



## Prosecuting Attorneys' Council of Georgia

### Summary of Legislation Enacted During the 2018 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 2018 Session of the Georgia General Assembly and, in the case of Bills or Resolutions having the effect of law, were approved by the Governor. For each Bill or Resolution, the summary includes the Bill number, a short descriptive title, the name of the Bill sponsor, the date the Bill was approved by the Governor (if required), the effective date, the summary prepared by 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 for the majority of the 68 Bills and 19 Resolutions that passed during the 2018 Session that we flagged as having some impact on prosecutors in Georgia. In a few instances, where the authors concluded that the legislative short title adequately described the contents of the Bill or Resolution, no summary has been provided. Also included are the summaries of the Bills vetoed by the Governor that would have had some impact on prosecutors in Georgia. These summaries are intended to give the reader an idea of what is contained in the new law; **they are not a substitute for reading the actual text of the Bill.**

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#### **HB 65      Low THC Oil Patient Registry; conditions and eligibility; change provisions**

Allen Peake

Effective date July 1, 2018

HB 65 creates new code section 31-2A-19, which creates a Joint Study Commission on Low THC Medical Oil Access, with ten members (three Senators, two citizens appointed by the President of the Senate, three Representatives, and two citizens appointed by the Speaker of the House). The Commission's purpose is to study access and availability of Low-THC oil and identify secure ways to ensure members of the registry are able to access it. The Commission shall report its findings by 12/31/18 and is abolished as of 12/31/18.

HB 65 also adds "intractable pain" to the list of conditions available for inclusion on the registry (listed in Code Section 31-2A-18). "Intractable pain" is defined as pain that cannot be removed and other methods have been tried for at least six months without adequate results or intolerable side effects. Additionally, the Act adds Post-Traumatic Stress Disorder from direct exposure to a trauma or witnessing a trauma to the conditions recognized on the registry. Only adults suffering from PTSD are included. A new subsection is also added tasking the Georgia Composite Medical Board with an annual review of the eligible conditions to make recommendations for additional conditions that may be treated with THC oil.

<http://www.legis.ga.gov/Legislation/20172018/178906.pdf>

**HB 79        Law enforcement; retaining license plate data obtained from automated license plate recognition systems beyond certain periods; prohibit**

John Pezold

Effective date July 1, 2018

As passed - HB 79 adds new Code Section 35-1-22, allowing law enforcement to collect license plate data, store it, and access it for law enforcement purposes. Agencies may retain data for up to 30 months. The time may be extended if the data is the subject of a law enforcement or toll violation purpose. Agencies may share data with other agencies for law enforcement purposes and may contract to hold and store data, provided the retention provisions are followed. Obtaining such information under false pretenses or misusing such data is a new crime - a high and aggravated misdemeanor. Captured tag data is not covered by Georgia's Open Records Act.

<http://www.legis.ga.gov/Legislation/20172018/176476.pdf>

**HB 135       Employees' Retirement System of Georgia; creditable service for certain law enforcement officers; expand**

Amy Carter

Effective date July 1, 2018

The Act amends O.C.G.A. § 47-2-226, relating to law enforcement officers obtaining creditable service in Employees' Retirement System of Georgia, by adding any investigator with the Department of Driver Services and any investigator or K9 handler with the Department of Corrections. The Act also permits law enforcement officers to obtain credit for his/her years of service by Employees' Retirement System of Georgia if the officer was NOT eligible for any

other future benefit from the former employer EXCEPT the Peace Officers' Annuity and Benefit Fund.

<http://www.legis.ga.gov/Legislation/20172018/177552.pdf>

**HB 398      Peace Officers' Annuity and Benefit Fund; update a cross-reference; provisions**

Paul Battles

Effective date July 1, 2018

The Act amends O.C.G.A. § 47-17-1, relating to the Peace Officers' Annuity and Benefit Fund, to provide eligibility for POST certified investigators employed by the Georgia Board of Dentistry. It also amends O.C.G.A. § 47-17-62 to require that the Georgia Board of Dentistry pay into the fund the full actuarial cost of the employer contribution for each officer who becomes a member.

<http://www.legis.ga.gov/Legislation/20172018/177566.pdf>

**HB 419      Fireworks; certain counties further regulate use or ignition; enable authority**

Deborah Silcox

Effective date July 1, 2018

HB 419 modifies times that fireworks may be set off any day from 10 AM till 11:59 PM unless contradicted by a noise ordinance of a county or municipal corporation. This includes Memorial Day weekend, July 3<sup>rd</sup> and 4<sup>th</sup>, Labor Day, and New Year's Eve and these dates are excluded from local control. (NYE extends till 1 a.m. Jan 1<sup>st</sup>) It changes the authority for drought considerations to suspend firework activity. A metric threshold of 700 on the Keetch-Byram Drought Index must be reached and the Governor must consult with the DNR and State Forestry Commission to issue regulations and restrictions for boundaries on fireworks use. Once a drought falls below that 700 level or the limits expire, the regulations will be rescinded by law. Noise ordinances passed after July 1, 2018 cannot single out fireworks use as a primary purpose in such ordinance. Notice requirements for proposed ordinance changes must be met. Amends O.C.G.A. § 25-10-5.1 to require license distributors of fireworks to post signage for buyers to follow local ordinances, use fireworks in accordance with caution/warning labels, and to be mindful of neighbors with certain conditions.

<http://www.legis.ga.gov/Legislation/20172018/178904.pdf>

**HB 442 Clayton County; State Court; provide for salaries of judges**

Mike Glanton

Effective July 1, 2017

HB 442 sets the compensation for Clayton County State Court judges at 89 percent of the then-current total compensation, including the base salary and any supplements, of the judges of the Superior Court of the Clayton Judicial Circuit. State Court Judges get a 1% bonus for every year of service since 2006 with a cap at 6%. Effective on July 1, 2017, but only applies to judges who started their term on January 1, 2017. If a judge was not elected in 2016, they do not get the raise until they go through the next election cycle.

<http://www.legis.ga.gov/Legislation/20172018/176738.pdf>

**HB 494 Early care and learning; safety of children in early care and education programs; revise certain provisions**

Katie Dempsey

Effective July 1, 2018

House Bill 494 modifies safety provisions in early care education programs under Title 20. Allows hearsay to be introduced in a preliminary hearing on emergency monitor placement under O.C.G.A. § 20-1A-13. Creates a new standard “comprehensive records check determination” definition to guide the scope of background checks for employees/directors (definition below in text) and adds several criminal code sections applicable to background checks for criminal records. Modifies the scope of “employee” for the purpose of the “comprehensive records check determination” to include the word “compensated” by the care and education program or anyone with child access who is supervised by the center. Many sections in the bill strike the old version of ‘fingerprint’ checks for the new definition “comprehensive records check determination” throughout.

Funds issued by the Department of Early Care and Learning will cease where providers of care “willfully and continually” fail to comply with the “comprehensive records check determination”. Providers must continue to maintain a “comprehensive records check determination” for employees or directors until they have been separated for more than 180 consecutive days.

<http://www.legis.ga.gov/LegislationSafer/20172018/178889.pdf>

**HB 513                    Domestic relations; signs to be posted at certain medical facilities where a newborn child may be left; provide**

Pam Dickerson

Effective July 1, 2018

The Act will require the Department of Community Health to develop standards for the size, type, and location of signage to be used to identify any medical facility, fire station, or police station as a place to leave a newborn child without criminal prosecution.

<http://www.legis.ga.gov/Legislation/20172018/177555.pdf>

**HB 557                    Clayton County; Probate Court; change compensation of judge**

Valencia Stovall

Effective July 1, 2018.

HB 557 makes the salary of the Clayton County Probate Judge 90 percent of the then-current total compensation, including the base salary and any supplements, of the judge of the superior court of the Clayton Judicial Circuit. If a general law sets the probate judge's salary as something greater than that amount, the general law will control. Salary was last adjusted May 5, 2006 (Ga. L. 2006, p. 4662).

<http://www.legis.ga.gov/Legislation/20172018/176484.pdf>

**HB 558                    Clayton County; Superior Court; compensation of sheriff; change provisions**

Valencia Stovall

Effective July 1, 2018

HB 558 sets the salary of the Sheriff of Clayton County at \$143,933.00. Clayton County can increase the amount of any supplement or compensation for additional duties. Section was last adjusted May 5, 2006 (Ga. L. 2006, p. 4656).

<http://www.legis.ga.gov/Legislation/20172018/176485.pdf>

**HB 610 Clayton Judicial Circuit; judges of superior court; increase county supplement to state salary**

Mike Glanton

Effective date July 1, 2018

HB 610 raises the supplement for Superior Court Judges in the Clayton Judicial Circuit from \$37,000 to \$50,000. The General Assembly last raised the supplement in 2006 (Ga. L. 2006, p. 4683).

<http://www.legis.ga.gov/Legislation/20172018/176413.pdf>

**HB 635 Disabled Adults and Elder Persons Protection Act; at-risk adult protection investigative/coordinating teams; provide establishment**

Sharon Cooper

Effective date July 1, 2018

This Act amends Chapter 5 of Title 30 relating to the Protection of Disabled Adults and Elder Persons. Section 1 provides for Adult Abuse, Neglect, and Exploitation Multidisciplinary Teams ("MDTs"). Section 2 updates the reporting procedures for Adult Protective Services to include reports made to and which are part of the MDT's investigation and review. Section 3 deals with confidentiality and provides reasonable access to agency records for law enforcement, prosecutors, and relevant government agencies. However, while access to records may be immediate within the confines of the MDT, law enforcement and prosecutors will still need to send subpoenas to retrieve agency records that are un-redacted and may be used in court.

Section 4 creates a new code section, O.C.G.A. § 30-5-11, providing for the means and process of the MDT. The MDT creation and implementation is vested squarely within the purview of the District Attorney's Office (having a MDT for adult abuse cases is not mandatory). The stated goal is for the MDT to "coordinate the collaborative review" of investigations and possible prosecutions of elder and disabled abuse. The MDT may handle criminal cases, but may also discuss non-criminal. The listed participating agencies are as follows: prosecutors, law enforcement, Healthcare Facility Regulation, Department of Behavioral Health and Developmental Disabilities, coroners/medical examiners, GBI, Adult Protective Services, nonprofits, local care providers, and others as may be deemed necessary. The MDT shall meet a minimum of four times per year and shall follow a Memorandum of Understanding to which all members agree. All information shall be confidential and not disseminated from the MDT itself. Any records must be used for investigation/prosecution/review by the team only. The act also creates immunity for the members present so long as they do not violate the internal

controls or stated law. Furthermore, teams should keep an internal database of cases reviewed and report them to GBI and Department of Human Services by March 1 of each year, specifically, the following topics: (1) how many cases reviewed; (2) how many were criminally prosecuted; and (3) recommendations on policy, procedure, or statutory changes.

Lastly, the act expands the subpoena power of the GBI to include cases of elder and disabled abuse.

<http://www.legis.ga.gov/Legislation/20172018/178412.pdf>

**HB 657      Firearms; providing to person on probation as a felony first offender; make unlawful**

Jesse Petrea

Effective date July 1, 2018

Amends Code Section 16-11-113 relating to transfer of firearms other than to the actual buyer to include mandatory felony sentencing language for 'not less than one year nor more than five years.' Adds O.C.G.A. § 16-11-113(b)(1), which makes it illegal to knowingly and intentionally provide firearms to first offender felons or to anyone who has been convicted of a felony by a Georgia court or in any other state. Mandatory felony imprisonment set not less than one nor more than five years. Second conviction would be no less than five nor more than ten-year sentence. There is no duty for someone to affirmatively confirm that someone else is not a felon or felony first offender. In addition, this provision shall not apply to those pardoned by the President, the State Board of Pardons and Paroles, or those empowered to issue pardons of any other state or foreign nation which expressly authorizes such person to receive, possess, or transport a firearm; or to those who have received relief from the disabilities under O.C.G.A. § 16-11-131 (c) and (d) - Felon possession of a firearm exceptions.

<http://www.legis.ga.gov/Legislation/20172018/178959.pdf>

**HB 673      Motor vehicles; prohibit actions which distract a driver while operating a motor vehicle; provisions**

John Carson

Effective date July 1, 2018

HB 673 is an act that amends Georgia's distracted driving statutes, repealing O.C.G.A. § 40-6-241.1 and 40-6-241.2, and instead placing all banned acts and exceptions in an expanded O.C.G.A. § 40-6-241.

O.C.G.A. § 40-5-57 is amended to provide points on a person's driver's license for violating the new distracted driving statute: 1 point for a first violation, 2 points for a second, and 3 points for a third. The use of a wireless telecommunications device is added to the provisions of O.C.G.A. § 40-6-165 (operation of school buses) relating to bus drivers being restricted from using devices while loading / unloading passengers or while the bus is in motion.

O.C.G.A. § 40-6-241 is completely re-written. There are new definitions of "stand-alone electronic devices", "utility services", and "wireless telecommunications devices". While (b) retains the original language about due care, (c) contains new prohibitions. Drivers are now barred from holding or supporting a wireless telecommunications device or stand-alone device with any part of their body. (There is an exception for headphones, earpieces, or smart watches.) Drivers are now prevented from writing, reading, or sending any text-based communication, but exceptions are made for voice communications automatically converted to text and any use related to navigation. Drivers are also specifically prohibited from watching video, other than that related to navigation, and from recording or broadcasting video, except for devices that do so continuously, such as dashboard cameras.

Commercial Motor Vehicle operators are barred from using more than a single button to initiate or terminate a voice communication or reach for a device in such a manner that they are no longer seated or properly restrained by a seat belt.

Each violation of the new law is a separate offense with penalties set at \$50 fine for a first offense within 24 months, \$100 for a second conviction within 24 months, and \$150 for a third and subsequent convictions within 24 months. Court costs and additional penalties may not be assessed. In addition, a driver cited for a first violation of O.C.G.A. § 40-6-241 (c)(1) shall be not guilty if they produce in court a device or proof of purchase of a device that would allow them to comply with the law in the future. The driver shall attest that they have never used this provision before, but there is no provision for reporting dismissals based on this subsection.

General exceptions to this law include a motorist reporting a crash, crime, etc. to authorities, an employee of a utility services provider responding to an emergency, a first responder in the performance of their official duties, or a motorist while their vehicle is lawfully parked.

<http://www.legis.ga.gov/Legislation/20172018/178977.pdf>

**HB 700 Georgia Student Finance Authority; service cancelable educational loans; include graduate degree programs**

Dave Belton

Effective date July 1, 2018

This Act amends O.C.G.A. § 20-3-374 relating to cancelable loans financed by state funds and issued by the Georgia Student Finance Authority. Georgia National Guard members are required to complete a FAFSA before applying for the service-cancelable education loan. Loans are now 120 semester hours, not over 5 academic years, but also include part-time students. If a Guard member is not in good academic standing or no longer an active member of the Guard, the loan must be paid back in cash. Two-year service requirement may now be made by the adjunct general of Georgia for “good cause” under the regulations of the Georgia National Guard. Upon the termination of enrollment or graduation, loans will be canceled in consideration of the students remaining good standing membership for a period of two years. The two-year period may be waived by the Adjunct General of Georgia for good cause.

<http://www.legis.ga.gov/Legislation/20172018/177567.pdf>

**HB 701 State employment; drug testing; allow testing for all forms of opioids**

Kevin Tanner

Effective date July 1, 2018

This Act revises paragraph (3) of O.C.G.A. § 45-20-110 relating to drug testing for state employment. It adds opioids to the definition of “illegal drug” except when used pursuant to a valid prescription or when used as otherwise authorized by state or federal law.

<http://www.legis.ga.gov/Legislation/20172018/177569.pdf>

**HB 703 Governor's Office of Public Safety Support; create**

Bill Hitchens

Effective date upon appropriation of funds

This act creates the Governor's Office of Public Safety Support, which would provide emotional or moral support to public safety officers. It will also provide counseling and critical incident support to those officers. This office would be empowered to provide ongoing training to law enforcement on critical incidents and stress management, as well as train peer counselors to provide support to public safety officers. This act will become effective upon the appropriation of funds.

<http://www.legis.ga.gov/Legislation/20172018/178911.pdf>

**HB 718 Education; certain absences of students with parents in service of the armed forces of the United States; excuse**

Sandra Scott

Effective date July 1, 2018

The Act amends O.C.G.A. § 20-2-692.1, relating to compulsory school attendance and excused absences for the children of military members, by adding new language that the children of active duty members of the military and reserves shall be granted up to 5 excused absences per year for two years to attend military sponsored events, provided that the student provides documentation prior to the absence from the United States Department of Veterans Affairs or a tax-exempt corporation providing special services.

<http://www.legis.ga.gov/Legislation/20172018/177572.pdf>

**HB 732 Crimes and offenses; trafficking an individual for sexual servitude; provisions**

Deborah Silcox

Effective date July 1, 2018

This Act revises O.C.G.A. § 16-5-46, trafficking of persons for labor or sexual servitude. It makes it a crime when an individual "patronizes" by any means an individual to perform sexually explicit conduct on behalf of such person when such individual is the subject of sexual servitude.

<http://www.legis.ga.gov/Legislation/20172018/177198.pdf>

**HB 740      Education; local school system to conduct certain screenings, assessments, and reviews prior to expelling a student; require**

Randy Nix

Effective date May 1, 2018

The Act creates a new code section at O.C.G.A. § 20-2-742, relating to student discipline, by adding new language that no student in public pre-school through 3<sup>rd</sup> grade shall be expelled for 5 or more consecutive or cumulative days, except for possessing a weapon or dangerous drugs, without first receiving a "multi-tiered system of supports" as defined by the statute. In addition, prior to assigning a student 5 consecutive or cumulative days of out-of-school suspension, if the student has an Individualized Education Program (IEP) pursuant to the federal Individuals with Disabilities Education Act or a plan under Section 504 of the federal Rehabilitation Act of 1973, the school will provide a 504 or IEP review to address appropriate academic supports.

<http://www.legis.ga.gov/Legislation/20172018/178917.pdf>

**HB 779      Emergency management; homeland security division; provisions**

Alan Powell

Effective date July 1, 2018

HB 779 amends O.C.G.A. § 38-3-3 by adding new definition (2.1): "Emergency Operations Command" (EOC) which is a unified group comprising the Director of Georgia Emergency Management and Homeland Security Agency, the Director of the GBI, the Commissioners of the Department of Public Safety, the Department of Natural Resources, and Department of Transportation, and the Adjutant General. "Homeland security activities" is defined in new (4.1) as having the same meaning as provided in O.C.G.A. § 35-3-200. O.C.G.A. § 38-3-20 (e)(3) is amended to provide that the Director of Georgia Emergency Management and Homeland Security Agency is to have authority over the new EOC in areas involving imminent or current terrorist activity within the state, including, but not limited to, leading and directing the actions of the Homeland Security Task Force. However, the EOC shall not usurp the operational authority of participating agencies and shall be responsible only for coordinating the public safety response to natural disasters, homeland security activities, and other state emergencies.

The Act also adds new subparagraph (e)(10) to provide that the Director of Georgia Emergency Management and Homeland Security Agency shall serve as Georgia's security manager for the purposes of identifying and processing state personnel for security clearances through the U. S. Department of Homeland Security while also deleting from O.C.G.A. § 35-3-203(d) that the Director of the GBI is to serve in this capacity.

The Act creates new Article 2A within Title 35, Chapter 3, to create the Board of Homeland Security that shall, for administrative purposes only, be attached to the Georgia Emergency Management and Homeland Security Agency. The Board is to have 16 members and the bill specifies how these members are to be chosen and compensated. New O.C.G.A. § 38-3-42 provides that the Board shall advise the Governor and shall develop a state-wide homeland security strategy. This strategy shall coordinate homeland security activities among and between local, state, and federal agencies and the private sector. The Board is to adopt rules and regulations in accordance with the Georgia Administrative Procedures Act. Courts shall take judicial notice of such rules or regulations. The Act amends O.C.G.A. § 35-3-201 to specify that the Georgia Information Sharing and Analysis Center is to be a "distinct division" within the GBI and the officer or agent in charge shall report directly to the director.

<http://www.legis.ga.gov/Legislation/20172018/178929.pdf>

**HB 803      Crimes and offenses; trafficking a disabled adult, elder person, or resident; prohibit**

Wendell Willard

Effective date July 1, 2018

This Act creates a new code section, O.C.G.A. § 16-5-102.1 to combat trafficking of vulnerable adults. The act defines coercion as (1) threats to cause harm, causing harm, or physically restraining elder/disabled adults; (2) exposing them to contempt, ridicule, hatred, immigration proceedings, etc.; (3) destroying, concealing, taking a passport, immigration document, or government identification; (4) medically inducing control; or (5) financial harm or financial control to obtain ultimate control. The act goes on to define other similar terms including: deception, exploitation, and isolation. A person commits the trafficking offense when he/she uses deception, coercion, exploitation, or isolation to knowingly recruit, harbor, provide, transport, or obtain an elder, disabled adult, or resident of a care facility in order to appropriate that person's resources to another's benefit. The punishment is 1-20 years and up to a \$100,000 fine. Furthermore, these charges shall not merge with any other offense. There must be more than simple failure to deliver services, and it provides an exception for facilities operating in good faith on living wills, durable power of attorney documents, or physician orders.

<http://www.legis.ga.gov/Legislation/20172018/178417.pdf>

**HB 808        Courts; term of court in certain counties in the Waycross Circuit; change**

Chad Nimmer

Effective date July 1, 2018

This bill changes the start date to the terms of court in the Waycross Judicial Circuit. Bacon County will now start on the 3rd Monday in October. Brantley County will now start on the 4th Monday in February and August. Charlton County will now start on the 2nd Monday in February and August. Coffee County will now start on the 2nd Monday in March and September. Pierce County will now start on the 3rd Monday in March and September. Ware County will now start on the 2nd Monday in April and October.

<http://www.legis.ga.gov/Legislation/20172018/178419.pdf>

**HB 809        Motor vehicles; Georgia State Patrol motor vehicles for traffic law enforcement may be a solid color; provide**

Bill Hitchens

Effective date July 1, 2018

HB 809 is an act that amends O.C.G.A. § 40-8-91(b) (1) to allow Georgia State Patrol vehicles to be a solid color, in addition to the two-toned uniform color currently required.

<http://www.legis.ga.gov/Legislation/20172018/178420.pdf>

**HB 830        Controlled substances; Schedule I and II; change certain provisions**

Buddy Harden

Effective date July 1, 2018

HB 830 Amends O.C.G.A. § 16-13-25 by adding or amending some drug compounds in schedule I and II.

<http://www.legis.ga.gov/Legislation/20172018/176769.pdf>

**HB 834 Landlord and tenant; termination of a rental or lease agreement under circumstances involving family violence; provide**

Mandi Ballinger

Effective date July 1, 2018

This Act amends O.C.G.A. § 19-13-3 to extend the protection of an *ex parte* protective order until the court dismisses it or protective order hearing is held. This addresses the situation when the petitioner needs protection but has difficulty serving the respondent with the TPO petition. It also extends the required protective order hearing to require it to take place within 30 days of the filing of the petition. If a court finds that the respondent is avoiding service, the court may delay the dismissal of the petition for an additional 30 days.

The Act also amends O.C.G.A. § 44-7-23 to allow a tenant who is a victim of family violence to terminate a lease within 30 days of providing his or her landlord with written notice, and a copy of either an *ex parte* temporary order with an attached police report, or a civil or criminal family violence protective order. The protective order may be issued on behalf of the tenant, a joint tenant, or a minor child. A tenant may also terminate a lease within 14 days of occupancy under these circumstances. O.C.G.A. § 44-7-33 is amended to streamline the process of premises inspection upon the termination of a lease or the vacation of the premises by the tenant. A landlord will be permitted to make a list of damages instead of requiring the landlord to allow the tenant to inspect the premises for damages. The landlord would provide the tenant with a list that the tenant would sign off on or sign a statement of dissent.

<http://www.legis.ga.gov/Legislation/20172018/178947.pdf>

**HB 890 Crimes and offenses; make it unlawful to use an emergency exit after having shoplifted**

Barry Fleming

Effective date July 1, 2018

HB 890 amends O.C.G.A. § 16-11-40 by making it a separate misdemeanor crime to use an emergency exit after committing a shoplifting offense.

<http://www.legis.ga.gov/Legislation/20172018/178837.pdf>

**HB 897 Georgia Power of Attorney Act; revise**

Chuck Efstration

Effective date July 1, 2018

HB 897 Contains "cleanup provisions" to the 2017 creation of the Uniform Power of Attorney Act and does not create any new crimes.

<http://www.legis.ga.gov/Legislation/20172018/177209.pdf>

**HB 906 Public records; public disclosure of personal information of certain foster parents; exclude**

Katie Dempsey

Effective date July 1, 2018

The Act amends various chapters in the Georgia code relating to the Juvenile Code, Division of Family and Children Services, Department of Human Services , and the Open Records Act. Specifically, 22 year olds and 23 year olds are now removed from the definition of "child" as well as the phrase "between 18 and 21 years of age and receiving extended care youth services from DFCS." The Act also provides that youths who are receiving extended care services beyond their 18th birthday shall remain within the jurisdiction of the juvenile court for the purpose of ensuring the suitability of services being provided. The Act requires the child's transition plan to be completed immediately prior to the child's 18th birthday and when a child reaches the age of 18, all orders in a pending dependency proceeding are terminated.

Most significantly, the Act creates a new code section. O.C.G.A. § 15-11-340 allows children who are between ages 18 and 21 to sign a voluntary placement agreement with DFCS to continue to be served by the agency via an "extended care youth services" plan. It provides for eligibility requirements to include work history or secondary education enrollment. It also provides for the child to exercise health care, power of attorney, housing, and mentor selection authority. The child can terminate the agreement at any time. DFCS is required to file reports with the court on the placement and its conditions and the court can conduct periodic reviews. The Act also amends O.C.G.A. § 49-5-8 to permit the Department of Human Services to seek federal reimbursement for providing extended care youth services. The Act also requires DFCS to provide information to foster parents and caregivers on good parenting, school enrollment, financial aid, court records, and developmental and physical records relating to the child.

The Act also creates a new exception to disclosure in Georgia's Open Records Act for the name, address, and personal information of foster parents.

<http://www.legis.ga.gov/Legislation/20172018/178949.pdf>

**HB 907      Public officers and employees; appointment and election of successor in event of vacancy in the office of district attorney; provide**

Barry Fleming

Effective date March 22, 2018

HB 907 provides that if when there is a vacancy in the office of a District Attorney in the final 27 months of a term, the person the Governor appoints would stand for election in the next General Election which is more than six months after the appointment. They would also be running for a four-year term. This is the same process that is used to fill vacancies in the officer of Solicitor-General.

<http://www.legis.ga.gov/Legislation/20172018/176968.pdf>

**HB 934      Thomas County; Magistrate Court chief judge; provide nonpartisan elections**

Darlene Taylor

Effective date next election after July 1, 2018

This Act provides that any future election of the Chief Magistrate Judge for Thomas County will be a non-partisan election.

<http://www.legis.ga.gov/Legislation/20172018/176422.pdf>

**HB 973      Ethics in government; lobbyists shall acknowledge and agree to abide by sexual harassment policy of General Assembly; provisions**

Jan Jones

Effective date July 1, 2018

The Act requires lobbyists to file a statement verifying that the lobbyist has received, read, understands, and will abide by the Georgia General Assembly Employee Sexual Harassment Policy.

<http://www.legis.ga.gov/Legislation/20172018/178935.pdf>

**HB 978      Motor vehicles; automated traffic enforcement safety devices in school zones; provisions**

Chad Nimmer

Effective date July 1, 2018

HB 978 amends O.C.G.A. § 40-6-163, related to overtaking school buses, to say that drivers approaching stopped school buses on the other half of a divided highway, including a highway divided by a turn lane, do not need to stop. The civil monetary penalty for a violation of O.C.G.A. § 40-6-163 enforced by video is reduced to \$250, regardless of history. (Prior law was \$300 for a first offense, \$750 for a second, and \$1000 for a third or more.) The date to notify the owner of the vehicle in question is now ten days from obtaining the name and address of the owner of the vehicle. (Prior law was ten days from the violation.) The notification requirements are changed - a person who fails to appear or pay by their first deadline shall be sent a second citation via first class mail. (Current law requires second citation to be certified mail, return receipt.) The court to hear contests of violations is "the magistrate court or other court of competent jurisdiction." An unpaid monetary penalty shall be subject to a final notice sent out, giving the owner 30 days to pay. If the penalty is not paid, a referral shall be made to Department of Revenue that will result in the inability to renew the registration or transfer the title of the vehicle at issue. The Department shall enter that referral within five days of the referral being made.

Section 2 adds definitions of "agent", "automated traffic enforcement safety device" (speed cameras), "owner", "recorded images", and "school zone" (within 1000 feet of the boundary of any school.) "Agents" under this section are not considered private investigators or otherwise fall under Article 4 of Chapter 18 of Title 50. Section 3 amends O.C.G.A. § 40-14-2 to allow agencies with speed detection permits to run automated traffic enforcement safety devices. Section 4 amends O.C.G.A. § 40-14-5 to exempt automated traffic enforcement safety devices from the requirement of an accuracy check at the beginning and end of each duty tour, and the right of a driver to have the device checked for accuracy on the side of the road. Automated traffic enforcement safety devices have to be self-tested once every 30 days and logged, and calibrated independently every 12 months.

Section 5 adds a subsection to O.C.G.A. § 40-14-6, involving warning signs, to require agencies using speed cameras in school zones to post a sign 500 feet from a school zone speed limit sign advising motorists of the use of said cameras. Section 6 exempts speed cameras from the requirement of O.C.G.A. § 40-14-7 requiring an unobstructed view to approaching motorists of 500 feet. Section 7 adds after-school programs to the times when school zone speed limits are in force to O.C.G.A. § 40-14-8. Section 8 exempts civil monetary penalties for use of speed cameras from O.C.G.A. § 40-14-8's presumption that speed detection devices are used improperly when imposed fines exceed 35% of a law enforcement agency's budget. Section 9

adds O.C.G.A. § 40-14-18, allowing speed camera enforcement in school zones for violations of at least 10 mph over the limit. The penalty, including processing fee, for each violation shall be \$100 for a first offense and \$150 for a second or subsequent offense. Violations of this section shall not be treated as moving violations. Liability for these violations will be established and contested in a manner similar to that currently in use for school bus violations.

<http://www.legis.ga.gov/Legislation/20172018/178950.pdf>

**HB 986 Waycross Judicial Circuit; judges of superior courts; increase supplements**

David Knight

Effective date July 1, 2018

HB 986 increases the monthly supplement paid to the judges of Superior Court in the Waycross Judicial Circuit. Bacon County & Charlton County: \$450 a month; Brantley County & Pierce County: \$550 a month and Coffee County & Ware County: \$700 a month.

<http://www.legis.ga.gov/Legislation/20172018/178932.pdf>

**HB 1010 Cherokee County; maximum salary amount and authority of the sheriff; provisions**

Wesley Cantrell

Effective date July 1, 2018

HB 1010 authorizes the Cherokee County Board of Commissioners to fix the number, salary, compensation, and expenses of the deputies, clerks, assistants, and other personnel employed by the sheriff, the clerk of the superior court, the tax commissioner, and the judge of the Probate Court. The County is also authorized to establish and maintain retirement or pension systems and insurance, workers' compensation, and hospitalization benefits for said employees.

<http://www.legis.ga.gov/Legislation/20172018/177579.pdf>

**HB 1035 Muscogee County; Magistrate Court to impose and collect county law library fees; authorize**

Calvin Smyre

Effective date July 1, 2018

HB 1035 authorizes the Magistrate Court of Muscogee County pursuant to O.C.G.A. § 15-10-86 to impose and collect county law library fees as part of the court costs in the magistrate

court. The amount of the fee shall be no greater than the sum authorized in O.C.G.A. § 36-15-9 (\$5.00). Additionally, all the provisions of Title 36, Chapter 15 shall apply and govern the Magistrate Court of Muscogee County.

<http://www.legis.ga.gov/Legislation/20172018/177783.pdf>

**HB 1044 Southern Judicial Circuit; superior court judges; increase supplement to compensation**

James Shaw

Effective date July 1, 2018

In 2005, the General Assembly passed local legislation that gradually raised the supplement for the Judges of the Southern Judicial Circuit to \$25,000 by 2009. HB 1044 raises the supplement from \$25,000 to \$40,000.

<http://www.legis.ga.gov/Legislation/20172018/177792.pdf>

**HB 1047 Blue Ridge Judicial Circuit; Superior Court judges; increase compensation**

Mandi Ballinger

Effective date July 1, 2018

In 2006, the General Assembly passed local legislation that raised the supplement for the Judges of the Blue Ridge Judicial Circuit to \$25,000. HB 1047 raises the supplement from \$25,000 to \$46,525.

<http://www.legis.ga.gov/Legislation/20172018/177801.pdf>

**HB 1049 Cherokee County; State Court judges; modify compensation**

Mandi Ballinger

Effective date July 1, 2018

HB 1049 increases the supplement of a State Court Judge in Cherokee County by \$6,000 when the judge is operating a drug court division, a mental health court division, a veterans' court division, or operating under the influence court division.

<http://www.legis.ga.gov/Legislation/20172018/177805.pdf>

**SB 127      Failure to Provide Notice Not Rendering Responsible Person Liable; victim to file a motion in a criminal case to assert his or her rights; allow**

John Kennedy

Effective date January 1, 2019,  
if constitutional amendment is passed

This Act amends 17-17-15(c) relating to the failure to provide notice required under the Crime Victim's Bill of Rights. The new provision authorizes victims to file a motion alleging that the notice requirements have not been followed and to request a hearing on the matter. The motion will be filed in the criminal case and a copy served on the prosecutor and defendant. The motion must be filed no later than 20 days from the date of the alleged denial. The Court can hold a hearing or issue an order disposing of the motion. If a hearing is conducted the prosecution and defendant have a right to be present. The court's decision will be final and not subject to appeal.

<http://www.legis.ga.gov/Legislation/20172018/178841.pdf>

**SB 131      Juvenile Code; adoption proceedings be stayed while an appeal to terminate parental rights is pending; provide**

Blake Tillery

Effective date July 1, 2018

The Act amends O.C.G.A. § 15-11-35 of the juvenile code by adding language that an appeal of an order to terminate parental rights shall stay an adoption proceeding concerning the same child until the appeals are concluded. The juvenile court can continue other proceedings not impacted by the termination, appeal, or adoption. The Act also requires that any party who waives the right to an attorney in such a proceeding shall do so knowingly, voluntarily, and on the record. The Act further considers a dependent child as one who may suffer harm "in the foreseeable future" due to the cause of the dependency, i.e., returning the child to a parent will cause a continuation of the physical, mental, moral, or emotional harm. The Court may consider the lack of a stable environment in determining the child's best interests. Lastly, the Act provides that admissions may be made at arraignment [in delinquency actions] if the child makes a waiver of the right to an attorney that is knowing, voluntary, and on the record.

<http://www.legis.ga.gov/Legislation/20172018/178838.pdf>

**SB 286 State Court of Troup County; charge and collect a technology fee for certain filings; authorize**

Matt Brass

Effective date July 1, 2018

Adds a \$10 'technology fee' applicable for Troup County State Court and used solely for the purpose to provide for the technological needs of the court. Provides specific uses for the fee. Repealed entirely on June 30, 2023

<http://www.legis.ga.gov/Legislation/20172018/178853.pdf>

**SB 301 "Revised Uniform Fiduciary Access to Digital Assets Act"; enact**

John Kennedy

Effective date July 1, 2018

This Act creates new code sections relating to fiduciary, conservator, and custodian access and dissemination of online digital assets, records, and online communications. The act provides for online tools to disclose such digital assets and online communications at the direction and discretion of a records custodian. The act provides access to such records for a fiduciary/conservator acting in the interest of a ward. The act also provides the parameters for when custodians may and shall disclose such information. Lastly, the act defines the fiduciary obligations once such information is disseminated.

<http://www.legis.ga.gov/Legislation/20172018/177186.pdf>

**SB 321 Medicaid Claims; false or fraudulent; recover the maximum penalty authorized by federal law; increase the civil penalties**

Blake Tillery

Effective date July 1, 2018

This act revises O.C.G.A. § 49-4-168.1(a) dealing with civil penalties for fraud or fraudulent Medicaid claims. The definitions from (a)(1)-(6) are reincorporated as previously enacted. Subsection (a)(7) revises the current schedule of \$5,500 to \$11,000 for each false claim plus three times the amount of damages which the Georgia Medicaid program sustains because of the act of such person.

<http://www.legis.ga.gov/Legislation/20172018/178850.pdf>

**SB 327      Death Investigations; medical examiner's inquiry is required to be conducted; clarify**

John Albers

Effective date July 1, 2018

SB 327 amends O.C.G.A. § 45-16-24 regarding death investigations by removing the requirement that the medical examiner or coroner shall order an inquiry of death for all cases where a death is "unattended by a physician." An inquiry may be ordered under that circumstance, but it is no longer required.

<http://www.legis.ga.gov/Legislation/20172018/178857.pdf>

**SB 336      Georgia Bureau of Investigation; general provisions; subpoena issued for production of electronic communication; not provide notice to the subscriber**

Renee Unterman

Effective date July 1, 2018

This Act prohibits the provider of electronic service or remote computing service from notifying a subscriber about a subpoena issued by the GBI /Attorney General regarding crimes against children under O.C.G.A. § 16-12-100, 16-12-100.1, 16-12-100.2 or any violation of Article 8 of Chapter 9 of Title 16. The same no-notification clause is provided in the trafficking statute under O.C.G.A. § 35-3-4.3.

SB 336 was signed before HB 494, thus HB 494 controls in conflict provisions regarding fingerprint checks under Title 20.

There are three main conflicts to navigate between these two bills:

(1) With regard to Title 20 (Early Care and Education), the fingerprint scheme under HB 494 will control over SB 336. In HB 494, the fingerprint scheme is controlled by the newly created definition under Code section 20-1A-30's 'Comprehensive records check determination.'

SB 336's language that 'fingerprint records check determination' and 'records check determination that is satisfactory' will be in conflict and thus, HB 494's definition of 'comprehensive records check determination' will control.

For SB 336, that means there is a conflict in part II section 2-1, section 2-2, section 2-3, section 2-4, and section 2-5.

(2) HB 494 has its own fingerprint retention statute that controls throughout the amended Title 20 changes. New Code section 20-1A-45 provides that a comprehensive record check determination shall only be valid for no longer than 180 days after an employee/director has separated from employment.

SB 336 however, adds a statute that keeps fingerprints separate from criminal histories and weapons carry permits under 35-3-33(a)(1)(F) (GCIC).

Even though both new Code sections could exist with each other, there are portions where they are written and/or amended in the same paragraph. Thus, HB 494's new Code section 20-1A-45 would control.

(3) Despite the actual conflict in language under item 2, new code section 35-3-33(a)(1)(F) remains valid in other portions of SB 336. There is no conflict in fingerprint retention under the sections that amend Title 31 (Hospital facilities) and Title 49 (social services).

<http://www.legis.ga.gov/Legislation/20172018/178862.pdf>

**SB 369        Revenues Collected from Fines and Fees; payments to Peace Officers' Annuity and Benefit Fund; fees collected in criminal and quasi-criminal cases prior to adjudication of guilt; provide**

Gregory Kirk

Effective date July 1, 2018

Under SB 369, the clerk of court collects all fees assessed for purposes of pretrial diversion pertaining to any criminal or quasi-criminal case for violation of state statutes, county ordinances, or municipal ordinances. Additionally, \$5 of that fee will be collected by the clerk of court and transmitted to the Peace Officers Annuity and Benefit fund.

<http://www.legis.ga.gov/Legislation/20172018/178447.pdf>

**SB 376 Identity Theft; consumer credit reporting agencies charging a fee for placing/removing a security freeze; prohibit**

David Shafer

Effective date July 1, 2018

SB 376 prohibits credit reporting agencies from charging consumers a fee for placing or removing a credit security freeze on their credit reports.

<http://www.legis.ga.gov/Legislation/20172018/179061.pdf>

**SB 389 State Court of Houston County; location of state court; provide**

Larry Walker

Effective date July 1, 2018

SB 389 allows the State Court of Houston County to hold court anywhere in Houston County. When the State Court of Houston County was created, the legislation required the court to be located in Warner Robins instead of Perry (Perry is the county seat.)

<http://www.legis.ga.gov/Legislation/20172018/176428.pdf>

**SB 406 "Georgia Long-term Care Background Check Program" enact; public safety; promote**

Brian Strickland

Effective date July 1, 2018

This Act amends Title 31 of the Code to require comprehensive criminal fingerprint background checks on all owners, applicants for employment, and employees providing care or owning a personal care home, assisted living community, private care home provider, home health agency, hospice care, nursing home, skilled nursing facility, or an adult day care. Facilities should conduct a search of available registries prior to such background check. Furthermore, it provides Department of Community Health with the authority to conduct national fingerprint-based criminal background checks. The Act also sets up an appellate process (administrative only) whereby an owner, applicant, or employee disqualified from licensure or employment may seek to overturn the disqualification. It also provides for civil penalties if an owner or employee violates such requirements. The law disqualifies those who have been arrested or convicted of any felony or anything that would be a felony in the State of Georgia. There is a ten year "reset" where a person will be re-qualified if nothing else appears on the criminal background.

<http://www.legis.ga.gov/Legislation/20172018/178876.pdf>

**SB 407                      Criminal Justice System; comprehensive reform for offenders; provide**

Brian Strickland

Effective date July 1, 2018

There are 6 parts to this year's Criminal Justice Reform Bill.

Part 1 concerns E-Filing. While civil cases are required to be e-filed, criminal cases are not required to be e-filed until January 1, 2019 when the Criminal Case Data Exchange Board has created rules that will govern. The Judicial Council will develop rules for e-filing in juvenile cases by January 1, 2019. In civil cases, both sides will have to pay a fee upon filing documents. \$2 of the fee will be kept by the clerk and the remaining funds go to the governing authority of the county.

Part 1A provides that an attorney who e-files a document has given consent that they will accept electronic service of future documents in that case. Also, clerks are prohibited, as of January 1, 2019, from entering into a contract that prevents multiple electronic service providers from servicing a court.

Part 2 concerns bail reform, court fines, and other areas. The Judicial Council is authorized to develop a misdemeanor citation and complaint form. While the list of crimes that can be prosecuted on a citation is expanded (notably adding criminal trespass, shoplifting, refund fraud, and possession of marijuana), prior to releasing someone arrested for these offenses, law enforcement shall review the criminal history of the person arrested and obtain their fingerprints. If an offense is not on the list of offenses bailable only before a judge of the Superior Court, any court of inquiry can grant bond. This now includes local ordinance violations and courts now have a series of factors to consider when setting bail that include the offender's financial status and obligations. Family violence cases can no longer be included on a bail schedule.

Behavioral incentive dates are only available to offenders with no prior felony convictions or someone charged with a felony offense and resolving it under either the conditional discharge statute or the First Offender Act. Additionally, only straight probation and split sentences with less than 12 months of incarceration before probation qualify for behavioral incentive dates. Offenders who were convicted of offenses that require registration on the sex offender registry are no longer eligible for unsupervised probation, unless the court orders otherwise.

Sentencing courts can waive fines if the offender is indigent, it would cause a significant financial hardship (as defined in the Code), or other factors would prevent the offender from paying. However, the statutory surcharges cannot be waived by the court. Offenders may use educational advancement and community service to a 501(c) non-profit to repay any obligation imposed. Educational advancement is specifically defined in the code. Fines in criminal cases are capped at \$100,000 if there is no fine listed in the Code Section.

People seeking criminal record restriction need to petition the court in which they were accused or convicted rather than just the superior court.

Accountability courts can now require DDS to issue licenses (and revoke them) as rewards and sanctions.

If the State does not oppose early termination of probation, the court shall issue an order as soon as possible or set a hearing within 90 days.

Pay-only probation may not collect more than 3 months' worth of supervision fees.

Professional licensing boards may not use first offender pleas and offenses resolved by conditional discharge to deny or revoke a professional license.

Part 3 concerns the Department of Community Health. The changes to the code allow elderly and infirm inmates to be paroled to a special facility DCH runs and maintains. While at that facility, the parolees will be able to seek Medicaid funds to help pay for their care.

Part 4 concerns gun crimes. Offenders who are sentenced for second and subsequent convictions for theft by taking of a firearm will now receive 5 to 10 years. Possession, use, and other "criminal use" of a firearm with an altered identification mark will be punished on a first conviction by 1 to 10 years and second and subsequent convictions will receive 5 to 10 years. Serving as a "straw purchaser" for someone who could not legally purchase a firearm is now a felony. A first conviction is punished by 1 to 5 years and second and subsequent convictions will receive 5 to 10 years. Persons serving a probation sentence under the conditional discharge statute (O.C.G.A. § 16-13-2) for a felony offense are now prohibited from possessing firearms while on probation, the same as first-offender probationers and convicted felons. Possession of a firearm will be punished by 1-10 years for a first offense and second and subsequent convictions will receive 5 -10 years. If a person is convicted of a forcible felony and then attempt to purchase or actually obtain a firearm, a first conviction is punished by 1-5 years and second and subsequent convictions will receive 5 -10 years.

An administrative subpoena or civil investigative demand will allow access to information contained in the Prescription Drug Monitoring Program Data Base.

Part 5 concerns the authority and power for campus police at the Technical College System of Georgia. Under the new law, those officers would have the authority to make arrests for offenses committed on TCSG property and public or private property within 500 feet. Additionally, TCSG officers are equated with University System of Georgia officers throughout the Code.

<http://www.legis.ga.gov/Legislation/20172018/178903.pdf>

**SB 436**                      **Probate Courts; general provisions; change and modernize**

Brian Strickland

Effective date July 1, 2018

SB 436 is an Act that makes changes related to probate courts concerning when new probate court judges must complete new judge orientation and additional training thereafter as prescribed by the Probate Judges Training Council. Additional provisions touch on the restrictions placed on probate judges' and their associates' practicing law, as well as the bond amount that the county must pay on behalf of the judges. Probate court judges may hear cases of game and fish law violations and the court must be open 40 hours a week, excepting holidays and inclement weather.

<http://www.legis.ga.gov/Legislation/20Clea172018/178955.pdf>

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## ***Part 2 – Bills vetoed by the Governor***

**HB 912**            ***Spalding County; State Court; provide for imposition of court costs in certain criminal cases***

*David Knight*

*Effective date July 1, 2018*

*HB 912 authorizes the State Court of Spalding County to charge up to \$50 in court costs and \$100 for failure to appear.*

<http://www.legis.ga.gov/Legislation/20172018/177577.pdf>

### **Veto Statement from the Governor**

**HB 1047**            ***Washington County; State Court; charge technology fee***

*Mack Jackson*

*Effective date July 1, 2018*

*This Act authorizes the State Court of Washington County to place a \$15 surcharge on all fines in criminal cases. The money is to be kept in a separate account for the Sheriff of Washington County to spend on technology. Specifically, the money can be spent on computer hardware and software purchase, lease, maintenance, and installation; imaging, scanning, facsimile, communications, projection, and printing equipment; and software purchase, lease, maintenance, and installation.*

<http://www.legis.ga.gov/Legislation/20172018/177796.pdf>

### **Veto Statement from the Governor**

**SB 315**            ***Computer Crimes; create a new crime of unauthorized computer access; penalties; provide***

*Bruce Thompson*

*Effective date July 1, 2018*

*Creates O.C.G.A. § 16-9-93 - the new crime of "Unauthorized Computer Access." The Bill would make it illegal to intentionally access a computer or computer network with knowledge that such access is without authority. Exceptions include (1) persons who are members of the same household, (2) access to*

*a computer or computer network for a legitimate business activity, (3) cybersecurity active defense measures that are designed to prevent or detect unauthorized computer access or (4) persons based upon violations of terms of service or user agreement. Punishment is a misdemeanor of high and aggravated nature. Venue provisions are modified under O.C.G.A. § 16-9-94 to include the county where the authorized computer user was denied service and in any county where the authorized computer user's service was interrupted. Overall pushback to the bill takes issue with claims that "unauthorized" is overly vague and whether legitimate business activity is only a category of profit motive.*

<http://www.legis.ga.gov/Legislation/20172018/179035.pdf>

### **Veto Statement from the Governor**

**SB 342**      *Licensing of Motor Vehicles; owner with valid license plate without the required revalidation decal to retain custody of vehicle under certain conditions; permit*

Marty Harbin

July 1, 2018

*As passed, SB 342 is a bill that amends O.C.G.A. § 40-2-8(b) to remove language authorizing the towing and storage of an unregistered vehicle without a valid decal. Under the new act, towing / storage is only authorized if the vehicle lacks a license plate issued by the department. The bill also amends O.C.G.A. § 40-2-8.1, related to operating a vehicle without a valid decal, to add owners who knowingly allow a vehicle to be operated without a decal, and amending the punishment (currently a fine not to exceed \$25) to a misdemeanor, however, if the owner shows the court a proper decal on the vehicle on the day of court, the fine is not to exceed \$50.; The motor vehicle at issue would be subject to being stored unless the person convicted shows the court proof that the proper decal is on the vehicle.*

<http://www.legis.ga.gov/Legislation/20172018/178880.pdf>

### **Veto Statement from the Governor**

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### *Part 3 - Resolutions creating Constitutional Amendments*

#### **HR 993      Business court; state-wide jurisdiction; create – CA**

Chuck Efstration

This Resolution puts on the November 2018 ballot a question that allows the creation of a state-wide business court. While many details will be handled by general law, the Judges are appointed for 5-year terms by the Governor, subject to majority approval by the House and Senate Judiciary committees. Pre-trial proceedings may take place in any county, but trials must take place in the county with venue over the dispute.

<http://www.legis.ga.gov/Legislation/20172018/178921.pdf>

#### **SR 146      Certain Rights for Victims; suffered or harmed due to an act committed; in violation of the criminal or juvenile delinquency laws; provide - CA**

John Kennedy

This Resolution proposes an amendment to the Georgia Constitution regarding Victims' Rights which would afford the following specific rights: (1) The right upon request to reasonable, accurate, and timely notice of any scheduled court proceedings involving the alleged act or changes to the scheduling of such proceedings; (2) The right upon request to reasonable, accurate, and timely notice of the arrest, release, or escape of the accused; (3) The right not to be excluded from any scheduled court proceedings involving the alleged act; (4) The right upon request to be heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused; and (5) The right to be informed of his or her rights. The General Assembly shall provide by general law the process whereby such victim may assert the rights provided by subparagraph (a) of this Paragraph by motion. At the hearing on such motion, such victim may be represented by an attorney, but neither the state nor any of its political subdivisions shall be obligated to appoint an attorney to represent him or her. The General Assembly shall provide by general law the process whereby a family member, guardian, or legal custodian of a victim when he or she is a minor, legally incapacitated, or deceased may assert the rights of such victim.

This Paragraph shall not: (1) Create any cause of action against the State of Georgia; any political subdivision of the State of Georgia; any officer, employee, or agent of the State of

Georgia or of any of its political subdivisions; or any officer or employee of the court; (2) Confer upon any victim the right to: (A) Appeal any decision made in a criminal or delinquency proceeding; (B) Challenge any verdict or sentence entered in a criminal or delinquency proceeding; or (C) Standing to participate as a party in a criminal or delinquency proceeding other than to file motion as provided in subparagraph (b) of this Paragraph; (3) Restrict the authority of the General Assembly, by general law, to further define or expand upon the rights provided in this Paragraph or to regulate the reasonable exercise thereof; or (4) Restrict the inherent authority of the courts to maintain order in the courtroom.

<http://www.legis.ga.gov/Legislation/20172018/178915.pdf>

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## *Part 4 – Resolutions Creating Study Commissions*

**HR 913**                    **House Study Committee on Incorporating Law Enforcement in the Pathway to Treatment and Social Services for Persons Having Challenges with Drug Use and Mental Health; create**

Paulette Rakestraw

Effective date July 1, 2018

HR 913 creates a House Study Committee on pre-arrest treatment for persons in need of social services or drug treatment.

<http://www.legis.ga.gov/Legislation/20172018/173763.pdf>

**HR 1160**                    **House Study Committee on Risks Associated with Kratom; create**

Dewayne Hill

Effective date July 1, 2018

HR 1160 creates a House Study Committee on Risks Associated with Kratom. Kratom is a new drug in US, but has been used in Southeast Asia for use as an anti-diarrheal medicine, painkiller, and a recreational drug. Kratom is being advertised as a replacement for opioid painkillers and touted as a way to treat addiction to opioids.

<http://www.legis.ga.gov/Legislation/20172018/173444.pdf>

**HR 1260**                    **House Study Committee on Juvenile Court Judges; create**

Mandi Ballinger

Effective Date July 1, 2018

HR 1260 creates a study committee on juvenile court judges to review compensation, appointment, qualifications, and governance. The committee members will be appointees of the Speaker of the House, two juvenile court judges, a superior court judge who previously served as a juvenile court judge, one assistant attorney general, the commissioner of the Department of Juvenile Justice or his/her designee, the executive director of the Prosecuting Attorneys' Council of Georgia or his/her designee, and the executive of the Georgia Public Defender Council or his/her designee. The committee will stand abolished on December 1, 2018, and will submit a report.

<http://www.legis.ga.gov/Legislation/20172018/174460.pdf>

**HR 1414 House Study Committee on School Security; create**

Rick Jasperse

Effective Date July 1, 2018

HR 1414 creates a nine-member House study committee to examine factors that can affect school safety like mental health issues, infrastructure, and explore what resources are needed to curb incidences of violence at schools and to facilitate life-saving responses.

<http://www.legis.ga.gov/Legislation/20172018/175691.pdf>

**HR 1473 House Study Committee on Industrial Hemp Production; create**

Tom McCall

Effective Date July 1, 2018

HR 1473, as passed, establishes a five-member House committee appointed by the Speaker to study the production of industrial hemp and report any proposed legislation.

<http://www.legis.ga.gov/Legislation/20172018/176162.pdf>

**SR 832 Senate Study Committee on Risks Associated with Kratom; create**

Jeff Mullis

Effective date July 1, 2018

SR 832 creates a three-member Senate study committee to study Kratom as it is banned in some states and is found in unregulated supplements as a concentration or workout booster.

<http://www.legis.ga.gov/Legislation/20172018/179143.pdf>

**SR 914 Senate Emergency Pursuits By Law Enforcement Officers Study Committee; create**

Gail Davenport

Effective date July 1, 2018

SR 914 creates a five-member Senate Study Committee, appointed by the President of the Senate to review issues related to emergency pursuits by law enforcement officers. Any report or proposed legislation agreed to by a majority of the committee members shall be filed prior to the date the committee is abolished, which is 12/1/2018.

<http://www.legis.ga.gov/Legislation/20172018/179145.pdf>

**SR 935 Senate School Safety Study Committee; create**

John Albers

Effective date July 1, 2018

Creates a Senate Study Committee to ensure preparedness in school safety to help curb incidents of violence in schools and to ensure that policies, plans and procedures are in place to respond effectively to such incidents.

<http://www.legis.ga.gov/Legislation/20172018/179146.pdf>

**SR 995 Senate Study Committee on Combat Sports; create**

Brandon Beach

Effective date July 1, 2018

Creates a Senate Study Committee to review the safety and economic impact of mixed martial arts and other unarmed combat sports in Georgia.

<http://www.legis.ga.gov/Legislation/20172018/179148.pdf>

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## *Part 5 - Commendatory Resolutions*

**HR 965      Law enforcement officers and prosecutors; worked diligently to ensure the protection of Georgia's vulnerable adult population; commend**

Alan Powell

This resolution honor ADA Jeff Kwiatkowski and others in the Western Judicial Circuit for prosecuting a complex human trafficking case involving elderly and vulnerable victims. Additionally, the resolution offers recognition to the CAVE (Crimes Against Vulnerable and Elderly) Team in Augusta for their work in closing and prosecuting operators of unlicensed personal care homes

<http://www.legis.ga.gov/Legislation/20172018/171779.pdf>

**HR 1115      Georgia Court Appointed Special Advocates (Georgia CASA); CASA Day at the state capitol; February 14, 2018; commend**

Mandi Ballinger

Annual resolution honoring Georgia's Court Appointed Special Advocates and recognizing their day at the State Capitol which was February 14, 2018 this year. Since its founding 30 years ago, 46 affiliate CASA organizations have been established in Georgia, and over 25,000 CASA volunteers have advocated for more than 120,000 children throughout the state. In 2017, 2,486 CASA volunteers advocated for 11,243 children, more than 10,200 of whom were in the legal custody of the state

<http://www.legis.ga.gov/Legislation/20172018/173195.pdf>

**HR 1223      Sex Trafficking Awareness Day at the state capitol; February 20, 2018;  
commend**

Chuck Efstration

House of Representatives recognized February 20, 2018, as Sex Trafficking Awareness Day at the State Capitol and support the activists who are trying to raise awareness.

<http://www.legis.ga.gov/Legislation/20172018/174061.pdf>

**HR 1370              Boggs, Honorable Michael P.; tenure on the Georgia Council on  
Criminal Justice Reform; commend**

Chuck Efstration

Resolution honoring Justice Boggs for his commitment and leadership with the Criminal Justice Reform Council.

<http://www.legis.ga.gov/Legislation/20172018/175263.pdf>

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