

ADMINISTRATIVE OFFICE OF THE COURTS OF GEORGIA
DAILY LEGISLATIVE UPDATE

WEDNESDAY, FEBRUARY 15, 2012 | LEGISLATIVE DAY 19

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 Thursday, February 16, 2012.

HOUSE SESSION

The House stands **ADJOURNED** until 10:00 AM Thursday, February 16, 2012.

COMMITTEE ACTION

SENATE SPECIAL JUDICIARY COMMITTEE

SB 13 - Rules of the Road; driving under influence with a child in a motor vehicle is a felony

SB 13 provides that any person who drives under the influence of alcohol or drugs while transporting a child under the age of 16 is guilty of the separate offense of endangering a child by driving under the influence of alcohol or drugs. A person convicted of a first violation shall be guilty of a misdemeanor of a high and aggravated nature. A person convicted of a second and any subsequent violation shall be guilty of a felony and shall be fined not less than \$1,000.00 nor more than \$5,000.00 or shall be imprisoned for not less than one year nor more than three years, or both fined and imprisoned.

SB 13 received a DO PASS from the Senate Special Judiciary Committee

SENATE JUDICIARY COMMITTEE

HB 237 - Residential mortgage fraud; mortgage lending process; revise

HB 237 amends Article 5 of Chapter 8 of Title 16 of the O.C.G.A., relating to residential mortgage fraud. The bill revises the definition of 'mortgage lending process' and provides for investigative

and subpoena powers of district attorneys and the Attorney General relative to residential mortgage fraud. In any investigation of criminal violations involving fraudulent real estate transactions, the Attorney General or district attorney shall be authorized to issue a subpoena to compel records, documents, and other tangible things. Upon the failure of a person to obey a subpoena without a lawful excuse, the Attorney General or district attorney may apply to a superior court for an order compelling compliance. The court may issue an order modifying or setting aside a subpoena or if it is objected by an individual because it fails to comply with this code or may order direct compliance with the original subpoena. Failure to obey a subpoena may be punished by the court.

HB 237 received a DO PASS by COMMITTEE SUBSTITUTE from the Senate Judiciary Committee

SB 127 - Juvenile Proceedings; revise provisions

SB 127 requires that a set of specified services be provided to all eligible foster youth up to age 23, and it increases the number of permanency planning hearings for children in foster care. The bill also establishes a new set of provisions to provide a program of treatment, care, guidance, counseling, structure, supervision, and rehabilitation for children considered to be unruly or habitually disobedient and therefore 'in need of services'.

SB 127 received a DO PASS by COMMITTEE SUBSTITUTE from the Senate Judiciary Committee

SB 137 - Retirement; update certain cross-references to Chapter 11 of Title 15; provide for conditions

SB 137 is a companion bill to SB 127 that Amends Title 47 of the O.C.G.A., relating to retirement and pensions, so as to update certain cross-references to Chapter 11 of Title 15.

SB 137 received a DO PASS by COMMITTEE SUBSTITUTE from the Senate Judiciary Committee

HOUSE JUDICIARY (NON-CIVIL) COMMITTEE

HB 372 - Bonds; release unclaimed bonds one year after surety released; provide

HB 372 amends Code Section 17-6-4 of the O.C.G.A., relating to authorization of posting of cash bonds generally, furnishing of receipt to person posting bond, recordation of receipt of bond on docket, and disposal of unclaimed bonds, by providing for the release of unclaimed bonds one year after surety is released. HB 372 also provides for notice to the officer in possession of the cash bond.

HB 372 received a DO PASS by the House Judiciary Committee (Non-Civil)

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

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. The board will have access to incident and investigative reports, records from the clerks of court, records maintained by prosecuting attorneys, records maintained by state agencies, as well as other documents or information requested by the board.

HB 895 received a DO PASS by the House Judiciary Committee (Non-Civil)

SB 236 - Drivers' Licenses; persons convicted under the influence; allow certain drivers with suspended licenses; limited driving permits

SB 236 allows a judge, at his or her discretion, to allow a participant in a Drug/DUI Court program a limited driving permit. The bill expands the places that a person with a limited driving permit may drive. It also reduces the time a participant in a Drug/DUI Court program must use an interlock device, at the Judge's discretion, and provides for penalties for violating the limited driving permit or ignition interlock provisions.

SB 236 received a DO PASS by COMMITTEE SUBSTITUTE from the House Judiciary Committee (Non-Civil)

HOUSE JUDICIARY (CIVIL) LANE SUBCOMMITTEE

HB 665 - Clerk of superior court offices; modernize provisions

HB 665 amends Titles 9, 15, and 44, Chapter 18 of Title 50, and Code Section 36-9-5 of the O.C.G.A., relating to civil practice, courts, property, state printing and documents, and storage of documents, respectively. The bill contains many provisions of interest to Superior Court Clerks. Various councils have reviewed this bill and suggested amendments.

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

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 the House Judiciary (Non-Civil) Ramsey Subcommittee

HB 717 - Dogs; criminal penalties for certain owners failing to secure; provide

HB 717 Amends Article 2 of Chapter 8 of Title 4 of the O.C.G.A., relating to dangerous dog control. HB 717 provides that criminal penalties be enforced on certain owners who fail to secure their dangerous dog resulting in the dog inflicting severe injury or death on a human being. If said event does occur, the owner shall be guilty of the offense of failure to secure a dangerous dog and once convicted shall be guilty of a felony and punished by imprisonment for no less than one nor more than three years or a fine of not more than \$20,000.00, or both.

HB 717 received a DO PASS 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.

HB 541 received a DO PASS by the House Judiciary (Non-Civil) Ramsey Subcommittee

HOUSE JUDICIARY (CIVIL) JACOBS SUBCOMMITTEE

HB 397 - State Government; Open meetings and records; revised provisions

HB 397 amends Title 50 of the Official Code of Georgia Annotated, relating to state government, by comprehensively revising the provisions of law regarding open meetings and open records.

NO ACTION was taken on HB 397 by the House Judiciary (Civil) Jacobs Subcommittee

HOUSE INTRAGOVERNMENTAL COORDINATION COMMITTEE

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 received a DO PASS by the Intragovernmental Affairs Committee

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 this 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 received a DO PASS by the House Intragovernmental Affairs Committee

**LOOKING FORWARD: RULES CALENDAR FOR
THURSDAY FEBRUARY 16, 2012 – LEGISLATIVE DAY 20**

SENATE

SB 333- Insurance; closing protection letter; provide for premiums; authorize Commissioner of Insurance to promulgate rules and regulations

SB 358- State Government; require this state to reciprocate the preferences granted by out-of-state local governments; resident vendors

SB 366- Aviation; provide for local governments' ability to accept community improvement district funds

HOUSE

HB 728 - Property; covenants; clarify provisions

HB 744 - Uniform Partition of Heirs Property Act; enact

HR 1325 - Congress; amend Communication Act of 1934; permit use of cellular jammers; urge

SB 183 - Education; school health nurse programs; revise provisions

HB 800 - Assistant adjutants general; certain qualifications; change

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

HB 835 - Vehicles; 5 percent variance of weight limitations for towing disabled commercial vehicles; provide

**Committee Meeting Schedule
Thursday, February 16, 2012 - Legislative Day 20**

9:00 AM	House Rules	341 CAP
10:00 AM	House Session	House Gallery
10:00 AM	Senate Session	Senate Gallery
12:00 PM (Upon Adj.)	Senate Rules	450 CAP
1:00 PM	House Judiciary (Non-Civil) HB 954 - Abortion; criminal abortion; change certain provisions	506 CLOB

2:00 PM	House Governmental Affairs	406 CLOB
provide	<p>HB 811 - Budgetary and financial affairs; automatic fee adjustment in certain cases;</p> <p>HB 776 - Elections; nonpartisan elections for members of consolidated governments considered county elections; provide</p> <p>HB 899 - Primaries and elections; dates of nonpartisan elections; provide</p> <p>HB 949 - Primaries and elections; number of signatures for certain petitions shall be based on the turnout in last presidential election; provide</p>	
3:00 PM	House State Institutions and Property	515 CLOB
3:00 PM	House Judiciary (Non-Civil) Ramsey Sub.	406 CLOB
	HB 685 - Animals; dangerous and vicious dogs; extensively revise provisions	
3:00 PM	Senate Retirement	125 CAP
	SB 402 - "Employees' Retirement System of Georgia Enhanced Investment Authority Act";	

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