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Prosecuting
Attorneys'
Council of Georgia

Summary of Legislation Enacted During the 2021 Georgia General Assembly

Contributing staff: Executive Director Pete Skandalakis; Deputy Director Lalaine Briones; General Counsel Robert Smith; State Prosecutors Gary Bergman, Gilbert Crosby, Christopher George, Sharla Jackson, William Johnson, John Regan, Sheila Ross, Jason Samuels and Lee Williams; Victim Services Director Dr. Rita Davis-Cannon; Chief Investigator Randy Cobb; Chief Financial Officer Chris Jones, and Communications Director Carla Rieffel Bozeman with special thanks to former General Counsel Charles "Chuck" Olson and Georgia State University College of Law Interns Melissa Davies and Robert "Ben" McMichael.

The following is a summary of the Bills and Resolutions impacting prosecutors or the criminal justice system that passed during the 2021 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 80 Bills and 4 Resolutions that passed during the 2021 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.**

Part 1: As Passed Bills and Resolutions

[HB 0043](#) | Motor vehicles; require registration application forms to include optional information regarding certain conditions which may interfere with a registrant's ability to communicate | Rep. Wesley Cantrell

HB 43, known as "Walker's Law," is an act that amends Code section 40-2-26, related to vehicle registrations to allow an applicant the opportunity (but not the obligation) to be advised that an applicant or expected driver of a vehicle who has a physical, mental, or neurological condition that may impede communication that shall be available to a law enforcement officer running a check on the vehicle tag. Any applicant wishing to do this shall submit an affidavit providing the details of the condition and the potential driver to whom it applies.

Effective Date: July 1, 2021

[HB 0081](#) | General appropriations; State Fiscal Year July 1, 2021 - June 30, 2022 | Rep. David Ralston

FY 22 HB 81: bit.ly/3nKQ5xh

FY 22 tracking sheet: bit.ly/2XQtHb8

[HB 0094](#) | Crimes and offenses; provide for the crime of theft by possession of stolen mail | Rep. Bonnie Rich

This bill adds two new code sections to create the crimes of possession of stolen mail and porch piracy, both felonies with a sentence of 15 years.

Code section 16-8-24 was added to address the crime of possession of stolen mail, making it a felony for anyone to possess, conceal or dispose of stolen mail addressed to the true owner. The crime is proven by either showing that the person possessed mail from at least three mailboxes or more than ten pieces of mail.

Code section 16-8-25 was added to make it a felony for anyone to take, remove, or appropriate three or more envelopes or packages from a porch or in any entrance or exit of a dwelling, or from three or more addresses.

Effective Date: July 1, 2021

[HB 0097](#) | Courts; oath for certain clerks of the probate court; require and provide | Rep. Rob Leverett

HB 97 amends Code section 15-9-36 relating to Probate Court Judges by providing that any individual appointed as a “chief clerk” or a “designated clerk” must take an oath of office as is provided in new subsection (d). The oath must be taken prior to the individual discharging his or her duties, must be administered by the probate court judge, and must be recorded in the minutes of the probate court.

Effective Date: July 1, 2021

[HB 0098](#) | State government; conditions for meetings and public hearings to be held by teleconference in emergency conditions; provide | Rep. Eddie Lumsden

HB 98 amends subsection (g) of Code section 50-14-1 relating to open meetings. New paragraph (g)(1) provides that “emergency conditions shall include declarations of federal, state, or local states of emergency,” but no declaration is necessary for an agency defined in 50-14-1(a)(1)(A) to find that emergency conditions exist thereby necessitating meeting by teleconference.

Paragraph (g)(2) adds that “[t]he participation by teleconference of members of agencies or committees means full participation in the same manner as if such members were physically present. In the event such teleconference meeting is a public hearing, members of the public must be afforded the means to participate fully in the same manner as if such members of the public were physically present.”

Effective Date: May 4, 2021

[HB 0105](#) | Military; pay for certain active duty by the organized militia; authorize | Rep. Heath Clark

HB 105 amends O.C.G.A. § 38-2-250 by adding those Georgia National Guard members called into active service, pursuant to the authority of O.C.G.A. § 38-2-6.1, to receive pay and allowances for each day of duty.

O.C.G.A. § 38-2-6.1 currently holds: The Governor is authorized and empowered to request individual members of the Georgia National Guard, with their consent, to report for duty into the active service of the state for the performance of any official duty in connection with National Guard activities without first having declared an emergency as provided for in [Code section 38-2-6](#) or [45-12-30](#); provided, however, that when requested to report for duty into the active service of the state, members of the organized militia

may not be deployed to quell riots, insurrections, or a gross breach of the peace or to maintain order until an emergency has first been declared as provided in [Code section 38-2-6](#) or [45-12-30](#).

Effective Date: May 4, 2021

[HB 0106](#) | Georgia State Indemnification Fund; replace the term National Guard with the term organized militia | Rep. Heath Clark

The Act amends O.C.G.A. § 45-9-81 relating to the definitions regarding the Georgia State Indemnification Fund by replacing the term "National Guard" with the term "organized militia" in the definition of law enforcement officer.

Effective Date: July 1, 2021

[HB 0141](#) | Criminal procedure; requirements for awards made from Georgia Crime Victims Emergency Fund to medical service providers; provide | Rep. Houston Gaines

HB 141 amends O.C.G.A. § 17-15-8 relating to crime victim compensation by adding a new subsection, (b.1)(1), which mandates:

- (1) Payments made by the board to medical service providers for compensation for medical services shall be made in accordance with the list of usual, customary, and reasonable charges for medical services published by the State Board of Workers' Compensation as provided for in Code section 34-9-205 unless an investigation of the charges by the board determines that there is a reasonable health care justification for the deviation from such list of usual, customary, and reasonable charges.
- (2) Payments made to and accepted by a medical provider shall be considered payment in full for the charges with respect to the board, victim, and claimant.

Effective Date: July 1, 2022

[HB 0146](#) | Public officers and employees; paid parental leave for eligible state employees and eligible local board of education employees; provide | Rep. Houston Gaines

The Act adds language to previously reserved 45-20-17 defining eligible employee as those under several subsections of 45-18-1, certain school and local board of education employees (see 20-2-880 and 910); further, it defines employing entity as any branch of

the government or school system. It further defines qualifying life event as adopting, birth of child, or foster care and provides for paid paternal leave after having worked for entity six months or more. The amount is set at “a rolling 12 month period” regardless of number of qualifying events. No cash value for unused leave.

Under this Act, each entity must promulgate on regulations addressing: concurrence of leave with federally provided leave; and, required documentation. The Act requires updates by State Accounting Office, and hourly employees must have worked a minimum of 700 hours in a six month period. Furthermore, it provides that the employing entity may not interfere with this leave provided it will not disrupt operations. Finally, it also allows sanctions by employer for fraudulent use.

Effective Date: July 1, 2021

[HB 0154](#) | Domestic relations; protection of children; strengthen, clarify, and update provisions | Rep. Albert Reeves

HB 154 adds new felony language, but does not affect sentencing (*see section 12*).

- Section 1 expands the jurisdiction of the courts to include adoption petitions by persons who live in places without Interstate Compact or out of the country;
- Section 2 reduces age of ability to adopt to 21 from 25, updates residency requirements, and assumes compliance with Interstate Compact if one does not exist or adopter is from another country;
- Sections 4 - 7 add mailing requirements that withdrawal of surrender must be mailed to person addressed on surrender document by midnight of fourth day;
- Section 8 requires that petitions to terminate parental rights allege facts demonstrating applicability compliance with certain standards. Also requires of biological/non-legal father included in petition the following to the list of petition requirements: date of filing of petition for adoption (usually through attached certificate of filing). Adds a new subsection (j) to allow *in rem* proceeding and provides proper entitlement/style;
- Section 9 requires the petitioner to be responsible for requesting an agent to investigate if the court does not do so *sua sponte*. Adds the same to notice requirements;
- Section 10 adds the petitioner may provide names of qualified agents to the court and exempts certain petitioners from criminal history check;

- Section 11 adds a presumption that out of state petitioners may be present via video conferencing if petition uncontested and cleans up language around this;
- Section 12 creates a new felony crime. It is now illegal to make a false representation of pregnancy or adoption intent under if the Petitioner “knew or should have known” they had neither a pregnancy nor the intent to place a child up for adoption. Further makes it illegal for someone outside the medical/legal field or an actual party or a child placing agency to act as intermediary. The changes also allows civil tort action for these acts;
- Section 13 updates the Surrender of Rights, Final Release form with the registered mail/4 day window language. The full set of forms follows for several pages; and,

Effective Date: July 1, 2021

[HB 0156](#) | Military; sharing of information and reporting of cyber attacks; facilitate | Rep. Don Parsons

This Act will require all agencies, government entities, county and city governments and utility companies to report any cyber attack to the US Military and Georgia Emergency Management and Homeland Security Agency, under new code section 38-3-22.2

(1) 'Agency' means:

- (A) The executive, judicial, or legislative branch of this state and any department, agency, board, bureau, office, commission, public corporation, and authority thereof;
- (B) Every county, municipal corporation, school district, or other political subdivision of this state;
- (C) Every department, agency, board, bureau, office, commission, authority, or similar body of each such county, municipal corporation, or other political subdivision of this state; and
- (D) Every city, county, regional, or other authority established pursuant to the laws of this state.

HB 156 does NOT apply to wholesalers: *Such term shall not include any county, municipal corporation, or public corporation or any authority of a county, municipal corporation, or public corporation when such county, municipal corporation, public corporation, or authority is acting in the capacity of a provider of wholesale or retail electric or gas service or in the capacity of a conduit through which a municipal corporation furnishes electric or gas service.*

(2) 'Utility' means any publicly, privately, or cooperatively owned line, facility, or system for producing, transmitting, or distributing power, electricity, light, heat, or gas.

Effective Date: March 25, 2021

HB 0165 | Motor vehicles; use of mounts on windshields for the support of wireless telecommunications devices and stand-alone electronic devices under certain circumstances; allow | Rep. Timothy Barr

The Act amends O.C.G.A. § 40-8-73 - which prohibits obstructions mounted or applied to windshields—by adding the following exception for wireless devices:

"...except as prohibited by federal law, rules, or regulations in the operation of a commercial motor vehicle, a person may drive a motor vehicle with a mount for the support of a wireless telecommunications device or stand-alone electronic device, as such terms are defined in O.C.G.A. § 40-6-241, upon the front windshield, provided that such mount is located on the windshield in a manner which minimizes obstruction of the driver's view."

Effective Date: July 1, 2021

HB 0168 | Penal institutions; certain information within inmate files of the Department of Corrections shall not be classified as confidential state secrets when requested by the district attorney; provide | Rep. Jesse Petrea

HB 168 amends Code section 42-5-36 relating to confidentiality of information supplied by inmates. First, it adds a definition for "dangerous sexual offense" by stating it shall have the same meaning as set forth in Code section 42-1-12.

Next, it amends the rule that all institutional inmate files are classified as confidential state secrets by providing that except for medical records, this rule shall not apply to information requested by the District Attorney of the circuit in which the inmate was sentenced for a serious violent felony or sentenced for a dangerous sexual offense against a person less than 18 years of age for purposes of such District Attorney submitting information or filing a written objection under Code section 42-9-43. The commissioner is required to furnish these records, if created on or before Jan. 31, 2010 upon receipt of the District Attorney's request, if the request states that the records are sought for purposes of submitting information or filing a written objection under Code section 42-9-43. The District Attorney must hold the records in confidence and the records are not subject to disclosure under the Open Records Act. If the District Attorney or any other

person divulges or causes to be divulged in any manner a confidential state secret, or conspires to violate Code section 42-1-42, such person shall be guilty of a misdemeanor.

Effective Date: July 1, 2021

[HB 0169](#) | Motor vehicles; commercial driver's license; provide requirements for issuance | Rep. John Corbett

HB 169 amends Code section 40-5-147, related to commercial driver's instruction permit. The bill adds a requirement that a driver seeking a commercial instructional permit must complete a course that complies with federal regulations in 49 C.F.R. Parts 383 and 384. A commercial permit holder must, under this bill, drive under the permit for 365 days before upgrading to a commercial driver's license. (Previous law set this period at 180 days).

This Act becomes effective July 1, 2021 with provisions related to training applying to the issuance of any commercial driver's license on or after January 1, 2022.

[HB 0207](#) | Motor vehicles; electronic submission of certain documentation required of manufacturers, distributors, dealers, secondary metals recyclers, used motor vehicle parts dealers, and scrap metal processors by the Department of Revenue; provide | Rep. John Corbett

HB 207 amends O.C.G.A. § 40-2-38 - relating to the registration and licensing of manufacturers, distributors, and dealers and issuance of manufacturer, distributor, and dealer plates - and O.C.G.A. § 40-3-36 - relating to cancellation of certificate of title for scrap - by requiring that the registrations already required to be made to the State of Georgia be made by electronic means. It also adds a requirement to Code section 40-3-36 (a)(1) that secondary dealers, used parts dealer, or scrap processors shall destroy the certificate of title by electronic means. The Act further amends Code section 40-11-19.2 to require a towing or storage firm to transmit to the Department of Revenue by electronic means any bill of sale used to satisfy a lien.

Effective Date: July 1, 2021

[HB 0231](#) | Crimes and offenses; victims of stalking; expand applicability of protective orders | Rep. Houston Gaines

This bill adds a new code section to the Georgia Family Violence Act, 19-13A, applying the protections of the Family Violence Act to dating relationships. "Dating relationship"

is defined as a committed romantic relationship characterized by a level of intimacy that is not associated with mere friendship or between persons in an ordinary business, social, or educational context; provided, however, that such term shall not require sexual involvement. Dating violence is defined as the occurrence of one or more of the following acts between persons through whom a current pregnancy has developed or persons currently in a dating relationship.

Under this code section, the court must review several factors and make findings of fact in determining whether or not to issue a protective order under this statute.

Effective Date: July 1, 2021

[HB 0236](#) | Domestic relations; additional monitoring of victim after granting of a temporary protective order; provide | Rep. Yasmin Neal

This bill creates a new code section, 19-13-4.1, to provide additional relief to protective order petitioners. HB 236 would provide periodic safety checks conducted by local law enforcement upon the request of a victim receiving a protective order. It requires a court to ask a petitioner if they choose to receive the safety checks. The clerk of the court would be charged with passing that request and the order to the local police department. The police department could then provide the safety checks for 60 days at their discretion. The checks would continue for the duration of the order or until the petitioner requests that they cease.

Effective Date: May 4, 2021

[HB 0255](#) | Sexual Assault Reform Act of 2021; enact | Rep. Scott Holcomb

The Act revises O.C.G.A. § 15-24-2, relating to the establishment of sexual assault protocols and committees, and requires the protocol committee to submit a certification of annual compliance to the Criminal Justice Coordinating Council by December 31 of each year. The Criminal Justice Coordinating Council shall notify the Governor, Lieutenant Governor, Speaker of the House of Representatives, and Chief Justice of the Georgia Supreme Court of any non-compliant judicial circuits.

The Act requires law enforcement with jurisdiction over a case to maintain any physical evidence collected as a result of an alleged sexual assault that contains biological material, including, but not limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of the alleged sexual assault, for not less than 12 months from the date any such physical evidence is collected, even if victim chooses not to report the alleged sexual assault to law enforcement at the time of evidence collection.

The Act creates a new code section, 17-5-74, which allows CJCC to create and operate a state-wide sexual assault kit tracking system. The tracking system will track the location and status of sexual assault kits throughout the criminal justice process, including the initial collection in examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and storage and any destruction after the completion of analysis. The Act allows medical facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, the GBI, and other entities having custody of sexual assault kits to update and track the status and location of sexual assault kits. Additionally, it allows victims of sexual assault to anonymously track or receive updates regarding the status of their sexual assault kits.

All law enforcement agencies and other entities having custody of sexual assault kits shall register for and utilize the system in order to fully participate no later than one year following the effective date of the Act. The CJCC shall submit a report on the current status and plan for launching the system, including the plan for phased implementation, to the legislature and the Governor no later than January 1, 2022. The Act also creates reporting requirements.

The Act adds a new code section, 35-1-23, relating to Law Enforcement Agencies. Each law enforcement agency in the state shall request access from the Federal Bureau of Investigation to enter information into the VICAP database. Each law enforcement agency that investigates a homicide or attempted homicide in which the actions of the perpetrator are known or suspected to be serial in nature or are random or sexually oriented; a rape, aggravated sodomy, or aggravated assault with the intent to rape in which the actions of the perpetrator are known or suspected to be serial in nature or in which the assault was committed by a stranger; a missing person case in which the circumstances indicate a strong possibility of foul play; or a case involving unidentified human remains from a known or suspected homicide shall enter into the data base the following information regarding such investigation, as available: (1) The name and date of birth of the alleged perpetrator; (2) The specific crime being investigated; (3) A description of the manner in which the crime was committed, including any pattern of conduct occurring during the course of multiple crimes suspected to have been committed by the alleged perpetrator. The Act also creates requirements regarding updating said information.

Effective Date: July 1, 2021

[HB 0258](#) | Crimes and offenses; response to State v. Williams, 2020 Ga. LEXIS 85; provisions | Rep. Steven Sainz

The Act amends 16-6-22.1, sexual battery, by adding a new subsection. When the victim is under the age of 16 and the conduct is for the purpose of sexual arousal on the part of the offender or victim, consent of the victim shall not be a defense to prosecution; however, if at the time of the offense the victim is at least 13 but less than 16 years of age and the accused is 18 years of age or younger and no more than 48 months older than the victim, this subsection shall not be applicable.

The Act amends 16-6-22.2, aggravated sexual battery, by adding a new subsection. When the victim is under the age of 16 years and the conduct is for the purpose of sexual arousal on the part of the offender or victim, consent of the victim shall not be a defense to prosecution, however, if at the time of the offense the victim is at least 13 but less than 16 years of age and the accused is 18 years of age or younger and no more than 48 months older than the victim, this subsection shall not be applicable.

Effective Date: July 1, 2021

[HB 0273](#) | Distilled spirits; initiate a referendum election for the authorization of the issuance of licenses; provide additional method | Rep. Mandi Ballinger

HB 273 is an Act that amends laws dealing with the sale of alcoholic beverages, making changes as follows:

Section 1 repeals and replaces Code section 3-4-24.2 which allows a manufacturer of distilled spirits to sell up to 750 barrels of distilled spirits for personal use to individuals on their property, subject to restrictions.

Section 2 amends Code section 3-5-24.1 to allow manufacturers of malt beverages to sell those products for personal use to individuals on their property, subject to restrictions.

Effective Date: May 5, 2021

[HB 0286](#) | Local government; restrict ability of county governing authorities to reduce funding for county police departments | Rep. Houston Gaines

The Act restricts the ability of local governments to reduce police funding.

The Act creates two new code sections: O.C.G.A. § 36-8-8 and O.C.G.A. § 36-60-28.

O.C.G.A. § 36-8-8 addresses county governments and county police.

O.C.G.A. § 36-60-28 addresses municipal governments and municipal police.

The mandates under each section are the same.

With some exceptions, a government which has established a police department may not decrease the annual budgetary appropriation by more than 5% of the previous fiscal year's appropriation, and the annual budgetary appropriations for such police force during a rolling ten-year period shall not decrease by more than 5% during such time period.

Exceptions to this mandate are as follows:

- If actual or anticipated revenues of the city or county for the applicable time period decrease by more than 5%, the governing authority shall be authorized to decrease the budgetary appropriation for the police force, but in no event shall the budget of the police force be decreased by a greater percentage than the overall percentage decrease in actual or anticipated revenues.
- The governing authority ensures that an equal or greater level of law enforcement services will be provided to the city or county by either the sheriff or another local government pursuant to an intergovernmental agreement;
- During the applicable time period, the city or county transitions from a volunteer to a paid fire department necessitating budgetary adjustments; or
- During the applicable time period, the city or county is ordered by a court of competent jurisdiction to begin providing a public service at a level such city or county was not providing prior to the issuance of such court order necessitating budgetary adjustments.

Effective Date: July 1, 2021

[HB 0327](#) | Organized Retail Crime Prevention Act; enact | Rep. Martin Momtahan

This legislation has a few parts. The first is with regard to Shoplifting (16-8-14) and Refund Fraud (16-8-14.1). Under this bill, a plea of *nolo contendere* would count as a conviction toward the required four to make either one of these crimes an automatic felony with at least one year in confinement; however, language is added that says the automatic year CAN be waived and departed from if both the prosecutor and defense agree.

The crux of the language is going toward Organized Retail Crime and creates a new Code section 16-8-14.2. This new law is aimed at rings that target department stores, big-box stores, etc., and steal massive amounts of inventory and then resell them on the web or

at flea-markets, swap-meets, or even other smaller boutiques. The new crime prohibits the intentional organization, planning, financing, directing, managing, or supervising one or more other persons to appropriate property of a store or retail establishment to his or her own use without paying for such property or deprives the owner of the property or the value thereof, in whole or in part, and when such property is taken from one or more stores or retail establishments over a period of 180 days with the intent to sell such property for monetary or other gain and when the aggregate value of the property which was the subject of the theft has a value exceeding \$24,999.99 and is placed or is to be placed in the control of a retail property fence. Venue is in any county where an incident of theft took place.

The new crime is a 3-20 year felony that also carries up to a \$50,000 fine.

The other language of this bill creates O.C.G.A. § 10-1-310 to regulate store value card resale. If a third party dealer knowingly fails to keep accurate records for three years or refuses to allow their inspection by a peace officer, it is a misdemeanor. Also, when a victim of theft of one or more stored value cards with an aggregate value of more than \$500 files a police report, the law enforcement agency can request the issuer of the card or its agents to provide “relevant evidence reasonably foreseeable to assist in future criminal actions.”

Effective Date: July 1, 2021

[HB 0336](#) | Agriculture; hemp farming; compliance with federal laws and regulations; provide | Rep. John Corbett

HB 336 makes changes to the Hemp Farming Act concerning the issuance of permits and licenses. These changes do not impact the Hemp Farming Act's effect on prosecutions of illegal cannabis.

Section 1 amends the definition of “Processing” in Code section 2-23-3 (10) to exclude traditional farming practices.

Section 2 amends Code section 2-23-4 to make it unlawful to cultivate or handle hemp in a residential building.

Section 3 amends Code section 2-23-5 to remove the requirement that a licensee have an agreement with a processor for their growing license to be valid. It also bars issuance of a license to anyone with a misdemeanor related to sale or trafficking of a controlled substance, any felony, or one who falsifies information on the application.

Section 4 amends Code section 2-23-6 to make the same changes in section 3 to the requirements for a hemp processor permit.

Section 5 creates new Code section 2-23-6.1 to have a surety bond of no less than \$300,000 and no more than \$1,000,000 and allows for complaints to be filed with the Department of Agriculture on the bond.

Section 6 makes technical changes to Code section 2-23-7, related to transportation of hemp.

Section 7 makes technical changes to Code section 2-23-8, related to testing and sampling of hemp.

Effective Date: May 7, 2021

[HB 0338](#) | Motor vehicles; issuance of veterans' driver's licenses; revise qualifications | Rep. Buddy DeLoach

HB 338 is an act that defines a “veteran” eligible for a veteran's license as a person who “served in the active military, naval, or air service; and who was discharged or released therefrom under conditions other than dishonorable.” It also defines a veteran as a member of the National Guard or reserve who served on active duty.

Effective Date: July 1, 2021

[HB 0353](#) | Motor vehicles; clarify what constitutes an obstruction for purposes of exceptions to when a vehicle is to drive on the right side of roadway | Rep. Todd Jones

HB 353 amends Code section 40-6-56, related to motorists approaching bicyclists, as follows:

- Requires a driver approaching a bicycle to make a lane change not adjacent to the bicycle if possible;
- If such a lane change is impossible, illegal, or unsafe, then the driver is to reduce speed to at least 10 mph less than the posted speed limit, or 25 mph, whichever is greater, and proceed around the bicycle, keeping at least three feet between the driver and the bicycle at all times.
- Violation of this code section is a misdemeanor to be punished by a fine not to exceed \$250.

Effective Date: July 1, 2021

[HB 0354](#) | State Board of Cemeterians and Funeral Service; report suspected unlawful activity to the sheriff's office and the Attorney General; require | Rep. Ricky Williams

HB 354 amends Code section 10-14-3.1 to provide that the Secretary of State (SOS) may (as opposed to shall) have the authority to delegate to the State Board of Funeral Services (BFS) and the State Board of Cemeterians (BC) certain duties otherwise entrusted to the SOS. It also provides that both the BFS and the BC may delegate the authority to make disciplinary and sanctioning decisions relating to funeral services or burial merchandise.

The Act also amends Chapter 8B of Title 43 relating to the BC and Article 1 of Chapter 18 of Title 43 relating to the BFS by adding new Code section 43-8B-8 and new Code section 43-18-10, respectively, to provide that any complaints received by the board shall be investigated within thirty (30) days of receipt. If the investigation shows that there may be a violation of Code section 10-14-17 or 10-14-18 or any felony violation of state or federal criminal law, there shall be an affirmative obligation on behalf of the board to provide notice of such potential illegalities within seven (7) days to the Attorney General's office and to the sheriff's office in the county in which any of the illegalities are believed to have occurred in whole or in part. Upon receiving such notification, the Attorney General must, within a reasonable time period not to exceed 60 days, conduct a review of the complaint and provide the appropriate prosecuting attorney within any jurisdiction in which any illegalities are believed to have occurred, in whole or in part, with relevant information uncovered during the course of the investigation that the prosecuting attorney requests.

Effective Date: May 4, 2021

[HB 0362](#) | Environmental Protection Division; effective date for standards, rules, and regulations; revise | Rep. Trey Rhodes

HB 362 updates the applicable Rules and Regulations of the Board of Natural Resources to those in effect on January 1, 2021. It also expands the caliber of muzzle loading firearms that can be used to hunt bear and deer from .44 to .30. The Act substitutes "black bass" for largemouth bass, extending coverage to additional varieties of fish. Finally, it criminalizes the use of minnow seines or traps to collect nongame fish in Georgia's fresh waters without a valid license. The crime is a misdemeanor.

Effective Date: April 27, 2021

[HB 0363](#) | Crimes and offenses; protection of elder persons; revise definitions | Rep. John LaHood

HB 363 was written by PAC, GBI "Georgia Bureau of Investigation", and the Elder Abuse Legislative Workgroup. The statutes removed are in conflict with 16-5-102 triggering a Rule of Lenity issue.

Section 1 removes 16-5-20(e) simple assault against person over 65.

Section 2 removes 16-5-23(g) simple battery by a facility worker.

Section 3 removes 16-5-23.1(j) battery by facility worker.

Section 4 amends the definition of exploit to add abuse of access as a scheme and remove the language defining this to a separate definition (0.1). This is to rectify the misinterpretation in *Austin v. State* for the abuse of access language being part of the definition of exploit.

Section 5 removes the "over 65" enhancement from Theft by Deception in 16-8-12 which caused the lenity issue in *Austin v. State*.

Notes a legislative intent to also criminalize improper sexual contact by employees, agents, or foster parents as well as prohibit improper sexual contact within programs and facilities used by individuals as a condition of probation or parole in response to *Bully v. State*, 2020 Ga. App. LEXIS 628 (2020).

Section 6 adds the definition of sole proprietor (individual who is an owner/operator of a program or facility rendering services or housing to another as a condition of probation or parole) to O.C.G.A. § 16-6-5.1. It further includes in the definitions of probation and parole, "a program or within a facility as a condition of probation, parole, [or] accountability court."

Effective Date: July 1, 2021

[HB 0364](#) | Professions and businesses; exempt persons having completed Georgia Peace Officer Standards and Training from required fingerprint submission for application to be licensed as a private guard, watchman, or patrolman | Rep. J Collins

The Act amends O.C.G.A. § 43-38-7 - relating to the licensing of armed employees of private businesses - security guards, private detectives, etc.

Under the present law, all license applications must be accompanied by two sets of fingerprints of the applicant.

The Act exempts from the fingerprint requirement those applicants who have been certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course of training required by Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'

Effective Date: July 1, 2021

[HB 0367](#) | Controlled substances; Schedules I, II, III, IV, and V; change certain provisions | Rep. Butch Parrish

HB 367 is the annual Act through which the GBI "Georgia Bureau of Investigation" Crime Lab updates and amends the Controlled Substances Schedules.

Effective Date: May 4, 2021

[HB 0410](#) | Bingo; transfer regulatory authority from Georgia Bureau of Investigation to Secretary of State | Rep. Eddie Lumsden

HB 410 shifts the governing of granting licenses to non-profits for Bingo games from the Director of GBI "Georgia Bureau of Investigation" to the Secretary of State.

Effective Date: July 1, 2021

[HB 0466](#) | Motor vehicles; number of required hours in the intervention component of DUI Alcohol or Drug Use Risk Reduction Programs; reduce | Rep. Alan Powell

HB 466 is an Act that amends code sections related to driver instruction, as follows:

Section 1 amends Code section 40-5-1 to add a definition of "Driver Training School" to mean any person licensed by the department and "Driver Education Training Course" to mean any course approved by the department.

Section 2 adds new Code section 40-5-10, requiring the department to establish standards for Georgia courses, for accepting courses from other states, and allowing for remote and online participation.

Section 4 makes technical changes to Code section 40-5-24, and authorizes the issuance of a Class C license to a 17 year old who provides proof of military enlistment, but has not spent the 12 months on a Class D license.

Section 7 repeals Code section 40-5-83 (a)(2), which allows for the issuance of a special license to driver training schools to conduct defensive driving classes if they have provided at least 300 hours of instruction.

Section 8 makes technical changes to Code section 40-5-147, and also allows public or private high schools to administer the skills test.

Section 9 amends Code section 43-13-2, defining driver training schools, to state that driver training courses may be conducted in person, online, or through remote learning platforms.

section 10 adds new Code section 43-13-6.2, which allows for the issuance of a special license to conduct defensive driving classes if the provider has taught at least 300 hours of instruction and allows for the issuance of a special license to conduct tests required for issuance of a license if the driver training school has given at least 500 hours of instruction.

Section 11 adds new Code section 43-13-7.1, which requires any driver training school, risk reduction program, or driver improvement program to notify the department within 30 days of a change of ownership.

Effective Date: July 1, 2021

[HB 0479](#) | Criminal procedure; revise certain arrest powers; provisions | Rep. Albert Reeves

The Act revises 17-4-20, relating to authorization of arrests with and without warrants. Except where provided by law with respect to a law enforcement (LE) officer's jurisdictional duties and limitations, a LE officer may make an arrest for an offense outside of the jurisdiction of the LE agency from which employed without a warrant: (A) If the offense is committed in officer's presence or within officer's immediate knowledge; (B) When in immediate pursuit of an offender for an offense committed within the jurisdiction of the LE agency employing the officer; or (C) While aiding or assisting another LE officer in the jurisdiction of the LE agency employing the other LE officer. Further, the Act should not be construed as limiting sheriffs or deputy sheriffs in the performance of their duties and responsibilities.

The Act repeals in its entirety Article 4 of Chapter 4, relating to arrest by private persons. In doing so the Legislature inadvertently repealed § 17-4-62, Taking of persons arrested before judicial officer within 48 hours of arrest, which provides: In every case of an arrest without a warrant, the person arresting shall, without delay, convey the offender before the most convenient judicial officer authorized to receive an affidavit and issue a warrant

as provided for in [Code section 17-4-40](#). No such imprisonment shall be legal beyond a reasonable time allowed for this purpose; and any person who is not brought before such judicial officer within 48 hours of arrest shall be released. However, the 48-hour requirement is federal constitutional law [see [County of Riverside v. McLaughlin, 500 US 44 \(1991\)](#)].

The Act creates circumstances under which a private person may detain an individual. The private person must be: (1) An owner of a retail establishment with reasonable grounds to believe that the individual has committed or attempted to commit theft by shoplifting, refund fraud, or theft by unlawful use of retail sales receipts or Universal Product Code labels; (2) An owner of a food service establishment who has reasonable grounds to believe that the individual has committed or attempted to commit theft by taking or theft of services; (3) An owner of any business entity operating on their own property or on the property of others on which they are doing business who have reasonable grounds to believe that the individual has committed or attempted to commit theft by taking or theft of services; (4) A weight inspector when needed for purposes of performing duties; or (5) A licensee or registrant under Chapter 38 of Title 43 when needed in the performance of their business.

A private person who detains an individual shall either release said individual or, within a reasonable time, contact law enforcement with appropriate jurisdiction. An individual detained by a private person under this Code section who is not released shall be surrendered to law enforcement together with any personal belongings removed from such individual. Does not limit or alter any immunity or defense under Article 2 of Chapter 3 of Title 16. Except in circumstances involving use of force in defense of self or others, involving use of force in defense of a habitation, or involving use of force to prevent the commission of a forcible felony, a person acting pursuant to this Code section shall not use force which is intended or likely to cause great bodily harm or death, but may use reasonable force to the extent that they reasonably believe is necessary to detain an individual.

Effective Date: May 10, 2021

[HB 0488](#) | Courts; increase minimum compensation for chief magistrates and others; provide | Rep. Mitchell Scoggins

Effective January 1, 2022, the Chief Magistrate Judge of full-time capacity would receive an increase in minimum salary based upon population. Each population segment increases the minimum salary by about \$10,000 each.

There will also be an increase of compensation for clerk of magistrate court.

Any probate judge serving as magistrate shall also be compensated about \$1,000.00 more.

Effective Date: January 1, 2022

[HB 0495](#) | Georgia Bureau of Investigation and the Sexual Offender Registration Review Board; revise duties | Rep. Clint Crowe

The Act revises 35-3-4 the general provisions regarding the powers and duties of the Georgia Bureau of Investigation (GBI). Allows GBI to provide the Sexual Offender Registration Review Board an analysis of criminal history record information to assist the board in determining a sexual offender's risk assessment classification in accordance with 42-1-14.

The Act revises 42-1-13, relating to the Sexual Offender Registration Review Board's composition, appointment, administration, duties, and immunity from liability. The board can acquire, collect, and analyze information, including, criminal history record information, in determining a sexual offender's risk assessment. The board can employ investigators under the board's administration and supervision. The GBI will maintain at least one position under the bureau's administration and supervision to provide summarized criminal history record information to the board from GCIC and NCIC.

Effective Date: July 1, 2021

[HB 0511](#) | State treasury; establishment or revision of certain Trust Funds; provide | Rep. Albert Reeves

HB 511 is an Act designed to change all of the state trust funds to state treasury funds and transfer control of those funds to the Legislature, which will then use its power of appropriations to fund them.

The Act shall not become law unless it receives the requisite two-thirds' majority vote in both the Senate and the House of Representatives and the amount of the funds dedicated by this Act do not equal or exceed 1 percent of the previous fiscal year's state revenues subject to appropriations.

If it does, then, the Act becomes effective on July 1, 2022.

[HB 0534](#) | Crimes and offenses; promoting illegal drag racing and laying drags; provide for offense | Rep. Josh Bonner

HB 534 is an Act dealing with the scourge of “street racing” and “stunt driving.”

The Act creates new Code section 40-6-390.1 which provides in subsection (a) that “[a]ny person who operates any vehicle while drag racing, in violation of Code section 40-6-186, or laying drags, in violation of Code section 40-6-251, in reckless disregard for the safety of persons on a highway or upon private property without express authorization from the owner of such property commits the offense of reckless stunt driving.” First conviction in 10 years (including a nolo plea) is a high and aggravated misdemeanor with a fine of not less than \$300, but no more than \$750, and a period of imprisonment for no fewer than 10 days nor more than 6 months imprisonment; second offense in 10 years is a high and aggravated misdemeanor with a fine of not less than \$600, but no more than \$1000, and a period of imprisonment for no fewer than 90 days and not more than 12 months’ imprisonment; third offense in a 10 year period is a high and aggravated misdemeanor with a fine of not less than \$1000, but no more than \$5000, and a period of imprisonment for no fewer than 120 days and not more than 12 months’ imprisonment; a fourth or subsequent conviction in a 10 year period is a felony punishable by a fine of not less than \$1000, but no more than \$5000, and a period of imprisonment for not fewer than 1 year and not more than 5 years. Time is measured by dates of arrest. A court may probate, suspend or stay any sentence imposed pursuant to this new Code section.

Forfeiture of a motor vehicle can occur for any motor vehicle operated by an individual who has been declared a habitual violator for three violations of new Code section 40-6-390.1; whose license has been revoked; and who is arrested and charged with a violation of this Code section. The Uniform Civil Forfeiture Procedure Act applies, but there is a “family vehicle” defense created in new Code section 40-6-390.1 (c) (2).

The Act also creates new Code section 16-11-43.1 provides that “[a]ny person who knowingly promotes or organizes an exhibition of illegal drag racing, in violation of Code section 40-6-186, or of laying drags, in violation of Code section 40-6-251, shall be guilty of a misdemeanor of a high and aggravated nature.”

Code section 40-5-53, relating to when courts must send licenses and reports to Department of Driver Services is amended by adding to the list of offenses found in (b)(3) that of new Code section 40-6-390.1.

New Code section 40-5-57.2 (previously marked as “reserved”) provides for the suspension of a person’s driver’s license for a conviction or reckless stunt driving. First offense within 5 years: up to 12 months with reinstatement possible after 120 days; Second conviction within 5 years: 3 years with reinstatement possible after 18 months; third and subsequent offense in 5 years: revoked as a habitual violator as provided for in

Code section 40-5-58 with possible probationary license if eligible under 40-5-48. Any person who is convicted of operating a motor vehicle before the department has reinstated such person's license or before obtaining a limited driving permit or probationary license shall be punished by a fine of not less than \$750.00 nor more than \$5,000.00 or by imprisonment in the penitentiary for not more than 12 months, or both.

Code section 40-5-58 is amended to add new Code section 40-6-390.1. Also, the conditions upon which a person may obtain a probationary license is amended to add to the requirement that a person submit a sworn affidavit that such person does not excessively use alcoholic beverages and does not illegally use controlled substances or marijuana "when a person has been declared a habitual violator based upon a violation of a state law or local ordinance involving Code section 40-6-391."

Code section 40-5-64, relating to limited driving permits, is amended to add new Code section 40-5-57.2

Finally, Code sections 40-6-393 (homicide by vehicle), 40-6-393.1 (feticide by vehicle), 40-6-394 (serious injury by vehicle), and 40-6-397 (aggressive driving) are all amended to include the offense of reckless stunt driving under new Code section 40-6-390.1.

Effective Date: May, 3, 2021

[HB 0548](#) | Social services; reasonable access to records concerning reports of child abuse to the Administrative Office of the Courts; provide | Rep. Katie Dempsey |

New paragraph added to 49-5-41 requiring Administrative Office of the Courts to share data on timeliness, permanency, and safety outcomes of children subject to dependency actions to terminate parental rights under Title 15. Provides that Administrative Office of the Courts and Division of Family & Children Services may enter into agreements to allow this sharing to comply w/ HIPAA.

Effective Date: July 1, 2021

[HB 0553](#) | State government; participation in hearings by electronic communications; provide | Rep. Stan Gunter

The Act amends Chapter 13 of Title 50 to administrative hearings to allow for the participation in hearings by electronic communication, e-filing, and electronic record transfer.

- The Office of State Administrative Hearings may require the electronic filing of documents.

- Except where alternative means of service are required by law, the Office of State Administrative Hearings may serve any party electronically.
- The Office of State Administrative Hearings may make available or transfer the record of any hearing to any party electronically.
- In the administrative law judge's discretion, witnesses may participate by remote electronic communications.
- Senate Substitute added the Department of Community Health to the list of agencies contemplated by the act.

Effective Date: April 29, 2021

[HB 0562](#) | Criminal procedure; add DFCS case managers to people for whom arrest warrants may be issued only by certain judicial officers | Rep. Kasey Carpenter

HB 562 revises 17-4-40 which governs how warrants may be issued against certain persons in the state. It requires a judge of Superior, State, or Probate Courts only to issue a warrant for the arrest of a person during the performance of duties. This adds a Division of Family & Children Services case manager to the list of Peace Officer, Law Enforcement Officer, and teacher/administrator. Note: Adult Protective Services (APS) case managers who function in the same way but under the Division of Aging Services are left out.

HB 562 also adds the right of a prosecutor to move in writing for change of venue under the following conditions: previous prosecuting attorney is disqualified, removed for cause, or recused; and local government official has publicly released information prejudicial to the administration of justice, having potentially tainted the jury pool. At a hearing the judge shall hear evidence by affidavit or oral testimony and may change venue to an agreed upon county (or may reject and select a county him/herself).

Effective Date: May 3, 2021

[HB 0574](#) | Animals; Companion Local Government Animal Trust Fund for reimbursement of impoundment expenses incurred by local governments; provide | Rep. Beth Camp

This Act amends Code section 4-11-3 to create the Companion Local Government Animal Trust Fund. This fund is intended to reimburse local governments who apply for reimbursement for the reasonably and appropriately incurred expenses of impounding more than 29 dogs and cats or 9 horses.

This is a dedicated fund of up to \$50,000.00, not to exceed \$200,000.00 and expires on July 1, 2031. The Commissioner of Agriculture is required to prepare an accounting of the fund yearly, by February 1st to be provided to the House Committee on Agriculture and Consumer Affairs and the Senate Agriculture and Consumer Affairs Committee. The Commissioner may retain annually up to \$10,000 to cover the costs of administering the fund.

Effective Date: July 1, 2021

[HB 0582](#) | Cherokee County; probate judge; provide nonpartisan elections | Rep. Mandi Ballinger

HB 582 requires after July 1, 2022, the Probate Judge of Cherokee County to be elected in a non-partisan election in any future election, which would be in 2024 (unless there is a special election).

Effective Date: July 1, 2021

[HB 0591](#) | Mental health; marriage and family therapists to perform certain acts which physicians and others are authorized to perform; authorize | Rep. Don Hogan

HB 591 amends Code section 37-3-41 (d), relating to mental health, by adding licensed marriage and family therapists to the list of those able to perform emergency examinations of persons for involuntary evaluation and treatment for mental illness, alcohol abuse, or drug abuse.

Similarly, Code section 37-7-41 (d) is amended to add licensed marriage and family therapists as persons able to perform any act specified in the Code section as able to be performed by a physician.

Effective Date: July 1, 2021

[HB 0631](#) | Georgia Crime Information Center; develop a system to collect information on an individual's ability to communicate with law enforcement or emergency responders; provisions | Rep. Mike Cheokas

HB 631 amends O.C.G.A. § 35-3-33 - relating to the general duties and responsibilities of the Georgia Crime Information Center (GCIC) - by adding a new responsibility as follows:

Under the proposed O.C.G.A. § 35-3-33(a)(21), the GCIC shall develop, operate, and maintain an information system which will support the collection, storage, retrieval, and dissemination of information voluntarily submitted to indicate that an individual has a physical, mental, or neurological condition which impedes their ability to communicate with law enforcement. Such a system will allow for an individual to submit his or her motor vehicle registration information, address, and a description of the condition which may impede such individual's ability to communicate.

Effective Date: July 1, 2021

[HB 0634](#) | Wilkinson County; Magistrate Court; provide one-year terms of office for magistrates | Rep. Danny Mathis

HB 634 changes the term of office of the Associate Magistrate Judges of Wilkinson County. Originally, the term of office for an Associate was the same as the Chief Magistrate. Now, an Associate Magistrate Judge is appointed for a one year term. The Chief Magistrate Judge still appoints the Associate Magistrate Judges.

Effective Date: May 3, 2021

[HB 0635](#) | Courts; each judge of the superior court, state court, and probate court and each magistrate shall have authority to perform any lawful judicial act; provide | Rep. Rob Leverett

HB 635 contains language from four different bills – HB 635, HB 405, HB 555, and HB 556.

Part I of HB 635 removes the requirement that a Judge in Georgia must be in the State of Georgia for their actions to be valid. Under this Act, actions taken by a judge while they are outside the State are still considered valid and binding. This includes magistrate judges who issue arrest and search warrants and conduct bond hearings over video teleconference. Municipal judges are also included.

Parts II and III of HB 635 are recommendations from the Judicial Council Covid-19 Task Force. Part II continues to allow courts to conduct proceedings in locations other than the county courthouse, including the special exception for Columbia County. The changes now allow the location to be somewhere other than the county seat and that the location does not have to be provided by the county. The county must pass a resolution deeming that the alternate location is in the best interest of the public and consideration for public transportation is “paramount.” The location cannot be outside of the county and must allow public access for people who have physical or mental impairments. Criminal jury

trials can only take place at the alternate locations if the governing authority owns the facility or has a contractual relationship with the location to allow it to be used for criminal jury trials.

The section of Part III requested by GACDL overrules *Zigan v. State*, 281 Ga. 415 (2006). With the exception of noticed death penalty cases and cases involving serious violent felonies, as defined in O.C.G.A. § 17-10-6.1, a defendant may waive their right to a jury trial over the State's objection. The trial court must advise the defendant about their rights and the differences between a bench and jury trial as well as determine if the waiver is knowing, intelligent, and voluntary. The trial court still may refuse to accept the Defendant's waiver and the prosecuting attorney is allowed to put their objection in to the record.

The remaining sections of Part III were requested by PAC. These changes, effective on the Governor's signature, allow a District Attorney to accuse any case that does not involve a serious violent felony, as defined in O.C.G.A. § 17-10-6.1 when one of four factors has been met: the case has been bound over after a commitment hearing, the commitment hearing has been waived, the offender was released on bond pending a commitment hearing, or the offender has been confined in jail for 45 days since their arrest.

Effective Date: May 4, 2021 [Part III will be repealed on June 20, 2022]

[HB 0693](#) | Motor vehicles; operation of farm tractors on interstate highways; prohibit | Rep. Steven Meeks

HB 693 is an act that creates new Code section 40-6-308, which bars farm tractors (defined as motor vehicles designed and used primarily as a farm implement, for drawing plows, mowing machines, and other instruments of husbandry) from operating on the interstate highway system. The Department of Public Safety (DPS) has the authority to allow travel in certain areas if deemed necessary.

Farm tractors are still allowed to operate on state or local roadways if the operator is complying with Code section 40-8-4 and has taken whatever steps may be taken to reduce the width of the vehicle. If the vehicle exceeds the width of the roadway, the tractor is to be moved as far to the right as practical upon the approach of another vehicle. If the vehicle cannot be moved due to a bridge, guardrail, etc., then other vehicles shall pull to the right side of the road and yield until the tractor has passed.

This Code section shall not relieve the operator of any farm tractor from their obligation to operate a vehicle with due care for the safety of other persons on the roadway.

Effective Date: July 1, 2021

[HB 0703](#) | Bleckley County; probate judge; provide nonpartisan elections | Rep. Danny Mathis

HB 703 makes the election of future Probate Judges in Bleckley County non-partisan races.

Effective Date: July 1, 2021

[HB 0704](#) | Bleckley County; Magistrate Court chief judge; provide nonpartisan elections | Rep. Danny Mathis

HB 704 makes future elections of the Chief Magistrate Judge in Bleckley County non-partisan elections.

Effective Date: July 1, 2021

[HB 0705](#) | Bleckley County; Probate Court; charge technology fee | Rep. Danny Mathis

HB 705 authorizes the Probate Court of Bleckley County to impose a fee of up to \$5.00 on every civil action filed with the court as well as on each fine assessed by the court. The money is to be spent for the technology needs of the Probate Court and gives four specific categories of what those needs are. Beyond the standard purchasing and maintenance of computer hardware and software, the fees can be used for the purchase, lease, maintenance, and installation of audio-visual, imaging, scanning, facsimile, communications, recording, projection, and printing equipment and software as well as the procurement of services and equipment for the conservation of court records and archiving the same to digital contents for public access.

The fee can be imposed effective May 3, 2021 and the authority to impose the fee terminates on July 1, 2031.

[HB 0709](#) | Waycross Judicial Circuit; Superior Court judges; increase salary supplement | Rep. Dominic Lariccia

In 2018, HB 986 increased the monthly supplements paid by each county to the Superior Court Judges in the Waycross Judicial Circuit. HB 709 further increases those amounts.

- Bacon County: \$450 increased to \$490

- Brantley County: \$550 increase to \$590
- Charlton County: \$450 increased to \$490
- Coffee County: \$700 increased to \$1000
- Pierce County: \$550 increased to \$590
- Ware County: \$700 increased to \$1000

Effective Date: May 3, 2021

HB 0750 | Chatham County Legislative Gang Prevention and Intervention Commission; create | Rep. Carl Gilliard

The Chatham County Legislative Gang Prevention and Intervention Commission shall have the following objectives:

- (1) To submit an annual report recommending a plan for strategic, coordinated, and collaborative efforts between educational institutions and community and social services organizations for the purpose of preventing and intervening in criminal gang participation by youth in Chatham County; and
- (2) To provide informational resources, strategic guidance, research, and best practices to social services and community organizations in the implementation of programs and initiatives designed to prevent and intervene in criminal gang participation by youth in Chatham County.

The Chatham County Legislative Gang Prevention and Intervention Commission shall consist of the following members:

- (1) One citizen of unincorporated Chatham County appointed by the Chatham County legislative delegation;
 - (2) One citizen of each municipality in Chatham County appointed by the Chatham County legislative delegation;
 - (3) The sheriff of Chatham County, or his or her designee; and
 - (4) The police chief of any county or municipal police department operating in Chatham County, or the designee of such police chief.
- (b) Members shall each be appointed for a term of two years and no member may serve more than two consecutive terms. All vacancies shall be filled for the unexpired term by an appointee of the original appointing official.

The commission shall submit an annual report recommending strategic, coordinated, and collaborative efforts between educational institutions and community and social services

organizations for the implementation and maintenance of programs and initiatives designed to prevent and intervene in criminal gang participation by youth in Chatham County. Such report shall be submitted to the Chatham County legislative delegation, which shall be composed of all senators and representatives in the General Assembly whose districts are wholly or partially in Chatham County, and the governing authority of Chatham County and each municipality located within such county no later than January 1 of each calendar year.

Effective Date: April 21, 2021

[HB 0767](#) | Lee County; Magistrate Court; law library fee; revise permitted uses of funds raised | Rep. Bill Yearta

In 1998, HB 1845 authorized the Magistrate Court of Lee County to impose a \$3.00 fee in each civil or criminal case. HB 767 increases that fee to \$5.00 on all civil and criminal actions. The Act also adds computers, related equipment, and software to the authorized purchases and uses of the fees collected.

Effective Date: May 3, 2021

[HB 0770](#) | Gilmer County; Magistrate Court; authorize assessment and collection of a technology fee | Rep. David Ralston

HB 770 authorizes the Magistrate Court of Gilmer County to impose a \$5 fee on every civil action, garnishment, and dispossessory affidavit filed with the court as well as on each fine assessed by the court. The money is to be spent for the technology needs of the Magistrate Court and terminates on July 1, 2031.

Effective Date: May 3, 2021

[HB 0777](#) | DeKalb County; State Court; provide definitions | Rep. Matthew Wilson

HB 777 makes changes to nomenclature and structure of the Divisions of the State Court of DeKalb County but does not have any impact on the prosecution of cases in the court.

Effective Date: January 1, 2022

[HB 0795](#) | Glascock County; Probate Court Judge; repeal Act providing for supplement to compensation; provide for an applicability date | Rep. Mack Jackson

HB 795 repeals the county supplement paid to the Probate Judge of Glascock County. In 1974, HB 1710 authorized a \$1,200 yearly supplement to be paid. The supplement was further increased to \$5,568 in 1981 with HB 863. The supplement will no longer be paid after December 31, 2024.

Effective Date: July 1, 2021

[HB 0800](#) | Ben Hill County; Probate Court; authorize assessment and collection of a technology fee | Rep. Clay Pirkle

HB 800 authorizes the Probate Court of Ben Hill County to impose a fee of up to \$10.00 on the filing of each civil action as well as a surcharge on each fine assessed by the Court. Income from the fees is to be spent on purchasing computer hardware and software, maintenance and leasing such hardware, and the purchase, lease, maintenance, and installation of imaging, scanning, facsimile, communications, projection, and printing equipment and software.

Effective Date: May 3, 2021 [The authority to assess the fee terminates July 1, 2031.]

[HB 0803](#) | Fannin County; Magistrate Court; authorize assessment and collection of a technology fee | Rep. David Ralston

HB 803 authorizes the Magistrate Court of Fannin County to impose a \$5 fee on every civil action, garnishment, and dispossessory affidavit filed with the court as well as on each fine assessed by the court. The money is to be spent for the technology needs of the Magistrate Court and gives four specific categories of what those needs are. Beyond the standard purchasing and maintenance of computer hardware and software, the fees can be used for the purchase, lease, maintenance, and installation of audio-visual, imaging, scanning, facsimile, communications, recording, projection, and printing equipment and software as well as the procurement of services and equipment for the conservation of court records and archiving the same to digital contents for public access.

Effective Date: May 3, 2021 [The authority to assess the fee terminates July 1, 2031.]

SB 0004 | Drug Abuse Treatment and Education Programs; patient brokering; prohibit; definitions; exceptions; penalties; provide | Sen. Kay Kirkpatrick

SB 4 adds O.C.G.A. § 26-5-80, providing definitions of the following: healthcare provider, healthcare provider network, health insurer, recovery residence, and substance abuse provider. In subsection (b), it makes it unlawful to do the following: provide any type of payment (including split-fees) to induce a referral of a patient, solicit payment for such a referral, solicit any payment for the acceptance or acknowledgment of treatment from a substance abuse provider, or aid/abet in any of these actions. Exempt from such law are the following: legal discount/waiver/payment practice, payment/compensation/arrangement with a group provider, payment for services, lawful commission or fees, reimbursement from health insurance, payment under a contractual agreement, insurance advertising gifts, payments from substance abuse center to healthcare provider for providing information (with some limitations).

Subsection (d) sets punishments as follows: less than 10 pts is a misdemeanor, 10-20 pts is felony up to 5 years with \$100,000 fine per violation, 20+ patients is a felony up to 10 years and \$500,000 fine for each violation. Subsection (e) vests the powers (including injunctive relief) with both Attorney General and local prosecutor. Subsection (f) places venue (injunctive relief) where any act was committed. G and H provide information for injunctive remedies.

Section 2 targets excessive or fraudulent insurance billing for unnecessary high-tech drug testing procedures including the following: upcoding, unbundling, multiple copayments, billing both insured and insurer, billing for services not performed. This is a misdemeanor.

Effective Date: July 1, 2021

SB 0009 | Courts; the Columbia Judicial Circuit and to be composed of Columbia County; create a new judicial circuit for the State of Georgia | Sen. Lee Anderson

This Act creates a new judicial circuit by removing Columbia County from the Augusta Judicial Circuit and creating a one-county circuit.

Section 1-1 Sends Judges Blanchard, Jolly, and Padgett to the Columbia Judicial Circuit.

Section 1-2 requires the local supplement paid in Columbia Judicial Circuit to be equal to the total supplements paid to the judges in the Augusta Judicial Circuit.

Section 4-2 reduces the number of judges in the Augusta Judicial Circuit from 8 to 5.

The new judicial circuit and offices begin on July 1, 2021.

[SB 0028](#) | Juvenile Code and Domestic Relations; provisions relating to the protection of children; strengthen, clarify and update | Sen. Bo Hatchett

SB 28 amends 15-11-2 to add delinquency and CHINS to “intake officer” definition. The bill corrects a wrong word in definition 73.1 on temporary alternatives to foster care. The next section addresses subsection (c) of 15-11-68 on intake officers requiring initial 8-hour training then 2 hours of continuing education per year thereafter. Section 3 changes the language on 15-11-133.1 updating language on relative or fictive kin to “voluntary agreement between parent/custodian/DFCS.” The bill outlines more clearly the terms of a temporary protective order including the following: prohibit access by individual, comply with agreement to voluntary placement, abstain from offensive conduct, proper attention to care of home, cooperate in good faith w/ DFCS, refrain from acts rendering a home improper for child, schooling, participate in counseling, and court programs. Additionally, the bill updates the voluntary agreement language throughout. This includes striking the 5-day rule on hearing on temporary foster care under subsection (d) and providing for DFCS petition for dependency with probable cause.

Subsection 4 amends 15-11-45(h) to allow for hearsay in hearings pursuant to 15-11-146. Section 5 updates the voluntary agreement language in that same Code section. Section 6 addresses grammatical changes in 15-11-215 and adds the hearsay exception. It also adds exception to former subsection g for allowing possible reunification if permanency plan is a failure. Section 7 adds the hearsay exception to 15-11-216. Section 8 adds it to 230. Section 9 adds it to 321. Section 10 adds it to 322.

Section 11 amends 19-7-5 to add a definition of abandonment as follows: “conduct on the part of a parent, guardian, or legal custodian showing an intent to forgo parental duties or relinquish parental claims.” Intent may be shown through: 6-month failure to communicate with child, 6-month failure of visitation, leaving child somewhere without support for 6 months, failure for 6 months to participate in court plan, leaving child without identification (parent/guardian cannot be identified or does not claim child in 3 months), absent from home to create a substantial risk, failure to respond to proceedings within 6 months, other such conduct. Additionally, it updates language on participants in “voluntary agreement” to other definitions and addresses serious risk of harm to child and eliminates the spiritual/religious exception. The bill adds further definitions of emotional abuse which is injury to psychological or intellectual ability to an observable impairment. The bill also includes fairly standard definitions for legal custodian, neglect, person responsible for welfare of child, and prenatal abuse (which encompasses alcohol). Finally, the bill adds subsection j to include the spiritual healing exception.

Effective Date: January 1, 2022

[SB 0032](#) | Public Disclosure; certain personal records of state and federal employees; exempt | Sen. Matt Brass

SB 32 amends one of the numerous exceptions to public disclosure under the Open Records Act. Specifically, it amends Code section 50-18-72(a)(21) relating to information of public employees. It adds “personal mobile or wireless telephone number” and replaces the term “insurance” with “insurance information.” It also adds to the definition of a “public employee” for purposes of this paragraph, “[t]he federal government or its agencies, departments, or commissions.”

The Act also amends Code section 43-1-2 relating to appointment of directors, members and meetings of professional licensing boards to provide in subsection (k) that the roster of the names and addresses of all current licensees for each licensing board that is made available to the public shall not include the home addresses of the licensee. Similarly, in (k)(1) relating to confidential information, home addresses of applicants are to be kept confidential.

Effective Date: May 6, 2021

[SB 0033](#) | Torts; cause of action against perpetrators for victims of human trafficking; provide | Sen. Clint Dixon

The Act adds a new code section 51-1-56. An individual who is a victim of Human Trafficking has a cause of action against any perpetrator and may recover damages and reasonable attorney's fees. Any action shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the individual is the victim. Notwithstanding any other law to the contrary, an action may be brought within ten years after the: (1) Cause of action arose; or (2) Victim reaches 18 years of age, if the victim was a minor at the time of the alleged violation. Whenever the Attorney General has reasonable cause to believe that an interest of the citizens of this state has been or is threatened or adversely affected by a perpetrator, the Attorney General shall have a cause of action against such perpetrator on behalf of the state to obtain appropriate relief.

Effective Date: July 1, 2021

[SB 0034](#) | Domestic Relations; name change; victims of human trafficking may petition; provide | Sen. Clint Dixon

The Act amends 19-12-1, relating to petition for name change, by permitting a victim of human trafficking, to file a petition for a name change to the court under seal. The court may also issue an order waiving the requirements of publication.

Effective Date: July 1, 2021

[SB 0060](#) | Georgia State Indemnification Fund; shall be paid in instances of a heart attack, stroke; public safety officer; revise | Sen. Bruce Thompson

The Act amends O.C.G.A. § 45-9-85– relating to payment for death or disability from the Georgia State Indemnification Fund.

O.C.G.A. § 45-9-85 specifies circumstances under which indemnification shall be paid. The Act adds a new subsection – 45-9-85**(b)(4)**. The new subsection adds to the list of circumstances requiring indemnification a heart attack, stroke, or vascular rupture suffered by a public safety officer.

Moreover, such condition shall be presumed to qualify such public safety officer under this subsection if the heart attack, stroke, or vascular rupture:

- (A) Commenced:
 - (i) While such public safety officer was performing work related activity;
 - (ii) While such public safety officer was on duty after performing work related activity; or
 - (iii) Not later than 24 hours after performing work related activity; and
- (B) Directly or proximately resulted in the death or partial or permanent disability of the public safety officer, unless competent medical evidence established that the heart attack, stroke, or vascular rupture was not related to the work related activity or was directly or proximately caused by something other than the mere presence of cardiovascular disease risk factors.

The Act also substitutes the terms “law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, state highway employee, or prison guard” with the broader term: “public safety officer.”

Public Safety Officer is defined as: “a law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, state highway employee, or prison guard.”

The Act also defines the terms: nonroutine stressful or strenuous physical activity and work related activity.

Effective Date: July 1, 2021

[SB 0075](#) | Termination of Residential Lease; victims of stalking; provide | Sen. Kim Jackson

This bill amends O.C.G.A. section 44-7-23 to allow victims of documented stalking incidents, who have civil or criminal protective orders, to terminate their leases without penalty.

Effective Date: July 1, 2021

[SB 0078](#) | Invasion of Privacy; prohibition on electronically transmitting or posting nude or sexually explicit photographs or videos for purposes of harassing the depicted person; revise | Sen. Harold Jones

The Act revises subsections (b) and (c) of 16-11-90, relating to prohibition on nude or sexually explicit electronic transmissions. The Act makes it a criminal offense when a person, knowing the content of a transmission or post, knowingly and without the consent of the depicted person: (1) Electronically transmits or posts, in one or more transmissions or posts, a photograph or video which depicts nudity or sexually explicit conduct of an adult, including a falsely created video graphic or still image, when the transmission or post is harassment or causes financial loss to the depicted person, and serves no legitimate purpose to the depicted person, and is transmitted or posted: (A) To a website, peer-to-peer file-sharing site, thumbnail gallery, movie gallery post, linked list, live webcam, web page, or message board, that advertises or promotes its service as showing, previewing, or distributing sexually explicit conduct; or (B) Via any other electronic means that does not fall within subparagraph (A) of this paragraph.

The Act makes it a criminal offense when one causes the electronic transmission or posting, in one or more transmissions or posts, of a photograph or video which depicts nudity or sexually explicit conduct of an adult, including a falsely created video graphic or still image, when the transmission or post is harassment or causes financial loss to the depicted person, and serves no legitimate purpose to the depicted person, and is transmitted or posted: (A) To a website, peer-to-peer file-sharing site, thumbnail gallery, movie gallery post, linked list, live webcam, web page, or message board, that advertises or promotes its service as showing, previewing, or distributing sexually explicit conduct; or (B) Via any other electronic means that does not fall within subparagraph (A) of this paragraph.

Violations of subparagraph (b)(1)(B) or (b)(2)(B) are punishable as a misdemeanor of a high and aggravated nature; upon a second or subsequent conviction punishable as a felony 1 to 5 years, a fine of not more than \$100,000.00, or both.

Violations of subparagraph (b)(1)(A) or (b)(2)(A) punishable as a felony, 1 to 5 years, a fine of not more than \$100,000.00, or both. Upon the second and all subsequent convictions such person shall be guilty of a felony and shall be punished by imprisonment 2 to 5 years, a fine of not more than \$100,000.00, or both.

Effective Date: July 1, 2021

SB 0085 | "Max Gruver Act"; enact | Sen. John Albers

'Haze' or 'hazing' means to force or subject a minor or student to perform an activity which endangers or is likely to endanger the physical health or mental health of the minor or student or which causes or is likely to cause the minor or student to:

(A) Violate federal or state law;

(B) Consume any food, liquid, alcoholic liquid, drug, or other substance in a manner which subjects the minor or student to a substantial risk of emotional, mental, or physical harm, including sickness, vomiting, intoxication, or unconsciousness;

(C) Experience threatened or actual exposure to physical injury, including injury resulting from whipping, beating, paddling, branding, dangerous physical activity, or exposure to elements, which exposure results in medically verifiable mental or physical harm; or

(D) Experience threatened or actual exposure to mental injury, including injury resulting from activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment, which exposure results in medically verifiable mental or physical harm.

SB 85 significantly expands the current hazing statute found at 16-5-61. It adds many definitions and adds accomplice and Good Samaritan liabilities (e.g., a duty to assist). The bill is named the "Max Gruver Act" after 18-year-old Max Gruver who died at a hazing event at LSU. Gruver was from the Atlanta area. SB85 makes it a high misdemeanor to haze a minor or student. If there is "force" involved and serious bodily injury, the crime of hazing is a felony punishable by 1–5 years in prison and a \$50,000 fine. SB 85 proscribes a duty to offer assistance to an injured victim and failure to do so will be a misdemeanor. If assistance is offered, there will be liability from both civil and criminal penalties. Beginning the 2021-2022 school year, schools will be required to report hazing violations publicly.

Effective Date: July 1, 2021

SB 0105 | State-Wide Probation System; conditions and procedures under which probation may be terminated early; revise | Sen. Brian Strickland

The Act revises subsection (a) of 17-10-1, fixing of sentence, suspension or probation of sentence, change in sentence, eligibility for parole, prohibited modifications, and exceptions. When defendant, with no prior felonies, is convicted of a felony and sentenced under First Offender Act and sentenced to probation or less than 12 months in prison followed by probation, court to include a behavioral incentive date in sentencing order not to exceed three years from date sentence is imposed. Within 60 days of expiration of incentive date, if the defendant has: (1) paid all restitution owed; (2) not had probation revoked in preceding 24 months, or when court includes a behavioral incentive date less than two years from the date of sentence, not had probation revoked during such period; and (3) not been arrested for anything other than a non-serious traffic offense as defined in 35-3-37, the Department of Community Supervision to notify the prosecutor and the court of such facts. The DCS shall provide the court with order to terminate defendant's probation which the court shall execute unless the court or prosecutor requests a hearing within 30 days of receipt of the order. The court shall set for a hearing not more than 90 days after receiving the order to terminate. Further, the provision above is retroactive.

When a defendant has been sentenced to probation, the court retains jurisdiction throughout the period of the probated sentence as provided for in subsection (g) of Code section 42-8-34. When the court is presented with a petition to shorten the period of active probation supervision or unsupervised probation, the court is now required to set the matter for a hearing as soon as possible but not more than 90 days after receiving such motion. Notice provided to the defendant and the prosecuting attorney.

The Act revises 42-8-37, relating to effect of termination of probated portion of sentence. If early termination is recommended in the written report, DCS shall notify prosecutor and simultaneously provide court with order to terminate probation. The court shall execute the order to terminate unless the court or prosecutor requests a hearing within 30 days of the receipt of order. The court shall set a hearing not more than 90 days after receiving order to terminate.

When a probationer is on probation for a qualified offense, DCS shall provide the court with an order to terminate his or her probation if, after serving 3 years on probation, the probationer has: 1) paid all restitution; 2) not had probation revoked in preceding 24 months; and 3) not been arrested for anything other than a non-serious traffic offense 35-3-37. When the court is presented with such petition order, it shall execute the order to terminate unless the court or the prosecuting attorney requests a hearing on such matter within 30 days of the receipt of such order. The court shall set the matter for a hearing as soon as possible but not more than 90 days after receiving the order to terminate.

Effective Date: May 3, 2021

[SB 0114](#) | Professions and Businesses; grounds for refusing to grant or revoking a license; revise | Sen. Randy Robertson

SB 114 amends Code section 43-1-19 relating to the power to grant or revoke a license. The bill provides that a license shall not be denied or revoked solely or in part to such applicant's or licensee's "[b]eing under supervision by a community supervision officer, as such term is defined in Code section 42-3-1, for a conviction of any felony or any crime involving moral turpitude, whether it occurred in the courts of this state or any other state, territory, or country or in the courts of the United States, so long as such individual was not convicted of a felony violation of Chapter 5 of Title 16 nor convicted of a crime requiring registration on the state sexual offender registry."

Effective Date: May 4, 2021

[SB 0117](#) | Department of Human Services; offenses of improper sexual contact by employee or agent in the first and second degrees; revise | Sen. Butch Miller

The Act revises 16-6-5.1 creating the offenses of First and Second Degree Improper Sexual Contact by Person in a Position of Trust.

A person commits the offense of improper sexual contact by a person in a position of trust in the first degree when a person in a position of trust engages in sexually explicit conduct with a minor for whom they have entered into an agreement entrusting him or her with the responsibility of education and supervision of such minor. Punishable by 1–25 years, or fine not to exceed \$100,000, or both. When victim is under 16 years of age, 10–30 years, or fine not to exceed \$100,000, or both and subject to the sentencing and punishment 17-10-6.2. If the victim is at least 14 years of age at time of offense but less than 21 years of age and the person is 21 years of age or younger and is no more than 48 months older than the victim, such person shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code section 17-10-6.2. If the victim of the offense is under the age of 16 at time of offense and the act physically injures the victim or involves an act of sodomy, the offense shall be punished by imprisonment for 25–50 years and a fine not to exceed \$100,000.00 and be subject to 17-10-6.2.

A person commits the offense of improper sexual contact by a person in a position of trust in the second degree when a person in a position of trust engages in sexual contact, excluding sexually explicit conduct, with a minor for whom they have entered into an agreement entrusting him or her with the responsibility of education and supervision of

such minor. Punishable as a misdemeanor high and aggravated not subject to 17-10-6.2. Second conviction 1–5 years and subject to O.C.G.A. § 17-10-6.2. When victim under 16, 5–25 years or by fine not to exceed \$25,000.00, or both, and subject to O.C.G.A. § 17-10-6.2. If the victim is at least 14 years of age at time of offense but less than 21 years of age and the person is 21 years of age or younger and is no more than 48 months older than the victim, punishable as a misdemeanor and not be subject to the sentencing and punishment provisions of Code section 17-10-6.2.

Effective Date: July 1, 2021

[SB 0145](#) | Distilled Spirits; initiating a referendum election for the authorization of the issuance of licenses for the package sale of distilled spirits; modify the petition requirements | Sen. Matt Brass

SB 145 is an Act that amends Code section 3-4-41, regarding calls for a referendum to authorize package sales for distilled spirits. The bill would amend O.C.G.A. 3-4-41 (a) to allow an ordinance or resolution from the governing authority of a municipality or county to trigger a referendum to authorize such sales. (Previously, the only vehicle for this is a written petition signed by 35% of the jurisdiction's registered voters.)

Technical changes are made to related code sections to reflect this change.

Effective Date: May 4, 2021

[SB 0163](#) | Judicial Emergency; suspension of statutory speedy trial requirements; provide | Sen. Brian Strickland

The Act revises 38-3-61, relating to declaration of judicial emergency, duration of judicial emergency declaration, and designation of alternative facility for court. Except as provided in subsection (b) of Code section 38-3-62, an order declaring a judicial emergency shall be limited to an initial duration of not more than 30 days; however, the order may be extended for no more than two periods not exceeding 30 days each unless a public health emergency exists pursuant to 38-3-51, in which case the Chief Justice of the Supreme Court of Georgia may extend the emergency order as long as such emergency exists, as declared by the Governor.

The Act revises 38-3-62, relating to suspension or tolling of deadlines and time schedules in event of judicial emergency. A chief judge of superior court judicial circuit or a chief judge of a state court may suspend, toll, extend, modify, or otherwise grant relief from statutory speedy trial requirements following a judicial emergency if compliance with

such requirements is impracticable, subject to the requirements under subparagraph (B) of this paragraph.

Relief is authorized if a chief judge certifies that under the totality of the circumstances arising from the preceding judicial emergency, compliance with statutory speedy trial requirements is impracticable in the applicable county or court following a judicial emergency due to the following factors: (i) A pending criminal case volume that is substantially above the average pending criminal case volume at the end of each of the three full calendar years preceding the judicial emergency; (ii) An annualized criminal case clearance rate in the current calendar year that is substantially below the average criminal case clearance rate for each of the three full calendar years preceding the judicial emergency; (iii) The number of speedy trial demands pending within one month of the date of certification; (iv) The number of jury trials held during the last full term of court; (v) Ongoing space limitations or other health or safety concerns regarding the use of the facilities available to conduct criminal trials and related activities; (vi) The limited availability of judges, courtroom personnel, prosecutors, public defenders, expert witnesses, forensic analysis, law enforcement officers, or other relevant persons; (vii) The extent of efforts made by prosecutors and the court to reduce the number of criminal defendants held in custody awaiting trial; and (viii) Other relevant facts that justify ongoing relief from statutory speedy trial requirements, if any.

An order granting relief will be accompanied by certification that compliance with statutory speedy trial requirements is impracticable in the applicable county or court. Each time a chief judge issues an order granting relief under this subsection, they shall: (A) Certify that compliance with statutory speedy trial requirements is impracticable in the applicable county or court; or (B) Attach such certification provided by either: (i) A majority of the superior court judges in his or her judicial circuit pursuant to paragraph (6) of this subsection; or (ii) A majority of the state court judges in his or her county pursuant to paragraph (8) of this subsection.

Each certification to include the following: (A) Supporting statistical data and findings of fact to justify relief under paragraph (2) of this subsection; and (B) A plan to resolve cases in which a statutory speedy trial demand has been filed as expeditiously as possible. The plan shall establish an order of priority in which cases will be called for trial, giving highest priority to cases of defendants who have been held in custody for the longest time as a result of the charges in the case. The plan shall also state the number of trial weeks scheduled for each judge in the applicable county or court during the period of relief granted under this subsection.

A chief judge of a superior court judicial circuit acting under this subsection: (A) May act independently of any emergency declared by the Governor; (B) May grant relief from statutory speedy trial requirements in a superior court for a county in his or her judicial

circuit; (C) May act in his or her own discretion; and (D) Shall act upon the request of a majority of the active superior court judges in his or her judicial circuit pursuant to paragraph (6) of this subsection.

A chief judge of a superior court judicial circuit shall grant relief from speedy trial requirements in a superior court for a county in their judicial circuit if such action is requested by a majority of the active superior court judges in his or her judicial circuit. Any such request shall be in writing and be accompanied by the certification required in paragraph (3) of this subsection.

A chief judge of a state court acting under this subsection: (A) May act independently of any emergency declared by the Governor; (B) May grant relief from statutory speedy trial requirements in his or her state court; (C) May act in his or her own discretion; and (D) Shall act upon the request of a majority of the active state court judges in his or her county pursuant to paragraph (8) of this subsection.

A chief judge of a state court shall grant relief from speedy trial requirements in their state court if such action is requested by a majority of the active state court judges in his or her county. Any such request shall be in writing and be accompanied by the certification required in paragraph (3) of this subsection.

Each period of relief granted under this subsection: (A) Shall not exceed a total of eight months; and (B) Shall end on the last day of a term of court.

Each time a chief judge issues an order granting relief under this subsection, they will provide notice of such action to judicial officials and the public in the same manner provided in 38-3-63, except that notice shall also include the certification required.

The Chief Justice of the Georgia Supreme Court may, by order and in their sole discretion, reinstate any statutory speedy trial requirement subject to an order granting relief under this subsection. The Chief Justice shall provide notice of such action to judicial officials and the public in the same manner provided in 38-3-63. If the Chief Justice takes such action, a chief judge shall not grant subsequent relief from statutory speedy trial requirements in the applicable county or court following the same judicial emergency unless subsequent relief is reauthorized by the Chief Justice.

Nothing in this subsection shall relieve the state of its constitutional obligation to provide for a speedy and public criminal trial.

These changes shall be in effect from July 1, 2021 until June 30, 2023, at which time the authority will sunset and expire.

[SB 0165](#) | Motor Vehicles; autonomous vehicles from certain vehicle equipment requirements; exempt | Sen. Steve Gooch

SB 165 no longer deals primarily with autonomous vehicles. As passed, this Act:

- amends Code section 40-5-151 to provide for a \$100 registration fee for an alternatively-fueled, low-speed vehicle;
- amends Code section 40-8-1 to exempt fully autonomous vehicles from the equipment requirements of this article unless required by federal law, rule, or regulation;
- amends Code section 40-8-4 to allow agricultural and other slow moving vehicles to use an amber light for identification in addition to or instead of an emblem; and
- amends Code section 40-8-35 to harmonize requirements for low speed vehicles to have an amber light or an emblem.

This Act takes effect on July 1, 2021 and section 1 applies to vehicle registrations after July 1, 2021.

[SB 0174](#) | Bonds and Recognizances; appointed judges who are fulfilling a vacancy of an elected judge to issue an unsecured judicial release under certain circumstances; authorize | Sen. Steve Gooch

SB 174 is an Act regarding bonds and recognizances.

Code section 17-6-1(e)(4) is amended to allow for an appointed judge filling the vacancy of an elected judge to set bonds.

Code section 17-6-12(a)(1) is amended to add the following offenses to those which are deemed “bail restricted”: burglary, entering an automobile with intent to commit a theft or felony (16-8-18), stalking, or a misdemeanor offense of crimes involving family violence (19-13-1) or stalking.

Code section 17-6-12(a)(2) is amended to allow a person to be released on bail on an “unsecured judicial release” for the purpose of entering a pretrial release program, a pretrial release and diversion program, or a pretrial intervention and diversion program, or pursuant to Uniform Superior Court Rule 27

Code section 17-6-12 is amended to add the judicial officers allowed to issue an unsecured judicial release to include an “appointed judge fulfilling a vacancy of an elected judge”

Effective Date: May 4, 2021

[SB 0198](#) | Department of Public Safety; subsistence and per diem allowances; receipt of badge and duty weapon upon retirement; provide | Sen. Tyler Harper

SB 198 transfers the authority to provide subsistence and per diem allowances to employees and the ability to grant salary increases for sworn employees who have completed approved courses of instruction from the Board of Public Safety to the Commissioner of Public Safety. It also allows the commission to pay retiring sworn employees with their badge and gun upon retirement.

Effective Date: May 4, 2021

[SB 0202](#) | Elections and Primaries; persons or entities that mail absentee ballot applications shall mail such applications only to eligible registered electors; provide | Sen. Max Burns

SB 202 provides for changes to Georgia's elections laws. The following are new crimes created or changes made to existing crimes contained within SB 202:

It is now illegal to handle a ballot by another other than the elector or a relative authorized to request an absentee ballot for such elector or a person signing as assisting an illiterate or physically disabled elector with his or her application or a common carrier charged with returning the ballot application or an absentee ballot clerk, a registrar, or a law enforcement officer in the course of an investigation is a misdemeanor.

Unless otherwise authorized by law, it is now a misdemeanor crime to photograph or record the face of an electronic ballot marker while a ballot is being voted or while an elector's votes are displayed on such electronic ballot marker, or photograph or record a voted ballot.

Distributing or displaying campaign material within 150 feet of the outer edge of a polling place is prohibited.

Giving money or gifts, including food or drink, to an elector within a polling place or within 25 feet of a voter standing in line is prohibited. Unattended, self-service water receptacles are excluded.

Knowingly accepting an absentee ballot from an elector for delivery or return to the board of registrars without authorization is now a felony.

An unauthorized person intentionally observing an elector casting their ballot in such manner that it allows the observer to see who the elector is voting for is also a felony.

Effective Date: March 25, 2021

[SB 0210](#) | Motor Vehicles and Traffic; definitions relative to registration and licensing of motor vehicles; provide | Sen. Randy Robertson

The Act amends Title 40 – related to motor vehicles – to authorize the creation, issuance, and use of digital license plates, a license plate which receives wireless data communication to display information electronically.

The Act creates a new Article – Article 2B – and several new codes section to allow for the implementation of digital license plates, including location information when the owner of the vehicle consents, as well as registration and insurance status.

Effective Date: July 1, 2021

[SB 0235](#) | Offenses Against Public Order; offense of wearing a mask, hood, or device which conceals the identity of the wearer; revise | Sen. Ben Watson

This bill amends 16-11-38 (misdemeanor for wearing a mask to conceal identity) to correct for gender, replacing “their” face with “his or her” and to provide for an additional exception to wearing a mask to allow people to wear a mask to prevent the spread of COVID-19.

Effective Date: July 1, 2021

[SB 0238](#) | Code Of Georgia; enactment of the Official Code of Georgia Annotated; revise provisions | Sen. Brian Strickland

SB 238 is an Act relating to the entire Official Code of Georgia Annotated (OCGA).

Code section 1-1-1 clarifies that only the statutory portion and numbering and arrangement of the codification, “along with supplementary content determined to be useful to users” shall be known as the “OCGA.” And only the following portions contained in the OCGA, including all supplements and revised volumes thereof, have the force and effect of law: (1) Statutory text; and (2) Arrangement and numbering system, including, but not limited to, title, chapter, article, part, subpart, Code section, subsection, paragraph, subparagraph, division, and subdivision numbers and designations. Everything else found in the published volumes and supplements “shall not be considered enacted by the General Assembly, shall bear no additional weight or effect, and shall not be construed to have the imprimatur of the General Assembly by virtue of such inclusion in the Official Code of Georgia Annotated.” The Act lists 21 things found in the Code (e.g., headings, effective date notes, Code Commission notes, opinions of the Attorney General) that have no binding authority.

Code section 1-1-7, is deleted and marked “Reserved”

Code section 1-1-8 adds new subsection (f) to provide that “[n]othing in this Code section shall be construed to mean that any matter contained in the [OCGA] has any force of law or imprimatur of the State of Georgia except as provided for in Code section 1-1-1.”

Code section 28-9-3 (9) relating to the authority of the Code Revision Commission, is amended to say that it can include supplemental information in the Code (e.g., annotations, cross-references, etc.) but none of it has any binding authority weight or effect, nor shall it be the “imprimatur of the General Assembly or the State of Georgia.” Subsection (12) relating to the work of the publisher is amended to add that “the commission shall have no oversight of the work of the publisher in preparing, supplementing, indexing, or revising supplementary content included by the publisher in accordance with the contract between the publisher and the commission.” And subsection (15) is amended to delete the provision authorizing the Commission to register the Copyright claim to the Code and its supplement.

Code section 28-9-5(a), also relating to the work of the Commission, is modified to limit the work in compiling, editing, arranging, and preparing the Code, to only actions with respect to the statutory text, arrangement, and numbering.

Effective Date: July 1, 2021

Part 2: Resolutions Creating Constitutional Amendments

[SR 0134](#) | Public Officers; suspension of compensation; felony; provide - CA | Sen. Larry Walker

SR 134 calls for a constitutional amendment on whether certain elected officials can be suspended from office without pay. If the constitutional amendment is passed, it only applies to the Governor, the Lieutenant Governor, the Secretary of State, the Attorney General, the State School Superintendent, the Commissioner of Insurance, the Commissioner of Agriculture, the Commissioner of Labor, and any member of the General Assembly.

The measure will be on the next general election ballot, which should be in November 2022.

Part 3: Resolutions of Impact to the Criminal Justice System

[HR 0024](#) | Lucci, Dominic Brian; compensate | Rep. Derek Mallow

Dominic Brian Lucci was tried and convicted for the offense of Murder in 1992. On November 2, 2017, the Georgia Supreme Court, in a unanimous decision, overturned the conviction of Dominic Brian Lucci after determining that the outcome of his trial would likely have been different if the exculpatory evidence had not been withheld from his defense team. In July 2018, a nolle prosequi was entered with respect to the indictment against Dominic Brian Lucci.

THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the Department of Administrative Services is authorized and directed to pay the sum of \$1,000,000.00 to Dominic Brian Lucci. Said sum shall be paid from funds appropriated to or available to the Department of Administrative Services and shall be in full and complete satisfaction of all claims against the state arising out of said occurrence and shall be paid subject to the provisions of this resolution. Said sum shall be paid in the form of an annuity in equal monthly installments over a 20 year period of time beginning one year after an initial lump sum payment of \$50,000.00.

[HR 0025](#) | Jones, Mark Jason; compensate | Rep. Derek Mallow

On November 19, 1992, Mark Jason Jones was convicted of malice murder and possession of a firearm during the commission of a crime and was sentenced to life plus five years in prison. On November 2, 2017, the Georgia Supreme Court, in a unanimous decision, overturned the conviction of Mark Jason Jones after determining that the outcome of his trial would likely have been different if the exculpatory evidence had not been withheld from his defense team. In July 2018, a nolle prosequi was entered with respect to the indictment against Mark Jason Jones.

THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the Department of Administrative Services is authorized and directed to pay the sum of \$1,000,000.00 to Mark Jason Jones as compensation as provided above. Said sum shall be paid from funds appropriated to or available to the Department of Administrative Services and shall be in full and complete satisfaction of all claims against the state arising out of said occurrence and shall be paid subject to the provisions of this resolution. Said sum shall be paid in the form of an annuity in equal monthly installments over a 20 year period of time beginning one year after an initial lump sum payment of \$50,000.00.

[HR 0026](#) | Gardiner, Kenneth Eric; compensate | Rep. Derek Mallow

On November 19, 1992, Kenneth Eric Gardiner was convicted of malice murder and possession of a firearm during the commission of a crime and was sentenced to life plus five years in prison. On November 2, 2017, the Georgia Supreme Court, in a unanimous decision, overturned the conviction of Kenneth Eric Gardiner after determining that the outcome of his trial would likely have been different if the exculpatory evidence had not been withheld from his defense team. In July 2018, a nolle prosequi was entered with respect to the indictment against Kenneth Eric Gardiner.

THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the Department of Administrative Services is authorized and directed to pay the sum of \$1,000,000.00 to Kenneth Eric Gardiner as compensation as provided above. Said sum shall be paid from funds appropriated to or available to the Department of Administrative Services and shall be in full and complete satisfaction of all claims against the state arising out of said occurrence and shall be paid subject to the provisions of this resolution. Said sum shall be paid in the form of an annuity in equal monthly installments over a 20 year period of time beginning one year after an initial lump sum payment of \$50,000.00.

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