

ADMINISTRATIVE OFFICE OF THE COURTS OF GEORGIA
DAILY LEGISLATIVE UPDATE

WEDNESDAY, FEBRUARY 8, 2012 | LEGISLATIVE DAY 17

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

FLOOR ACTION

SENATE SESSION

Rules Calendar

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.

SB 351 PASSED BY SUBSTITUTE out of the Senate with a vote of 48-0.

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 county or city served by the court.

SB 352 PASSED BY SUBSTITUTE out of the Senate with a vote of 50-0.

The Senate stands adjourned until 9:00 AM Thursday, February 9, 2012.

HOUSE SESSION

Rules Calendar

HB 342 - Stalking; family violence order; define

HB 342 amends Code Section 16-5-7 of the O.C.G.A., relating to stalking by defining 'family violence order'. Family Violence Order is defined as any temporary restraining order, or permanent protective order. Also, any order of pre-trial release issued as a result of an arrest for an act of family violence; or any order for probation issued as a result of a conviction or plea of guilty, nolo contendere, or first offender to an act of family violence.

HB 342 PASSED out of the House with a vote of 167 – 0.

The House stands adjourned until 9:00 AM Wednesday, February 8, 2012.

COMMITTEE ACTION

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 10 years past the victims 18th birthday. For the crime of forcible rape, the statute of limitations is tolled until the victim reaches the age of 18 and will run for 15 years after the victim's eighteenth birthday.

SB 316 received a DO PASS from the Senate Judiciary Committee

SB 350 - Crimes and Offenses; disposition of firearms used in burglaries or armed robberies

SB 350 requires that any firearm belonging to a person unaware that the firearm would be used in an unlawful manner be returned to the owner when the firearm is no longer needed for evidentiary purposes. Prior to the disposal of any firearm that has been forfeited to the state, the state shall make its best efforts to determine if the firearm was stolen or otherwise lost by the owner. Should no owner be ascertained, the firearm will be sold through an auction in which no employee of the state can participate. The proceeds from the auction shall be transferred to the general fund of the jurisdiction in which the agency is located, except to cover the costs of administering the auction. All agencies must keep records of these auctions as well as the proceeds gained.

SB 350 received a DO PASS from the Senate Judiciary Committee

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 received a DO PASS from the Senate Judiciary Committee

HOUSE RETIREMENT COMMITTEE

HB 236 - Judges and court employees; new employees not Retirement System of Georgia members; provide

HB 236 amends Part 9 of Article 8 of Chapter 2 of Title 47 of the O.C.G.A., relating to judges and other court employees and certain county employees, so as to provide that tax commissioners, tax collectors, and tax receivers and all employees in their offices who first or again take office or become employed on or after July 1, 2012, shall not be members of the Employees' Retirement System of Georgia by operation of law. Furthermore, the governing authority of each county may elect to include the aforementioned officers in the Employees' Retirement System of Georgia. The bill sets forth guidelines for employee and employer contributions to the fund, and also prohibits involvement of members in another public or private retirement system.

HB 236 received a DO PASS by the House Retirement Committee

HB 250 - Georgia Judicial Retirement System; revised survivor's benefit option; provisions

HB 250 amends Chapter 23 of Title 47 of the O.C.G.A., relating to the Georgia Judicial Retirement System, so as to provide that a member who rejected survivor's benefits may elect such benefits by paying the actuarial cost. The bill requires that any amount in a retired person pension fund leftover following their death be paid to a designated survivor, or the estate of the retired person if no survivor was designated. The bill outlines guidelines for the distribution of retirement funds upon the retiree's death to the designated survivor or upon the event of a divorce.

HB 250 received a DO PASS by from the House Retirement Committee

HOUSE MOTOR VEHICLES COMMITTEE

HB 215 - Drivers' licenses; convicted of crime against a minor; prohibit certain transport

HB 215 amends Article 7 of Chapter 5 of Title 40 of the O.C.G.A., relating to commercial drivers' licenses, so as to prohibit persons convicted of a criminal offense against a minor from operating commercial motor vehicles whose occupancy meets or exceeds 16 persons. Effective July 1, 2012 any person convicted of said crime against a minor will be prohibited from driving a commercial motor vehicle. If said person has in his or her possession a license that was issued prior to July 1, 2012 that person is not disqualified until the license expires unless said person commits a subsequent criminal offense against a minor. If a criminal offense is committed on or after July 1, 2012 against a minor then said persons license will be revoked. A commercial driver's license shall not be renewed or issued until both the state sexual offender registry and the National Sex Offender Registry have been searched to determine if said person is currently registered due to a conviction of a criminal offense against a minor. If a person is found to have committed a criminal offense against a minor in this state or another state said person will not be issued a commercial driver's license. If the state sexual offender registry or all information of other states contained in the National Sex Offender Registry is unavailable but the person is otherwise qualified to obtain a commercial driver's license said license will be issued upon signature of an affidavit stating that the person does not appear on either the state sexual offender registry or the National Sex Offender Registry and said registries will be searched once access is restored. If said person does appear in

either registry then the person's commercial driver's license will be canceled and the district attorney of the country where said person resides will be notified immediately. Any person denied a commercial driver's license will be allowed to appeal within 30 days of the denied license. The hearing shall be set within 30 days following appeal.

HB 215 received a DO PASS by COMMITTEE SUBSTITUTE from the House Motor Vehicles Committee

**LOOKING FORWARD: RULES CALENDAR FOR
THURSDAY FEBRUARY 9, 2012 - LEGISLATIVE DAY 18**

SENATE

HOUSE

SB 333 - Property; notices of sales made on foreclosure under power of sale shall be provided to all debtors

SB 357 - Agriculture; repeal the "Georgia Treated Timber Products Act of 1973"

SR 715 - Congress; urge to expand the eligibility requirements; H-2A guest worker program

**Committee Meeting Schedule
Thursday, February 9, 2012 - Legislative Day 18**

8:00 AM	House Judiciary (Civil) Lane Subcommittee HB 649 – Georgia Self-service Storage Facility Act of 2011; enact HB 665 – Clerk of Superior Court Offices; modernize provisions	132 CAP
8:00 AM	House Judiciary (Civil) Jacobs Subcommittee HB 268 – Zoning procedures; notice of rezoning hearings; sign posted on property; require HB 744 – Uniform Partition of Heirs Property Act; enact HB 802 – Historic preservation; allow for subdivision of historic property; provide	133 CAP
8:00 AM	House Public Safety and Homeland Security HB 679 – Georgia Constitutional Carry Act of 2012; enact HB 827 – Traffic offenses; fleeing or attempting to elude a pursuing police vehicle HB 828 – Traffic offenses; fleeing or attempting to elude a pursuing police vehicle	506 CLOB

8:30 AM	House Rules	341 CAP
9:00 AM	House Session	House Gallery
9:00 AM	Senate Session	Senate Gallery
Upon Adj.	Senate Rules	450 CAP
1:00 PM	House Governmental Affairs Elections Subcommittee HB 776 – Elections; nonpartisan elections for members of consolidated governments considered county elections; provide HB 899 – Primaries and elections; dates of nonpartisan elections; provide	515 CLOB
1:00 PM	House Intragovernmental Coordination 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	406 CLOB
2:00 PM	House Judiciary (Civil)	132 CAP

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