBRUARY 8, 2012 – LEGISLATIVE DAY 17**

SENATE

HOUSE

SB 343 – State Accounting Office; designate as the Comptroller General; transfer the office

SB 351 – Municipal Courts; require same training for all judges of courts exercising municipal court jurisdiction

SB 352 – Prosecuting Attorneys; provide; probate courts, municipal courts, and courts exercising municipal court jurisdiction; process of such employment

Committee Meeting Schedule
Wednesday, February 8, 2012 - Legislative Day 17

9:00 AM	House Rules	341 CAP
10:00 AM	House Session	House Gallery
10:00 AM	Senate Session	Senate Gallery
1:00 PM	House Judiciary Non-Civil Committee HB 372 – Bonds; release unclaimed bonds one year after surety released; provide HB 733 – Family violence; holdover provisions for appointees; add SB 236 – Drivers’ Licenses; persons convicted under the influence; allow certain drivers with suspended licenses; limited driving permits	132 CAP
2:00 PM	House Retirement Committee HB 250 – Georgia Judicial Retirement System; revised survivor’s benefit option; provisions HB 236 – Judges and court employees; new employees not Retirement System of Georgia members; provide	403 CAP
3:00 PM	House Motor Vehicles Committee HB 215 – Drivers’ licenses; convicted of crime against a minor; prohibit certain transport HB 518 – Salvage or rebuilt motor vehicles; registered inspectors qualifications; provide HB 695 – Disabled veterans; free license plates and revalidation decals; 60 percent disabled; allow HB 696 – Disabled veterans; free license plates and revalidation decals; total or partial disability; provide HB 724 – Special license plates; certified firefighters exempt from paying annual renewal fee; provide HB 732 – Special license plates; Purple Hearts; include persons serving in armed services HB 795 – All-terrain vehicles; make definitions consistent with industry standards HB 884 – Motor vehicles; temporary plates or drive-out tags for trailers; provide SB 138 – License Plates; require a sworn statement by an applicant for a tag renewal SB 305 – Georgia Lemon Law; increase the fee to be collected by new motor vehicle dealers from the consumer	515 CLOB
3:00 PM	House Judiciary (Civil) Jacobs Subcommittee HB 397 – State Government; Open meetings and records; revised provisions HB 268 – Zoning procedures; notice of rezoning hearings; sign posted on property; require	132 CAP
3:00 PM	House Intragovernmental Coordination Committee HB 652 - Augusta-Richmond County; advisory referendum election; provide HB 751 - Jasper County; Probate Court judge; provide nonpartisan elections HB 904 - Monroe County Probate Court; future elections for the office of judge shall be nonpartisan; SB 268 - Board of Education of Jones County; provide that future elections for members shall be conducted on a nonpartisan basis	403 CAP
4:00 PM	Senate Judiciary Committee SB 316 – Civil Practice; increase the tolling period for limitations for tort actions while a criminal prosecution is pending SB 350 – Crimes and Offenses; disposition of firearms used in burglaries or armed robberies	450 CAP

[SB 383](#) – 'Georgia International Commercial Arbitration Code'; repeal Part 2, relating to international arbitration

4:00 PM
Upon ADJ.

Senate Rules Committee

450 CAP

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