

**Daily Update for Wednesday, February 1, 2012  
Legislative Day 12**

**Senate Session**

The Senate stands ADJOURNED until 10:00 a.m. Thursday, February 2, 2012.

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**House Session**

**Rules Calendar:**

**[HB 542 - Employees' Retirement System of Georgia; transfer service credit; provide](#)**

HB 542 amends Article 5 of chapter 2 of Title 47 of O.C.G.A., regarding service creditable toward retirement benefits under the Employee's Retirement System of Georgia. If a member has not withdrawn his or her employee contributions from the Georgia Judicial Retirement System, the Judicial Retirement System will transfer to the board of trustees of this retirement system all employer and employee contributions paid by or on behalf of the employee, together with regular interest. If a member has withdrawn his or her employee contributions from the Georgia Judicial Retirement System, then the member will pay to the board of trustees of this retirement system the total of such contributions, together with regular interest.

**HB 542 PASSED out of the House by a vote of 160-1**

The House adopted HR 1238, which amends an error made in [HR 1140](#). HR 1238 changes February 20, 2012 to a date of adjournment and February 24, 2012 to a date of House session.

The House stands ADJOURNED until 10:00 a.m. Thursday, February 2, 2012.

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**Senate Judiciary Committee**

**[SB 351 - Municipal Courts; require same training for all judges of courts exercising municipal court jurisdiction](#)**

SB 351 amends Chapter 32 of Title 36 of the O.C.G.G., by requiring all judges exercising municipal court jurisdiction to complete mandatory training. This shall not apply to any magistrate judge or probate judge or any judge of a court of record who presides in a court exercising municipal court jurisdiction.

**Amendment 1:** Changes "shall" to "may" on line 21 giving the Judicial Qualifications Commission discretion when removing a judge from office. **Amendment Adopted**

**Amendment 2:** Adds "probate judge" on line 52 as a class of court which is exempted. **Amendment Adopted**

**SB 351 received a DO PASS by COMMITTEE SUBSTITUTE from the Senate Judiciary Committee**

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

SB 352 authorizes courts of limited jurisdiction the power to employ prosecuting attorneys; provided, however, that the decision be vested solely in the governing authority of the city served by the court.

**Amendment 1:** Removes probate courts. **Amendment Adopted**

**Amendment 2:** Removes “county” allowing the decision be vested solely in the governing authority of the city served by the court. **Amendment Adopted**

**Amendment 3:** Strikes language in paragraph (c) of the bill. **Amendment Adopted**

**SB 352 received a DO PASS by COMMITTEE SUBSTITUTE from the Senate Judiciary Committee.**

**SB 316 - Civil Practice; increase the tolling period for limitations for tort actions while a criminal prosecution is pending**

SB 316 amends Article 5 of Chapter 3 of Title 9 of the O.C.G.A., relating to limitations of actions. Beginning July 1, 2012, and thereafter, the running period of limitations of the crimes of cruelty to children in the first degree, rape, sodomy, aggravated sodomy, statutory rape, child molestation, aggravated child molestation, enticing a child for indecent purposes, or incest shall be tolled from the date of commission to the final date of prosecution, providing that time does not exceed 20 years past the victims 18<sup>th</sup> birthday. The bill ascertains that if a crime is committed between July 1, 1992 and June 30, 2012 in which the victim is the subject of cruelty to children, rape, sodomy, aggravated sodomy, statutory rape, child molestation, enticing a child, or incest, then the applicable period of prosecution shall not run until the child has reached 16 or the crime has been reported. For crimes committed on and after July 1, 2012 in which the victim is subject to the same crimes mentioned above, the applicable period of prosecution shall not run until the child has reached 18 and shall be extended 10 years after the 18<sup>th</sup> birthday, except in the case of rape in which it will be extended 15 years after the victims 18<sup>th</sup> birthday.

**NO ACTION was taken on SB 316 by the Senate Judiciary Committee**

**SB 355 - Domestic Relations; child abuse; expand mandatory reporting requirements; provide for procedure; exception**

SB 355 amends Code Section 19-7-5 of the O.C.G.A., relating to the reporting of child abuse. It requires and oral report be filed to the authorities no later than 36 hours from the time when a person has reasonable cause to believe a child to be abused. This report shall include any relevant information including the name and address of the child, the identity of the perpetrator, the child’s age, and the nature of the child’s injuries. This shall not apply to privileged communications between an attorney and his/her client.

**NO ACTION was taken on SB 355 by the Senate Judiciary Committee**

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## **House Judiciary (Civil) Jacobs Subcommittee**

### **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 received a DO PASS recommendation from the House Judiciary (Civil) Jacobs Subcommittee.**

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## **House Judiciary (Non-Civil) Committee**

### **HB 342 - Stalking; family violence order; define**

HB 342 amends Article 7 of Chapter 5 of Title 16 of the O.C.G.A. that relates to stalking, so as to define "family violence order." Family violence order is defined as any restraining order, temporary/permanent protective order, probation, or pretrial incurred as a result of an act of family violence. The bill indicates that any person who violates the terms of a family violence order knowingly and in a non-violent way is guilty of a misdemeanor. Any person observed violating this order by an officer can be arrested.

**HB 342 received a DO PASS by COMMITTEE SUBSTITUTE from the House Judiciary Committee (Non-Civil)**

### **HB 648 - Legal services for indigents; certain fees to fund accused; change provisions**

HB 648 amends Title 15 and Chapter 12 of Title 17 of the O.C.G.A. that relates to the courts and the legal defense of indigents. HB 648 requires that a portion of the funds paid into the court registry as well as cash bonds deposited by the sheriff shall be distributed to the Georgia Public Defender Standards Council for the defense of indigents. Furthermore, should a defendant be represented by a public defender, who is paid for entirely by the state, be convicted by any means, then that person may be subject to probation costs of paying for legal defense if such payment would not impose hardship on the defendant or the defendant's dependents. This payment would then be distributed to the Georgia Public Defender Standards Council.

**HB 648 received a DO PASS by the House Judiciary Committee (Non-Civil)**

## **HR 977- Legal services for indigent; dedicate existing fees; provide**

A resolution proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for dedication of certain existing fees and assessments for the purpose of funding legal services for indigent persons accused of crimes and delinquent acts.

**HR 927 received a DO PASS by COMMITTEE SUBSTITUTE from the House Judiciary Committee (Non-Civil)**

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## **House Health and Human Services Committee**

### **HB 23 - Foster Children's Psychotropic Medication Monitoring Act; enact**

HB 23, known as the "Foster Children's Psychotropic Medication Monitoring Act," requires the Department of Human Services to establish regulations governing the use of psychotropic medications for foster children in state custody. The terms "child" or "children" are defined as any person under the age of 18 who is in the custody of the Department of Human Services, but not also in the custody of the Department of Juvenile Justice. "Psychotropic medication" is medication for which the prescribed intent is to affect or alter thought processes, mood, or behavior. The regulations that the Department of Human Services shall establish shall include: 1) Provisions regarding the administration of psychotropic medications to children; 2) Provisions addressing informed consent and notifications related to the administration of psychotropic medications; and 3) Reporting and tracking requirements related to the provision of mental health services and the administration of psychotropic medications.

**NO ACTION was taken on HB 23 by the House Health and Human Services Committee.**