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Prosecuting  
Attorneys'  
Council of Georgia

## Summary of Legislation Enacted During the 2019 Georgia General Assembly

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The following is a summary of the Bills and Resolutions impacting prosecutors or the criminal justice system that passed during the 2019 Session of the Georgia General Assembly and, in the case of Bills or Resolutions having the effect of law, were approved by the Governor. For each Bill or Resolution, the summary includes the Bill number, a short descriptive title, the name of the Bill sponsor, the date the Bill was approved by the Governor (if required), the effective date, the summary prepared by contributing staff, and a link to where the full text can be found on the General Assembly website.

We have provided a brief analysis for the majority of the 96 Bills and 4 Resolutions that passed during the 2019 Session that we flagged as having some impact on prosecutors in Georgia. In a few instances, where the authors concluded that the legislative short title adequately described the contents of the Bill or Resolution, no summary has been provided. Also included at the end of this document are the summaries of the Bills vetoed by the Governor that would have had some impact on prosecutors in Georgia. These summaries are intended to give the reader an idea of what is contained in the new law; they are not a substitute for reading the actual text of the Bill.

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## Part 1: As Passed Bills and Resolutions

### **HB 21 | Gwinnett Judicial Circuit; additional judge of the superior court; provide**

Rep. Chuck Efstrotation

*Effective Date April 2, 2019*

HB 21 increases the number of Superior Court Judges in the Gwinnett Judicial Circuit from 10 to 11. The Governor will appoint the new judge to begin their term January 1, 2020.

<http://www.legis.ga.gov/Legislation/20192020/185040.pdf>

### **HB 28 | Griffin Judicial Circuit; additional judge of the superior court; provide**

Rep. Karen Mathiak

*Effective Date May 6, 2019*

HB 28 increases the number of Superior Court Judges in the Griffin Circuit from 4 to 5. The Governor will appoint the new judge to begin their term January 1, 2020.

<http://www.legis.ga.gov/Legislation/20192020/185042.pdf>

### **HB 33 | Weapons carry license; extension of time for the renewal of a license for certain service members serving on active duty outside of the state; provide**

Rep. Eddie Lumsden

*Effective Date July 1, 2019*

HB 33 amends O.C.G.A. § 16-11-129 relating to weapons license applications and renewal applications made by members of the military. The bill amends O.C.G.A. § 16-11-129 by adding a new section - 16-11-129(a)(2)(A) - which defines "service member" as: an active duty member of the regular or reserve component of the United States Army, United States Navy, United States Marine Corps, United States Coast Guard, United States Air Force, United States National Guard, Georgia Army National Guard, or Georgia Air National Guard.

The bill also adds a new subsection - 16-11-129(a)(2)(B), which states: Any service member whose weapons carry license or renewal license expired while such service member was serving on active duty outside this state shall be authorized to carry any weapon in accordance with such expired license for a period of six months from the date of his or her discharge from active duty or reassignment to a location within this state. When carrying a weapon pursuant to Code Section 16-11-137, the service member shall also have in his or her immediate

possession a copy of the official military orders or a written verification signed by such service member's commanding officer which shall evidence that such service member is authorized to carry any weapon in accordance with such expired license for a period of six months from the date of his or her discharge from active duty or reassignment to a location within this state.

Finally, subsection 16-11-129(a)(3)(B)(ii) is added, stating as follows: (ii) An application of any service member whose weapons carry license or renewal license expired while such service member was serving on active duty outside this state shall be considered to be for a renewal license if such service member applies within six months from the date of his or her discharge from active duty or reassignment to a location within this state as provided for in a copy of such service member's official military orders or a written verification signed by such service member's commanding officer as provided by the service member.

<http://www.legis.ga.gov/Legislation/20192020/187063.pdf>

**HB 52 | Clay County; judge of Probate Court shall also serve as magistrate of the Magistrate Court; provide**

Rep. Gerald Greene

*Effective date April 2, 2019*

HB 52 gives the Probate Court Judge of Clay County the office of Magistrate Court judge as well, starting January 1, 2021. There will be no election in 2020 or afterwards for Magistrate Court judge - the term will run with the term for Probate Court Judge. Clay County is to provide a supplement to the Probate Court Judge for their new duties. Any current magistrate shall finish out their term, however, should they vacate the office prior to the expiration of their term, the Probate Court Judge shall assume their duties. Elections for Probate Court Judge shall be nonpartisan.

<http://www.legis.ga.gov/Legislation/20192020/183684.pdf>

**HB 64 | Parent and child; require child welfare agencies to make efforts to determine whether a parent or guardian of a child who is the subject of abuse allegations is on active duty in the military**

Rep. Brian Prince

*Effective date July 1, 2019*

HB 64 shall be known as the "Protecting Military Children Act." The bill amends OCGA 19-7-5, relating to reporting of child abuse, by adding "military law enforcement" to the list of those authorized to receive child abuse reports. It also adds a new paragraph (3) that requires a child welfare agency to identify if a parent of a suspected abused child is on active military duty, and if so, notify the family advocacy program where the parent is stationed.

<http://www.legis.ga.gov/Legislation/20192020/186282.pdf>

**HB 70 | Guardian and ward; guardian and conservators of minors and adults; revise provisions**

Rep. Chuck Efstrotation

*Effective date January 1, 2020*

HB 70 updates the requirements and procedures for conservators and guardians of minors. Sections 1, 2, 3, 4, & 5 are housekeeping provisions allowing for court hearings, updating the law on digital assets and successor guardians, and directing court costs for bonding to be paid from the minor's estate. Section 6 recognizes adult guardianships where a court in Georgia has determined one is needed but also recognizing where courts in other states have also deemed a person in need of a guardian. Subsequent sections spell out the process of bonding and registering of guardianships from other states and discuss the termination of emergency guardianships at 60 or 90 days depending on the reasoning for the guardianship. Section 26 provides that the same person cannot be counsel for the ward as well as conservator/guardian. Section 27 provides the reasons and procedure for terminating a conservatorship/guardianship. The remainder deals with fee assessment and registration/recording of persons listed as guardian/conservator.

<http://www.legis.ga.gov/Legislation/20192020/187556.pdf>

**HB 91 | Hospitals and health care facilities; Federal Bureau of Investigation to retain fingerprints when an agency or entity is participating in the Georgia Bureau of Investigation's program; allow**

Rep. Andrew Welch

*Effective date October 1, 2019*

This is a clean-up of the background check bill for long-term care facilities passed last year. It allows GBI to retain fingerprints upon notice to the individual.

<http://www.legis.ga.gov/Legislation/20192020/187017.pdf>

**HB 92 | Georgia Municipal Courts Training Council; training hours completed by a municipal court judge in excess of those required may carry over to the following year; provide**

Rep. Dale Rutledge

*Effective date July 1, 2019*

HB 92 is an act that amends Code Section 36-32-27, regarding the Georgia Municipal Courts Training Council, by adding a new paragraph (e) that allows a municipal court judge to carry over up to 6 hours into the next training year when he/she has excess hours in the current year.

<http://www.legis.ga.gov/Legislation/20192020/184270.pdf>

**HB 95 | Jenkins County; appointment of deputy magistrates; provide**

Rep. Butch Parrish

*Effective date April 30, 2019*

Prior to the enactment of HB 95, Jenkins County only had one magistrate judge. Now, they will have a chief magistrate and however many deputy magistrate judges the County Commissioners deem necessary.

<http://www.legis.ga.gov/Legislation/20192020/184574.pdf>

## **HB 118 | Crimes and offenses; transmitting a false alarm; revise offense**

Rep. Marc Morris

*Effective date July 1, 2019*

HB 118 is known and cited as the "Protection against False Claims for Emergency Services Act." The Act amends O.C.G.A. § 16-10-28(a) by adding subsections 4, 5, and 6 which, respectively, define "Public agency;" "Public safety agency;" and "Request for emergency services assistance." The Act further amends O.C.G.A. § 16-10-28(b) by stating that: A person commits the offense of making an unlawful request for emergency services assistance when he or she knowingly and intentionally transmits in any manner a request for emergency services assistance knowing at the time of the request for emergency services assistance that there is no reasonable ground for believing the truth of information which forms the basis of such request and when the request involves or relates to: (1) A purported destructive device or hazardous substance is located in such a place that its explosion, detonation, or release would endanger human life or cause injury or damage to property; (2) An individual who purportedly has caused or threatened to cause physical harm to himself or herself or another individual by using a deadly weapon or with any object, device, or instrument which, when used offensively against a person, is likely to result in serious bodily injury; (3) An individual who purportedly has committed a criminal act involving the use or threat of physical force or violence or an act constituting an immediate threat to any person's life or safety; or (4) The use of any electronic device or software to alter, conceal, or disguise, or attempt to alter, conceal, or disguise, the location or identity of the person making the request. A first conviction under O.C.G.A. § 16-10-28(b) would be a misdemeanor of a high and aggravated nature. A second or subsequent conviction is a felony punishable by a sentence between 1-10 year imprisonment, or a fine of not less than \$5,000, or both.

The Act also adds O.C.G.A. § 16-10-28(a)(2)(B), which states if serious injury or death results from the response of a public safety agency, such person who falsely claimed need of emergency services is guilty of a felony. The punishment 1-10 years imprisonment, a fine of not less than \$5,000, or both.

<http://www.legis.ga.gov/Legislation/20192020/187559.pdf>

**HB 120 | Bell-Forsyth Judicial Circuit; Superior Court judges; increase salary supplement**

Rep. Marc Morris

*Effective date July 1, 2019*

Increases the supplement to Superior Court judges in the Bell-Forsyth Judicial Circuit from \$25,000 a year to \$49,500 a year.

<http://www.legis.ga.gov/Legislation/20192020/186291.pdf>

**HB 124 | Centralhatchee, Town of; provide for a municipal court**

Rep. Randy Nix

*Effective date April 30, 2019*

HB 124 creates a Municipal Court for the Town of Centralhatchee. There will be a chief judge and as many stand-by judges as city ordinance allows. The Centralhatchee Municipal Court shall be able to impose up to a \$1000 fine, 180 days in jail, or both for offenses committed in the Town.

<http://www.legis.ga.gov/Legislation/20192020/185045.pdf>

**HB 125 | Bowdon, City of; provide for a municipal court**

Rep. Randy Nix

*Effective date April 30, 2019*

HB 125 creates a Municipal Court for the City of Bowden There will be a chief judge and as many stand-by judges as city ordinance allows. The Bowden Municipal Court shall be able to impose punishment for offenses within its jurisdiction not to exceed the maximums as may be provided by Georgia law.

<http://www.legis.ga.gov/Legislation/20192020/185047.pdf>

**HB 134 | County law libraries; repeal a population provision regarding the disposition of law library funds in certain counties**

Rep. Bonnie Rich

*Effective date May 7, 2019*

HB 134 repeals Code Section 36-15-11 relating to the receipt and disbursement of funds collected under the Chapter by counties having a population of 950,000 or more. The funds under the to-be-repealed law were to be paid into the general treasury of the county to be used for lawful purposes of the courts of the county including the maintenance of the law library. The Code Section will now state "Reserved." The Act becomes effective upon approval by the Governor.

<http://www.legis.ga.gov/Legislation/20192020/187065.pdf>

**HB 213 | Georgia Hemp Farming Act; enact**

Rep. John Corbett

*Effective date May 10, 2019*

HB 213 (The "Georgia Hemp Farming Act") creates a new chapter (Code Sections 2-23-1 through 2-23-12) to allow the issuance of licenses to grow hemp and permits to process hemp. New Code Section 2-23-2 defines "Hemp" as the Cannabis Sativa L plant and any parts of the plant and all derivatives with a THC concentration of 0.3% or less. Hemp products are anything made from legal hemp, excluding food products unless said food products are approved by the FDA. Code Section 2-23-4 says it is unlawful to cultivate, handle, process, accept or sell hemp, unless such act is done in compliance with the other provisions of this act. Offering for retail sale the unprocessed flower or leaves of the hemp plant is illegal.

Code Section 2-23-5 through 2-23-7 set requirements for being issued a hemp grower license and hemp processor permit. Code Section 2-23-8 and 2-23-9 allows the Department of Agriculture to have hemp tested and sets procedures for retesting and potential destruction of crops containing more than 0.3% THC. Code Section 2-23-10 states that this section is the only method of enforcement for violations of the rules of this Act. Any violation with a culpable mental state greater than negligence is to be reported to the U.S. Attorney General or State Attorney General for enforcement. Other violations require corrective action plans, with the potential for license or permit revocation for three negligent violations within a five year period. Subsection (f) of this code section states that "criminal offenses, including laws provided for in Title 16, not in conflict with this chapter shall continue to be enforceable and of full force and effect." Code Section 2-23-11 requires the Georgia Commissioner of Agriculture to submit a plan within sixty days of the Act taking effect to the U.S. Secretary of

Agriculture outlining regulatory plans in compliance with the requirements of the Federal Farm Bill. Code Section 2-23-12 requires the Department of Agriculture to promulgate rules for implementation.

Section 2 of the Act changes the definition of "Marijuana" in code section 16-13-21 (16) to say that marijuana "shall not include hemp or hemp products" as defined in 2-23-3. Language in previous versions included to address difficulties of law enforcement in distinguishing between marijuana and hemp was removed from the final version.

Section 3 of the Act changes the definition of tetrahydrocannabinol and related substances in code section 16-13-25 (3) (P) to exclude THC found in hemp or hemp products as defined in code section 2-23-3.

<http://www.legis.ga.gov/Legislation/20192020/187562.pdf>

**HB 217 | Crimes and offenses; employees and agents of syringe services programs are not subject to certain offenses relating to hypodermic syringes and needles; provide**

Rep. Houston Gaines

*Effective date July 1, 2019*

HB 217 gives employees or agents of registered syringe- services programs the right to possess and distribute hypodermic syringes or needles made to be used by humans. O.C.G.A. § 16-13-32(2) makes those employees or agents immune from civil or criminal liability if done as part of the syringe program. The Department of Public Health will promulgate rules and regulations including registration requirements for the syringe services programs. O.C.G.A. § 16-13-32(4) defines "syringe services program"

<http://www.legis.ga.gov/Legislation/20192020/186284.pdf>

**HB 225 | Motor vehicles; reference date to federal regulations regarding the safe operation of commercial motor vehicles and carriers; update**

Rep. Bonnie Rich

*Effective date July 1, 2019*

HB 225 is an act that amends Code Section 40-1-8, related to operation of motor carriers, commercial vehicles/ drivers, and transportation of hazardous materials, by updating subsection (a)(3) to use regulations in 49 C.F.R. that were in effect on January 1, 2019.

<http://www.legis.ga.gov/Legislation/20192020/185610.pdf>

**HB 226 | Courts; additional penalty for violation of traffic laws or ordinances under Joshua's Law; extend sunset**

Rep. Dominic Lariccia

*Effective date July 1, 2019*

HB 226 is an act that continues the enhanced penalties under Code Section 15-21-179 until June 30, 2022. The penalties, known as "Joshua's Law", add a 1.5% additional penalty to any fine or bond payment, including costs for any traffic violation, and is currently scheduled to sunset on June 30, 2019 unless extended. Funds are intended to be used for the Driver's Education Commission (see O.C.G.A. §§ 15-21-180 and 15-21-181.)

<http://www.legis.ga.gov/Legislation/20192020/185611.pdf>

**HB 227 | Insurance; discrimination against victims of family violence to include victims of sexual assault; expand prohibitions**

Rep. Spencer Frye

*Effective date July 1, 2019*

HB 227 amends Code Section 33-6-4 to prohibit discrimination by insurers against victims of sexual assault. It would prevent the disclosure of any information related to the sexual assault or abuse of a person, including their medical condition or personal contact information, in most circumstances. It would also prevent insurers from refusing to insure, denying claims, canceling insurance or charging higher rates for sexual assault victims. This bill would bar insurers from soliciting information relating to any acts of sexual assault. Finally, this bill would prohibit insurers from taking any adverse action based on a medical condition caused by sexual assault.

<http://www.legis.ga.gov/Legislation/20192020/186286.pdf>

**HB 228 | Marriage; change minimum age from 16 to 17 and require any person who is 17 to have been emancipated**

Rep. Andrew Welch

*Effective date July 1, 2019*

HB 228 would address the issue of forced marriage by raising the minimum age of marriage from age 16 to 17. Under this bill, a person seeking to marry at age 17 would have to do or meet the following requirements: Been emancipated by a court of competent jurisdiction; Individually completed a course of premarital counseling by a licensed psychologist, psychiatrist, trained member of the clergy or counselor; Furnish proof of age of both spouses, with the intended spouse not being more than four years older than the 17 year old; Complete a petition outlining their reasons for wanting to marry and how long they have known their spouse; and Undergo a criminal background check. Additionally, the 17 year old would be prohibited from receiving a marriage license within 15 days of emancipation. The Department of Public Health is required to create a "Marriage Fact Sheet" to provide valuable information on the topic to include information on Domestic Violence, Sexual Assault and resources for victims. Courts would be required to hear the above-outlined petition and appoint an attorney for the 17 year old wishing to marry. The judge hearing the petition would be prohibited from emancipating the minor if force, fraud, coercion or statutory rape are proven by a preponderance of the evidence

<http://www.legis.ga.gov/Legislation/20192020/187566.pdf>

## **HB 239 | Georgia Business Court; establish**

Rep. Chuck Efstoration

*Effective date May 7, 2019*

O.C.G.A. § 15-5A-2: same terms of court as the Supreme Court. Court based in Atlanta or Macon-Bibb County, but can have video pretrial hearings upon request. Hearings in the county with venue. Bench trials only, unless any party requests a jury trial. If a need to recuse arises, the Supreme Court would order another Business Court judge, Court of Appeals judge, superior court judge, or state court judge to hear the matter.

O.C.G.A. § 15-5A-3: Business court will hear cases involving specific subject matters including UCC, the Arbitration Act, breach of contract or fraud, and e-commerce agreements where damages requested are at least \$1 million involving commercial properties and \$500,000 not involving commercial properties. Court cannot hear cases involving physical injury inflicted upon the body of a person or death, mental or emotional injury inflicted upon a person, physical contact of an insulting or provoking nature with the body of a person, a threat of physical violence toward another person, and matters arising under Title 19 among others.

O.C.G.A. § 15-5A-4 Cases get started by filing a pleading with the Business Court directly or seeking removal. Removal petitions must be filed within 60 days of filing original petition. All parties must agree to the removal. One party can petition for a case to be transferred.

O.C.G.A. § 15-5A-5 Transfer fee is \$3,000.

O.C.G.A. § 15-5A-6 Court will start operations on January 1, 2020 and can start accepting cases on August 1, 2020. There will be only 1 judge and they must have 15 years of legal experience in complex business litigation but only have to be a resident or member of the Bar for only 7 years.

O.C.G.A. § 15-5A-7 The judge is appointed by Governor and approved by a majority vote of House Judiciary and Senate Judiciary committees. 5 year appointment and can be reappointed.

O.C.G.A. § 15-5A-9 Judge's salary is \$174,500 plus mileage if the judge lives more than 50 miles from Atlanta or Macon (once a week) as well as General Assembly per diem for not more than 35 days a term of court

O.C.G.A. § 15-5A-10 With the help of up to 8 people who may be judges, Business Court Judge gets to create court rules. Supreme Court to approve rule changes. Rules may include a matrix or guidelines for the acceptance of cases by the Georgia State-wide Business Court.

O.C.G.A. § 15-5A-11 There is a clerk of court. The Governor appoints the clerk which must be approved by a majority of the House and Senate Judiciary Committees. The term of office is 5 years and the clerk can be reappointed. The clerk is paid the same as the clerk of the Court of Appeals.

O.C.G.A. § 15-5A-12 Offices shall sit either in Atlanta or Macon-Bibb County. The Judge shall designate an electronic filing system.

O.C.G.A. § 15-5A-13 Unlimited number of law assistants who serve at the pleasure of the judge.

O.C.G.A. § 15-5A-14 Judge fixes the salary of stenographers, clerical assistants, and other employees

Cases can be appealed to the Court of Appeals and Supreme Court, like any other case.

This Act also removes the Prosecuting Attorneys' Council of Georgia from having to pay for depositions taken in a criminal matter and exempts the District Attorney and Solicitor-General (as well as other governmental lawyers) from having to pay a fee when filing a document with the clerk electronically.

<http://www.legis.ga.gov/Legislation/20192020/187568.pdf>

**HB 257 | Council of Magistrate Court Judges; organization and provide for officers; increase authority**

Rep. Mitchell Scoggins

*Effective date July 1, 2019*

HB 257 amends Code Section 15-10-7(a) relating to the Council of Magistrate Court Judges by eliminating language requiring how the Council is to be organized (i.e. a president, a first and a second VP, a secretary, treasurer) and allows the Council to decide how it wishes to be organized. It amends Code Section 15-10-7 by deleting outdated language in subsection (b) and all of subsection (c) and subsection (i). Similarly, it eliminates Code Section 15-10-120 in its entirety as being outdated. It amends the Code Section 15-10-7 relating to the bond a magistrate must execute by raising the amount of the bond from \$25K to \$100K. Finally, it revises the qualifications under Code Section 15-10-22 for becoming a magistrate by providing that each magistrate taking office on or after July 1, 2019 must be a resident of the county for two years (used to be one year) and remain a resident of the county during his or her term of office, be a citizen of the U.S., be a registered voter, and have obtained a state-accredited high school diploma or GED diploma.

<http://www.legis.ga.gov/Legislation/20192020/187020.pdf>

**HB 281 | Crimes and offenses; pimping and pandering; increase penalty provision**

Rep. Teri Anulewicz

*Effective date July 1, 2019*

This Act amends O.C.G.A. § 16-6-13 to increase penalties for pimping and pandering. Makes Pimping, O.C.G.A. § 16-6-11, punishable as a high and aggravated misdemeanor and all but 72 hours of any term of imprisonment imposed may be suspended, stayed, or probated. Second or subsequent is a felony punishable by 1 to 10 years. Makes Pandering, O.C.G.A. § 16-6-12, punishable for first offense as high and aggravated misdemeanor and all but 72 hours of any term of imprisonment imposed may be suspended, stayed, or probated. A second or subsequent conviction is a felony punishable by 1 to 10 years.

<http://www.legis.ga.gov/Legislation/20192020/187022.pdf>

**HB 282 | Criminal procedure; increase amount of time that law enforcement agencies are required to preserve certain evidence of sexual assault**

Rep. Scott Holcomb

*Effective date July 1, 2019*

This Act Amends Code Section 17-5-71, Preservation of Evidence. In cases in which the victim reports an alleged sexual assault to law enforcement, the investigating law enforcement agency shall maintain any physical evidence collected as a result of an alleged sexual assault that contains biological material, including, but not limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of an alleged sexual assault, for 30 years from the date of arrest, or seven years from completion of sentence, whichever occurs last, and if no arrests, then for 50 years.

<http://www.legis.ga.gov/Legislation/20192020/187572.pdf>

**HB 284 | Cobb County; Magistrate Court chief judge; provide nonpartisan elections**

Rep. John Carson

*Effective date April 2, 2019*

HB 284 is an act that holds that elections for the chief judge of the Magistrate Court of Cobb County shall be nonpartisan, following the expiration of the current term of the chief judge.

<http://www.legis.ga.gov/Legislation/20192020/186265.pdf>

**HB 285 | Cobb County; probate judge; provide nonpartisan elections**

Rep. John Carson

*Effective date April 2, 2019*

HB 285 is an act that provides that elections for probate court judge of Cobb County shall be nonpartisan, following the completion of the current term of office for the sitting probate court judge.

<http://www.legis.ga.gov/Legislation/20192020/186266.pdf>

**HB 288 | Superior courts; revise the sums that the clerks are entitled to charge and collect for filing documents and instruments pertaining to real estate or personal property**

Rep. Alan Powell

*Effective date January 1, 2020*

HB 288 relates to the fees to be charged by the Superior Court clerks. First, it deletes O.C.G.A. §§ 15-6-77.1, 15-6-77.2 and 15-6-77.3 requiring additional fees in counties with populations of 550,000, 640,000 and 350,000 respectively. It then cleans up a few Code sections which reference these deleted provisions by deleting those references. It amends Code Section 15-6-77 (f) by providing that the sums for filing "shall continue to be subject to the remittance requirements to be paid by the clerk pursuant to Code Section 15-6-61, 15-6-98, or 47-14-51." It also amends subparagraph (1)(A)(i) and (ii) by providing that the charges for filing the instruments listed is raised to \$25.00 and deletes the charges for first page and additional pages. It also adds in new (iii) that the filing of a tax lien by a state or local government shall be \$5.00 with each additional page \$2.00. In paragraph (f)(2), filing maps or plats goes from \$7.50 to \$10.00. Finally, it amends subsection (o) by deleting paragraphs (1), (2) and (3) relating to the filing of real estate instruments.

<http://www.legis.ga.gov/Legislation/20192020/187071.pdf>

**HB 296 | Superior Court of Hall County in the Northeastern Circuit; revise term of court**

Rep. Lee Hawkins

*Effective date July 1, 2019*

HB 296 changes the terms of court in the Northeastern Circuit, specifically Hall County. The terms of court would now start on the second Monday of January, April, and July but the first Monday in October. Currently it is the Second Monday in January and July and the first Monday in May and November. The terms of court in Dawson County remain unchanged.

<http://www.legis.ga.gov/Legislation/20192020/187073.pdf>

**HB 304 | Putnam County; Magistrate Court; revise number, manner of selection, and compensation of the judges**

Rep. Trey Rhodes

*Effective date April 2, 2019*

HB 304 increases the number of part-time magistrate judges from 1 to 2. The Act also gives the Chief Magistrate Judge the authority to fill vacancies.

<http://www.legis.ga.gov/Legislation/20192020/183197.pdf>

**HB 307 | Abandoned Motor Vehicle Act; enact**

Rep. Alan Powell

*Effective date May 7, 2019 (Sections 2 & 5)*

*Effective date September 1, 2019*

HB 307 ("The Abandoned Motor Vehicle Act") amends Code Section 15-10-2 to give magistrates authority over foreclosing liens on abandoned motor vehicles. Code Sections 40-3-52 and 40-3-54, related to assertion/foreclosure of mechanics' liens, and is updated to include the new act. Code Sections 40-11-2 through 40-11-10 are repealed and reserved, with the new Abandoned Motor Vehicles Act now beginning at code section 40-11-11.

Code Sections 40-11-12 and 40-11-13 are the title of the act and the definitions section. Code Sections 40-11-14 and 40-11-15 require a peace officer who discovers an unattended motor vehicle upon a highway or public property to perform an unattended vehicle check to confirm that no injured/incapacitated people are in the vehicle and the vehicle does not pose a threat to public safety or traffic. An unattended vehicle check card is to be left on the vehicle. It is a misdemeanor for any person other than law enforcement and people authorized by law enforcement to attach any type of unattended vehicle check card to a vehicle. Failure of an officer to comply with the check card provisions does not limit the remedies available under this article.

After five days (or when a vehicle poses a threat to safety or traffic), the vehicle may be moved and any peace officer following this code section is liable only for gross negligence.

O.C.G.A. § 40-11-16 requires towing firms to request information from GCIC on registered owners and notify law enforcement of removal within one day of requesting information. O.C.G.A. § 40-11-17 makes it illegal to tow a vehicle in a paid lot between midnight - 9 AM the next day. Any party doing so is guilty of a misdemeanor. O.C.G.A. § 40-11-18 allow owners to retrieve personal property from a stored vehicle within 30 days. O.C.G.A. § 40-11-19 and 40-

11-19.1 through 40-11-19.5 set up procedures for firms in possession of abandoned vehicles to foreclose on liens through magistrate court, and conducting public sales of forfeited vehicles. Procedures are set forth in new Code Section 44-12-211.1 and amendment to Code Section 44-12-215 to allow for the listing of vehicles on the Georgia Unclaimed Property List and interested parties to claim funds turned over to the department. Purchasers of vehicles sold in this manner shall receive good title to the vehicle. The Council of Magistrate Judges is to develop and publish the forms required by this Act no later than September 1, 2019. The Act becomes effective upon the Governor's signature for the purpose of developing the required forms, and becomes effective on September 1, 2019 for all other purposes.

<http://www.legis.ga.gov/Legislation/20192020/187573.pdf>

**HB 316 | Elections; definitions; provide for uniform equipment and ballot marking devices**

Rep. Barry Fleming

*Effective date April 2, 2019*

This bill updates the election and election machine terms in anticipation of our moving away from DREs to ballots with a paper receipt.

<http://www.legis.ga.gov/Legislation/20192020/184671.pdf>

**HB 324 | Georgia's Hope Act; enact**

Rep. Micah Gravley

*Effective date July 1, 2019*

HB 324 is an act designed to facilitate access to Low THC Oil for patients on the registry. Sections 1 & 2 are the Title and legislative intent. Section 3 amends Code Section 16-12-191 to allow purchasing of low THC oil by registered participants, and barring it for people not authorized. Universities, pharmacies, and licensees are exempt from this Code Section if they are in compliance with other provisions of the Act. Section 4 creates a new article (Article 9 - Code Sections 16-12-200 through 16-12-236)

Part 1 of Article 9 contains definitions, and code section 16-12-201 makes it unlawful to grow, produce, manufacture or distribute Low THC Oil other than as allowed throughout this article. A Georgia Access to Medical Cannabis Commission is created, with the authority to administer funds, obtain cannabis or Low THC Oil, and establish rules and procedures for the distribution of oil under the act. The University of Georgia and Fort Valley State University are allowed to be licensed to process oil and conduct research. The State Board of Pharmacy is authorized to

develop a license for a pharmacy to distribute oil to patients. There is also a Medical Cannabis Commission Oversight Committee created, that will have the authority to inspect any production facility upon request and reasonable notice.

Part 2 outlines the powers of the commission to issue licenses for production of oil and rules governing production. Two Class 1 licenses may be issued, allowing cultivation on up to 100,000 sq. ft. of indoor only space, and manufacture of Low THC Oil. Requirements are set for issuance of licenses and relevant fees. Up to four Class 2 licenses may be issued, allowing cultivation on up to 50,000 sq. ft. of indoor only space, and manufacture of Low THC Oil, with comparable requirements for licensure and fees. Tracking systems capable of tracking all plants and products are required of all licensees. A study of the participation of women and minority owned businesses shall commence 1/1/2022, with new licenses to potentially issue if discrimination is found. Operations are barred within 3,000 feet of a school, day care, or house of worship for cultivation or distribution, and barred within 1,000 feet of those buildings for any dispensing licensee. The GBI is responsible for ensuring lawful conduct of licensees. Licensees shall provide on-demand access to law enforcement and the commission for inspection, and shall contract with an approved lab to verify compliance with the Act. Individuals convicted of drug-related felonies are barred from working as employees of licensee business under the act, as are felons generally, unless the conviction is more than ten years old. Limits are placed on access to commission records under the Open Records Act, as well as when and how a license may be transferred or revoked.

Code Section 16-12-225 outlines criminal penalties for violation of the Act. Willful participation in the endangerment of patients, trafficking in Low THC Oil or its by-products, raw materials, and agricultural inputs is guilty of a felony punishable by a fine of up to \$100,000 and/or 5-10 years imprisonment. Gross, willful, or wanton negligence leading to a violation of the above is treated as a high and aggravated misdemeanor, punishable by a fine of up to \$5000 and/or up to 12 months imprisonment. All other violations are punishable with a fine of up to \$500 for a first offense, and as a misdemeanor with a fine of up to \$1,000 and/or up to six months imprisonment for a second or subsequent violation.

Part 3 includes miscellaneous provisions, including a list of persons not subject to criminal or civil penalty when in compliance with the act (registered patients, physicians, pharmacists, the commission, or university representatives.) State employees are eligible for reimbursement for incurred counsel fees under code section 45-12-26 in the event of federal investigation. Vaping of Low THC Oil is unlawful under Code Section 16-12-234.

Section 5 amends Code Section 2-11-36 to allow participants in compliance with the act to grow, sell, or transport seeds used in production of Low THC Oil. Section 6 amends Code Section 31-

2A-18 to require physicians to consult a prescription drug monitoring database prior to registering a patient for Low THC Oil.

<http://www.legis.ga.gov/Legislation/20192020/187578.pdf>

**HB 325 | Law enforcement officers and agencies; records of investigation of an officer by the Georgia Peace Officer Standards and Training Council shall be retained for 30 years; provide**

Rep. Heath Clark

*Effective date July 1, 2019*

HB 325 amends Code Section 35-8-7.1 relating to the authority of the Georgia Peace Officer Standards and Training Council by adding new subsection (g) that provides notwithstanding the provisions of the Georgia Records Act (O.C.G.A. § 50-18-90 et seq.), records of an investigation of a peace officer by the Council, including, but not limited to, records used to investigate complaints against a peace officer and polygraph case files containing official polygraph reports, shall be retained for 30 years following the date that such investigation is deemed concluded by the council and then such records may be destroyed. However, the Council shall have the authority to destroy such records prior to 30 years if the peace officer is dead and no action upon the complaint was taken by the Council beyond the Council's initial intake of the complaint.

<http://www.legis.ga.gov/Legislation/20192020/185613.pdf>

**HB 345 | Penal institutions; pregnant female inmates or a female inmate who is in the immediate postpartum period; provide prohibited practices**

Rep. Sharon Cooper

*Effective date October 1, 2019*

HB 345 adds a new section to Title 42 and would prohibit certain practices for pregnant and postpartum women confined in penal institutions. It applies to all state institutions and those of the political subdivisions. It also requires the Department of Public Health and Department of Corrections, beginning in 2020, to produce annual reports compiling data regarding the infants born in each penal institution for the House and Senate Judiciary Committee.

The bill does the following: Prohibits guards requiring pregnant inmates in the third trimester from squatting and coughing during strip searches; Disallows the performance of vaginal exams on pregnant inmates unless they are prescribed and performed by licensed medical

professionals in labor, delivery, or postpartum period. The bill defines the postpartum period defined as 13 weeks after the birth of an infant. pregnant inmates can only be restrained with the wrists in the front of their bodies. After an incident requiring restraints, the institution is required to document the incident detailing whether the inmate presented a compelling danger to herself, staff or others, or if she was a substantial flight risk.

<http://www.legis.ga.gov/Legislation/20192020/187593.pdf>

**HB 349 | Local government; counties to exercise powers in incorporated areas; authorize**

Rep. Charles Martin

*Effective date July 1, 2019*

HB 349 amends O.C.G.A. § 36-44-3, relating to definitions regarding redevelopment powers, by revising paragraph (2), which sets out the definition of "area of operation" to state that: In the case of a county or its redevelopment agency, such term (area of operation) may also include part or all of the territory within such county lying within the corporate limits of a municipality when authorized by a resolution of the governing authority of such municipality.

<http://www.legis.ga.gov/Legislation/20192020/187075.pdf>

**HB 353 | Insurance; create the crime of staging a motor vehicle collision**

Rep. Kasey Carpenter

*Effective date April 25, 2019*

HB 353 creates a new code section, O.C.G.A. § 33-1-9.1, which creates a new offense of staging a motor vehicle collision.

(a) A person shall be guilty of the crime of staging a collision when, with intent to commit insurance fraud, as defined in Code Section 33-1-9, such person does any of the following: (1) Intentionally causes or attempts to cause a motor vehicle collision; or (2) Engages in a scheme to fabricate evidence of a motor vehicle collision that did not occur. Further, staging a collision constitutes a felony punishable by no less than one year nor more than five years imprisonment.

(b) A person commits the crime of aggravated staging of a collision when, with intent to commit insurance fraud as defined in Code Section 33-1-9, such person commits acts in violation of subsection (a) which result in serious personal injury to another. Further, aggravated staging of a collision shall constitute a felony punishable by no less than two years nor more than ten years imprisonment.

(c) A person shall be guilty of the crime of making a fraudulent claim related to a staged collision when such person makes, or assists in making, a claim for insurance benefits of any type or brings, or assists in bringing, a civil lawsuit against another seeking monetary damages with knowledge that the injuries for which insurance benefits or monetary damages are sought resulted from a staged collision, or seeks to obtain any benefit to which such claimant is not legally entitled. Further, making a fraudulent claim related to a staged collision shall constitute a felony and shall be punishable by no less than one year nor more than five years imprisonment.

<http://www.legis.ga.gov/Legislation/20192020/187595.pdf>

**HB 424 | Crimes and offenses; include certain sex crimes into the definition of criminal gang activity**

Rep. Deborah Silcox

*Effective date April 18, 2019*

HB 424, Section 1 amends 16-5-23.1, relating to battery persons over 65, by revising subsections (c), (j), (k), and (l). It removes subsection (j) which formerly made it a high and aggravated misdemeanor to commit the offense of battery against a person 65 or older. This subsection caused a rule of lenity issue with the Elder Abuse Statute, thus allowing the defendant to be punished for a misdemeanor.

Section 2 revises subsection (f) of Code Section 16-5-46, *trafficking of persons for labor or sexual servitude*. Except as provided in paragraph (2) of this subsection, any person who commits the offense of trafficking an individual for labor servitude or sexual servitude is guilty of a felony, and shall be punished by imprisonment for not less than ten nor more than 20 years and a fine not to exceed \$100,000.00. Persons who commits trafficking for labor servitude or sexual servitude against victims under 18 years of age or if the offense is committed against an individual who has a developmental disability, the person shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than 25 nor more than 50 years or life imprisonment and a fine not to exceed \$100,000.00.

Section 3 amends 16-5-100, *definitions relative to the protection of elder persons*, by revising paragraph (6).(6) 'Exploit' means illegally or improperly using a disabled adult or elder person or that person's resources through undue influence, coercion, harassment, duress, deception, false representation, false pretense, or other similar means for one's own or another person's profit or advantage, including, but not limited to, the illegal taking of resources belonging to a

disabled adult or elder person when access to the resources was obtained due to the disabled adult's or elder person's mental or physical incapacity.

Section 4 revises 16-15-3, definitions Criminal Gang Activity Criminal gang activity' on and after the effective date of this paragraph shall also mean the commission, attempted commission, conspiracy to commit, or the solicitation, coercion, or intimidation of another person to commit on and after the effective date of his paragraph:1) any offense defined in Code Section 16-5-46 as trafficking persons for labor servitude or sexual servitude; 2) 16-6-10 as keeping a place of prostitution; 3) 16-6-11 as pimping; or 4) 16-6-12 as pandering.

Section 5 revises 24-4-412 Rape Shield. Adds Trafficking 16-5-46, Keeping Place of Prostitution 16-6-10, Pimping 16-6-11 and Pandering 16-6-12 to the list of offenses to which Rape Shield applies. Provides 4 Exceptions to Rape Shield 1) Evidence of specific instances of a victim's or complaining witness's sexual behavior, if offered to prove that someone other than the defendant was the source of semen, injury, or other physical evidence;(2) Evidence of specific instances of a victim's or complaining witness's sexual behavior with respect to the defendant if it supports an inference that the accused could have reasonably believed that the complaining witness consented to the conduct complained of in the prosecution;(3) Evidence of specific instances of a victim's or complaining witness's sexual behavior with respect to the defendant or another person if offered by the prosecutor; and(4) Evidence whose exclusion would violate the defendant's constitutional rights. All of these exceptions are consistent with Federal Rule 412 and the Georgia cases that interpreted the Rape Shield statute before *White v. The State*, S18G0365. Provides a Procedure for Introduction The party must: (A) File a motion that specifically describes the evidence and states the purpose for which it is to be offered; and (B) Do so three days before trial unless the court, for good cause, sets a different date. Before admitting evidence, court will conduct an *in camera* hearing to examine the merits.

Section 6 revises 24-8-820 Child Hearsay. The current version of the Child Hearsay Statute will apply to all motions, trials, cases heard on or after effective date. All cases regardless of offense date will be tried under current statute - much needed uniformity.

Section 7 revises 31-7-12.1, relating to unlicensed personal care homes, by adding a new subsection.(g) Upon the designation by the department and with the consent of any local or state law enforcement agency, and subject to a written memorandum of understanding between the department and such agencies, Georgia Peace Officer Standards and Training Council certified investigators of such law enforcement agencies may act as agents of the department in conducting inspections of unlicensed personal care homes required to be licensed. Such investigations shall be limited to instances where a law enforcement agency is performing law enforcement duties and has consent or a warrant to enter the home. Law

enforcement agencies shall not be authorized to recoup any of the costs of inspections performed pursuant to this subsection from the department.

<http://www.legis.ga.gov/Legislation/20192020/187629.pdf>

**HB 454 | Motor vehicles; operation of motorized mobility devices; provide**

Rep. Kevin Tanner

*Effective date July 1, 2019*

HB 454 is an act that addresses electric assisted bicycles. Section 1 amends code section 12-3-114 to set policy for Department of Natural Resources related to bike trails as protecting cyclists from motorized traffic capable of traveling over 20 mph. Section 2 amends Code section 40-1-1, the definitions for the traffic code to add "electric assisted bicycles" to the vehicles contemplated for use on bicycle lanes and bicycle paths. The definition of "electric assisted bicycle" in code section 40-1-1 (15.3) is amended to remove references to the federal motor vehicle standards, and set the limit on the motor's power at not more than 750 watts. Electric assisted bicycles are explicitly removed from the definition of "motor vehicle" in code section 40-1-1 (33) and "motor driven cycle" in code section 40-1-1(30). Section 3 repeals subsection (g) of code section 40-6-294. Section 4 enacts new code sections 40-6-300 through 40-6-303 defining three classes of electric assisted bicycles. Class I has a motor that provides assistance when the rider is pedaling and stops assisting when a speed of 20 mph is reached. Class II means the motor may propel the vehicle, but has a top speed of 20 mph. Class III has a motor that assists while the driver is pedaling, but stops assisting at a speed of 28 mph. Such bicycles made after 1/1/20 shall be labeled as such. Class I & II vehicles may be operated on bike paths, although local authorities may bar this within their jurisdictions. Class III vehicles may only be operated on bike paths adjacent to a highway or upon authorization of a local governing authority. Class III operators must be over 15 and wear a helmet. Section 5 makes technical changes to code section 40-6-351, referring to operator's licenses for mopeds, and removes language saying no permit or license shall be required for the operation of an electric assisted bicycle. Section 6 removes language from code section 40-6-352 regarding headgear for operators of electric assisted bicycles.

<http://www.legis.ga.gov/Legislation/20192020/187638.pdf>

**HB 459 | Education; driver's license verification system for school bus drivers; provide**

Rep. Ginny Ehrhart

*Effective date July 1, 2019*

HB 459 is an act with two separate parts. Part I amends code section 20-2-1127 (currently reserved) and requires local boards of education to forward to Department of Public Safety the

name and driver's license number of every person driving a school bus. The list shall be updated twice within a calendar year. Department of Public Safety is to advise the local board if the license of anyone on that list is expired, suspended, cancelled, or revoked. Upon notice, the board of education shall revoke the authorization of the driver to operate a school bus. Any bus driver is required to notify the board if their license is expired, or suspended, and the driver may request new authorization to drive once their privilege to drive is restored. Records kept for this purpose are exempted from the Open Records Act.

Part II adds language to code section 35-1-11 allowing sheriffs, police chiefs, and fire chiefs to designate non-sworn employees to assist in traffic control, provided they have completed at least a one-hour training program. Language in code sections 20-2-1131 and 40-6-2 are updated to reflect these new officers as authorized to direct traffic.

<http://www.legis.ga.gov/Legislation/20192020/187644.pdf>

**HB 470 | Law enforcement officers and agencies; analysis and collection of DNA for individuals charged with a felony offense but sentenced as a first offender or under conditional discharge; provide**

Rep. Steven Sainz

*Effective date April 28, 2019*

HB 470 (LC 41 2034S) relates to DNA sampling, collection and analysis. First, it amends Code section 35-3-160 by deleting in the definition of "detention facility" under subsection (a) the reference to the facility having persons convicted of a felony. It also rewrites subsection (b)(1) by providing that a DNA sample shall be collected by oral swab or other noninvasive procedure from any individual convicted of a felony and incarcerated, on probation or parole; or (2) charged with a felony, but is given First Offender status or is sentenced under the conditional discharge provisions of O.C.G.A. § 16-13-2 (a) or (c). Subsection (b)(2) is amended to provide that unless the DNA sample has already been collected, the sample shall be collected by the detention facility which is detaining or the entity which is supervising such individual, and the sample shall be forwarded to the division. Paragraph (b)(3) provides that (b)(1) is not applicable to any individual charged with a misdemeanor, convicted for a misdemeanor, or sentenced for a misdemeanor under the First Offender Act. Subsection (c) is amended to add that the requirement that the DNA sample be stored and maintained in accordance with Code Sections 35-3-162 and 35-3-163. Second, Code section 35-3-163 is amended by deleting in paragraph (c)(2) the term "convicted felon" and replacing it with "individual" and deleting in paragraph (c)(3) the term "postconviction" and replacing it with "posttrial". Finally, it amends Code section 35-3-165 relating to expungement of DNA profiles by changing in subsection (a) that "an individual may request" to "The bureau shall" purge the DNA profile from the data

bank within 30 days of receipt of a certified copy showing 1) Court order reversing and dismissing the conviction together with a court order or documentation from the prosecuting attorney stating that the charges were dismissed; 2)the individual was acquitted of all felony charges; 3) the felony charges have all been reduced to misdemeanors; or 4) the individual was discharged under First Offender Act or under the conditional discharge provisions of O.C.G.A. § 16-13-2 (a) or (c). Subsection (b) is amended to provide that Bureau shall purge the information from the data bank destroy all DNA samples of the individual within 30 days of receipt of a written request from the individual if it is accompanied by a certified copy of 1) the Court order reversing the conviction together with a court order or documentation from the prosecuting attorney stating that the charges were dismissed; 2) a judgment of acquittal; 3) a sentencing order showing that all of the felony charges were reduced to misdemeanors; or 4) a court order showing successful completion of the sentence imposed under the First Offender Actor the conditional discharge provisions of O.C.G.A. § 16-13-2 (a) or (c). Subsection (b) is amended to provide that DNA samples obtained in good faith shall be authorized it is expunged as set forth in subsection (a).

<http://www.legis.ga.gov/Legislation/20192020/187646.pdf>

#### **HB 471 | Motor vehicles; implied consent notices; revise**

Rep. Steven Sainz

*Effective date April 28, 2019*

HB 471 amends code section 40-5-67.1 (b), relating to Georgia's implied consent notice, to change the warnings that will be read to drivers arrested for DUI in light of the Supreme Court decision in *Elliott v. State*. The warnings now state that "The State of Georgia has conditioned your privilege to drive upon the highways of this state upon your submission to state administered chemical tests..." instead of "Georgia law requires you to submit to state administered chemical tests..."In addition, it now reads that "your refusal to submit to blood or urine testing may be offered into evidence against you at trial," in accordance with Elliott's statement that its holding applies only to breath tests. These changes are made to each implied consent warning (drivers under 21, drivers over 21, drivers of commercial motor vehicles). Further, this act adds similar revised language to implied consent warnings in code sections 27-3-7 (hunting under the influence), and 52-7-12.5 (operating a watercraft under the influence).

<http://www.legis.ga.gov/Legislation/20192020/185615.pdf>

#### **HB 472 | Juvenile Code; procedures concerning removal considerations; revise**

HB 472 amends several sections in the Juvenile Code:

First, it amends O.C.G.A. § 15-11-2(33) concerning the definition of "fictive kin" to those who are NOT related to the child by blood, marriage, or adoption, but who have a positive, existing relationship with the child and are willing to provide a suitable home for the child.

Second, it adds a new definition at O.C.G.A. § 15-11-2(73.1), for "temporary alternatives to foster care", which means measures that a Juvenile Court can use to reduce the trauma of separation and removal of dependent children.

Third, it amends O.C.G.A. § 15-11-68, relating to juvenile court intake officers, to read that NO Department of Juvenile Justice staff member shall serve as a juvenile court intake officer in a dependency proceeding. Further, it is amended to add a requirement that juvenile court intake officers complete 8 hours of training per year on the impacts of removing children from a home, reasonable alternatives to foster care, and DFCS policies on removal.

Fourth, it amends O.C.G.A. § 15-11-133, relating to removal of children from the home, by eliminating intake officers from the list of those who can seek removal, changing it instead to bringing before or notifying juvenile court, and it adds a paragraph that requires the Juvenile Court to consider "temporary alternatives to foster care" or any other alternatives to foster care or protective custody.

Fifth, it adds a new section at O.C.G.A. § 15-11-133.1 that permits temporary alternative to foster care to be ordered ex parte, or before or after a preliminary hearing. The child may be placed with a relative, or fictive kin. It also gives standards the court should consider prior to ordering removal but AFTER the temporary alternative is considered.

Sixth, the bill amends O.C.G.A. § 15-11-146, relating to preliminary protective hearings, by adding language that allows a court to consider temporary alternatives prior to an adjudicatory hearing in order to prevent foster care placement.

Seventh, the bill amends O.C.G.A. § 15-11-181, relating to the adjudicatory hearing, by adding language that such a hearing shall be held no later than 30 days after the filing of a dependency petition when temporary alternatives have been used.

Eighth, the bill amends O.C.G.A. § 15-11-411 and 414, relating to custody hearings and time limits, and requires a court to consider whether a dependent child can be placed with a relative or fictive kin before placing the child with DFCS.

<http://www.legis.ga.gov/Legislation/20192020/187648.pdf>

**HB 478 | Social services; improvements to the operation of the child abuse registry; provide**

Rep. Mandi Ballinger

*Effective Date January 1, 2020*

HB 478 allows prosecutors to stay child abuse registry expungement hearings; this will prevent victims from testifying at an Administrative Hearing held prior to trial and is sometimes used by the defendant to intimidate the child.

Section 2 Revises O.C.G.A. § 49-5-182, Notice to DFCS of Substantiated Case from Investigation by Abuse Investigator. An abuse investigator who completes the investigation of a child abuse report made pursuant to O.C.G.A. § 19-7-5 and determines that it is a substantiated case, if alleged abuser was 18 or older (currently age is 13 and older) at the time of commission of act, will notify DFCS within 30 days of the determination. Notice to DFCS will include the date the child abuse occurred and the date the child abuse was reported. (This is not required in current statute).

Section 3 Revises O.C.G.A. § 49-5-183. Upon receipt of investigator's report of a substantiated case naming an alleged child abuser, DFCS shall mail alleged child abuser a notice regarding the substantiated case via certified mail, return receipt requested. The Notice must advise that: (1) Abuse investigator has found by a preponderance of evidence that alleged child abuser committed an act of child abuse; (2) Name of child abuser and a copy of the investigator's report will be included in the child abuse registry, unless a hearing to dispute the investigator's determination is requested within 30 days of receipt of notice; (3) Include: (A) Name of the alleged child abuser; (B) Name of the child abused; (C) Date the child abuse occurred; (D) Date the child abuse was reported; (E) Copy of the investigator's report; and (F) Summary of the known details of the abuse, at a minimum contain the classification and type of abuse; and (4) Advise such alleged child abuser of: (A) Right to request a hearing to dispute the investigator's determination; (B) The procedure and time frame in which to request a hearing; (C) The right to be represented by an attorney of his or her choice at the hearing and to present evidence; (D) The consequences of being named in the child abuse registry, including the effect on employment and professional licensure; and (E) The opportunity to request expungement and the details for that procedure. Child abuser must file a written request for a hearing with DFCS within 30 days after receipt of notice. After expiration of period to request a hearing, if DFCS

has not received such request, it will include in child abuse registry the name of the alleged child abuser, the classification and type of the abuse, and a copy of the investigator's report.

Motion to Postpone CAR Expungement Hearing by District Attorney: DFCS receives a timely request for a hearing, it will transmit to the Office of State Administrative Hearings and the District Attorney for circuit in which the child abuse was committed within ten days after such receipt. The term 'final disposition of the criminal prosecution' shall mean the dismissal of the criminal charges or entry of judgment and the resolution of any direct appeal taken thereon. (B) The prosecutor with jurisdiction over the criminal prosecution of any child abuse charges may file a motion requesting postponement of the hearing if in such attorney's opinion conducting such hearing will impact the ability to prosecute the criminal case. Motion shall be filed within 20 days after the District Attorney receives the written request for a hearing. Upon such motion, the hearing shall be stayed by order of the administrative law judge until final disposition of the criminal prosecution. (C) Within 30 days of the final disposition of the criminal prosecution, the prosecuting attorney shall notify the Office of State Administrative Hearings, the division, and the alleged child abuser of such disposition. Within 30 days following receipt by the Office of State Administrative Hearings of such notification, the administrative law judge shall conduct a hearing in accordance with this subsection. (D) When order staying a hearing is granted, at least once every three years from the date of such order, until final disposition of the criminal prosecution, the prosecutor shall notify the Office of State Administrative Hearings, the division, and the alleged child abuser that there has not been a final disposition of the criminal prosecution. If Office of State Administrative Hearings does not receive timely notification from the prosecuting attorney, the administrative law judge shall conduct a hearing in accordance with this subsection. The files and records relating thereto shall be confidential and not subject to public inspection.

<http://www.legis.ga.gov/Legislation/20192020/187655.pdf>

## **HB 481 | Living Infants Fairness and Equality (LIFE) Act; enact**

Rep. Ed Setzler

*Effective date January 1, 2020*

HB 481 Section 3 revises O.C.G.A. § 1-2-1, classes of persons-"Natural person" includes an unborn child. -Unless otherwise provided by law, an unborn child with a detectable human heartbeat, to be included in population based determinations. -"Detectable human heartbeat" means embryonic or fetal cardiac activity or the steady and repetitive rhythmic contraction of the heart within the gestational sac-"Unborn child" means member of species Homo sapiens at any stage of development who is carried in the womb.

Section 4 revises O.C.G.A. § 16-12-141, restrictions on the performance of abortions and availability of records. 'Abortion' means act of using, prescribing, or administering any instrument, substance, device, or other means with the purpose to terminate a pregnancy with knowledge that termination will, with reasonable likelihood, cause the death of an unborn child. However, any act shall not be considered an abortion if the act is performed with the purpose of: (A) Removing a dead unborn child caused by spontaneous abortion; or (B) Removing an ectopic pregnancy. Creates definitions:- 'Detectable human heartbeat' means embryonic or fetal cardiac activity or the steady and repetitive rhythmic contraction of the heart within the gestational sac. - 'Medical emergency' means a condition in which an abortion is necessary in order to prevent the death of the pregnant woman or the substantial and irreversible physical impairment of a major bodily function of the pregnant woman. No such greater risk shall be deemed to exist if it is based on a diagnosis or claim of a mental or emotional condition of the pregnant woman or that the pregnant woman will purposefully engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function. - 'Medically futile' means that, in reasonable medical judgment, an unborn child has a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth.-'Spontaneous abortion' means the naturally occurring death of an unborn child, including a miscarriage or stillbirth. Makes it illegal to perform abortions when detectable heartbeat and provides exceptions No abortion is authorized or shall be performed if the probable gestational age of the an unborn child has been determined in accordance with O.C.G.A. § 31-9B-2 to have a detectable human heartbeat except when: -A physician determines, in reasonable medical judgment, that a medical emergency exists; -The probable gestational age of the unborn child is 20 weeks or less AND the pregnancy is the result of rape or incest in which an official police report has been filed alleging the offense of rape or incest. Probable gestational age of the unborn child' has the meaning provided by O.C.G.A. § 31-9B-1; or -A physician determines, in reasonable medical judgment, that the pregnancy is medically futile. Duties When Child Viable: In conducting an abortion, if the child is capable of sustained life, medical aid shall be rendered. No abortion is authorized or shall be performed in violation of subsection (a) of O.C.G.A. § 31-9B-2. No abortion is authorized after the first trimester unless the abortion is performed in a licensed hospital, in a licensed ambulatory surgical center, or in a health facility licensed as an abortion facility by the Department of Community Health. An abortion shall only be performed by a physician licensed under Article 2 of Chapter 34 of Title 43. Health records shall be available to the DA of the judicial circuit in which the act of abortion occurs or the woman upon whom an abortion is performed resides. Any woman upon whom an abortion is performed in violation of this Code section may recover in a civil action from the person who engaged in such violation all damages available to her under Georgia law for any torts. Affirmative Defenses It shall be an affirmative defense to prosecution if: (1) A licensed physician provides medical treatment to a pregnant woman which results in the accidental or

unintentional injury to or death of an unborn child;(2) An advanced practice registered nurse or registered professional nurse, as such terms are defined in O.C.G.A. § 43-26-3, or a licensed practical nurse, as such term is defined in O.C.G.A. § 43-26-32, engages in the practice of nursing to provide care for a pregnant woman which results in the accidental or unintentional injury to or death of an unborn child; (3) A licensed pharmacist engages in the practice of pharmacy, as such term is defined in O.C.G.A. § 26-4-4, to provide care for a pregnant woman which results in the accidental or unintentional injury or death of an unborn child; (4) A licensed physician assistant, as such term is defined in O.C.G.A. § 43-34-102, provides care to a pregnant woman which results in the accidental or unintentional injury to or death of an unborn child; or (5) A woman sought an abortion because she reasonably believed that an abortion was the only way to prevent a medical emergency.

<http://www.legis.ga.gov/Legislation/20192020/187013.pdf>

**HB 483 | Controlled substances; Schedules I, IV, and V; change certain provisions**

Rep. Ron Stephens

*Effective date May 7, 2019*

HB 0483 adds new drugs to schedules I, IV, V and the dangerous drug lists. The annual GBI drug bill.

<http://www.legis.ga.gov/Legislation/20192020/186288.pdf>

**HB 502 | Civil practice; continuances for members of the Board of Regents and the Attorney General; revise**

Rep. Andrew Welch

*Effective date May 7, 2019*

HB 502 relates to continuances for lawyers in the legislature and other agencies. First, it amends Code section 9-10-151 for continuances for members of the Board of Regents of the University System of Georgia or any member of the State Board of Education to change the phrase if they are "engaged" at any time of any meeting of the board as counsel or a party in any case to "otherwise occupied" at any time.... and it amends Code section 17-8-27 relating to continuances for the Attorney General when the AG is of counsel in any case pending in the courts to change "is scheduled to be called for any purpose" during the sessions of the General Assembly to "is scheduled to be called for any reason....."

It then also amends Code Section 9-10-150 (a) relating to grounds for continuances in civil cases for attendance of a party or attorney in the General Assembly. Subsection (a) is expanded to also now include any member of the Office of Legislative Counsel, including the legislative counsel and persons provided for under subsection (d) of Code Section 28-4-3, appearing on behalf of the General Assembly in a case. The continuance and stay shall be for the seven days prior to the regular or extraordinary session of the General Assembly; the length of any regular or extraordinary session of the General Assembly; and during the first three weeks following any recess or adjournment, including an adjournment sine die of any regular or extraordinary session; and the entirety of any day during the calendar year on which a legislative committee for which the member serves or his or her staff holds a scheduled meeting.

It then adds new paragraph (b) which provides that for any other continuance not provided for in subsection (a), a member of the General Assembly who is a party or lead counsel in a case must request by written certification made to the court and stating with particularity the nature of the duties that require the stay or continuance; Opposing counsel, "an interested party" or the court has 10 days from receipt to oppose the request, which must state, with particularity, the significant harm to the rights of the party or the interests of justice. The Court must then balance the length of the time the case has been pending, the length of the delay; the stay or continuance will cause, the nature of the duties of the requestor and "such other factors the court deems relevant" to the balancing of these competing interests. But, "[a]bsent a ruling by the court denying the continuance or stay certified by the member under paragraph (1) of this subsection, such continuance or stay shall be considered granted as a matter of law."

Code Section 17-8-26 relating to stays and continuances in criminal cases is amended the same way and is expanded to now include any member of the Office of Legislative Counsel, including the legislative counsel and persons provided for under subsection (d) of Code Section 28-4-3, appearing on behalf of the General Assembly in a case; or any member of the staff of the Lieutenant Governor, the Speaker of the House of Representatives, or the chairperson of the Judiciary Committee or Special Judiciary Committee of the Senate or of the Judiciary Committee or Judiciary, Non-civil Committee of the House of Representatives who is the lead counsel for a party to a case. The Act shall apply to all civil and criminal cases, including, but not limited to, any case currently initiated within any court in this state.

<http://www.legis.ga.gov/Legislation/20192020/187513.pdf>

**HB 514 | Georgia Mental Health Reform and Innovation Commission; create**

Rep. Kevin Tanner

*Effective date July 1, 2019*

HB 514 requires the Commission to meet at least 2x per year and would be tasked with conducting a comprehensive review of the mental health system in GA--including addressing the role of the educational system, the impact on the court systems, correctional systems, legal and systematic barriers to treatment, workplace shortages, and impact on the homeless population. The commission would have 21 appointed members who would serve 2 year terms and would be appointed as follows: 1) the Governor would appoint 8 members all with different specialties in the field; 2) the President of the Senate would appoint 5 members (including a Sheriff); 3) the Speaker of the House would appoint 5 members (including a police chief); 4) the Chief Justice of the Superior Court would appoint one justice and 2 judges. Furthermore, there would be 5 mandatory non-voting *ex officio* members who are the directors (or their designees) of the following agencies: 1) Department of Behavioral Health and Developmental Disabilities; 2) Department Juvenile Justice; 3) Department of Corrections; 4) Department of Community Health and 5) the GBI. The Commission would have the following duties/authority: Review conditions, needs, issues, and problems related to Mental Health issues and recommend action. Evaluate best practices and results of legislation report annually to the Governor, President of the Senate and the Speaker of the House. Evaluate how laws, rules, and regulations are working. Request and receive data. Accept public grants, etc. Conduct studies, hold public meetings. Retain attorneys, consultants, subject matter experts, etc. as deemed necessary. This commission shall stand abolished and this section repealed on June 30, 2023.

<http://www.legis.ga.gov/Legislation/20192020/187520.pdf>

**HB 530 | Education; prohibit parents or guardians from withdrawing or removing a child from a public school for the purpose of avoiding compliance with laws relating to mandatory attendance, school discipline, parental involvement, or parental responsibilities**

Rep. Bill Hitchens

*Effective date July 1, 2019*

HB 530 amends O.C.G.A. § 20-2-690, the mandatory educational attendance law, by making the provisions of this code section subject to the requirements of the new code section O.C.G.A. § 20-2-785. This new section would prohibit parents from withdrawing children from public school for the purpose of avoiding mandatory attendance, discipline, or parental care and control. When a parent files a notice of intent to enroll a child in a home study program, the school system shall notify the public school. If the school system determines that there are reasonable grounds to conclude that a parent is violating this condition, a referral is made to DFCS.

<http://www.legis.ga.gov/Legislation/20192020/187033.pdf>

**HB 551 | Controlled substances; Kratom; provisions**

Rep. Dewayne Hill

*Effective date April 26, 2019*

HB 551 Adds Article 6 Title 16 Chapter 13. Deals with Kratom, which is supposed to play a role in combating opioid addiction. Adds O.C.G.A. § 16-13-120 - General Assembly findings that research is important to determine the benefits and safety risks of Kratom. Law enforcement should collaborate and to create standards based on research. O.C.G.A. § 16-13-121 defines Kratom. O.C.G.A. § 16-13-122 directs GBI to work with United States Drug Enforcement Agency to determine the standard level of Kratom alkaloids that is naturally found in the plant to come up with a recommended dosage based on research. O.C.G.A. § 16-13-123 prohibits the transfer to or possession of Kratom by anyone under 18. O.C.G.A. § 16-13-124 list the label requirements for packaging O.C.G.A. § 16-13-125 makes it a misdemeanor to distribute or possess with intent to distribute to person under 18.

<http://www.legis.ga.gov/Legislation/20192020/187528.pdf>

**HB 553 | State Victim Services Commission; bill of rights for foster parents; delete references to an obsolete entity**

Rep. Katie Dempsey

*Effective date July 1, 2019*

HB 553, relating to the rights of foster parents, is just a cleanup of O.C.G.A. § 35-6-2. One appointee member from the Georgia Association of Homes and Services for Children is removed, and O.C.G.A. § 49-5-281 removes that agency from providing support so that now support comes solely from Department of Human Services.

<http://www.legis.ga.gov/Legislation/20192020/187440.pdf>

**HB 571 | Ben Hill County; Magistrate Court chief judge; provide nonpartisan elections**

Rep. Clay Pirkle

*Effective date April 30, 2019*

HB 571 provides that elections for the chief judge of the Magistrate Court of Ben Hill County shall be nonpartisan elections, and that the sitting chief judge shall finish out his full term and be eligible to run for re-election if desired.

<http://www.legis.ga.gov/Legislation/20192020/186301.pdf>

**HB 584 | Cobb County; Superior Court; restyle the executive assistant and the executive secretary of the clerk as administrative managers**

Rep. John Carson

*Effective date April 30, 2019*

This Act sets the salary of the two administrative managers for the Clerk of Superior Court of Cobb County at \$73,500.

<http://www.legis.ga.gov/Legislation/20192020/186304.pdf>

**HB 595 | Jenkins County; Probate Court judge; provide nonpartisan elections**

Rep. Butch Parrish

*Effective date April 30, 2019*

Under this Act, all future elections for the Probate Court Judgeship of Jenkins County will be nonpartisan.

<http://www.legis.ga.gov/Legislation/20192020/186305.pdf>

**HB 596 | Washington County; State Court; authorize assessment and collection of a technology fee**

Rep. Mack Jackson

*Effective date April 30, 2019*

Under this Act, the State Court of Washington County can charge up to \$5.00 for every civil case filed and as an add-on fee for every criminal case to: (1) Purchase computer hardware and software; (2) Lease, maintain, and install computer hardware; and (3) Purchase, lease,

maintain, and install imaging, scanning, facsimile, communications, projection, and printing equipment and software.

<http://www.legis.ga.gov/Legislation/20192020/186306.pdf>

**HB 607 | Chatham County; State Court judges; provide for an accountability court supplement**

Rep. Ron Stephens

*Effective date July 1, 2019*

This Act provides a \$6,000 annual supplement to each judge of a drug court division, mental health court division, under the influence court division, or veterans court division of the State Court of Chatham County.

<http://www.legis.ga.gov/Legislation/20192020/187035.pdf>

**HB 610 | Carroll County; Magistrate Court; authorize to charge a technology fee for each conviction of a traffic or ordinance violation**

Rep. J Collins

*Effective date April 30, 2019*

This Act allows the Magistrate Court of Carroll County to add a \$3.00 fee to every civil case and all convictions for traffic or ordinance violations. The fee shall be used exclusively to provide for the technological needs of the court.

<http://www.legis.ga.gov/Legislation/20192020/186726.pdf>

**HB 613 | Flovilla, City of; municipal court; dissolve**

Rep. Susan Holmes

*Effective date July 1, 2019*

HB 613 is an act that dissolves the municipal court of Flovilla. All matters pending at that time shall be transferred to Butts County Magistrate Court, which will have jurisdiction over cases that would previously be handled in Flovilla.

<http://www.legis.ga.gov/Legislation/20192020/187037.pdf>

**HB 616 | Polk County; grand jury shall not be required to be impaneled on the first day of each term; provide**

Rep. Trey Kelley

*Effective date April 30, 2019*

HB 616 provides that the grand jury of Polk County shall not be required to be impaneled on the first day of each term, except as may otherwise be required by law.

<http://www.legis.ga.gov/Legislation/20192020/187039.pdf>

**HB 617 | Haralson County; grand jury shall not be required to be impaneled on the first day of each term; provide**

Rep. Trey Kelley

*Effective date April 30, 2019*

HB 617 provides that the grand jury of Haralson County shall not be required to be impaneled on the first day of each term, except as may otherwise be required by law.

<http://www.legis.ga.gov/Legislation/20192020/187040.pdf>

**HB 619 | Newton County; coroner; provide for salary supplements authorized by the governing authority**

Rep. Dave Belton

*Effective date May 1, 2019*

HB 619 authorizes Newton County to pay the coroner a supplement in whatever amount they deem appropriate.

<http://www.legis.ga.gov/Legislation/20192020/187041.pdf>

**HB 631 | Butts County; courthouse; provide that fees collected are for maintenance**

Rep. Susan Holmes

*Effective date May 6, 2019*

HB 631 provides that in all criminal cases and quasi-criminal cases heard in the Probate Court of Butts County wherein a fine which shall be construed to include costs is collected or wherein a bond which shall be construed to include costs is forfeited and collected, the sum of \$15.00 of each case is to be paid to the treasurer of Butts County and be used for the purpose of maintaining the Historic Butts County Courthouse. However, if the amount held by the treasurer at any time exceeds \$50,000.00, the amount in excess of \$50,000.00 is to be paid into the general fund of the county for general county purposes.

<http://www.legis.ga.gov/Legislation/20192020/187045.pdf>

**HB 640 | Ware County; superior court clerk shall also be state court clerk; provide**

Rep. John Corbett

*Effective date January 1, 2020*

HB 640 provides that the Clerk of the Superior Court of Ware County shall also now be the Clerk of the State Court of Ware County as well.

<http://www.legis.ga.gov/Legislation/20192020/187047.pdf>

**HB 678 | Richmond County; Probate Court; change compensation of judge**

Rep. Henry Howard

*Effective date July 1, 2019*

Raises the salary of the Probate Court Judge from \$85,000 to \$142,000.

<http://www.legis.ga.gov/Legislation/20192020/187461.pdf>

**SB 1 | "C.J.'s Law"; penalty for hit and run accidents that result in serious injury; provide**

Sen. Elena Parent

*Effective date July 1, 2019*

SB1, known and cited as "C.J.'s Law," amends O.C.G.A. § 40-6-394 (Serious Injury by Vehicle) by creating a new offense, codified at O.C.G.A. § 40-6-394(c), which holds that: "Any person who, without malice aforethought, proximately causes an accident that the person knew resulted in bodily harm and leaves the scene of the accident in violation of subsection (b) of Code Section 40-6-270 commits the crime of serious injury by vehicle; provided, however, that there shall be no violation of this subsection if the parties involved in the accident exchange motor vehicle insurance information prior to leaving the scene of the accident. A person convicted of violating this subsection shall be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than ten years."

Also, the Act moves the definition of what constitutes a "serious injury" into a new subsection (40-6-394(a)). The definition of "serious injury" is not changed. The Act also amends O.C.G.A. § 40-5-63 relating to license suspensions by mandating that a license suspension under that section will follow only after a conviction for felony Vehicular Homicide (O.C.G.A. § 40-6-393(a)) or Serious Injury by Vehicle where either DUI or Reckless Driving was the predicate offense (O.C.G.A. § 40-6-394(b)). The license suspension period mandated by this section remain 3 years.

<http://www.legis.ga.gov/Legislation/20192020/185732.pdf>

**SB 6 | Correctional Institutions of the State and Counties; use of unmanned aircraft systems to deliver or attempt to deliver contraband to a place of incarceration; prohibit**

Sen. Kay Kirkpatrick

*Effective date July 1, 2019*

SB 6 Adds sections: (f)(1) which prohibits the use of unmanned aircraft to violate O.C.G.A. § 42-5-18 which deals with contraband at penal institutions. (f)(2) Prohibits the use of unmanned aircraft to photograph or record images of places of incarceration without the warden's, superintendent's, or designated representative's permission. Violations of (1) are a felony, punished by 1-10 years in prison. Violation of (2) are a felony, punished by 1-5 years in prison.

<http://www.legis.ga.gov/Legislation/20192020/186910.pdf>

**SB 9 | Invasion of Privacy; sexual extortion; prohibit; definitions; elements of the crime; provide**

Sen. Harold Jones

*Effective date July 1, 2019*

SB 9 Section 1 revises O.C.G.A. § 16-6-5.1, Sexual Assault by Persons with Supervisory or Disciplinary Authority Provides new terms: (1) 'Agent' means individual authorized to act on behalf of another, with or without compensation or under contract.(2) 'Child welfare and youth services' same meaning as set forth in Code Section 49-5-3.(3) 'Disability' same meaning as O.C.G.A. § 37-1-1.(4) Intimate parts' now includes the tongue.(5) 'Employee' means an individual who works for salary, wages, or other remuneration for an employer.(6) 'School' means any educational institution, public or private, providing elementary or secondary education to children at any level, kindergarten through twelfth grade, or the equivalent thereof if grade divisions are not used, including extracurricular programs of such institution. (7) 'Sensitive care facility' means any facility licensed or required to be licensed under Code Section 31-7-3, 31-7-12, or 31-7-12.2 or who is required to be licensed pursuant to Code Section 31-7-151 or 31-7-173.(8) 'Sexual contact' means any contact involving the intimate parts of either person for the purpose of sexual gratification of either person.(9) 'Sexually explicit conduct' same meaning O.C.G.A. § 16-12-100.

Creates offense of Improper Sexual Contact, 1st Degree. If an employee, agent, or individual commits improper sexual contact by employee or agent in the first degree when such employee, agent, or individual knowingly engages in sexually explicit conduct with another person whom such employee, agent, or individual knows or reasonably should have known is contemporaneously: 1) Enrolled as a student at a school in which he or she is an employee or agent; 2) Under probation, parole, accountability court, or pretrial diversion supervision, of the office or court in which he or she is an employee or agent; 3) Being detained by or is in the custody of any law enforcement agency in which he or she is an employee or agent; 4) A patient in or at a hospital in which he or she is an employee or agent; 5) In the custody of a correctional facility, juvenile detention facility, facility providing services to a person with a disability, or a facility providing child welfare and youth services, which he or she is an employee or agent; 6) The subject of such employee, agent, or individual's actual or purported psychotherapy treatment or counseling; or 7) Admitted for care at a sensitive care facility in which he or she is an employee or agent.

Creates offense of improper sexual contact 2nd Degree. A person commits the offense of improper sexual contact by employee or agent in the second degree when such employee, agent, or individual knowingly engages in sexual contact, excluding sexually explicit conduct, with another person whom such employee, agent, or individual knows or reasonably should have known is contemporaneously: (1) Enrolled as a student at a school in which he or she is an employee or agent; (2) Under probation, parole, accountability court, or pretrial diversion supervision of the office or court in which he or she is an employee or agent; (3) Being detained by or is in the custody of a law enforcement agency in which he or she is an employee or agent; (4) A patient in or at a hospital in which he or she is an employee or agent; (5) In the custody of a correctional facility, juvenile detention facility, facility providing services to a person with

a disability, or facility providing child welfare and youth services in which he or she is an employee or agent; (6) The subject of such employee, agent, or individual's actual or purported psychotherapy treatment or counseling; or (7) Admitted for care at a sensitive care facility in which he or she is an employee or agent. Consent of the victim shall not be a defense to a prosecution under this Code section. This Code section shall not apply to sexually explicit conduct or sexual contact between individuals lawfully married to each other. This Code section shall not apply to a student who is enrolled at the same school as the victim.

Punishment 1st Degree is a felony 1-25 years and subject to O.C.G.A. § 17-10-6.2. If child under 16 years, 25-50 years or a fine not to exceed \$100,000.00, or both, and subject to 17-10-6.2; If at the time of the offense the victim is at least 14 years but less than 21 years and the person is 21 years of age or younger and is no more than 48 months older than the victim, such person shall be guilty of a misdemeanor and shall not be subject to 17-10-6.2. 2nd Degree High and aggravated misdemeanor and not subject to 17-10-6.2; (1) Except as provided in paragraphs (2) and (3) of this subsection, with a child under 16 years 5 to 25 years or by a fine not to exceed \$25,000.00, or both, and shall, in addition, subject to O.C.G.A. § 17-10-6.2; (2) If victim of offense is at least 14 years but less than 21 years of age and the person is 21 years of age or younger and is no more than 48 months older than the victim, guilty of a misdemeanor and not subject to 17-10-6.2; (3) Except as provided in paragraph (2) of this subsection, upon a second or subsequent conviction, it is a felony 1 to 5 and subject to O.C.G.A. § 17-10-6.2.

Section 2 Adds New Code Section O.C.G.A. § 16-11-92. Makes it a crime to intentionally coerce orally, in writing, or electronically another over 18 to distribute any photograph, video, or other image that depicts any individual in a state of nudity or engaged in sexually explicit conduct. Does not apply to the activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Upon the first offense, guilty of and punished as for a misdemeanor of a high and aggravated nature; Upon a second or subsequent offense, guilty of a felony, punished by imprisonment for 1 to 5 years. A person shall be subject to prosecution in this state pursuant to Code Section 17-2-1 for any conduct made unlawful by this Code section in which the person engages while: (1) Within or outside this state if, by such conduct, the person commits a violation of this Code section that involves an individual who resides within this state; or (2) Within this state if, by such conduct, the person commits a violation of this Code section that involves an individual who resides within or outside this state. Each violation considered a separate offense and shall not merge with any other offense.

<http://www.legis.ga.gov/Legislation/20192020/187616.pdf>

**SB 25 | Rules of the Road; when driver of a vehicle need not stop upon meeting or passing a school bus; clarify**

Sen. Bill Heath

*Effective date February 15, 2019*

SB 25 is an act that amends Code Section 40-6-1623, governing when a driver must stop for a stopped school bus, by clarifying that drivers upon separate highways need not stop only if the roadway is separated by a grass median, unpaved area, or physical barrier and the school bus is on the other side of such division. Violations shall be adjudicated and punished based on the subsection that existed at the time the violation occurred.

<http://www.legis.ga.gov/Legislation/20192020/181370.pdf>

**SB 31 | Law Enforcement Officers and Agencies; performing any duty at the scene of an emergency; law enforcement officers shall not be liable; clarify**

Sen. Michael Rhett

*Effective date July 1, 2019*

SB 31 amends 35-1-7 by clarifying/adding the definitions of emergency, law enforcement officer and pets. This statute makes law enforcement officers not liable for actions taken at scene of an emergency unless it involves gross negligence, willful or wanton misconduct, or malfeasance. Focuses on the locked car with pet or person inside.

<http://www.legis.ga.gov/Legislation/20192020/187419.pdf>

**SB 37 | Statute of Frauds; clarify that a mutual agreement to modify an existing promise, agreement, contract; shall be in writing and subject to statute of frauds**

Sen. William Ligon

*Effective date July 1, 2019*

SB 37 Section 1 Revises 13-5-30, Agreements Required to be in Writing. Any agreement to modify, alter, cancel, repeal, revoke, release, or rescind a promise, agreement, contract, or commitment provided for in subsection (a) of this Code section must be in writing and signed by all parties to such agreement; provided, however, that if the party against whom enforcement of such agreement under this subsection is sought admits in a pleading, in testimony, or otherwise in court, that the agreement was made, then such agreement is enforceable if valid in all other respects.

<http://www.legis.ga.gov/Legislation/20192020/186977.pdf>

**SB 72 | Game and Fish; hunting on wildlife management areas; prohibition; remove**

Sen. Tyler Harper

*Effective date July 1, 2019*

This bill amends Title 27 of the fish and wildlife part of the code. Section 1: strikes the portion making it unlawful to hunt on a wildlife management area without a license as provided in O.C.G.A. § 27-2-23.

Section 2: amends O.C.G.A. § 27-1-39 to make criminal violations of the rules and regulations to be 2019 instead of 2016.

Section 3: adds section 10 to define "air gun" as pistol, handgun, or should device not less than .30 caliber or air bow using compressed air gas. These are legal only during primitive weapon hunts, primitive weapon seasons, or firearm seasons. This shall be repealed on July 1, 2020, unless renewed by the legislature.

Section 4: amends closed season for deer by striking the provision of February 1 through September 7 for archery. Also strikes regional limitations on opossum allowing for closed season March 1 to October 14. Does the same for raccoon. Also allows the Department of Natural Resources to promulgate rules for hunting deer in Metro Atlanta during Maximum Open Season. It also strikes the daily limitation on deer and allows department to determine how many deer is too much on managed lands. This, however, is a "state-wide bag limit" only. It sets up similar requirements for other such hunted species.

Section 5: changes the food bait requirement for feral hogs to allow for it on adjoining property otherwise prohibited in the code section.

Section 6: replaces the term "conservation ranger" with the term "game warden" in every code section in which "conservation ranger" is found.

<http://www.legis.ga.gov/Legislation/20192020/187484.pdf>

**SB 73 | Peace Officers' Annuity and Benefit Fund; fees collected in criminal and quasi-criminal cases prior to adjudication of guilt; provide**

Sen. Tyler Harper

*Effective date July 1, 2019*

SB 73 amends subsection (f) of Code Section 15-18-80 relating to pretrial intervention and diversion programs by adding that the Clerk of Court, who collects the program fee, shall deduct five dollar fee as provided in 47-17-60 (a.1) and pay it to the secretary-treasurer of the

Peace Officers' Annuity and Benefit Fund. It also deletes the requirement that the Clerk provide the political subdivision all relevant records and completed forms for compliance with such Code Section. Code Section 47-17-60 (a.1) is amended to provide that it is the clerk of court, rather than the political subdivision that is to pay as provided in 15-18-80 (f).

<http://www.legis.ga.gov/Legislation/20192020/184790.pdf>

**SB 77 | State Flag, Seal, and other Symbols; additional protections for government statues; provide**

Sen. Jeff Mullis

*Effective date April 26, 2019*

The bill would amend O.C.G.A. § 50-3-1(b) by adding new language that does several things. First, it adds a new definitions of "agency" that specifically addresses educational institutions and the Board of Regents. Second, it add a new definition of "monument" that includes those memorials dedicated to historically significant military, social, cultural and political events. Third, it adds a new definition of "officer" that basically means any public servant or public agency whether appointed or elected. Fourth, it renumbers paragraphs to accommodate new language that, in summary, prohibits any official of this state from removing or defacing any monument situated on any real property owned by the state of Georgia. Fifth, it adds new language that anyone who removes or damages a monument shall be liable to the state for treble damages plus attorney's fees and court costs associated with replacing or repairing the monument. The action can be brought by a public entity in superior court.

Sixth, it adds new language that specifically creates a cause of action for removing or damaging historically significant monuments on PRIVATE property as well. Lastly, it adds new language that permits agencies to relocate monuments to accommodate new construction of buildings and roads. Such a moved monument shall be returned to a place of similarly suitable visibility, and shall not be placed in a museum, cemetery, or mausoleum unless it was originally placed there.

<http://www.legis.ga.gov/Legislation/20192020/186985.pdf>

**SB 93 | Superior Court of the Cherokee Judicial Circuit; supplement to be paid to each judge of such circuit; change**

Sen. Bruce Thompson

*Effective date June 1, 2019*

Increases supplements for the Judges to \$45,000 and the DA gets \$18,000.

<http://www.legis.ga.gov/Legislation/20192020/183950.pdf>

**SB 111 | Magistrate Court of Dooly County; judge of the Probate Court of Dooly County shall also serve as the chief magistrate; provide**

Sen. Gregory Kirk

*Effective date May 6, 2019*

This Act makes the Chief Probate Judge of Dooly County the Magistrate Judge as of January 1, 2021. The current judge finishes out his or her term but there will be no further elections for that position. All of the future elections for the Probate Judge position will be nonpartisan and the chief judge will appoint any associate judges, if the positions have been authorized.

<http://www.legis.ga.gov/Legislation/20192020/184630.pdf>

**SB 121 | Prescription Drug Monitoring Program Data Base; length of time prescription information is retained from two years to five years; increase**

Sen. Larry Walker

*Effective date July 1, 2019*

Amends O.C.G.A. § 16-13-59(e) which increases the amount of time that Prescription Drug Monitoring Program Data Base can give others access to the identifying prescription information from 2 years to 5 years.

Amends O.C.G.A. § 16-13-60(c) that adds the Attorney General's Medicaid Fraud Control Unit to the list that can subpoena information from the PDMP.

<http://www.legis.ga.gov/Legislation/20192020/185585.pdf>

**SB 130 | Office of Probate Judge of Johnson County; future nonpartisan elections; provide**

Sen. Jesse Stone

*Effective date January 1, 2020*

In 2016, Johnson County re-elected a Democrat who ran unopposed. This bill would make the 2020 election for Probate Judge, and subsequent elections, nonpartisan.

<http://www.legis.ga.gov/Legislation/20192020/185085.pdf>

**SB 158 | "Anti-Human Trafficking Protective Response Act"**

Sen. Brian Strickland

*Effective date July 1, 2019*

Allows DFCS to exercise emergency custody when the child is a victim of trafficking for labor or sexual servitude under O.C.G.A. § 16-5-46. Law Enforcement or DFCS will refer child suspected of being a victim of commercial sexual exploitation or trafficking under O.C.G.A. § 16-5-46 to a certified victim services organization which provides trauma-informed services designed to alleviate adverse effects of trafficking victimization and aid in the child's healing, assistance with case management, placement, access to educational and legal services, and mental health services.

Revises O.C.G.A. § 15-11-133, removal of child from the home and protective custody, child may be removed from his or her home, without the consent of his or her parents, guardian, or legal custodian when child is a victim of trafficking for labor or sexual servitude under O.C.G.A. § 16-5-46.

Revises Human Trafficking, O.C.G.A. § 16-5-46, making it unlawful to traffic an individual for sexual servitude when that person knowingly "Benefits financially or by receiving anything of value from the sexual servitude of another".

Revises O.C.G.A. § 16-6-9 Prostitution. A person, 17 years of age or older, commits the offense of prostitution when he or she performs or offers or consents to perform a sexual act, including, but not limited to, sexual intercourse or sodomy, for money or other items of value. Only people 17 and over can commit offense.

<http://www.legis.ga.gov/Legislation/20192020/186892.pdf>

**SB 171 | Courts, Primaries and Elections, and Ad Valorem Taxation; compensation of various local government officials; modify**

Sen. John Wilkinson

*Effective date January 1, 2021*

SB 171 would amend O.C.G.A. § 15-6-88, relating to the salary schedule for superior court clerks, by amending the language to reflect the "2010" census, rather than the 2000 census, and it gives them raises of about \$1,500 to \$5,500 depending on circuit population. It also amends O.C.G.A. § 15-6-89, relating to clerks who provide services in other courts, by upping the supplement to \$367.52 per month. Changed to \$385.90.

<http://www.legis.ga.gov/Legislation/20192020/187426.pdf>

**SB 213 | Campaign Contributions; content of and certain reporting times for certain campaign disclosure reports; revise**

Sen. Bill Heath

*Effective date July 1, 2019*

SB 213 amends O.C.G.A. § 21-5-34, relating to campaign disclosure reports. In each nonelection year on January 31 and June 30; (A) Candidates for public office and public officers as defined in subparagraphs (A), (C), and (D) of paragraph 22 of Code Section 21-5-3 shall file on January 31 and June 30. (B) Candidates for public office and public officers as defined in subparagraphs (B), (F), and (G) of paragraph 22 of Code Section 21-5-3 shall file on June 30 and December 31. In each election year: (A) On January 31, April 30, June 30, September 30, October 25, and December 31. Any person who makes contributions to, accepts contributions for, or makes expenditures on behalf of candidates, and any independent committee, shall file a registration in the same manner as is required of campaign committees prior to accepting or making contributions or expenditures. Such persons, other than independent committees, shall also file campaign contribution disclosure reports at the same times as required of the candidates they are supporting and a December 31 campaign contribution disclosure report regardless of whether the candidate they are supporting has a December 31 campaign contribution disclosure report due.

<http://www.legis.ga.gov/Legislation/20192020/187060.pdf>

**SB 225 | Juvenile Code; in conformity with the federal Social Security Act and the Family First Prevention Services Act; bring provisions**

Sen. Larry Walker

*Effective date May 7, 2019*

SB 225 would amend multiple sections in the juvenile code primarily to bring these newly added concepts into compliance with existing federal law. First, a new definition of "family and permanency team" is added to O.C.G.A. § 15-11-2(32.1). This group shall consist of biological and fictive kin, clergy, educators, etc., whose job will be to develop a plan and provide oversight with the goal of improving the juvenile's mental health.

Second, a new definition of "qualified individual" is added at (60.1) and means a trained professional for licensed clinician who works with kids but is not connected to DFCS. At (60.2) a new definition is added for "qualified residential treatment program" which is what it says it is for kids with behavioral and emotional problems and complies with federal law.

Third, the bill adds a new code section at O.C.G.A. § 15-11-100.1 that requires dependency proceedings involving Native American children to comply with the federal Indian Child Welfare Act.

Fourth, new language is added to O.C.G.A. § 15-11-201, relating to DFCS case plans, that requires DFCS to document if they place a kid in a qualified residential treatment program. New language is also added to O.C.G.A. § 15-11-216 that requires DFCS to conduct periodic reviews of these placements with the new reporting/documenting requirements.

Fifth, a new section is added at O.C.G.A. § 15-11-219 that requires a "qualified individual" [see above] to make determinations of appropriateness, effectiveness of placements, etc. New language is also added to O.C.G.A. § 15-11-220 that requires additional determinations 60 days after such a placement and completion of the O.C.G.A. § 15-11-219 requirements.

Sixth, O.C.G.A. § 15-11-231, relating to permanency planning reports, is amended by adding new language that incorporates the documentation produced by the sections above into the child's qualified residential treatment program. O.C.G.A. § 15-11-232, relating to DFCS and permanency planning, is also amended to incorporate its documentation into the child's permanency plan.

Seventh, a new section is added at O.C.G.A. § 15-11-260.1 that exempts from these types of placements/plans/proceedings those children expressly covered by the federal Indian Child Welfare Act.

Eighth, O.C.G.A. § 49-5-8, relating to DHS and kids leaving foster care at age 18, is amended to add new language that the child is entitled to any official documentation that the child was previously in foster care.

Lastly, O.C.G.A. § 50-13-41, related to OSAH hearings, is amended by adding new terms to "reviewing agency" that includes DHS where the federal Social Security Act is implicated in parental termination proceedings.

<http://www.legis.ga.gov/Legislation/20192020/186777.pdf>

**SB 234 | Judge of Probate Court; shall also serve as chief magistrate judge of the Magistrate Court of Atkinson County on and after January 1, 2021; provide**

Sen. Tyler Harper

*Effective date May 6, 2019*

This Act makes the Chief Probate Judge of Atkinson County the Magistrate Judge as of January 1, 2021. The current judge finishes out his or her term but there will be no further elections for that position.

<http://www.legis.ga.gov/Legislation/20192020/186062.pdf>

**SB 247 | Magistrate Court of Troup County; technology fee for conviction of traffic or ordinance violation; charge**

Sen. Matt Brass

*Effective date July 1, 2019*

SB 247 authorizes the Troup County Magistrate Court to set, and Clerk of the Troup County Magistrate Court to charge and collect, a \$10 technology fee as a surcharge to each conviction for a traffic or ordinance violation. The technology fees collected must be maintained in a segregated fund and may be used only to provide for the technological needs of the Troup County Magistrate Court.

<http://www.legis.ga.gov/Legislation/20192020/187581.pdf>

**SB 250 | State Court of Fulton County; appointment of associate judges and their compensation; provide**

Sen. Jennifer Jordan

*Effective date May 7, 2019*

Allows the Chief Judge of State Court of Fulton County to appoint up to 4 part-time pro tempore judges. Their selection is subject to a majority vote of the other State Court judges. The salaries of these part-time pro tempore judges is set by the full-time judges subject to ratification by the Fulton County Commissioners.

<http://www.legis.ga.gov/Legislation/20192020/187586.pdf>

**SB 252 | Clerk of Superior Court of Twiggs County; authority to fix compensation of employees of Clerk's office; provide**

Sen. David Lucas

*Effective date June 1, 2019*

This Act provides that when the Board of Commissioners in Twiggs County gives its county employees a cost-of-living allowance, the Clerk of Superior Court gets the same adjustment to his or her base pay

<http://www.legis.ga.gov/Legislation/20192020/187587.pdf>

**SB 253 | Judge of Probate Court of Twiggs County; authority to fix court employee compensation; provide**

Sen. David Lucas

*Effective date June 1, 2019*

This Act provides that when the Board of Commissioners in Twiggs County gives its county employees a cost-of-living allowance, the Judge of Probate Court and the Clerk of Probate Court get the same adjustment to his or her base pay.

<http://www.legis.ga.gov/Legislation/20192020/187589.pdf>

**SB 257 | Sheriff of Twiggs County; manner of fixing salary adjustments or allowance; change**

Sen. David Lucas

*Effective date June 1, 2019*

This Act provides that when the Board of Commissioners in Twiggs County gives its county employees a cost-of-living allowance, the Sheriff gets the same adjustment to his or her base pay.

<http://www.legis.ga.gov/Legislation/20192020/187596.pdf>

**SB 263 | Probate Court of Troup County; technology fee and uses; charge and specify**

Sen. Matt Brass

*Effective date July 1, 2019*

This Act authorizes the imposition of a \$10.00 surcharge to each filing of a civil action or proceeding in the Troup County Probate Court. The Technology fees shall be used exclusively to provide for the technological needs of the court, including the purchase of hardware, software, and technical support services.

<http://www.legis.ga.gov/Legislation/20192020/187604.pdf>

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## Part 2: Bills vetoed by the Governor

### **HB 311 | State government; waiver of sovereign immunity as to actions ex contractu and state tort claims; provisions** [Veto Statement from the Governor](#)

Rep. Andrew Welch

As Passed This Act amends 50-21-50 Waiver of Sovereign Immunity. Sovereign immunity is waived as to claims brought by an aggrieved person in courts of this state against this state, a state governmental entity, or an officer or employee in his or her official capacity and that seeks declaratory or injunctive relief to remedy an injury in fact caused to such person, including, but not limited to, an imminent threat of injury to such person, by this state, a state governmental entity, or an officer or employee in his or her official capacity in violation of a state statute, the Constitution of Georgia, or the Constitution of the United States. This waiver extends to any claim seeking declaratory or injunctive relief from the enforcement of a state statute on the basis that the statute, on its face or as applied, violates the Constitution of Georgia or the Constitution of the United States. Does not waive sovereign immunity of this state, a state governmental entity, or an officer or employee in his or her official capacity as to any claim:(1) A state statute explicitly prohibits such waiver;(2) For monetary relief, attorney's fees, or expenses of litigation except as provided in Code Section 9-15-14;(3) Alleging a violation of federal law, other than the United States Constitution;(4) Brought in a court of the United States; or(5) Brought by, or on behalf of, an individual in a penal institution or a state mental health facility.

Adds 50-21-52. This article shall be narrowly construed and shall not: Be construed to waive other immunities provided by state statute or recognized by the courts of this state, including, but not limited to, grand juror immunity, judicial immunity, legislative immunity, official immunity, prosecutorial immunity, or qualified immunity. Georgia Courts have held that "The common-law immunity of a prosecutor is based upon the same considerations that underlie the common-law immunities of judges and grand jurors acting within the scope of their duties." *Holsey v. Hind*, 189 Ga. App. 656. Statute specifically enumerates prosecutorial immunity.50-21-53. In a suit for which sovereign immunity is waived under this article, an officer or employee shall not be subject to such suit in his or her individual capacity for performance or nonperformance of his or her official duties. The common-law immunity of a prosecutor is based upon the same considerations that underlie the common-law immunities of judges and grand jurors acting within the scope of their duties. These include concern that harassment by unfounded litigation would cause a deflection of the prosecutor's energies from his public duties, and the possibility that he would shade his decisions instead of exercising

the independence of judgment required by his public trust. *Imbler v. Pachtman*, 424 U.S. 409, 422-23, 47 L.Ed.2d 128, 139 (1976)

<http://www.legis.ga.gov/Legislation/20192020/187574.pdf>

**SB 15 | "Keeping Georgia's Schools Safe Act"**

**Veto Statement from the Governor**

Sen. John Albers

SB 15/AP Revises 20-2-1185, relating to School Safety Plans and Drills. Trained and approved private individuals and entities or government agencies may provide site threat assessments to public schools. After July 1, 2019, such individuals / entities will be certified prior to providing a site threat assessment; however, no government agency will be required to obtain a certification for purposes of this Code section in conducting site threat assessments. The Georgia Emergency Management and Homeland Security Agency will certify and maintain a list of individuals and entities approved to provide site threat assessments. By January 1, 2021, or prior to opening for use by students, and every five years thereafter, every public school is to perform a site threat assessment of its buildings, facilities, and campuses by an individual or entity approved or by a government agency. Site threat assessment will inform the preparation and maintenance of a school safety plan. School Safety plan to be reviewed and updated annually as necessary. Safety plans will be submitted to Georgia Department of Education after the approval by a local law enforcement agency designated as having approval authority by the local board of education. The Department of Education shall post a list on its website showing all schools that have completed and all schools that are delinquent in completing the school safety plan. Safety Plans must address: 1) Security issues in school safety zones as defined in 16-11-127.1.2) Security issues involving school functions held during non-instructional hours; and 3) Security issues involving the transportation of students to and from school and school functions when transportation is furnished by the school or school system. In coordination with the sheriff or a local law enforcement agency with jurisdiction over its geographical area, every public school shall conduct safety drills on reacting to potential mass casualty incidents at least once each school year; participation of students in such safety drills or reacting to potential mass casualty incidents shall be at the discretion of the public school.

Beginning July 1, 2019, each school year every local BOE shall provide an annual report to the public for the prior school year and up to the date of the annual report on all projects, initiatives, and activities initiated, completed, or maintained in furtherance of school safety planning, including, but not limited to, the amount of funding spent for purposes of school

safety; provided, however, that nothing in this subsection shall be construed to require a local board of education to disclose operational details or the existence of activities that, by the disclosure of which, would compromise a school safety plan; and provided, further, that nothing in this subsection shall in any way operate or be construed to affect, repeal, or limit the exemption of school safety plans from public disclosure as provided for in paragraph (25.1) of Code Section 50-18-72 Each principal shall serve as the school safety coordinator or shall designate a school safety coordinator from among school's administrative, teaching, or counseling staff. Such school safety coordinator shall: 1) Annually beginning on June 1, 2020, and within 15 days of June 1 in every year thereafter, issue a report to the local board of education on a form provided by the local board of education regarding the fulfillment of the requirements; (2) Coordinate with the GBI, the Georgia Emergency Management and Homeland Security Agency, the Georgia Information Sharing and Analysis Center, and the Department of Education concerning consideration and distribution of school security best practices; (3) When reasonable suspicion of student criminal activity exists, report suspicion to local law enforcement having jurisdiction over the school; and (4) Work with all levels of LE and mental health and social services providers whenever information from student profiles or student behavior warrants.

Adds New Code Sections 20-2-1186 (a) The Dept. of Education to work with all state and local governmental entities having a role in school safety to ensure proper communication and sharing of pertinent information relating to threats, warnings, and developing situations regarding public schools in this state. The DOE to study, evaluate, develop, and share best practices to keep schools and students safe from internal and external threats. The DOE authorized to apply for, receive, and use federal or state grant funding relating to school safety.(b) The officer or agent charged with operating the Georgia Information Sharing and Analysis Center will track, share, and provide homeland security activity information to the director of emergency management and homeland security, the state school superintendent, and the local LE agency relating to threats, warnings, and developing situations regarding public schools in this state.

Adds New Code Section 20-2-1187 The Georgia Information Sharing and Analysis Center shall maintain a smartphone or other digital application whereby persons may report observations of what such persons believe to be suspicious, unsafe, or unlawful activity. Such information submitted through such application shall be submitted directly to the Georgia Information Sharing and Analysis Center in a manner that does not intentionally identify through the application the name, home address, email address, telephone number, or other identifying information of such person who submits such reports. The Georgia Bureau of Investigation shall develop and distribute to every public school a digital copy of information that can be used by such schools to create paper displays of at least 24 inches by 36 inches advertising the smartphone or other digital application provided for under subsection (a) of this Code section.

Every public school shall prominently post such paper displays provided for under paragraph (1) of this subsection at the main entrance to such school, in each room where students typically gather to eat lunch, and in the school's gymnasium or other inside area where students typically gather for physical education or for sports competitions. Each local board of education and each public school shall post on its website a link to download the smartphone or other digital application provided for under subsection (a) of this Code section. Near any such link the local board of education and public school shall provide a general description of the application and of its use for reporting suspicious, unsafe, or unlawful activity.

Revises 34-3-4 Powers of GBI act as primary state LE agency with limited jurisdiction throughout this state for identifying and investigating threats, warnings, and developing situations involving homeland security activity as defined by Code Section 35-3-200.

Adds new code section 35-3-4.5 GBI In any investigation involving paragraph (2) of subsection (a) of Code Section 35-3-8, the director, assistant director, or deputy director for investigations shall be authorized to issue a subpoena, with the consent of the Attorney General, to compel the production of books, papers, documents, or other tangible things, including records and documents contained within, or generated by, a computer or any other electronic device.(b) A provider of electronic communication service or remote computing service shall not provide notification of the subpoena issued pursuant to subsection (a) of this Code section to the subscriber or customer of such service.(c) Upon the failure of a person without lawful excuse to obey a subpoena, the director, assistant director, or deputy director for investigations, through the Attorney General or district attorney, may apply to a superior court having jurisdiction for an order compelling compliance. Such person may object to the subpoena on grounds that it fails to comply with this Code section or upon any constitutional or other legal right or privilege of such person. The court may issue an order modifying or setting aside such subpoena or directing compliance with the original subpoena. Failure to obey a subpoena issued under this Code section may be punished by the court as contempt of court. Revises 35-3-8, Powers of GBI Agents - Adds Additional Powers Agents of GBI concurrently with agents and enforcement officers appointed by the state revenue commissioner have the authority throughout the state as provided for under subsection (b) of this Code section; and to Identify and investigate threats, warnings, and developing situations involving homeland security activity as defined by Code Section 35-3-200. To avoid conflict GBI and local law enforcement must communicate with regard to homeland security threats.

<http://www.legis.ga.gov/Legislation/20192020/187482.pdf>

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### Part 3: Resolutions Creating Constitutional Amendments

**HR 164 | General Assembly; dedication of revenues derived from fees or taxes to the public purpose for which such fees or taxes were imposed; authorize - CA**

Rep. Jay Powell

HR 164 proposes an amendment to the Constitution by adding new subparagraph (q)(1) to Art. III, Section IX, Paragraph VI, but this time to provide by general law for the dedication of revenues derived from fees or taxes regarding hazardous wastes and solid wastes, including fees related to the disposal of scrap automobile tires, to the public purpose for which such fees or taxes were imposed. The question on the ballots will be: "Shall the Constitution of Georgia be amended so as to authorize the General Assembly to dedicate revenues derived from hazardous wastes and solid wastes, including fees related to the disposal of scrap automobile tires, fees or taxes to the public purpose for which such fees or taxes were imposed?"

<http://www.legis.ga.gov/Legislation/20192020/185228.pdf>

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## Part 4: Resolutions Creating Study Commissions

### **HR 585 | House Study Committee on Gang and Youth Violence Prevention; create**

Rep. Carl Gilliard

Committee is to review resources available for the prevention of gang and youth and determine the sufficiency of available resources and provide for a greater synergy of resources.

<http://www.legis.ga.gov/Legislation/20192020/185343.pdf>

### **SR 153 | Senate Study Committee on Revising Voting Rights for Nonviolent Felony Offenders; create**

Sen. Harold Jones

SR 153 creates a Senate Study Committee on Voting Rights for Nonviolent Felons. President of the Senate nominates 5 members to serve and designate a chairperson. The resolution contains this language: The committee shall undertake to define which nonviolent felonies should be classified as crimes of moral turpitude with the understanding that a blanket prohibition on nonviolent felons having the right to vote does not serve the state's compelling state interest in ensuring that persons are fully integrated into society. The committee can meet and use the standard per diem and issue a report if it wants to. It stands abolished on December 1, 2019.

<http://www.legis.ga.gov/Legislation/20192020/181188.pdf>

### **SR 371 | Senate Protections From Sexual Predators Study Committee; create**

Sen. Gregory Kirk

This resolution creates the Senate Protections From Sexual Predators Study Committee. The committee was established as a result of the Supreme Courts holding in *Park v. State*, 2019 Ga. LEXIS 138 (March 4, 2019) which found that the statutory authorization of lifetime satellite based monitoring of sex offenders who are no longer serving any part of their sentences was unconstitutional pursuant to the Fourth Amendment to the United States Constitution. The Senate determined that study is needed on alternative means, methods, and strategies,

including, but not limited to, sentencing mechanisms and the elements of various offenses, for protecting the public from individuals who have demonstrated the behavior of a sexually dangerous predator. The committee shall be composed of five members of the Senate to be appointed by the President of the Senate. The President shall designate a member of the committee as chairperson of the committee. The committee shall undertake a study of the conditions, needs, issues, and problems mentioned above and recommend any action or legislation which the committee deems necessary or appropriate. The chairperson shall call all meetings of the committee. The committee shall stand abolished on December 1, 2019

<http://www.legis.ga.gov/Legislation/20192020/184680.pdf>

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## Part 5: Commendatory Resolutions

**HR 140 | Henderson, Colonel Eddie; 36-year career with DNR Law Enforcement in service to the citizens of the State of Georgia; commend**

Rep. Lynn Smith

<http://www.legis.ga.gov/Legislation/20192020/180563.pdf>

**HR 215 | FBI Atlanta Field Office; Violent Crimes Against Children/Human Trafficking Program; Metro Atlanta Child Exploitation (MATCH) Task Force (which includes the Georgia Bureau of Investigation); Georgia Cares; commend**

Rep. Andrew Welch

HR 215- Commends the FBI Atlanta Field Office, who oversaw an 11-day operation by the Violent Crimes Against Children/Human Trafficking Program, Metro Atlanta Child Exploitation (MATCH) Task Force, and Georgia Cares for their work that resulted in 169 arrests and the recovery of nine juvenile sex-trafficking victims and nine adult human trafficking victims, before and during the Super Bowl.

<http://www.legis.ga.gov/Legislation/20192020/181392.pdf>

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