

Prosecuting Attorneys' Council of Georgia

Summary of Legislation Enacted During the 2016 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 2016 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 (usually as it appears on the General Assembly website), the name of the lead sponsor, the date the Bill was approved by the Governor (if required), the effective date, the summary prepared by the contributing staff, and a link to where the full text can be found on the General Assembly website.

We have provided a brief analysis by the contributing authors shown above for the majority of the 113 Bills and 11 Resolutions that passed during the 2016 Session that we flagged as having some type of 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 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.**

HB 34 Georgia Right to Try Act; enact

Dudgeon, Mike 25th Effective date July 1, 2016

H.B. 34 is an act that amends Title 31 to add Chapter 52, which allows patients with terminal illnesses, who give written informed consent to try experimental drugs and other treatments that have completed Phase I of an official FDA clinical trial, but have not yet reached final approval. (Note - marijuana has NOT passed any such trials.) Health care providers are not required to pay, and physicians and manufacturers will not be subject to sanction or other liability for any treatment under this act.

<http://www.legis.ga.gov/Legislation/20152016/160399.pdf>

HB 54 Tuition grants children of officers killed in line of duty who attend University System institutions and meet certain requirements; provide

Waites, Keisha 60th

HB54 relates to the grants awarded to children of law enforcement officers, firefighters, prison guards and HERO workers that are killed in the line of duty. It adds new sections to O.C.G.A. 20-3-452. New 20-3-452(b)(1) lays out the eligibility requirements for the child to receive the grant. The child must be under 22 years old and must maintain a 2.5 GPA which is measured at the end of each academic year. New 20-3-452(2)(A) provides a mechanism for the taxpayer to contribute to the funding of the grants by donating a portion of their tax refund or by contributing any amount over the tax amount owed. New 20-3-452 (B) states the cost to the Department of Revenue to determine the amount of the contributions shall not exceed the amount of the contributions. New 20-3-452(3) provides a mechanism for contributions to be made through the Department of Drivers Services. Citizens will have the opportunity to make donations to the grant when they are issued or renew their driver's license. The administrative cost to collect and distribute the contributions shall not exceed the contribution amount.

<http://www.legis.ga.gov/Legislation/20152016/162325.pdf>

HB 152 Alcoholic beverages; holders of certain alcohol licenses and those who issue such licenses; impose certain requirements

Duncan, Geoff 26th

Effective Date July 1, 2016

Section 1 of HB 152 amends Title 3 by adding a new paragraph to Code Section 3-1-2 to define "bar" as any premises at which a retailer licensed pursuant to this title to sell alcoholic beverages derives 75% or more of total annual gross revenue from the sale of alcoholic beverages for consumption on the premises. Section 2 of HB 152 amends Chapter 3 of Title 3 by revising Code section 3-3-2.1 by defining "disciplinary action," "governmental entity," and "licensee." The bill requires notice to the Department of Revenue for any disciplinary action taken against the licensee and limits fines to not more than \$750. The bill establishes that two or more violations shall be grounds for suspension, revocation or cancellation of the license to sell alcoholic beverages. The bill requires every county or municipality to notify the Department of Revenue within 15 days of a violation. Section 3 of HB 152 amends Code Section 3-3-24.1 barring persons under the age of 21 to serve as bouncers or entering a bar unless accompanied by a parent, guardian or spouse if over 21 years of age or older. Section 4 of HB 152 further amends Title 3 by adding new Code Section defining "powdered alcohol" and making possession illegal except for research purposes.

<http://www.legis.ga.gov/Legislation/20152016/153778.pdf>

HB 166 Motorcycle Mobility Safety Act; enact

Yates, John 73rd

Effective Date July 1, 2016

HB 166 raises the restriction on motorcycle handlebars from 15 inches higher than the seat to 25 inches higher than the seat.

<http://www.legis.ga.gov/Legislation/20152016/162446.pdf>

HB 172 Watercraft; operation while under the influence of alcohol, toxic vapors, or drugs; revise types of vessels

Lumsden, Eddie 12th

Effective Date July 1, 2016

HB 172 narrows the definition of "vessel" and explicitly removes the new category of "homemade or inflatable rafts" from those vessels required to provide personal flotation devices to passengers when operated within 100 feet of shore on a non-moving body of water. Based on this change, these rafts would be exempt from the BUI statute due to the definition of the term "vessel" in O.C.G.A. § 52-7-12

<http://www.legis.ga.gov/Legislation/20152016/161616.pdf>

HB 205 Drivers' licenses; require driver who refused blood alcohol concentration testing to install and maintain ignition interlock devices on vehicle; provisions

Rice, Tom 95th

Effective Date 7/1/2017

HB 205, as passed, is an act that allows drivers arrested for DUI to avoid the ALS process by obtaining an ignition interlock permit. Any interlock permit issued by the DDS is valid for one year. Drivers who took the state test will still get their full driver's privileges back if acquitted or the charge is reduced, however drivers who refused the test who opt for an interlock permit must remain on the interlock device for the full 12 months, regardless of what happens with the criminal case. Interlock permits may be revoked if the driver is convicted of a moving violation, tampers with the device, or fails to report for monitoring or to complete a required substance abuse evaluation. Drivers on interlock permits are also limited as to where they can drive while on the permit.

Any driver required to have an interlock device who drives in violation of that permit is guilty of a misdemeanor.

Any accountability court may issue an ignition interlock device to a defendant during the court of their progress through the accountability court program.

<http://www.legis.ga.gov/legislation/en-US/Display/20152016/HB/205>

HB 421 Retirement and pensions; officers employed by Department of Community Supervision shall be entitled to certain disability benefits; provide

Nimmer, Chad 178th

Effective Date 7/1/16

HB 421 allows community supervision officers employed by the Department of Community Supervision to be eligible to receive disability benefits under the same statute that governs parole and probation officers. (O.C.G.A. § 47-2-221)

<http://www.legis.ga.gov/Legislation/20152016/160482.pdf>

HB 513 Pleadings and motions; procedure for claims asserted against a person or entity arising from an act which could be construed as an act in furtherance of the right of free speech or right to petition government for redress of grievances; revise provisions

Stephens, Ron 164th

Effective Date July 1, 2016

HB 513 substantially revises O.C.G.A. § 9-11-11.1 relating to claims asserted against a person arising from an act that could be construed as an act in furtherance of the right of free speech or the right to petition the government for redress of grievances. It allows for a motion to strike and provides the procedure for review of such motion. Additionally, it provides for the recovery of attorneys' fees.

Of particular interest is new subsection (g) which provides as follows: "This Code section shall not apply to any action brought by the Attorney General or a prosecuting attorney, or a city attorney acting as a prosecutor, to enforce laws aimed at public protection."

The Bill adds two new provisions. First, it amends O.C.G.A. § 5-6-34 relating to rulings which are directly appealable to add "all judgments or orders entered pursuant to Code Section 9-11-11.1." It also amends O.C.G.A. § 51-5-7 relating to privileged communications by revising paragraph (4) to clarify that such statements may be made in good faith in furtherance of "the person's or entity's right of petition or free speech."

<http://www.legis.ga.gov/Legislation/20152016/161624.pdf>

HB 555 Courts; provide reporting of certain statistics regarding juveniles seeking abortions without parental notice; provisions

Chandler, Joyce 105th

Effective Date July 1, 2016

HB 555 requires juvenile court clerks to file enhanced reports regarding juvenile abortions with the Administrative Office of the Courts (AOC) yearly by March 15th of the following year. The reports shall include the following: the number of times the court appointed a guardian ad litem, the number of times where the court appointed counsel; the number of times where the judge issued an order authorizing an abortion without notification; the number of times where the judge denied such an order, and, of those denials, the number of times an appeal was filed, the number of appeals that resulted in denials being affirmed, and the number of appeals that resulted in reversals of such denials. These reports are not subject to open records. The AOC may only provide aggregated statistics of these reports. The Bill requires that the reports be destroyed six months after being submitted to the AOC.

<http://www.legis.ga.gov/Legislation/20152016/162374.pdf>

HB 579 Motor vehicles; operation of certain vehicles upon highways when used in connection with agricultural pursuits; provide

McCall, Tom 33rd

Effective Date July 1, 2016

HB 579 adds new Code Section 40-6-18 to define a "farm use vehicle" as an all-terrain or personal transportation vehicle, and allows a farmer, defined as owner of a farm or their immediate family over the age of 16 to use farm use vehicles on public roads if the vehicle is properly marked for agricultural purposes. Municipalities may ban the use on public roads within their borders if they deem farm use vehicles a danger to public safety.

<http://www.legis.ga.gov/Legislation/20152016/161627.pdf>

HB 605 Georgia Judicial Retirement System; member who was serving in a full-time position on his or her retirement may use prior part-time service for vesting; provide

Weldon, Tom 3rd

Effective Date July 1, 2016

HB 605 amends O.C.G.A. § 47-23-63 by allowing anyone in the judicial retirement system to use part-time service to calculate benefits at a ratio determined by dividing the average of the highest 24-month period of part-time service by the average of the highest 24-month period of full-time service. That percentage is then multiplied by the total part-time service. That is then added to full-time service to arrive at total service. This is repealed automatically on July 1, 2016 if not funded per the "Public Retirement Standards Law."

<http://www.legis.ga.gov/Legislation/20152016/162447.pdf>

HB 676 Accountability, Change Management, and Process Improvement Act of 2015; enact

Brockway, Buzz 102nd

Effective Date July 1, 2016

HB 676 creates the "Accountability, Change Management and Process Improvement Act of 2016." It amends the previously reserved O.C.G.A. § 50-29-3 and requires all agencies, boards, authorities and commissions of the executive branch of state government to have a written business case AND a change management plan for every information technology project that exceeds \$1,000,000 in value. The business case is to include a description of the project, budget, estimated operational impacts, scan of options, risks of not acting and various other conditions. These written business cases are to be provided to the Georgia Technology Authority at least 30 days prior to any request for state funding of such a project.

<http://www.legis.ga.gov/Legislation/20152016/161637.pdf>

HB 690 Employees' Retirement System of Georgia; provide that certain law enforcement officers obtain creditable service in system under certain conditions; provisions

Carter, Amy 175th

Effective Date 7/1/16

HB 690 amends O.C.G.A. § 47-2-226, relating to membership in ERS of certain law enforcement officers, by adding language that declares that "law enforcement officer" means DPS, DNR, GBI, DOR and state-paid DA investigators. New language is also added so that these officers will receive credit for their full-time employment with local governments as law enforcement officers with arrest powers under certain conditions, e.g., not eligible for retirement or pension plan with the local government, member of ERS for at least 10 years, makes successful application to the Board of Trustees, and pays actuarial value of creditable service up to 5 years. This Bill is repealed automatically on 7/1/16 if it is not funded under the Public Retirement Standards Law.

<http://www.legis.ga.gov/Legislation/20152016/162448.pdf>

HB 691 Municipal courts; removal of appointed judges under certain circumstances; provide

Tanner, Kevin 9th

Effective Date July 1, 2016

House Bill 691 requires municipal court judges to be members in good standing with the Georgia Bar, unless grandfathered in by continual service since June 30, 2011. Municipal court judges are required to serve a fixed term, as set by the city in an ordinance or their charter. Additionally, the Bill sets out five circumstances by which a municipal court judge may be removed from office upon 2/3 vote of the entire membership of the governing authority. HB 691 makes two changes regarding the way municipal court judges are appointed and removed. First, it amends O.C.G.A. § 36-32-2 to require municipalities to provide for a fixed term of service for their judges. It also enacts a new O.C.G.A. § 36-32-2.2 which creates a procedure allowing the municipality to remove a judge during his or her term of office.

<http://www.legis.ga.gov/Legislation/20152016/161641.pdf>

HB 725 "Child Abuse Records Protection Act"; enact

Cantrell, Wes 22nd

Effective Date July 1, 2016

HB 725 revises O.C.G.A. § 49-5-40 by making child abuse records in the custody of Child Advocacy Centers confidential. To do so, the Bill provides definitions for "child advocacy center", "record" and other related terms. The Bill also revised OCGA 49-5-41 by providing that a prosecuting attorney who seeks access to child abuse records in connection with their official duties will have reasonable access to the records. It further permits a court to subpoena child abuse records when a motion seeking records and a motion requesting an in camera inspection are filed together. The motion must be served on all parties to the action, the department (DHR/DFCS), and the prosecuting attorney (in matters other than dependency or civil proceedings where there is no related pending criminal investigation or prosecution). The court can release the records to the requesting party after an in camera inspection if the court finds the records are reasonably calculated to lead to discovery of admissible evidence. However, the subpoena shall be served on the prosecuting attorney when a case is pending investigation or prosecution. The prosecuting attorney may intervene in the action regarding the motion seeking the records. If the court releases the records they must issue a protective order to ensure confidentiality. The Bill provides prohibitions that the court may order under the protective order. Any violation of the protective order is punished as contempt.

<http://www.legis.ga.gov/Legislation/20152016/160502.pdf>

HB 727 Fireworks; certain further regulations by counties and municipal corporations; provide

Battles, Paul 15th

Effective Date 4/26/2016

Overall, this Bill adds and amends Title 25 relating to fire protection, certificates of compliance for fire departments, expands the functions and powers of the Georgia Firefighter Standards and Training Council, revises qualifications for firefighters, revises the standard for the explosion and ignition of consumer fireworks, revises times in which consumer fireworks can be lawfully used or ignited, and creates the criminal offenses of igniting fireworks under the influence.

<http://www.legis.ga.gov/Legislation/20152016/162428.pdf>

HB 737 Code Revision Commission; revise, modernize and correct errors of said Code

Caldwell, Jr., Johnnie 131st

signed by Governor May 3, 2016

HB 737 enacts grammatical, punctuation, and a litany of literary corrections to various statutes within the Official Code of Georgia. Of note, Section 16 amends O.C.G.A. § 16-11-129(d)(2), relating to weapons carry licenses, by replacing "subparagraph (d)(1)(B) of this subsection" with "subparagraph (B) of paragraph (1) of this subsection." This deals with the probate court's responsibilities in ordering background checks for license renewals and it does not change any of the rights or responsibilities afforded by the statute. Section 16 also amends O.C.G.A. § 16-12-191(e), relating to low THC oil, by replacing "code section 31-5-7" with "code section 31-51-7." This is a correction for those in the research program only, not an enforcement issue. Further, Section 32 amends O.C.G.A. § 32-9-13 by codifying the creation of the Metropolitan Atlanta Rapid Transit Overview Committee [MARTOC].

The composition of the committee will be composed of 14 members with terms of office concurrent with their terms in the General Assembly. The Speaker of the House appoints the Chair and the President of the Senate appoints the Vice-chair. The committee's purpose is to periodically inquire into MARTA finances, operations, safety, and organization to evaluate the system relative to its legislatively created purposes. The state auditor, GDOT and the Attorney General will support the committee. It also has the power to compel the attendance of witnesses and the production of documents. MARTA is required to cooperate and submit reports as requested by the committee. The committee may appoint a citizens advisory committee and may use public funds for accountants, engineers, and other professionals to accomplish its mission. The changes are effective upon Governor's signature or 7/1/16, whichever is sooner.

<http://www.legis.ga.gov/Legislation/20152016/161090.pdf>

HB 747 Motor vehicles; safe operation of motor carriers and commercial motor vehicles; update reference date to federal regulations

Rogers, Terry 10th Effective Date July 1, 2016

HB 747 updates O.C.G.A. § 40-1-8 to adopt current versions of the Code of Federal Regulations and is now using 49 CFR as adopted 1/1/2016.

<http://www.legis.ga.gov/Legislation/20152016/160483.pdf>

HB 750 Supplemental appropriations; State Fiscal Year July 1, 2015 - June 30, 2016

Ralston, David 7th 2/17/2016 Date Signed by Governor

HB 750 provides supplemental appropriations for state fiscal year ending June 30, 2016. Highlights of the Bill as it relates to the Council includes additional appropriations to fund a FY 2016 increase in Judicial Retirement System (JRS) premiums – from 6.98% to 12.19% - for District Attorneys (\$266,719) and State Court Solicitors (\$206,213). The Council also received \$27,924 to fund accountability court supplements for district attorneys for newly established courts in the Cordele, Houston, Middle, Paulding, Rome and Toombs Judicial Circuits. Finally, HB 750 reduces (by \$353,403) funds previously appropriated for FY 2016, reflecting delayed hiring of new Accountability Court and Juvenile Court ADA positions. (Note: these positions remained fully funded in HB 751, FY 2017 Appropriations)

<http://www.legis.ga.gov/Legislation/20152016/154486.pdf>

HB 751 General appropriations; State Fiscal Year July 1, 2016 - June 30, 2017

Ralston, David 7th

HB 751 provides appropriations, funding Council operations for state fiscal year July 1, 2016 - June 30, 2017. The Council requested \$4.3M as “recruitment and retention funds” in an effort to begin to make ADAs whole for salary advances they did not receive during the recession. The General Assembly agrees to provide \$1.7M of the funds requested, PLUS an additional \$1.5M as part of the state-wide salary increases for all state employees. The Council has to decide how to implement the

Summary of Legislation Enacted During the 2016 Georgia General Assembly

salary increases. However, these funds total \$3.2M – an amount equivalent to about a 7% increase for ADAs plus a 3% state-wide increase for secretaries and investigators.

In addition, funding includes:

- Six (6) New ADAs - newly established accountability courts (Cordele, Houston, Middle, Paulding, Rome & Toombs)
- Ten (10) New ADA positions – Juvenile Court (effective dates to be “staggered” during the next fiscal year)
- Full funding for supplements for all DAs with accountability courts
- Funding for a new ADA and Judgeship in the Clayton Judicial Circuit (effective January 2017)

<http://www.legis.ga.gov/Legislation/20152016/154489.pdf>

HB 759 Courts; financial institutions; certain activities shall not constitute the unauthorized practice of law; provide

Willard, Wendell 51st

Effective Date July 1, 2016

HB 759 amends Code section 15-19-52 relating to lawful acts that do not constitute the unlawful practice of law, by providing that "financial institutions," as defined by Code section 7-1-4, whose deposits are federally insured, are not prohibited from giving advice to its customers in matters incidental to providing financial services. The old law limited it to "banks".

<http://www.legis.ga.gov/Legislation/20152016/162449.pdf>

HB 767 Motor vehicles; add utility service vehicles to the "Spencer Pass Law"; provisions

Powell, Alan 32nd

Effective Date July 1, 2016

HB 767 amends the move-over law to add stationary utility service vehicles to the class of vehicles for which drivers are required to move over, provided they are using traffic cones or displaying flashing yellow, amber, white, or red lights. The maximum fine for this section is now lower than for emergency vehicles. (\$250 versus \$500 for emergency vehicles.)

<http://www.legis.ga.gov/Legislation/20152016/161649.pdf>

HB 770 Crimes and offenses; trafficking of persons for labor or sexual servitude; provisions

Efstration, Chuck 104th

Effective Date

July 1, 2016

HB 770 amends OCGA 16-5-46 by expanding the definition of "sexual servitude" to include conduct induced or obtained from individuals who have a developmental disability; individuals the accused believes to be under 18; or an individual the accused believes to be developmentally disabled. Lack of knowledge that the trafficked person had a developmental disability will not constitute a defense. The involvement of an undercover law enforcement agent is not a defense. Penalty for trafficking a person

for labor or sexual servitude is 10 to 20 years AND a \$100,000 fine. Penalty when the victim has a developmental disability is 25 to 50 years AND a \$100,000 fine.

<http://www.legis.ga.gov/Legislation/20152016/161092.pdf>

HB 775 Health; restrictions on sale and dispensing of spectacles; provide

Ehrhart, Earl 36th Effective July 1, 2016

HB 775 amends Code section 31-12-12 relating to restrictions on the sale or dispensing of contact lenses by adding to the statute the sale of "spectacles" (a defined term). As amended, the statute prohibits 1) selling, dispensing or serving as a conduit for the sale or dispensing of contact lenses or spectacles to the ultimate user of such except by properly licensed and regulated persons; 2) writing a prescription for such except by properly licensed and regulated persons; and 3) writing a prescription for contact lenses or spectacles unless an eye exam is performed. Any person who violates these provisions is guilty of a misdemeanor (up to 12 months in jail, a \$1000 fine or both), but the third and subsequent violations are a felony (1 to 5 years imprisonment and up to \$10,000 fine).

<http://www.legis.ga.gov/Legislation/20152016/160788.pdf>

HB 777 School buses; drivers use cellular telephones in similar manner as a two-way radio; allow

Dudgeon, Mike 25th Effective Date July 1, 2016

HB 777 amends Code Section 40-6-241.2 (e) to allow bus drivers to use cell phones as two-way radios to communicate with school officials or public safety in accordance to paragraph (2) of subsection (b) & (c). (no more than single button operation and not reaching for device so that the driver no longer seated).

<http://www.legis.ga.gov/Legislation/20152016/160791.pdf>

HB 783 Controlled substances; Schedules I and IV; change certain provisions

Broadrick, Bruce 4th Effective May 3, 2016

HB 783 changes some of the drugs listed in Schedules I and IV of O.C.G.A 16-13-25, as well as the dangerous drug statute. (O.C.G.A 16-13-71). There are 9 sections of this Bill.

- Section 1 adds three synthetic compounds that provide similar affects to PCP, LSD, and MDMA, respectively, to Schedule I.
- Section 2 appears to remove certain specific compounds for synthetic cannabinoids, and replace them with group names intended to reflect general classes of synthetic cannabinoids.

- Section 3 removes several specific drugs from Schedule IV, such as Alprazolam (Xanax), Clonazepam (Klonopin), and other prescription benzodiazepines. Benzodiazepines as a structural class are added to Schedule IV.
- Section 4 puts two drugs in the proper alphabetical order that were out of order in the previous statute, notes exceptions for budesonide (a decongestant - specific exceptions addressed in section 7), and "doxylamine succinate" with "doxylamine" (an antihistamine.)
- Section 5 defines a number of specific drugs as "dangerous drugs," covered under 16-13-71 (b).
- Section 6 adds a list of "restricted dangerous drugs" which are drugs that have no medical use and cannot be legally prescribed, manufactured, grown, or possessed. This list includes derivatives of the mitragyna plant (a plant with effects similar to opium) and salvinorin A, salvia divinorum - a hallucinogenic plant.
- Section 7 excepts budesonide from the dangerous drug list if used as a nasal spray.
- Section 8 amends 16-13-79, the punishment for violations of this statute, to reflect the new changes. The drugs added to the list in section 6 of this bill are punishable as a felony with prison up to 2 years and a fine up to \$2000. Reselling or distributing injectable insulin is a felony punishable by 2 to 5 years in prison and a fine up to \$10,000.

<http://www.legis.ga.gov/Legislation/20152016/162303.pdf>

HB 792 Firearms; carrying, possession, and use of electroshock weapons by persons who are students or who are employed at a public institution; authorize

Brockway, Buzz 102nd

Effective July 1, 2016

HB 792 amends 16-11-127.1(c) relating to exceptions to the carrying of weapons within school safety zones, school functions, or on a bus or other transportation furnished by a school. It creates paragraph 16-11-127.1(c)(19), allowing "electroshock" weapons to be carried by "a person who is enrolled as a student" or "employed" by various types of postsecondary/college institutions. Such persons are allowed to control and possess electroshock weapons "while in or on any building or real property owned by or leased" to such institution and the only use of the weapon "shall be in the defense of self or others."

Paragraph (19) further clarifies that "electroshock weapon" means any commercially available device that is powered by electrical charging units and designed exclusively to be capable of "incapacitating a person by electrical charge, including, but not limited to, a stun gun or Taser as defined in subsection (a) of 16-11-106.

For reference, 16-11-106(a) states "For the purposes of this Code section, the term "firearm" shall include stun guns and Tasers. A stun gun or Taser is any device that is powered by electrical charging units such as batteries and emits an electrical charge in excess of 20,000 volts or is otherwise capable of incapacitating a person by an electrical charge."

<http://www.legis.ga.gov/Legislation/20152016/162266.pdf>

HB 794 Macon County; probate court judge shall also serve as chief magistrate judge; provide

Bentley, Patty 139th Effective Date January 1, 2017

The judge of the Probate Court of Macon County shall also serve as the chief magistrate of the Magistrate Court of Macon County on and after January 1, 2017.

<http://www.legis.ga.gov/Legislation/20152016/156319.pdf>

HB 800 Veterinarians; veterinarian-client-patient relationship; clarify scope

Jasperse, Rick 11th Effective Date July 1, 2016

HB 800 defines the Veterinarian-Client-Patient relationship as: Sufficient knowledge of the animal by the licensed veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal; Veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by the virtue of examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept or by medically appropriate and timely visits by the licensed veterinarian to premises within an operation or production system where the animal or groups of animals are kept.

<http://www.legis.ga.gov/Legislation/20152016/161093.pdf>

HB 804 Superior courts; fifth judge of the Clayton Judicial Circuit; provide

Mabra, Ronnie 63rd Effective Date July 1, 2016

HB 804 adds a fifth Superior Court Judge position to Clayton County. The judge will be appointed by the Governor for a term beginning January 1, 2017, and continuing through December 31, 2018, and until his or her successor is elected and qualified. The successor shall be elected at the nonpartisan judicial election in 2018, for a term of four years beginning on January 1, 2019. The Clayton Judicial Circuit is authorized and empowered to appoint an additional court reporter, whose compensation shall be as now or hereafter provided by law.

<http://www.legis.ga.gov/Legislation/20152016/161656.pdf>

HB 806 Drivers' licenses expiration of certain licenses and identification cards; provisions

Tanner, Kevin 9th Effective Date April 26, 2016

HB 806 amends O.C.G.A 40-5-32 to give all drivers eight years between renewals of their driver's licenses. It also amends O.C.G.A 40-5-53, regarding reporting of convictions, to state that should DDS receive a record of any conviction two or more years after the conviction date, that conviction will appear on a driver's history but may not be used to suspend a driver's privilege, with exceptions made for any conviction of a habitual violator or any violation of Article 7 (Commercial drivers).

<http://www.legis.ga.gov/Legislation/20152016/162001.pdf>

HB 808 Courts; Judicial Qualifications Commission; create

Willard, Wendell 51st Effective if voters approve constitutional amendment

If the constitutional amendment created by HR 1113 is approved by voters in November, HB 808 will go into effect, creating the new JQC. They will be given the power to “discipline, remove, and cause involuntary retirement of judges.” The seven members of the Commission will be subject to Senate confirmation and consist of: 2 judges from any level, as nominated by the Supreme Court; a ten-year active member of the bar and registered Georgia voter from a list of ten people submitted by the Board of Governors of the State Bar, as selected by the President of the Senate; a ten-year active member of the bar and registered Georgia voter from a list of ten people submitted by the Board of Governors of the State Bar, as selected by the Speaker of the House; a non-lawyer and registered Georgia voter as selected by the Speaker of the House; a ten-year active member of the bar and registered Georgia voter nominated by the Governor and such person will serve as the Chairperson. The initial commission will serve six months and then a new JQC will take over from July 1, 2017 to December 31, 2020. In January 2021, the commissioners will serve a three-year term. Only the original members can serve three consecutive terms. All others can only serve two consecutive terms. No member can initiate an investigation without presenting such proposal to the whole JQC. Members can remove each other but only by a unanimous vote with the subject member abstaining. Unless waived by the subject judge, all documents and records are not subject to the Open Records Act. No civil action may be brought using information presented to the JQC. If the JQC believes that a “letter of caution” should be issued as a result of an investigation, it may issue such confidential letter. If the JQC believes that an investigation is warranted, the notice and statement of charges and any response shall be confidential as well as any hearing in the matter. Any testimony given or evidence presented cannot be used in a defamation action. It takes a vote of four members of the JQC for action to be taken against the judge under investigation. The recommendation and record are confidential and provided to the Supreme Court. If the judge objects, the chairperson of the JQC may settle the record. When the matter is under review by the Supreme Court, the judge under investigation may argue his or her case in person or through counsel. A majority of the Supreme Court decides to approve the JQC recommendation, remand for further proceedings, or reject the recommendation. If the Supreme Court affirms the JQC recommendation, the record becomes a public record. Any open meeting of the JQC shall be subject to the Open Meetings law.

<http://www.legis.ga.gov/Legislation/20152016/162247.pdf>

HB 851 Local government; annual audit of financial affairs, books, and records of boards of trustees of county law libraries; require

Atwood, Alex 179th Effective Date April 26, 2016

HB 851 primarily relates to County Law Library Fees. First the Bill deletes O.C.G.A § 36-15-9 from O.C.G.A § 15-6-77 (b) relating to the collection of fees by the clerk of the superior court. The Bill then amends O.C.G.A § 36-15-1 by adding the District Attorney to the Board of Trustees for the County Library. The Bill amends O.C.G.A § 36-15-7 (c) relating to the use of funds by the Board of Trustees of the County Library by allowing the use of excess funds to be “used to purchase software, equipment, fixtures, or furnishings for any office related to county judicial facilities or services, including but not limited to courtrooms and jury rooms” or to be turned over to county commissioners to purchase

software, equipment, fixtures or furnishings for the courthouse. The Bill amends subsection (f) of O.C.G.A § 36-15-9 relating to the collection of additional costs in court cases. The Bill creates new Code section 36-15-13 relating to County Law Libraries by requiring the Board of Trustees of the County Law Library to have an annual audit of its books done by the county accountant as employed by § 36-1-10, an internal auditor employed by the county if the auditor is a CPA, or by a CPA. The audit must be in accordance with generally accepted accounting principles. The annual audit is to be made available to the governing authority and is to be a public record.

<http://www.legis.ga.gov/Legislation/20152016/162412.pdf>

HB 874 Courts; ability to prosecute street gang terrorism; improve

Reeves, Bert 34th

May 3, 2016 signed by Governor

HB 874 provides new tools for prosecutors in gang cases. The first part of the Bill allows the State to use a prior delinquency adjudication in juvenile court in subsequent prosecutions against adults or juveniles for violations of the Gang Act. The prior proceeding must be filed under seal.

Importantly, the Bill also revises the crime of terroristic threats and acts. Unless death of the target is threatened, a terroristic threat is a misdemeanor. To commit the offense, one must threaten to: commit a crime of violence; release a hazardous substance; or burn or damage property with the purpose of: terrorizing another; causing an evacuation; causing serious public inconvenience; or in reckless disregard of the risk of the terror, evacuation, or inconvenience caused. Terroristic acts are still punished as felonies. Those acts are burning crosses or other symbols with the intent to terrorize another, while not in the commission of a lawful act, shooting or throwing an object at a conveyance which is being operated or occupied by passengers, or releasing a hazardous substance or a simulation of one for the purpose of terrorizing another, causing an evacuation, causing a serious public inconvenience, or in reckless disregard of the risk. If the threat or act is attempted or committed against a person in retaliation for or in an attempt to prevent the person from testifying or participating in a court proceeding as a witness or participant (lawyer, judge, court reporter, etc.), the crime is a felony with a punishment range of 5 to 20 years. Sentence for violations of the Criminal Street Gang Act are also increased under the Bill. Offenders will now face 5 to 20 years and a person convicted of being in management of the gang will have to serve that sentence consecutively.

An employee or associate of a criminal street gang convicted of using a cell phone in prison to conduct or participate in gang activity, that person is guilty of a felony and any portion of their sentence, from 2 to 20 years, and must be served in prison consecutively to any current sentence. When proving the existence of a criminal street gang, evidence of prior convictions of enumerated activity is admissible and no longer subject to the prior judgments exception to hearsay. A new code section created by the Act deems evidence of the accused's commission of criminal gang activity admissible and can be used for any relevant purpose. The Bill does not increase the punishment for inmates who possess contraband. However, those who assist or attempt to provide drugs and telephones to inmates will face a sentence of 2 to 10 years where at least the first 2 years must be served in prison.

Effective July 1, 2016, anyone designated by the Commissioner of Corrections, or their chief of staff, may swear out an arrest warrant for an escapee from the Department of Corrections.

<http://www.legis.ga.gov/Legislation/20152016/162248.pdf>

HB 887 Courts; parental rights; prioritize placement of a child with an adult or fictive kin qualified to care for such child

Efstration, Chuck 104th July 1, 2016 Effective Date

HB 887 requires DFCS to place children with relatives or fictive kin instead of nonrelated care givers, if the relatives or fictive kin are qualified and the placement is in the best interest of the child. Section 2-2 of the Bill is also known as the “Supporting and Strengthening Families Act.” Pursuant to the new O.C.G.A. § 19-9-142, a parent, guardian, or legal custodian could delegate caregiving authority over a minor child to a grandparent, step-grandparent, aunt, uncle, great aunt, great uncle, cousin, or sibling of a child or a fictive kin who resides in this state for up to one year using a power of attorney. No court action is required. The authority cannot grant the delegated caregiver the ability to allow the child to get married, undergo an abortion, adoption of the child, or termination of the parent, guardian, or legal custodian’s rights. The power of attorney cannot also be used to violate or modify a court order and cannot be filed while a divorce or custody hearing that involves the child is pending. The non-custodial parent must receive notice of any such power of attorney and can object. The power of attorney must include language that it is not being done for the purpose of enrolling the child in a school to participate in the academic or interscholastic athletic programs provided by that school or for any other unlawful purpose. If DFCS has an open welfare case on the child, the power of attorney cannot be used. A child subject to the power of attorney delegation is not considered abandoned and the placement is not considered a foster care situation. Members of the military may use this Bill and their delegation will last for the period of deployment plus 30 days. The Bill also includes a suggested form to use.

<http://www.legis.ga.gov/Legislation/20152016/162400.pdf>

HB 888 Upson County; Juvenile Court; transfer probation and intake services to the Georgia Department of Juvenile Justice

Caldwell, Jr., Johnnie 131st Effective July 1, 2016.

HB 888 transfers the intake and probation services of the Upson County Juvenile Court to DJJ. Employees now become DJJ employees. Upson now becomes a dependent (on DJJ) rather than an independent (not reliant on DJJ) court, so they must now follow DJJ rules, regulations, requirements and personnel policies. This switch was made pursuant to OCGA 15-11-69.

<http://www.legis.ga.gov/Legislation/20152016/158936.pdf>

HB 897 Health; care and protection of indigent and elderly patients; provide for the establishment and operation of a drug repository program to accept and dispense unused prescription drugs

Price, Betty 48th

Effective July 1, 2016

HB 897 creates new Article 10 of Chapter 8 of Title 31 relating to the care and protection of indigent and elderly patients. It requires the Department of Public Health (DPH) to establish a drug repository program to accept and dispense over-the-counter and prescription drugs donated for the purpose of being dispensed to eligible patients (a defined term). The Bill requires DPH to establish, prior to January 1, 2017, rules and regulations to implement the program.

<http://www.legis.ga.gov/Legislation/20152016/162108.pdf>

HB 900 Crimes and offenses; electronic data base of prescription information; authorize the retention of data base information for 2 years

Cooper, Sharon 43rd

Effective Date July 1, 2016

HB 900 amends 16-13-59 by increasing the length of time that the agency retains aggregate prescription information from one year to two years. Records are to be deleted or destroyed after two years on an ongoing basis. The Bill also amends 16-13-60(b) by adding language to give the agency the right to access prescription information as part of an investigation into abuse or illegal access. This information may be used in the prosecution of the offender who has illegally obtained prescription information. O.C.G.A. § 16-13-60(c)(1) is amended to give the agency the right to provide the prescription information to delegates of persons authorized to prescribe or dispense controlled substances as long as the delegate meets certain requirements. Such delegate must be on prescriber's staff, must be licensed, registered, or certified by the state regulatory board, and information must be maintained in a secure and confidential manner. Access to the records by law enforcement or prosecutorial officials may be had with a proper search warrant. Access to the records may be given to the Georgia Composite Medical Board and "any other state regulatory board governing prescribers or dispensers" may access the information with a subpoena.

<http://www.legis.ga.gov/Legislation/20152016/162455.pdf>

HB 905 Courts; child abuse; change provisions

Ballinger, Mandi 23rd

Effective July 1, 2016

HB 905 Creates 16-3-22.1 provides immunity to any individual who in good faith has possession of materials or images in violation of Title 16 Article 3 of Chapter 12 (Obscenity and Related Offenses) and immediately notifies law enforcement or any mandated reporter under 19-7-5; or makes the notification within 72 hours. The official report of a law enforcement agency or DFCS creates a rebuttable presumption of good faith and reasonableness on the person having possession of the materials. 19-7-5, concerning mandated reporting, is revised. The definition of "child abuse" now includes "endangering a child". Endangering a Child includes violations of: 16-5-70 (d) Cruelty to Children 3rd degree; 16-5-73 Prohibit Presence of Child during Manufacture of Meth; 40-6-391(l) DUI; and prenatal abuse 15-11-2. Sexual abuse includes consensual acts when the sex acts are between

Summary of Legislation Enacted During the 2016 Georgia General Assembly

minors if any individual is under 14. However, does not include consensual acts between a minor and adult not more than 4 years older.

The Bill further revises O.C.G.A. § 19-15-1, relating to Domestic Relations and Child Abuse, is revised to create a definition for "Child Advocacy Center." Sexual abuse includes consensual acts when the sex acts are between minors if any individual is under 14. However, it does not include consensual acts between a minor and adult not more than 4 years older.

The Bill revises 19-5-2, relating to Child Abuse Protocol Committees. When a judicial circuit is composed of more than one county, the protocol committee to determine if a committee will be established for each county in the judicial circuit or if it will serve all of the counties within the judicial circuit. The protocol committee will file an updated protocol with the DFCS / DHS and the Office of the Child Advocate (OCA) no later than the first day of September each year. Required reports by the committee will also be sent to OCA.

The Bill amends O.C.G.A. § 49-5-12, on the licensing/inspection of child welfare agencies by increasing the fine to no less than \$500 and no more than \$1000 for the offense of operating without a license.

The Bill creates O.C.G.A. § 49-5-12.3, a code section that requires DFCS/DHS, DJJ, Department of Behavioral Health, and Department of Community Health to perform the annual inspections of child welfare agencies in a coordinated manner. The agencies will not duplicate inspections and will share the results of their report with one another. It provides dates when the inspections must be completed and provides a procedure for child welfare agencies to contest the results.

The Bill deletes O.C.G.A. § 49-5-182 thereby no longer requiring DA's offices to notify the DFCS/DHS regarding defendants convicted of child abuse for purposes of updating the central child abuse registry. DFCS/DHS is to remove a minor perpetrator's name from the child abuse registry if he/she: 1) reached 18 years of age; 2) more than 1 year has passed since substantiated act occurred and there have been no other acts; AND 3) can prove by a preponderance that he/she has been rehabilitated.

The section of the Bill that creates O.C.G.A. § 49-5-4.1 is effective March 1, 2017. This section states DFCS/DHS, DJJ, Department of Behavioral Health, or Department of Community Health is to establish a child welfare agency scorecard to score child welfare agencies. The scores will be published in a single location on a website for public review. The new Code Section also provides procedures for child welfare agencies to contest scores, file appeals, notice requirements and hearings under the Georgia Administrative Procedure Act.

<http://www.legis.ga.gov/Legislation/20152016/162288.pdf>

HB 910 Health records; provisions relating to costs of copying and mailing patient records apply to psychiatric, psychological, and other mental health records; provide

Frye, Spencer 118th

Effective date July 1, 2016

HB 910 adds mental health records to O.C.G.A 31-33-3; therefore, the party seeking the mental health records would be responsible for paying for them in the amount provided in the statute.

<http://www.legis.ga.gov/Legislation/20152016/162415.pdf>

HB 926 Pharmacists and pharmacies; regulation of certain facilities and entities involved in the wholesale, manufacture, and distribution of drugs; provide

Broadrick, Bruce 4th

<http://www.legis.ga.gov/Legislation/20152016/162232.pdf>

HB 927 "Appellate Jurisdiction Reform Act of 2016"; enact

Coomer, Christian 14th applies to any appeal filed starting on January 1, 2017

The "Appellate Jurisdiction Reform Act of 2016" revises the jurisdiction of the Court of Appeals and the Supreme Court. The Court of Appeals and not the Supreme Court will have jurisdiction over: cases involving title to land; equity cases except proceedings in which a sentence of death was or could have been imposed or if the case involves the execution of a sentence of death; cases involving wills; cases involving extraordinary remedies except proceedings in which a sentence of death was or could have been imposed or concern the execution of a sentence of death; and divorce and alimony cases. The Act also increases the size of the Supreme Court to 9 justices. In essence, the Bill removes several kinds of cases from the exclusive jurisdiction of the Supreme Court but does not impact criminal cases.

<http://www.legis.ga.gov/Legislation/20152016/162068.pdf>

HB 940 Forsyth County; position of IT/special projects administrator of the Clerk of Superior Court; exempt application of the civil service system

Gilligan, Sheri 24th

Effective July 1, 2016

HB 940 creates and establishes a civil service system of personnel administration for Forsyth County to be known as the Forsyth County Civil Service System. All employees of Forsyth County are members of the Forsyth County Civil Service System EXCEPT: elected officers of the county, members of appointed boards, members of commissions and authorities, the county attorney, the county physician, part-time employees, hourly wage earners, seasonal employees and consultants, employees of the Probate Court of Forsyth County, employees of Forsyth County Pre-Trial Services, the Chief Deputy of the Superior Court of Forsyth County, the Office Manager of the Office of the Clerk of Superior Court of Forsyth County, the IT/Special Projects Administrator of the Clerk of Superior Court of Forsyth County, and other employees expressly exempt by law.

<http://www.legis.ga.gov/Legislation/20152016/158594.pdf>

HB 941 Courts; review of incidents involving a peace officer's use of deadly force that results in death or serious bodily injury; provide for procedure

Golick, Rich 40th

Effective Date July 1, 2016

HB 941 overhauls how grand juries handle cases involving peace officers. In instances where an officer causes “serious bodily injury” or death, once the GBI has finished its report, at least 8 members of the Grand Jury can vote to use its civil authority to conduct an inquiry. The District Attorney can also direct the Grand Jury to begin a civil inquiry unless he or she has already determined that they will be presenting a proposed bill of indictment on criminal charges concerning the incident. The civil review must begin within a year of the incident. The chief of the officer’s agency and the officer are provided notice 20 days prior to the civil process beginning, but are not required to attend. All evidence presented and any legal advice given to the Grand Jury is recorded by a court reporter who is present, which will include instructions on O.C.G.A. § 16-3-20, 16-3-21, 16-3-23.1, and 17-4-20,. If the grand jury advises the District Attorney to not seek an indictment, a report is prepared and filed. Included in the report are the exhibits and transcripts of which the public may obtain a copy as an open record. If the Grand Jury advises the District Attorney to seek criminal charges, no report is prepared and the transcript and exhibits remain as part of the criminal case file which will be disclosed as part of discovery in the criminal case.

The Bill’s changes to O.C.G.A. § 17-7-52 provide that notice of the District Attorneys’ intent to seek an indictment against an officer must be sent 20 days prior to the meeting of the Grand Jury. In that notice, the officer must be advised of the constitutional, as well as statutory, protections against self-incrimination and bringing disgrace and infamy upon himself or his family. The officer is also notified that if he or she does choose to address the grand jury, the officer will be under oath and subject to questioning by the prosecutor as well as the members of the Grand Jury. If the officer has given written notice prior to presentation of evidence to the Grand Jury that he or she wishes to testify before the Grand Jury, they are not allowed to view any other testimony and their testimony will be last, subject to the State’s right to rebut. When the officer testifies, the prosecutor advises the officer of his/her rights and potential consequences in front of the Grand Jury.

The Bill also allows amends O.C.G.A. § 17-7-52 to allows the District Attorney to request a court reporter on any criminal case presented to a Grand Jury unless the Grand Jury is considering action against a peace officer. In that instance, a court reporter must be present during the presentation of evidence. The Bill also allows Special Grand Juries to be called by the District Attorney and removes the population requirements for a Special Grand Jury. The final thing the Bill does is remove the privilege for county and municipal officers who are solely charged with the misdemeanor offense of malfeasance in office to get a copy of the indictment in advance and attend the grand jury proceedings.

<http://www.legis.ga.gov/Legislation/20152016/162240.pdf>

HB 949 Crimes and offenses; illegal use of financial transaction cards; revise provisions

Powell, Alan 32nd Effective July 1, 2016

House Bill 949 includes the clerk of superior court, judge of probate court, sheriff, tax receiver, tax collector, and tax commissioner in the definition of "government" found in O.C.G.A. § 16-9-30, which will allow misuse of those cards to be prosecuted under O.C.G.A. § 16-9-37. The Bill also adds "constitutional officer" such as the clerk of superior court, judge of probate court, sheriff, tax receiver, tax collector, and tax commissioner to the group of people who must follow O.C.G.A. § 36-80-24 when issuing purchase cards. One specific provision is that no card may be issued on or after July 1, 2016, when the Bill takes effect, unless the constitutional officer has promulgated regulations about the appropriate use of the cards and filed the rules with the County.

<http://www.legis.ga.gov/Legislation/20152016/162187.pdf>

HB 954 "Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act"; enact

Efstration, Chuck 104th Effective July 1, 2016

HB 954 adds new code sections to Title 29 relating to guardianships to enact the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. This Bill makes Georgia law consistent with guardianship law in other states. HB 954 prevents guardian ship abuse by allowing Georgia courts to collaborate with out of state courts in cases involving guardianships and conservatorships in order to protect the interests of disabled adults and elder persons. Under this Bill, courts may communicate with other courts, transfer guardianships or conservator ships, appoint emergency guardians issue temporary protective orders for property located in this state, or take any other appropriate action necessary to protect a protected person or their assets.

<http://www.legis.ga.gov/Legislation/20152016/162185.pdf>

HB 959 Education; K-12; update and clarify certain provisions

Beskin, Beth 54th Effective July 1, 2016

As passed, HB 959 addresses several aspects of Georgia's education policy concerning testing, data sharing, and conflicts of interest among members of the school board. There are no changes provisions of criminal law.

<http://www.legis.ga.gov/Legislation/20152016/162186.pdf>

HB 960 Tax and revenue; confidentiality of certain tax information; provisions

Kelley, Trey 16th

Effective Date July 1, 2016

HB 960 adds a new subsection to O.C.G.A. § 48-2-15 relating to "confidential information" in tax returns. The section now allows the use of confidential tax information as evidence before any state or federal court and it specifically now allows disclosure before the House Committee on Ways and Means or the Senate Finance Committee. It also labels tax information in the hands of a political subdivision for the purposes of a refund as "privileged and confidential." Individuals will be subject to civil and criminal penalties for wrongful disclosure of confidential tax information. HB 960 also directs the accrual rate of interest owed by the state on any overpayment of taxes.

<http://www.legis.ga.gov/Legislation/20152016/162224.pdf>

HB 962 Human Services, Department of; creation, appointment, removal, and duties of a kinship care enforcement administrator; provide

Abrams, Stacey 89th

Effective Date July 1, 2016

HB 962 amends O.C.G.A. § 49-1-8 to allow the Department of Human Services (DHS), to ensure that dependents of military service members are eligible for medical and developmental disability services. It creates a new definition of "kinship caregiver" as family members, or close family friends who are raising children under the age of 18, in informal or non-custodial or guardianship capacities, when the parents are unwilling or unable to do so. The Bill requires DHS to create a link or portal on their website which provides access to social services which are specific to kinship caregivers. This link will provide access and information about applying for benefits on behalf of these children.

This Bill also creates the position of a kinship care enforcement administrator within DHS who will account for, monitor, and ensure compliance with all of the rules, laws and regulations of the federal government and state relating to these programs. This act ensures that military dependents are added to a database indicating the need for them to receive medical assistance. The dependent upon notification that they are eligible to receive medical benefits will have six months to apply for assistance, and six months to begin using the benefits. If the dependent must leave the state due to the service member's deployment, they may resume the assistance upon their return to Georgia.

The Bill also allows those dependents with developmental disabilities who are legal residents, to retain their eligibility for services if they are deployed and return to the state. It will also allow those returning to the state to be placed on a waiting list for services in anticipation of their scheduled return to the state. If the developmentally disabled dependent's request for services is denied upon their return to the state, the dependent has the right to contest the denial of services and resume the services if they remain eligible.

<http://www.legis.ga.gov/Legislation/20152016/162177.pdf>

HB 965 "The Honorable Jimmy Carter Cancer Treatment Access Act"; enact

Cheokas, Mike 138th Effective Date July 1, 2016

HB 965, also known as "The Honorable Jimmy Carter Cancer Treatment Access Act," prevents a health benefit plan provider from forcing a cancer patient with stage 4 advanced, metastatic cancer to use provider approved drugs and have unsuccessful results before allowing the patient to pick their own FDA approved drug.

<http://www.legis.ga.gov/Legislation/20152016/160507.pdf>

HB 968 Pike County Magistrate Court; impose and collect county law library fees as part of court cost

Caldwell, Jr., Johnnie 131st Effective Date July 1, 2016

<http://www.legis.ga.gov/Legislation/20152016/159109.pdf>

HB 976 State records management; minimum retention periods for video recordings from law enforcement devices on or inside a vehicle; provide

Hitchens, Bill 161st Effective Date July 1, 2016

HB 976 creates new Code section 50-18-96 to provide for retention schedules for certain law enforcement video recordings. Video recordings from body-worn devices or devices located on or inside a law enforcement vehicle is 180 days. However, for video recordings which 1) are part of a criminal investigation; 2) show a vehicular accident; 3) show the detainment or arrest of an individual; 4) show an officer's use of force; or 5) contain evidence that is, or can reasonably be, anticipated to be necessary for pending litigation, the retention period is 30 months. If litigation is commenced during this 30 month period, the video recording must be retained until final adjudication. The retention schedules are "de minimis" and destruction of such video recordings is not mandated after the required retention period has ended. If the video recording is properly destroyed pursuant to the retention schedules, no evidentiary presumption shall be made that the recording was harmful to the governing body or the officer(s) depicted in the recording. There is no duty to redact or obscure people, objects or information and no civil liability for such failure to do so. Law Enforcement Agencies may impose a fee of \$10.00 for the copying of videos in addition to other fees allowed under the Open Records Act.

<http://www.legis.ga.gov/Legislation/20152016/162151.pdf>

HB 979 Crimes and offenses; assault and battery; increase the punishment committed upon hospital emergency department and medical services personnel

Caldwell, Jr., Johnnie 131st Effective Date July 1, 2016.

HB 979 creates an enhanced penalty under O.C.G.A. § 16-5-21, Aggravated Assault, when committed against emergency medical personnel. A person who knowingly commits aggravated assault on an emergency health worker while the worker is engaged in, or on account of the performance of, his/her official duties will be punished by imprisonment from 5 to 20 years. The Bill creates an enhanced penalty under 16-5-24, Aggravated Battery; when a person who knowingly commits the offense of aggravated battery on an emergency health worker while the worker is engaged in, or on account of the performance of, his or her official duties. Such accused shall be punished by imprisonment from 5 to 20 years. "Emergency health worker" means hospital emergency department personnel and emergency medical services personnel.

<http://www.legis.ga.gov/Legislation/20152016/160808.pdf>

HB 1008 Cobb County State Court; change salary of the chief deputy clerk and the clerk

Carson, John 46th 4/28/2016 Date Signed by Governor

Updates salary information for various judicial positions within Cobb County: the Chief Deputy Clerk, the State Court of Cobb County, and the Chief Assistant Solicitor of Cobb County.

<http://www.legis.ga.gov/Legislation/20152016/160810.pdf>

HB 1011 Cobb County; chief deputy, assistant chief deputy, and executive assistant to the sheriff; change compensation

Carson, John 46th 4/28/2016 Date Signed by Governor

Updates salary information for law enforcement positions within Cobb County by changing the salaries of Cobb County's Chief Deputy, the Assistant Chief Deputy, and the Executive to the Sheriff.

<http://www.legis.ga.gov/Legislation/20152016/160912.pdf>

HB 1012 Cobb County; clerk of the superior court, deputy clerk, and executive assistant; change salary

Carson, John 46th 4/28/2016 Date Signed by Governor

Changes the salaries of Cobb County's Clerk of the Superior Court, the Deputy Clerk, the Executive Assistant, and the Executive Secretary.

<http://www.legis.ga.gov/Legislation/20152016/161100.pdf>

HB 1019 Upson County Magistrate Court; collect and impose county law library fees as part of court cost; provide

Caldwell, Jr., Johnnie 131st Effective Date July 1, 2016

<http://www.legis.ga.gov/Legislation/20152016/158939.pdf>

HB 1021 Spalding County State Court; election of county solicitor; provide

Yates, John 73rd Effective January 1, 2017

This Bill makes the Solicitor-General of Spalding County a full time position. Effective January 1, 2017, the position pays 90% of the pay of the State Court Judge of Spalding County, including supplements. The Solicitor is also authorized to appoint up to two assistants.

<http://www.legis.ga.gov/Legislation/20152016/158782.pdf>

HB 1025 Courts; service of accusations of or citations for violations of ordinances under certain circumstances; change provisions

Taylor, Tom 79th 5/3/2016 House Date Signed by Governor

H.B. 1025 amends Code Section 15-10-62 by adding subsection (c) which provides for exceptions to personal service for violations of ordinances if the violation concerns the condition of real property. If the violation concerns the condition of real property then a copy of the citation may: (1) be posted on the door of the premises where the alleged violation occurred; (2) be mailed by registered or certified mail or statutory overnight delivery to the owner of such premises at the address of record maintained by the applicable tax commissioner (the certificate of mailing to the accused constitutes prima-facie evidence of compliance); and (3) filing a copy of the citation with the clerk of magistrate court. Service under this subsection shall not be authorized until there has been at least one attempt at personal service on the accused at the address of record of the accused as maintained by the applicable tax commissioner or of the accused's registered agent as maintained by the Secretary of State, provided that such attempt at personal service shall only be required if the accused resides or has a registered agent in this state. When service is perfected as provided in this subsection and the accused fails to appear for trial, an in rem judgment and lien against the real property shall be the exclusive penalty.

<http://www.legis.ga.gov/Legislation/20152016/162160.pdf>

HB 1033 Cobb County Probate Court; change compensation of judge and clerk

Evans, Stacey 42nd Effective Date July 1, 2016

<http://www.legis.ga.gov/Legislation/20152016/160836.pdf>

HB 1047 Coweta County; State Court; revise terms

Smith, Lynn 70th

Effective Date January 1, 2017

Starting January 1, 2017, House Bill 1047 authorizes the State Court of Coweta County to begin its two terms of court to begin on January 2 and July 1.

<http://www.legis.ga.gov/Legislation/20152016/160410.pdf>

HB 1072 Education; service cancelable loan fund; remove ineligibility for such loans for members of the Georgia National Guard also receiving HOPE

Coomer, Christian 14th

Effective July 1, 2016.

HB 1072 provides that undergraduate student members of the Georgia National Guard who receive service-cancelable loan funds and other authorized types of service-cancelable educational loans financed by state funds and issued by the Georgia Student Finance Authority ARE eligible to also receive HOPE scholarship or HOPE grant funds.

<http://www.legis.ga.gov/Legislation/20152016/162073.pdf>

HB 1074 Cobb County; judges of the state court; change compensation

Reeves, Bert 34th

Effective Date July 1, 2016

HB 1074 raises the salaries of the Cobb County State Court Chief Judge, Division I judges and associate judges. It also authorizes Cobb County to pay into the Trial Judges and Solicitors Retirement Fund, on behalf of the associate judges, any employee contributions required for the associate judges' participation in the Fund, which contributions shall be in addition to any other compensation to which the associated judges are entitled.

<http://www.legis.ga.gov/Legislation/20152016/162074.pdf>

HB 1080 Fayette County; Magistrate Court; impose and collect county law library fees as part of court cost

Ramsey, Matt 72nd

Effective Date July 1, 2016

HB 1080 provides that all provisions of Title 36, Chapter 15 (County Law Libraries) apply to the Magistrate Court of Fayette County. It further provides that the Chief Magistrate may impose a county law library fee upon all cases as authorized by O.C.G.A. § 36-15-9, but shall be the same sum as set by the Chief Judge of the Griffin Judicial Circuit.

<http://www.legis.ga.gov/Legislation/20152016/162465.pdf>

HB 1083 Tift County; State Court; change the office of the solicitor to a full-time position

Houston, Penny 170th

Effective Date May 3, 2016

This Bill makes the office of Solicitor-General of Tift County a full time position. The Solicitor-General is paid an annual salary of not less than \$8,000 and paid in 12 equal, monthly installments.

<http://www.legis.ga.gov/Legislation/20152016/160127.pdf>

HB 1097 Fayette County; Board of Education; increase compensation of the chairperson and members

Yates, John 73rd

Effective Date May 3, 2016

This Bill authorizes the Fayette County Commissioners to be paid \$850 a month and the Chairperson to receive \$950 a month.

<http://www.legis.ga.gov/Legislation/20152016/161103.pdf>

HB 1110 Roberta-Crawford County; unified government; provide

Dickey, Robert 140th

Effective Date April 28, 2016

HB 1110 combines the governments of the City of Roberta and Crawford County. Roberta Municipal Court is abolished and all of those cases are transferred to the appropriate Crawford County court. The Crawford County courts will continue to operate as they do now.

<http://www.legis.ga.gov/Legislation/20152016/162077.pdf>

HB 1115 DeKalb County; Magistrate Court; provisions

Henson, Michele 86th

Effective July 1, 2016

HB 1115 provides that the Magistrate Court of DeKalb County may serve citations for conditions of real property in an alternate manner consistent with general law related to service of such actions and also limits sanctions when such service is used.

<http://www.legis.ga.gov/Legislation/20152016/162153.pdf>

HB 1116 DeKalb County; State Court; provide for the payment of costs

Oliver, Mary Margaret 82nd

Effective Date July 1, 2016

HB 1116 allows the State Court of DeKalb County to collect court costs and failure to appear fees. A person ordered to pay a fine for, is convicted of, or pleads guilty or enters a plea of nolo contendere to any violation shall pay court costs of \$25.00 unless otherwise ordered by judge. Court costs may be included in an order of probation and paid during the probated part of any sentence. A person who

fails to appear for a scheduled court appearance, pursuant to a citation, or court notice, shall pay a \$50.00 failure to appear fee, unless otherwise ordered by judge. Such fee may be included in an order of probation and paid during the probated part of any sentence.

<http://www.legis.ga.gov/Legislation/20152016/161108.pdf>

HB 1130 Houston County; State Court; office of the clerk; change to an appointed position

Harden, Buddy 148th

Effective Date May 3, 2016

H.B. 1130 changes the Clerk of the State Court of Houston County to an appointed position. The clerk shall be appointed by the governing authority of Houston County and shall serve at the pleasure of the same. The same governing body shall set the annual salary to be paid out of county funds.

<http://www.legis.ga.gov/Legislation/20152016/162094.pdf>

HB 1145 Troup County; State Court; judge and solicitor-general; change salaries

Nix, Randy 69th Signed by Governor

HB 1145 makes the Judge of the State Court of Troup County a full-time position with an annual salary of 90% of the minimum salary provided by state law for a Superior Court judge plus 90% of any Troup County supplement. After three terms, the Judge shall be paid 90% of the prior salary plus 90% of the total county supplements paid to the superior court judges in the Coweta Circuit.

The Solicitor-General of Troup County is also made a full time position. The Solicitor-General is to be paid a base annual salary of 70% of the base salary of the judge. Once the Solicitor-General has completed 3 terms of office, he or she is entitled to be paid 70% of the state court judge's longevity salary (90% of the prior salary plus 90% of the total county supplements paid to the superior court judges in the Coweta Circuit)

<http://www.legis.ga.gov/Legislation/20152016/162479.pdf>

SB 64 Courts; legitimation proceedings; disqualification of judges and jurors.

Hufstetler, Chuck 52nd

Effective Date July 1, 2016

SB 64 amends provisions in Titles 15 and 19 that deal with paternity to limit the legal effect of a voluntary acknowledgement of paternity. The Bill also amends Title 15 by amending O.C.G.A. §§ 15-1-8, 15-12-70 and 15-12-135, which relate to the disqualification of judges, grand jurors and trial jurors. Under current law, judges and jurors are disqualified if they are related to one of the parties within the 6th degree. SB 64 changes that so that after July 1, 2016 judges and jurors are only disqualified if they are related to a party within the third degree (i.e. a nephew or niece, uncle, aunt, parent, grandparent, great-grandparent).

<http://www.legis.ga.gov/Legislation/20152016/162516.pdf>

SB 105 Chatham County Magistrate Court; provide for two full-time magistrates for Chatham County

Jackson, Lester 2nd

Effective Date 5/3/2016

SB 105 requires Chatham County to have two full-time magistrates. A third magistrate could be appointed by the Board of Commissioners. The positions are filled through elections on the same term as the Chief Magistrate. The Chief Magistrate can appoint any part-time or temporary magistrates, subject to the approval of the Board of Commissioners. Any of the current part-time or temporary magistrates are not grandfathered in and must be reappointed.

<http://www.legis.ga.gov/Legislation/20152016/160321.pdf>

SB 184 Dogs; provide breed-specific regulation shall be limited to enactment by general law

Black, Ellis 8th Effective July 31, 2016

SB 184 creates new Code Section O.C.G.A. § 4-8-1.2. Any domestic dog registered with the AKC or UKC as a sporting breed group dog, hound breed group dog, or non-sporting breed group dog or is a breed used in the lawful pursuit of hunting in this state pursuant to Title 27, used during an established hunting season to aid an individual to pursue or hunt wildlife, and whose owner or other member of the household has a hunting permit from DNR, shall be classified as a hunting dog, and the owner of any such dog shall receive the same registration, licensing, or permitting fee from any local government as is available to owners of dogs which have been spayed or neutered. Nothing shall affect the ability of local governments to deal with vicious dogs, abandoned dogs, or stray dogs.

<http://www.legis.ga.gov/Legislation/20152016/162157.pdf>

SB 191 Blasting and Excavating Near Utility Facilities; prohibit local governing authorities from adopting ordinances

Tippins, Lindsey 37th

Effective Date July 1, 2016

SB 191 relates to blasting or excavating near utility facilities. It adds O.C.G.A. § 25-9-11.1 which prohibits a local governing authority from creating requirements or standards for methods of locating utility facilities or sewer laterals.

<http://www.legis.ga.gov/Legislation/20152016/162201.pdf>

SB 193 Crimes and Offenses; family violence battery; change penalty provisions

Bethel, Charlie 54th

Effective Date July 1, 2016

SB 193 amends Code Section 16-5-23.1. Subsection (f) (1) is amended to include a new definition of "household member" using the same language used to define family violence. These categories include: past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly

living in the same household. The bill requires a prior conviction of a forcible felony in order to trigger felony sentencing upon a conviction of family violence battery.

<http://www.legis.ga.gov/Legislation/20152016/162202.pdf>

SB 199 Elections; provide for a definition; prohibit certain activities within close proximity to polling places

Jeffares, Rick 17th 4/26/2016

Effective Date July 1, 2016

SB 199 touches on several aspects of Georgia elections law:

- The Bill adds a new definition of "campaign material"
- The Bill provides that qualifying for non-partisan municipal offices shall begin on the 3rd Monday in August.
- The Bill sets Saturday voting when the 2nd Saturday either immediately follows or precedes a public or legal holiday.
- The Bill authorizes felony as well as misdemeanor prosecutions for violations.
- The Bill changes the October 25 filing deadlines and replaces it with a December 31 filing for candidate who raise and spend between \$2,500 and \$5,000.
- The Bill adopts the term "agency" as defined by O.C.G.A 45-10-20 and eliminates the double reporting of disclosures.
- The Bill requires disclosure of lobbyist expenditures for costs/values that exceed \$75 per person.
- The Bill contains language so that restrictions on activities and required identification apply to all "public officials" without exclusion.
- The Bill authorizes the General Assembly may provide by local law a 12 month residency requirement to hold office for county or municipal office.

<http://www.legis.ga.gov/Legislation/20152016/162401.pdf>

SB 262 Courts; when a judge, judicial officer, grand juror; may be disqualified by being related by consanguinity/affinity to a party; provisions

Stone, Jesse 23rd 4/26/2016

Effective Date July 1, 2016

SB 262 changes when a judge, grand juror and trial juror must be disqualified from a matter due to relationships of consanguinity or affinity to an interested party. Currently, they must be disqualified if they are related within the 6th degree. SB 262 changes it to require disqualifications due to relationships of consanguinity or affinity in the 3rd degree. A 3rd degree relative is that of a first cousin, great-grandparent or great-grandchild. A 3rd degree relative shares about 1/8 of their genes with the person.

<http://www.legis.ga.gov/Legislation/20152016/162242.pdf>

SB 263 Law Enforcement Officers; provide governing authority; employs sworn police officers who are P.O.S.T certified; policies; disability in line of duty

Thompson, Bruce 14th

Effective July 1, 2016

SB 263 creates O.C.G.A. § 35-1-20 which gives local governing authorities that employ sworn police officers who are POST certified the ability to adopt policies under which sworn officers may retain their badge and weapon following a disability in the line of duty.

<http://www.legis.ga.gov/Legislation/20152016/161119.pdf>

SB 270 Firearms; authorize qualified retired law enforcement officers to carry handgun anywhere within this state

Martin IV, P. K. 9th

Effective July 1, 2016:

SB 270 creates a new crime, making it illegal for someone to obtain a tangible benefit or make a misrepresentation that they were a veteran or had received some type of military award or commendation. Additionally, the transmission of a false alarm is enhanced to reflect the practice of "SWATTING" or calling in a hoax with the intent to summoning the SWAT team to a particular address or location. In addition to new crimes, the Bill authorizes any person designated by the Commissioner of Corrections or their chief of staff to issue warrants for the arrest of escaped offenders. The Bill provides that employees of the State Board of Pardons and Paroles who have accumulated 20 or more years of service with the Board or have 20 years of accumulated service as a parole officer, a probation officer, or supervisor with the Department of Corrections, or a community supervision officer, are entitled as part their compensation to retain his or her board issued weapon and badge. Additionally, the Bill allows a parole officer who suffers a disability to retain his or her weapon and badge in accordance with rules created by the board as compensation for that officer's leave. Finally, the Bill changes the \$25 non-indigent application fee to transfer supervision to \$100.

<http://www.legis.ga.gov/Legislation/20152016/162359.pdf>

SB 271 Mental Health; provide reasonable standards for providing patients notice; admission to an emergency receiving facility

Burke, Dean 11th Effective July 1, 2016

SB 271 revises O.C.G.A. § 37-3-44 which addresses examination/treatment for mental illness. The Bill provides that immediately upon arrival or "as soon as reasonably possible given person's condition or mental state upon arrival" to an emergency facility, the facility shall give the person written notice of their right to petition for a Writ of Habeas Corpus or Protective Order under Code Section 37-3-148. Written notice will inform the patient of the right to counsel and appointed counsel, if indigent.

The Bill also revises O.C.G.A. §7-3-83 (e), which addresses continued involuntary hospitalization. If the Chief Medical Officer seeks an order allowing continued involuntary treatment up to 12 months beyond expiration of current period, he must file notice of intended action with Committee for Continued Involuntary Treatment Review at least 40 days prior to expiration of the period. If, within 40 days of the expiration of an order for involuntary treatment regarding a patient for whom

discharge has been planned, the chief medical officer determines discharge would now be unsafe, the Chief Medical Officer may execute a certificate to be filed with a Petition for Continued Involuntary Treatment. The certificate shall indicate: 1) the basis for the determination that the patient is a mentally ill person requiring involuntary treatment as defined in paragraph (12) of O.C.G.A. § 37-3-1; 2) the reason the process for obtaining an order for continued hospitalization was not commenced 40 days or more prior to the expiration date; and 3) the reason continued hospitalization is the least restrictive alternative. Referral to the Committee for Continued Involuntary Treatment

Review is not required prior to the filing of a certificate and petition. The chief medical officer shall: 1) serve the petition for an order authorizing continued involuntary treatment along with copies of the updated individualized service plan on the Office of State Administrative Hearings; and 2) shall also serve such petition along with a copy of the updated individualized service plan on the patient. A copy of the petition shall also be served on the patient's representatives. The petition must contain a plain and simple statement to the patient and/or his/her representatives: 1) they may file a request for a hearing with a hearing examiner appointed pursuant to O.C.G.A. § 37-3-84 within ten days after service of the petition; 2) that the patient has a right to counsel at the hearing; 3) that the patient and/or his/her representatives may apply to the court to have counsel appointed if the patient cannot afford counsel; and 4) that the court will appoint counsel for the patient unless the patient indicates in writing that he /she does not desire to be represented by counsel or has made his/her own arrangements for counsel. If, following the filing of the certificate and petition, the order authorizing the treatment facility to retain the patient expires, the facility is authorized to retain the patient for continued involuntary treatment until a ruling is issued. If at any time the chief medical officer determines that the patient, after consideration of the recommendations of the treatment team, is no longer a mentally ill person requiring involuntary inpatient treatment, the patient shall be immediately discharged from involuntary hospitalization pursuant to subsection (b) of O.C.G.A. § 37-3-85. The Committee for Continued Involuntary Treatment Review must meet within five days of receiving the notice to consider the request for continued involuntary treatment.

<http://www.legis.ga.gov/Legislation/20152016/162078.pdf>

SB 279 Georgia Peace Officer Standards and Training Council; include Commissioners of Juvenile Justice/Natural Resources as voting members Monitoring

Harper, Tyler 7th

Effective Date July 1, 2016

SB 279 amends O.C.G.A. § 35-8-3 by enlarging the Georgia Peace Officer Standards and Training Council from 20 to 22 members, with the new members being the commissioners of juvenile justice and natural resources, or their designees. They will serve in an ex officio capacity.

<http://www.legis.ga.gov/Legislation/20152016/161040.pdf>

SB 304 Criminal Records; allow for the preservation of a person's involuntary hospitalization information received by Georgia Crime Information

Parent, Elena 42nd

Multiple effective dates

Collection of forensic medical examinations: Amends reserved Code section §35-1-2. This is now the "Compassionate Care of Victims of Sexual Assault Act." Law enforcement has 96 hours to take possession of any evidence collected by medical staff, after notification of the examination and must submit evidence to the Division of Forensic Sciences of the Georgia Bureau of Investigation within 30 days (of it being collected).

Pursuant to Code Section 35-1-2(d), if the exam was conducted prior to July 1, 2016 and the victim requested that law enforcement officials be notified, the "individual who performed such exam, or his or her designee" shall notify the appropriate law enforcement agency before July 15, 2016 and law enforcement shall take possession on or before July 31, 2016. It shall be the duty of "every law enforcement officer who takes possession of the evidence as provided in this Code section to ensure such evidence is submitted to the division (GBI DOFS) by August 31, 2016."

Code Section 35-1-2(e) requires Law enforcement agencies to create a list of evidence in its possession on August 1, 2016 and identify "such evidence as needing to be tested" to the division by August 15, 2016.

<http://www.legis.ga.gov/Legislation/20152016/162518.pdf>

SB 316 Bingo; remove the daily permissible prize limitation while preserving the weekly permissible prize limitation

Gooch, Steve 51st

Effective Date July 1, 2016.

SB 316 amends O.C.G.A. §16-12-60 (f) relating to the award of prizes in bingo games by deleting the prohibition against an award in excess of \$1500. It also amends O.C.G.A. §16-12-51 relating to bingo games by adding to the definition of "bingo game" or "nonprofit bingo game" the following: "provided, however, that the numbers chosen by lot shall be chosen by a natural person who is physically located on the premises or property described in Code Section 16-12-57 on which the game is operated."

<http://www.legis.ga.gov/Legislation/20152016/162281.pdf>

SB 319 Professional Counseling; revise the definition

Jackson, Lester 2nd

Effective Date July 1, 2016

SB 319 amends Code Section, 43-10A-3, to limit the admission of psychological testing, defined in Code Section 43-39-1 in the use of assessment instruments to both measure mental abilities, personality characteristics or neuropsychological functioning and diagnose, evaluate, classify or render opinions reading mental and nervous disorders and illnesses, including but not limited to organic brain disorders, brain damage, and other neuropsychological conditions by psychologists. Other mental health professionals will still retain the right to administer diagnostic testing for mental disorders other than neuropsychological testing.

The Bill also requires that the Georgia Board of Professional Counselors, Social Workers and Marriage and Family Therapists develop a curriculum of continuing education about diagnosing mental illness. Completion of this course will be required by all non-psychologist practitioners with less than 10 years of experience by January 2018. The Georgia Board of Professional Counselors, Social Workers and Marriage and Family Therapists, and the State Board of Examiners of Psychologists are required to notify each other regarding any enforcement inquiries, legal orders about testing or assessments that are outside the scope of the licensing for either discipline, 30 days before the board takes any action on these matters.

<http://www.legis.ga.gov/Legislation/20152016/162308.pdf>

SB 320 Driver's License; revise exemptions afforded to nonresidents issued to them in in home state/country

Watson, Ben 1st

Effective Date January 1, 2017

SB 320 adds new Code Section 40-1-193.1 to require each taxi service in the state to register on an annual basis and the fee shall not be more than \$100. Each taxi service shall maintain a list of current employees and shall be made available to law enforcement and other state representatives. Each taxi service shall ensure drivers maintain required permits and licenses with a current for-hire endorsement or back ground check. Also, each taxi service shall have a zero tolerance policy for drugs and alcohol while on duty. Each taxi service shall maintain proper liability insurance.

The Bill also revises paragraph (2) of subsection (a) of Code Section 40-5-21 relating to driver's license exemptions. Now included are non-resident motorists, who have in his or her immediate possession a valid driver's license from their home state or country as long as that the person would otherwise satisfy all requirements to receive a Georgia license and in if the license is from a foreign country, the officer may consult the person's passport or visa to verify the validity of the license.

The Bill revises subsection (b) of Code Section 40-5-39 by removing the requirement that the driver provide proof of liability insurance coverage to the taxi service. The Bill also changes the penalty for owners or agents of a DUI School or Risk Reduction Program who offer monetary gain to students or potential students, law enforcement, or employees of the court by adding that a second violation requires the revocation of the license to operate.

<http://www.legis.ga.gov/Legislation/20152016/162355.pdf>

SB 327 State Purchasing; prohibit the state from entering into certain contracts unless such contracts contain a certification; does not presently conduct a boycott of Israel

Hill, Judson 32nd

Effective Date July 1, 2016

Starting July 1, 2016, the State of Georgia shall not enter into a contract involving construction or the provision of services, supplies, or information technology with a value of more than \$1000 unless there is a certification by the company that it is not currently engaged in a boycott of Israel and agrees during the duration of the contract to not engage in a boycott of Israel.

<http://www.legis.ga.gov/Legislation/20152016/162360.pdf>

SB 331 Courts; causing a child to be conceived; violating certain prohibitions relating certain offenses; additional ground for terminating parental rights

Thompson, Bruce 14th

Effective Date July 1, 2016.

SB 331 deals with termination of parental rights where a child is conceived as a result of rape, legitimation, adoption, and inheriting by children born out of wedlock.

<http://www.legis.ga.gov/Legislation/20152016/162362.pdf>

SB 332 Public Order and Safety; clarify the judges and justices who are exempt; various weapon carry laws and prohibitions

Kennedy, John 18th

Effective Date July 1, 2016

SB 332 exempts from weapons carry laws a person is employed or formerly employed as a judge, either at the federal or state level. This Bill also reassigns the ID card process originally introduced in Title 40 to the courts under Title 15. Duties originally assigned to the "commissioner" (under title 15) are now given to The Council of Probate Judges of Georgia.

<http://www.legis.ga.gov/Legislation/20152016/162372.pdf>

SB 350 Taxation on Consumer Fireworks; dedicate moneys collected; trauma care, fire services, and local public safety purposes

Mullis, Jeff 53rd

Effective January 1, 2017, if ratified by voters

SB 350 relates to the taxation of consumer fireworks. The Bill adds specific spending programs directed by the collection of tax from consumer fireworks in Code section 25-10-1. Code Section 48-13-131 states 5% per item sold. 40 percent of the tax collected shall be "exclusively" used for the implementation of a grant program to "improve the equipping and training of firefighters," 5 percent of the tax to be used "solely" by local governments for the operation of 9-1-1 systems, and 55% of that tax will be allocated to the Georgia Trauma Care Network Commission under Code Section 31-11-102.

<http://www.legis.ga.gov/Legislation/20152016/162383.pdf>

SB 356 Animals; provide definition of term "owner"; impoundment of animals for any violation; caring for an impounded animal

Williams, Michael 27th

Effective Date April 26, 2016

SB 356 amends Code Section 4-11-2 to provide a definition for "owner" of an animal. The Bill amends Code Section 4-11-9.3(c) to allow an agency impounding an animal to be authorized to return the animal to the owner, upon payment of costs of impoundment and entry of a consent order, unless said owner has been convicted of, pled guilty to, or pled nolo contendere to animal cruelty or dog fighting, or in a prior administrative/legal action in this state/another state has been found to have failed to

provide humane care to an animal, committed cruelty to animals, or committed an act prohibited under Code Section 16-12-37. The Bill does prevent the return of animals impounded as a result of a violation of Code Sections, 4-11-9.2, 16-12-4, or 16-12-37

The Bill also creates new Code Section 4-11-9.8 which allows an agency impounding an animal as part of investigation under Code Sections 4-11-9.2, 16-12-4, or 16-12-37 to petition court to require the owner of the animal to pay into the registry of court funds sufficient to secure payment of all anticipated costs of impoundment and care. The Bill sets out requirements regarding what the petition must contain and requirements for personal service upon owner. The court is required to conduct a hearing, which must be held no less than ten and no more than 15 business days after court's receipt of return of service on owner. The Bill includes requirements for service of notice of hearing date on owner and limits the hearing to whether impounding of animal was authorized. Neither the result of a hearing nor a statement of an owner made at hearing shall be admissible in any criminal prosecution related to the impoundment of the animal. If the required funds are not deposited by owner within five days of the original order setting amount, or within five days after expiration of each applicable subsequent 30 day period, then the animal is to be forfeited to agency by operation of law and may, with the consent of prosecutor be disposed of pursuant to 4-11-9.6.

<http://www.legis.ga.gov/Legislation/20152016/162388.pdf>

SB 367 Georgia Council Justice Reform; provide for comprehensive reform

Kennedy, John 18th Signed by Governor

This is the annual criminal justice reform bill. There are many different facets to the bill. Here are some of the highlights:

Accountability Courts

The Bill clarifies definitions related to “Accountability Courts” and creates “Operating Under the Influence Courts.” Additionally, the Bill creates a certification process operated by the “Council of Accountability Court Judges of Georgia”. Accountability courts can now “restrict” the record at any time. The prosecuting attorney can still get access by submitting a sworn affidavit to the clerk that states it is relevant to a criminal proceeding.

Juvenile Courts

Juvenile Court has concurrent jurisdiction over a criminal case transferred pursuant to the newly expanded O.C.G.A. § 15-11-15 (transfers from superior court). If all parties agree then can transfer a case to a “family treatment court division of a juvenile court”. Authorizes juvenile courts to create a “family treatment court division” under the supervision of the Council of Accountability Court Judges of Georgia. Defines “serious delinquent act” (23 specific acts in Code Section XXX) and creates a presumption that a child 13 years of age or younger will not be detained unless one of those acts was committed.

Schools

Charter Schools may now be operated by the Department of Juvenile Justice and the Department of Corrections. Requires the State Board of Education to pass rules and regulations related to school hearing officers and their training. Changes the crime of Disruption or Interference with Public School (O.C.G.A. § 20-2-1181) and new requirement before charging a child under this Code Section

School board must develop a “system of progressive discipline” before initiating a juvenile complaint and certain things that must be included in the juvenile complaint.

Relating to School Resource Officers, there is a new Code Section 20-2-1183 with several parts: 1) Requires a “collaborative written agreement with law enforcement” before a school system can employ that establishes the role of law enforcement and the role of school employees.

Driver’s Licenses

Creates a “pauper’s affidavit” and process to use. Removes the driver’s license suspension for possession of marijuana, drugs or dangerous drugs. Clarifies that license suspension begins on date of sentence. Creates a time served concept for suspension if incarcerated for the same sentence. Accountability courts can issue “ignition interlock device limited driving permit” now.

Probation

Merged “Governor’s Office of Transition, Support, and Reentry” back into DCS. Created the right and procedure of appeal related to a sanction imposed by the Board of Community Supervision relating to the supervision of probationers and parolees.

First Offender Sentences

Court now determines when the provisions of the 1st Offender act go into effect (court can now enter the order of exoneration and discharge at sentencing). Directs DCS to report completion of the sentence to the clerk of court (within 30 days). Directs the clerk to file with GCIC (within 30 days). Added Human Trafficking and Elder Exploitation or Abuse as offenses not eligible for 1st Offender. Allows the defendant to seek to “limit public access to...first offender information” at sentencing. Includes Clerks file and law enforcement agency information, including jail records. The weighing test to be used considers “the public’s interest in the defendant’s criminal history record information being publicly available and the harm to the defendant’s privacy and issue written findings of fact thereupon.” Creates the ability to come back now and petition the court (even on old cases) to limit access to the information. Eliminates GCIC’s administrative modification of First Offender records. Only modified now if there is: 1) An adjudication of guilt for the offense for which the offender has been sentenced as a first offender; 2) An order modifying the sentence originally imposed; or 3) An order correcting an exoneration of guilt and discharge entered pursuant to subsection (g) of Code Section 42-8-60.

Private Probation

Now, can happen upon approval of the chief judge, and with the “express written consent” the governing authority shall enter into the contract with a provider (not the judge alone). No more probation warrants for failure to pay as the only offense; there must be a hearing first. There are specific requirements for a petition for failure to report as directed (has to be two occasions, at least two attempts to contact, letter sent, etc.).

Parole Eligibility

Same eligibility requirements established in the last bill (no serious violent felonies, no sex offenders, no guns, etc.) that has completed 6 years, then parole can consider.

Eligible under 16-13-30: (c) possession or purchase of Sch I & Sch II (narcotic drug) controlled substances; (e) & (l) possession or purchase of Sch II (non-narcotic drug) and Sch IV substances.

Licensing Boards & Food Stamps

Clarifies what they can and cannot use to refuse or revoke a professional license in Georgia. No professional licensing board shall refuse to grant a license to an applicant therefor or shall revoke the license of a person licensed by that board due solely or in part to a conviction of any felony or due to any arrest, charge, and sentence for the commission of any felony unless such felony directly relates to the occupation for which the license is sought or held.

Removes the prohibition for food stamps for drug conviction once they are released so long as they are compliant with the terms of sentence.

Miscellaneous

With regards to a pretrial intervention programs run by a prosecuting attorney, the local governing authority can contract to monitor program participation (must be at the request and with the approval of the prosecuting attorney).

Added 50% service charge to Boating Under the influence (O.C.G.A. § 52-7-12).

Clarifies that DATE (County Drug Abuse Treatment and Education) fund money can be used to fund “operating under the influence court divisions” and “family treatment court divisions”.

If a prosecuting attorney dismisses charges, prior to filing an accusation or seeking an indictment, they shall file a notice with the clerk of the court and the clerk to notify GCIC within 30 days of notice.

<http://www.legis.ga.gov/Legislation/20152016/162432.pdf>

SB 369 ~~Fireworks; revise the standard of compliance from explosion to ignition; definitions~~ MARTA TAX bill

Mullis, Jeff 53rd

Signed by Governor

Original Bill as introduced was completely gutted and substituted with the MARTA tax – relating to mass transit, provide for the levy of a retail sales tax by the City of Atlanta to dictate the collection, spending, and limitations of the tax.

<http://www.legis.ga.gov/Legislation/20152016/162403.pdf>

SB 380 White County; Board of Commissioners; compensation increases for members of the board

Gooch, Steve 51st

Effective Date April 26, 2016

SB 380 changes the compensation of the White County Commission Chairman to \$1,200 per year, and the other commissioners to \$1,000 per year.

<http://www.legis.ga.gov/Legislation/20152016/160225.pdf>

SB 388 Bona Fide Coin Operated Amusement Machine; prohibit the removal of a sticker without authorization

Lucas, David 26th

Effective Date May 3, 2016

SB 388 relates to coin operated amusement machines (COAM). The Bill amends O.C.G.A § 50-27-24 by providing in new subsection (d) that at the time a master licensee receives notice of a potential revocation of its master license, it is prohibited from transferring any of its contracts with location owners or location operators to any other master licensee until a final decision which is not subject to appeal has been made. If the master license is revoked, any contract between a location owner or operator is null and void. The Bill amends O.C.G.A § 50-27-78 by adding new subsection (h) which provides that it shall be a misdemeanor to remove or deface a permit sticker attached to such a COAM without authorization by the owner of such COAM or the corporation. The Bill further amends O.C.G.A § 50-27-87 relating to contracts between master licensees and location owners or location operators by adding new subparagraph (b)(3)(B) by providing that upon the effective date of the subparagraph, any agreement entered into or renewed shall be for at least one year. Finally, the Bill amends O.C.G.A § 50-27-102 relating to the role of the corporation to provide that the corporation shall have jurisdiction of all disputes between and among any licensees or former licensees whose licenses were issued pursuant to the Article relating in any way to any agreement involving COAMs, or other claims relating to COAMs, except for those agreements which expired on or before April 10, 2013.

<http://www.legis.ga.gov/Legislation/20152016/162434.pdf>

SB 402 Drug Abuse Treatment and Education Programs; provide for a moratorium on the issuance of new licenses to narcotic treatment programs

Mullis, Jeff 53rd 4/26/2016 Date Signed by Governor

SB 402 amends Chapter 5 of Title 26 which relates to drug abuse treatment and education programs. The Bill places a moratorium on new applications and licenses and establishes the State Commission on Narcotic Treatment Programs. The Bill recognizes the need for drug treatment facilities but notes that there is concern over the number of these facilities in certain parts of the state. The General Assembly expresses its concern that that facilities are possibly adding to the drug problem in certain areas. The Bill adds Code Section 26-5-21, which establishes the State Commission to study the Narcotic Treatment Programs, describes the makeup of the commission, and deals with the compensation of the commission. Legislative members get paid for their service on the commission and their members can get reimbursed. The goals of the commission and the moratorium on new applications are also established.

<http://www.legis.ga.gov/Legislation/20152016/162444.pdf>

SB 416 GBI; establish Georgia Information Sharing and Analysis Center; provide fusion center for sharing and analysis of homeland security activity information

Cowsert, Bill 46th

Effective Date July 1, 2016

SB 416 creates new Article 9 in Chapter 3 of Title 35 in order to establish the Georgia Information Sharing and Analysis Center within the GBI. This Center is designed to be a "fusion center" (a defined term) to maintain a terrorism analytical component. The Director of the GBI, through the Center, is to provide "homeland security activity" (a defined term) information to the director of emergency management. The Center is also to liaise with state, local and federal LEAs to accomplish its mission. There is also listed who will be included in the "membership" in the Center. The Bill also amends Code Section 38-2-20 relating to the Georgia Emergency Management Agency (GEMA) by changing the name of the agency to the Georgia Emergency Management and Homeland Security Agency (GEMHSA). It gives the Agency "central authority" for reporting to the Governor on matters of homeland security and also gives the Agency "command and control authority over all operational areas involving terrorist activity within the state." Finally, the Bill amends many other code sections to change the name of GEMA to GEMHSA accordingly.

<http://www.legis.ga.gov/Legislation/20152016/162462.pdf>

SB 419 State Court of Wayne County; change the salary of the judge and solicitor

Williams, Tommie 19th

Effective Date July 1, 2016

SB 419 sets the salary of both the State Court Judge and Solicitor-General of Wayne County to be 90% of the pay of a superior court judge, including any supplements.

<http://www.legis.ga.gov/Legislation/20152016/161098.pdf>

SB 425 Ringgold, City of; modify compensation and expenses; selection of mayor; memberships of boards, commissions, and authorities

Mullis, Jeff 53rd

Effective Date July 1, 2016

SB 425 amends various parts of the charter of the city of Ringgold, approved May 6, 2009. Section 2.13 of the charter permits compensation for the mayor and council members and the compensation will be reviewed at the second meeting in April in odd numbered years. Section 2.20 of the charter provides that all committees, committee chairs and officers of the city shall be appointed by the mayor with the council's approval and the mayor will designate the chairperson(s), plus the mayor and the council members may participate as ex officio members of any committee. Section 2.21 of the charter sets a quorum at 4 council members. Voice votes with journal recordings are the norm, but any city council member can request a roll call vote. The affirmative vote of 3 council members is required for passage. Section 2.28 of the charter allows for the removal of the city manager by a favorable vote of all council members minus one. Section 2.31 prohibits the mayor and council members from directing the activities of city employees, i.e., they can only go through the city manager. Section 2.32 of the charter provides that the mayor will be elected every four years, and the mayor pro tem will be elected from the council members every two years. A vacancy of over 12 months for any office requires a new election. Section 3.11 of the charter allows any elected official to also be a member of city board, commission or authority. Section 5.14 provides that a vacancy of less than 12 months shall be filled by an appointment.

<http://www.legis.ga.gov/Legislation/20152016/161104.pdf>

SB 430 Bartow County; change the cost-of-living adjustment for the commissioner's compensation

Thompson, Bruce 14th Effective 7/1/16.

SB 430 changes the cost of living adjustment for the Bartow County commissioners to end automatic 4% increases on January 1, 2017. Further increases shall be granted by general law only.

<http://www.legis.ga.gov/Legislation/20152016/162109.pdf>

SB 434 Magistrate Court of Bartow County; cost-of-living adjustments; chief magistrate compensation; change provisions

Thompson, Bruce 14th Effective 7/1/16.

SB 434 ties the base salary of the Chief Magistrate of Bartow County to the law governing compensation of chief magistrates at O.C.G.A. § 15-10-23(c).

<http://www.legis.ga.gov/Legislation/20152016/162117.pdf>

Part 2 – Bills vetoed by the Governor

Governor's veto statements

~~HB 59 – State tort claims; waiver of sovereign immunity for declaratory judgment or injunctive relief; provide~~
~~Willard, Wendell 51st~~

~~HB 59 is a short Bill that adds a new O.C.G.A. § 50-21-50 that waives the state's sovereign immunity to lawsuits in which the plaintiff seeks declaratory judgment or injunctive relief. It is a legislative response to the decision in Ga. Dep't of Natural Res. v. Ctr. for a Sustainable Coast, Inc. 294 Ga. 593 (2014) in which the Court held that the General Assembly had not waived sovereign immunity for actions seeking injunctive relief against a state agency. The House substitute added language that preserves sovereign immunity against claims "for monetary relief, attorney's fees, or expenses of litigation." The Act becomes effective upon signing by the Governor or upon its becoming law without signature shall apply to all claims arising on or after such date.~~

~~<http://www.legis.ga.gov/Legislation/20152016/162207.pdf>~~

~~HB 370 – Elections provide for waivers of certain civil penalties and fees incurred by candidates for local elected office; provisions~~

~~Fleming, Barry 121st – Effective upon signature of governor or date of becoming law.~~

~~As passed HB 370 extends a grace period to any elected county official and every elected member of a local board of education; and every elected municipal official (O.C.G.A. §§ 21-5-3 (22) (F) & (G)) who is on the Campaign Finance Commission's webpage as owing late fees, fines, or penalties for campaign finance & personal financial disclosure statements for period between 1/1/10 & 1/10/14. Anyone who files updated statements between the signing of this bill and 12/31/16 will be in compliance and their fees, etc. will be waived.~~

~~<http://www.legis.ga.gov/Legislation/20152016/161621.pdf>~~

~~HB 0779 – Crimes and offenses; regulate use of unmanned aircraft systems and images; provisions~~

~~Tanner, Kevin 9th~~

~~HB 779 creates new Article 6 of Chapter 11 of Title 16. New §16-11-210 establishes two definitions for key parts. Particularly, it provides a definition for "unmanned aircraft system" and for "weapon". New §16-11-211 provides that except for US military or federal governmental contracts, it is unlawful to sell, transport, manufacture, possess or operate a drone with a weapon and shall be a felony (1 to 3 yrs, up to \$100,000 fine) New §16-11-212 is a preemption statute but allows for local political subdivisions to enforce any ordinance that was adopted on or before April 1, 2016. It also allows for local regulation to provide for takeoff,~~

recovery or use of a drone from or on public property or to enforce FAA restrictions on the use of airspace. It also provides that the State may also provide for or prohibit the launch or intentional landing of a drone from or on public property. The Act also amends Code section 16-11-69 relating to penalties for violations of law relating to wiretapping, eavesdropping and surveillance to add an exception for Code section 16-11-66.1 and newly created Article 6. The Act further creates new Code section 6-2-22. This new Code section creates the "Georgia Unmanned Aircraft Systems Commission" and lists the composition of the new Commission and who is to appoint its members. Appointments are for 2 year terms. Subsection (f) states the goals of the Commission, which shall be done in consultation with the Department of Economic Development and "other interested parties". Essentially, the Commission is to figure out how to regulate the use of such aircraft to maximize its positive uses while also protecting privacy and public safety issues. The Commission is to provide an annual report to the General Assembly on its work and findings. The Commission is to be abolished on Dec. 31, 2021.

<http://www.legis.ga.gov/Legislation/20152016/162387.pdf>

~~HB 0859 Firearms; weapons carry license holders; carrying and possession of certain weapons in certain buildings or real property owned or leased to public institutions of postsecondary education; authorize~~

Jasperse, Rick 11th —

~~Section 1: Breaks up the original version by creating Code section 16-11-127.1(19)(A) with three subparts. The class of educational building or real property remains the same, but each subsection outlines exceptions to locations where guns may not be carried. (19)(A)(i) keeps weapons out of "building or property used for athletic sporting events or student housing, including, but not limited to, fraternity or sorority houses" (ii) "[o]nly apply to the carrying of handguns which a licensee is license to carry" under 16-11-126(h) and adds subsection (iii) to "[o]nly apply to the carrying of handguns which are concealed."~~

~~"Handgun" is defined in accordance the chapter and adds the new definition of "Concealed" under 16-11-127.1(19)(B)(ii), meaning "carried in such a fashion that does not actively solicit the attention of others and prominently, openly, and intentionally displayed only for purposes of defense of self or others. Such term shall include, but not be limited to, carrying on one's person while such handgun is substantially, but not necessarily completely, covered by an article of clothing which is worn by such persons, carrying within a bag of nondescript nature which is being carried about by such person, or carrying in any other fashion as to not be clearly discernible by the passive observation of others."~~

<http://www.legis.ga.gov/Legislation/20152016/160403.pdf>

~~HB 1060 Crimes and offenses; carrying and possession of firearms; confirm that the right of the people to keep and bear arms shall not be infringed~~

~~———— Jasperse, Rick 11th ———— 5/3/2016 ————~~

~~Section 1: Is replaced with a State version to block financial institutions from discriminating against firearm dealers. Acts as a counter against the action that the Feds have taken known as “Operation Choke Point.” 10-1-439 is labeled the “Georgia Firearms Industry Nondiscrimination Act.”~~

~~10-1-439.2 Prohibits “discriminatory practice for any person to refuse to provide financial services of any kind to, to refrain from continuing to provide existing financial services to, to terminate existing financial services with, or to otherwise discriminate in the provision of financial services against a person or trade association solely because such person or trade association is engaged in the lawful commerce of firearms or ammunition products and is licensed...” Violations are punished in a civil manner.”~~

~~https://en.wikipedia.org/wiki/Operation_Choke_Point~~

~~Section 3: 16-11-126(e)(2) — 90 day new resident with a carry license holder and with reciprocity in GA may carry in compliance with the laws of Georgia and submit a weapons carry license application as provided in 16-11-129 and remain licensed in such other state but not a weapons carry holder in this state. (Until application process complete.)~~

~~16-11-126(f)(2) — allows any person with a valid hunting or fishing license who is engaged in hunting or fishing to have or carry a knife without a valid weapons carry license while engaging in such hunting, fishing or sport shooting.~~

~~Section 4: Similar to the airport terminal weapons carry “turn around” law, this applies to churches under 16-11-127(2). (Weapons in Unauthorized Locations) A violator will not be punished under the Code section “if such license holder immediately leaves such place of worship while carrying a weapon or long gun upon personal notification by such place of worship that he or she is carrying a weapon or long gun in a place of worship which does not permit the carrying of a weapon or long gun.”~~

~~Section 5: Remains the same as original section 4. (See original below)~~

~~Section 6: Allows a probate judge to issue gun safety information and DNR to maintain on its website resources for gun safety and hunting education. 16-11-129(a.1)~~

~~16-11-129(d)(4) adds that Probate judges “shall not suspend the process of the application or extend, delay, or avoid any time requirements provided for under this paragraph.”~~

~~New 16-11-129(e)(4) allows those with a name change, address change, and with 90 or more days left on their license to be issued a replacement card with the same expiration time period of the license being replaced. The holder shall have his/her former license taken and destroyed and the probate court shall update the records as necessary.~~

Summary of Legislation Enacted During the 2016 Georgia General Assembly

~~Section 7— Modifies introductory language in 16-11-130(a), (b), and (c) and introduces new subsection 16-11-130(c.1).~~

~~New 16-11-130(c)(5)(A)-(C) adds to the list of individuals exempted from Code sections 16-11-126 through 127.2 (weapons license, places off limits, unauthorized locations) by adding (A) retired officers with arresting powers with 10 years aggregate service and (B) separated from service in “good standing” and (C) possesses on his/her person an identification card for retired law enforcement officers as issued by the Georgia Peace Officer Standards and Training Council.~~

~~The end of paragraph 5 will also extend to other types of law enforcement agencies within the state.~~

~~16-11-130(c.1)— Provisions exempting active law enforcement to allow weapons carry “pursuant to a comprehensive plan for the security of the county courthouse and any courthouse annex.” The plan shall include the ability for officers to place their weapons at security checkpoints when entering the courthouse and having them returned on their way out.~~

~~Section 8: Adds 16-11-130.2(a.1) to define “commercial service airport” to mean “an airport that receives scheduled passenger aircraft from any major airline carrier.” Major airline carrier is then defined as “an airline that has more than \$1 billion in annual operating revenue during a fiscal year.”~~

~~Section 9: is the GCIC record petition process that removes the 5 year automatic record purge under 35-3-34(e)(2).~~

~~—The petition for relief is either served as notice to the opposing civil party or the prosecuting attorney or their successors. A hearing is to be heard within 60 days of receipt or extended for good cause.~~

~~—The hearing may consider evidence of (i) the circumstances of involuntary hospitalization, (ii) Person’s mental health and criminal history records (with waiver signed by petitioner for release of records), (iii) reputation through character witnesses, and (iv) changes in circumstance.~~

~~—Written order is to be issued within 30 days of the hearing.~~

~~—The standard to grant relief is based on the preponderance of evidence “that the person will not likely act in a manner dangerous to himself or herself or public safety and that granting the relief is otherwise consistence with the standards for the issuance of a weapons carry license as provided” in 16-11-129.~~

~~—Record of the hearing will be kept but remain confidential and disclosed only in the event of an appeal.~~

~~—Any appeal from probate court will be provided under Title 15 Chapter 9 Article 6 (Jury Trials and Appeals of Probate Court) to the Superior Court. Such appeal will be de novo review.~~

Summary of Legislation Enacted During the 2016 Georgia General Assembly

~~If granted, the Clerk of such court will report the order to the GCIC no later than 10 business days and the Center will purge the record no later than 30 days of receipt.~~

~~A person may petition for relief under this paragraph not more than once every two years.~~

~~“Information received by the prosecuting attorney for the state pursuant to this paragraph shall not be used against the petitioner in any other case or context unless such information is usable in such other case or context by other rules of evidence or discovery.”~~

Section 10: creates tort immunity to firearm instructors under 51-1-55.

<http://www.legis.ga.gov/Legislation/20152016/162156.pdf>

~~SB 0243 Georgia Judicial Retirement System; preservation of rights by certain persons; change certain provisions~~

~~————— Hill, Jack 4th — effective date July 1, 2016 —————~~

~~As passed, SB 243 restores membership eligibility in JRS for those who were eligible under a prior law. The big change occurs in section 3, which amends OCGA 47-23-43.1, by adding new language that allows ERS employees to make an irrevocable election before December 31, 2016 to join JRS if their ERS job required membership in the State Bar of Georgia. ERS will then transfer all balances to JRS. Solicitors General are specifically mentioned. Section 4 amends OCGA 47-23-100 by adding new language and a new section 5, that identifies a new salary definition as "for any person who is a member of the retirement system pursuant to OCGA 47-23-43.1, his or her average earnable monthly compensation."~~

<http://www.legis.ga.gov/Legislation/20152016/162233.pdf>

~~SB 355 "Student/Teacher Protection Act"; enact; end punitive testing consequences; related to federal, state, and locally mandated standardized assessments~~

~~————— Ligon, Jr., William 3rd —————~~

~~SB 355 amends and revises Chapter 2 of Title 20 relating to elementary and secondary education. The Bill is called the "Student/Teacher Protection Act." Under Code Section 20-2-210, relating to annual teacher evaluation, the bill adds language that would exclude measurements in student achievement by test scores of students who have been absent from a specific course for more than 10 days based on "maximum days of possible enrollment from first day of the academic year or semester." The Bill limits scores based solely on local education board truancies.~~

~~Under O.C.G.A. § 20-2-281, school systems required to provide a free public education to disabled students "shall obtain informed consent from the parent of such child" before being given special education. In a two parent household, at least one parent must give consent and if either parent does not give consent, "the local school system shall not be considered to be in violation of the requirement to make available a free appropriate public education to the child for the failure to provide such child this related service." Also, informed consent is required if the student is to take federally mandated school system level standardized assessments.~~

Summary of Legislation Enacted During the 2016 Georgia General Assembly

~~Another portion of the Bill addresses testing attendance and truancy under O.C.G.A. § 20-2-693, stating, "Children during the ages of mandatory attendance as required in subsection (a) of Code Section 20-2-690.1 who are students without a chronic history of truancy shall not be reported truant or their families reported to the Division of Family and Children Services of the Department of Human Services during any testing window for standardized assessments, and such missed testing days shall not count toward any maximum number of days that a child can be absent from school without an excused absence."~~

~~<http://www.legis.ga.gov/Legislation/20152016/162312.pdf>~~

Part 3 - Resolutions creating Constitutional Amendments

HR 1113 Judicial Qualifications Commission; create - CA

Willard, Wendell 51st

Effective Date May 3, 2016

HR 1113 provides for a November referendum on whether the Constitution shall be amended to abolish the current JQC on June 30, 2017. In its place, a new JQC, created by the General Assembly with appointments confirmed by the Senate will replace it. The JQC process will comport with due process, subject to Supreme Court review and any findings or records will not be open to the public for review except as provided by law.

<http://www.legis.ga.gov/Legislation/20152016/161630.pdf>

Part 4 – Resolutions Creating Study Commissions

HR 1363 House Special Study Committee on Judicial Qualifications Commission Reform; create

Willard, Wendell 51st

<http://www.legis.ga.gov/Legislation/20152016/157463.pdf>

SR 1032 Senate Sexual Offender Registry Study Committee; create

Mullis, Jeff 53rd

<http://www.legis.ga.gov/Legislation/20152016/158103.pdf>

SR 1098 Senate Crime Study Committee; create

VanNess, JaNice 43rd

<http://www.legis.ga.gov/Legislation/20152016/159287.pdf>

SR 1171 Senate Judicial Qualifications Commission Study Committee; create

McKoon, Joshua 29th

<http://www.legis.ga.gov/Legislation/20152016/160098.pdf>

Part 5 - Commendatory Resolutions

HR 1294 Humbard, Mr. Charley; president of UP TV; commitment to eradicate bullying in the State of Georgia and the nation; recognize

Abrams, Stacey 89th

<http://www.legis.ga.gov/Legislation/20152016/156640.pdf>

HR 1304 Georgia's Court Appointed Special Advocates; hard work and dedication to improve lives of Georgia's children; commend

Ballinger, Mandi 23rd

<http://www.legis.ga.gov/Legislation/20152016/156825.pdf>

HR 1314 Domestic Minor Sex Trafficking Awareness Day at the capitol; February 11, 2016; recognize

Efstration, Chuck 104th

<http://www.legis.ga.gov/Legislation/20152016/156965.pdf>

HR 1369 Georgia Law Enforcement Certification Program; recognize; commitment to excellence of employees of state certified law enforcement agencies; commend

Willard, Wendell 51st 2/16/2016 14:18

<http://www.legis.ga.gov/Legislation/20152016/157580.pdf>

HR 1791 2015 Child Fatality Review Committee of the Year; Northern Circuit; commend

Ballinger, Mandi 23rd

<http://www.legis.ga.gov/Legislation/20152016/160978.pdf>

HR 1847 Olson, Mr. Charles C.; retirement; congratulate

Willard, Wendell 51st

<http://www.legis.ga.gov/Legislation/20152016/161366.pdf>

Index

Adult guardianship	20
Animals	12 , 34 , 35
Dogs	28
Veterinarians	12
Appropriations	8
Code of Georgia	7
Compensation	12 , 23 , 24 , 25 , 26 , 30 , 37 , 40
Salary	8 , 9 , 23 , 26 , 27 , 39 , 40
Courts	
Appellate Jurisdiction Reform	18
Child abuse	16 , 17
Disqualification	27 , 29
Judicial Qualifications Commission	13
Juvenile Courts	5 , 8 , 9 , 15 , 35
Reporting	5
Magistrate Courts	12 , 22 , 24 , 25 , 26 , 28 , 40
Citations	24 , 26
Municipal Courts	6 , 26
Parental rights	15 , 34
Probate Courts	7 , 12 , 18 , 20 , 24
State Courts	8 , 23 , 24 , 25 , 26 , 27 , 39
Superior Courts	12 , 18 , 20 , 23 , 27
Crimes	
Assault and Battery	23
Controlled substances	10
Family violence battery	28 , 29
Financial transaction cards	20
Gang Act	14
Prescription Information	16
Trafficking	9
Drivers' licenses	12 , 33
DUI	3
Education	
Education policy	20
Service cancelable loan fund	25
Tuition grants	2
Elections	29
Firearms	7 , 11 , 30 , 34
Fireworks	7 , 34
Games	

Summary of Legislation Enacted During the 2016 Georgia General Assembly

Bingo.....	32
Coin operated amusement machines	38
Healthcare	
Cancer treatment.....	22
Developmental disability	21
Elderly patients	16
Experimental drugs.....	1
Mental health records	18
Mental illness.....	30
Professional counseling	32
Justice Reform	35
Law library fees.....	13 , 22 , 24 , 25
Motor vehicles	
Farm use vehicles	5
Motor carriers vehicles	8
Motorcycles	3
Utility service vehicles	9
Procedural	
Child abuse records.....	7
Peace officers.....	19
Retirement system	
Employees.....	6
Judicial.....	5
Sexual assault victims.....	32
Solicitor-General.....	24 , 26 , 27 , 39
Terrorism	39
Video recordings retention	22