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Prosecuting  
Attorneys'  
Council of Georgia

## Summary of Legislation Enacted During the 2022 Georgia General Assembly

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The following is a summary of the Bills and Resolutions impacting prosecutors or the criminal justice system that passed during the 2022 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 76 Bills and 4 Resolutions that passed during the 2022 Session that we flagged as having some impact on prosecutors in Georgia. In a few instances, where the authors concluded that the legislative short title adequately described the contents of the Bill or Resolution, no summary has been provided. Also included are the summaries of the Bills vetoed by the Governor that would have had some impact on prosecutors in Georgia. These summaries are intended to give the reader an idea of what is contained in the new law; **they are not a substitute for reading the actual text of the Bill.**

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## As Passed Bills and Resolutions

### [HB 0056](#) | **Blue Ridge Judicial Circuit; superior court; provide additional judge | Wesley Cantrell**

House Bill 56 increases the number of Superior Court Judges in the Blue Ridge Judicial Circuit from 3 to 4. The Governor will make the initial appointment and the new judge will start serving on January 1, 2023, for a two-year term. The new judge will run for election in 2024 for a four-year term.

*Effective Date: January 1, 2023*

### [HB 0218](#) | **Crimes and offenses; weapons carry license reciprocity in this state; expand | Mandi Ballinger**

The Act amends O.C.G.A. § 16-11-126 which addresses the carrying of weapons and weapons carry licenses. Under O.C.G.A. § 16-11-126, a person licensed to carry a weapon in another state is authorized to carry a weapon in Georgia, provided that the issuing state reciprocates by recognizing licenses issued by Georgia.

This Act repeals the requirement that an issuing state reciprocate before their licenses will be recognized. Under this Act, if a person is licensed to carry a weapon by another state, they will be authorized to carry a weapon in Georgia. The provision applies to persons who are not residents of Georgia.

Further, the Act mandates that the Attorney General shall enter into an agreement with any state that requires an agreement to recognize and give effect to a weapons carry license issued by Georgia.

*Effective Date: July 1, 2022*

### [HB 0246](#) | **Motor vehicles; issuance of replacement licenses and permits; increase fee | Sam Watson**

The Act amends O.C.G.A. § 40-5-31 which addresses replacement driver's licenses and permits by increasing the fee for replacing a lost or damaged license from \$5 to \$10.

The Act also amends O.C.G.A. § 40-5-64 which addresses limited driving permits - by increasing the fee for a limited driving permit from \$25 to \$32, and by increasing the fee to renew a limited driving permit from \$5 to \$10.

*Effective Date: July 1, 2022*

**[HB 0275](#) | Fire protection and safety; random drug tests for certain firefighters, emergency medical services personnel, paramedics, and cardiac technicians; require | Lauren McDonald**

HB 275 was significantly changed and no longer reflects the caption.

HB 275 amends O.C.G.A. § 33-6-5 by making it illegal for an insurance company to cancel, refuse, or modify health insurance coverage solely because the applicant or account holder donated a liver, pancreas, kidney, intestine, lung, or bone marrow. HB 275 also changes O.C.G.A. § 48-7-27 by revising methods for calculating taxable net income by allowing computation of organ donation expenses up to \$25,000.

*Effective Date: July 1, 2022*

**[HB 0342](#) | Professions and businesses; certain advertisements related to plumbing; prohibit | Dale Washburn**

The Act amends O.C.G.A. § 43-14-8 related to the licensing of master plumbers and journeyman plumbers.

Presently, the pages of our penal code prohibit pernicious pseudo-plumbers from performing their prestidigitation to the prejudice of pitiable people oft left penniless. In other words, if you want to make a living as a plumber, you need a valid license from the Division of Master Plumbers and Journeyman Plumbers.

The Act adds a new section forbidding a person not holding a valid license from the Division of Master Plumbers and Journeyman Plumbers from advertising in any manner that such person is in the business or profession of plumbing as a master plumber or journeyman plumber.

Pursuant to O.C.G.A. § 43-14-14, a violation is a misdemeanor, and upon conviction the violator shall be fined not more than \$1,000, imprisoned for not more than 6 months, or both.

*Effective Date: July 1, 2022*

**[HB 0343](#) | Game and fish; rebuttable presumption of violation by individuals in possession of hunting paraphernalia while on others' lands; provide | Trey Rhodes**

O.C.G.A. § 27-3-1 makes it illegal to go onto the property of another person to hunt animals. HB 343 increases the maximum fine for violations. First time violations increase from \$500 to \$975; second violations in a two-year period go from \$1,000 to \$2,000; third or subsequent violations in a three-year period go from \$2,000 to \$3,000.

*Effective Date: July 1, 2022*

**[HB 0409](#) | Judicial Legal Defense Fund Commission; establish | Stan Gunter**

House Bill 409 does two things. Sections 1 and 2 provide a new process for appointing conflict prosecutors. Previously, when a District Attorney or Solicitor-General had a conflict, they would notify the Attorney General and the Attorney General would find a conflict-free prosecutor. That responsibility now falls on the Executive Director of the Prosecuting Attorneys' Council of Georgia. Who can be appointed does not change and lawyers with the State Law Department are specifically listed as prosecutors who could handle matters when needed.

The second part of HB 409, Sections 3 and 4 creates a list of attorneys and a fund to pay them to represent Justices of the Supreme Court and Judges from the Court of Appeals, State-wide Business Court, and Superior Court when the Justices or Judges are sued for actions taken or for the nonperformance of required actions by a judge and the Attorney General has declined to represent them and the Department of Administrative Services determines that there is no insurance policy to provide representation.

*Effective Date: July 1, 2022*

**[HB 0478](#) | Evidence; expert testimony in criminal cases; change rules | Bonnie Rich**

The Act repeals O.C.G.A. § 24-7-707 relating to experts in criminal cases and applies the standard in civil cases *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Also expressly provides that Federal Court precedent will apply.

It amends O.C.G.A. § 24-7-702, relating to expert opinion testimony in civil actions, medical experts, pretrial hearings, and precedential value of federal law. The Code Section shall now apply to ALL proceedings, not just civil ones.

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise, if:

- The expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- The testimony is based upon sufficient facts or data;
- The testimony is the product of reliable principles and methods; and

The expert has reliably applied the principles and methods to the facts of the case.

It is the intent of the legislature that, in **ALL** proceedings, the courts of the State of Georgia not be viewed as open to expert evidence that would not be admissible in other states. Therefore, in interpreting and applying this Code section, the courts of this state may draw from the opinions of the United States Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993); *General Electric Co. v. Joiner*, 522 U.S.136 (1997); *Kumho Tire Co. Ltd. v. Carmichael*, 526 U.S. 137 (1999); and other cases in federal courts applying the standards announced by the United States Supreme Court in these cases."

*Effective Date: Any motion made, hearing or trial commenced on or after July 1, 2022.*

**[HB 0508](#) | Commerce and trade; commercial recordings, musical performances, and audiovisual works; provide protections | Kasey Carpenter**

HB 508 creates a new code section, O.C.G.A. § 10-1-393.16, making it unlawful to advertise or conduct a musical performance using a false, deceptive, misleading affiliation, connection, or association between a performing and recording group without the group's express authorization. Violations are subject to punishment through civil enforcement actions and investigation by the Attorney General's office. If criminal charges are appropriate, the AG is to turn over information to a prosecutor for their review.

HB 508 also creates another new code section, O.C.G.A. § 10-1-932, which requires any website or online service that disseminates third-party party content to disclose their name, physical address, phone number, email address and post it prominently on their website. O.C.G.A. § 10-1-933 creates a private cause of action for a declaratory judgment upon proof that there was a violation of the article. The movant must provide a 14-day notice to the other party, allowing them that time to cure the violation. In addition, the court could award attorney's fees to the prevailing party.

*Effective Date: July 1, 2022*

**[HB 0614](#) | Griffin Judicial Circuit; assignment of cases; revise method | Karen Mathiak**

HB 614 makes changes to the local operating procedures of the Griffin Judicial Circuit. All civil and criminal cases are assigned to the judges as provided by general law. After July 1, 2021 Juvenile Court judges are appointed based on a majority vote of the Superior Court Judges. Also, the Chief Judge of the Superior Courts will be the result of a majority vote of the other Superior Court Judges every other year on July 1 starting on July 1, 2021. Finally, any vacancy in the office of the Chief Magistrate of Fayette County will be filled as provided by general law.

*Effective Date: July 1, 2022*

**[HB 0624](#) | South Georgia Judicial Circuit; additional judge of the superior court; provide | Darlene Taylor**

HB 6245 increases the number of Superior Court Judges from 2 to 3 in the South Georgia Circuit starting on July 1, 2022. The Governor would make the initial appointment and the election would take place in 2024.

*Effective Date: July 1, 2022*

**[HB 0752](#) | Psychiatric Advance Directive Act; enact | Sharon Cooper**

HB 752 amends Title 37 by adding an entire new Chapter 11 to provide for a “psychiatric advance directive” where a competent adult may create an advanced directive to make decisions about their mental health treatment---including the right to refuse specific care. There is a sample of the directive in the statute. Anyone acting in reliance upon the directive or the direction of a mental health care agent shall not be prosecuted.

*Effective Date: July 1, 2022*

**[HB 0878](#) | Clayton County; State Court; provide salary of solicitor-general | Rhonda Burnough**

HB 878 changes the salary of the Solicitor-General of Clayton County. As of July 1, 2022, the Solicitor-General will be paid 95% of the total compensation of the Chief Judge for the State Court of Clayton County or \$120,000. Additionally, the Solicitor-General will be paid 1.5% of their base salary and supplement received multiplied by the number of complete years of service as Solicitor-General. The total salary is capped at the greater

of \$161,358.25 or 95% of the total compensation of the Chief Judge for the State Court of Clayton County.

Additionally, HB 878 authorizes the Solicitor-General to employ assistants, deputies, and other attorneys, as well as investigators and support staff as authorized by the board of commissioners. Any investigator must be POST certified and has the authority to act as a peace officer, including having the power to make arrests and apply for any warrant within Clayton County.

*Effective Date: July 1, 2022*

**[HB 0916](#) | Superior and State Court Appellate Practice Act; enact | Rob Leverett**

HB 916 is a comprehensive 53-page Act seeking to unify the various procedures (e.g. notice of appeal, petition for *certiorari*) through which appeals from lower courts, tribunals, etc. are had to either Superior Court or State Court. It does so by repealing in its entirety Chapter 3 of Title 5 relating to appeals to Superior or State Court and creating a new Chapter 3 to be known as the Superior and State Court Appellate Practice Act. The new procedure does not apply to Juvenile Courts, the Municipal Court of Columbus and “[a]ny other court from which an appeal directly to the Court of Appeal or the Supreme Court is authorized.” (New 5-3-4 (b) (1) (2) and (8)). Appeals are to be had by “Petition for Review” (as opposed to the previous “notice of appeal”) upon final orders issued by a “lower judicatory” (“judicatory” is a defined term) to a Superior or a State Court (known as a “reviewing court”). The procedure encompasses both “appellate review” and *de novo* review by the reviewing courts and deals with service of process, transcripts, records, supersedeas, etc.

The procedure covers misdemeanor criminal cases heard in lower judiciaries in which review is held in Superior Court or State Court. If a petitioner files a petition for review in the wrong court, the petition is not to be dismissed, but transferred to the correct reviewing court.

*Effective Date: July 1, 2023; applies to petitions for review filed in Superior or State Court on or after such date.*

**[HB 0963](#) | Controlled substances; Schedule I and IV; change certain provisions | Butch Parrish**

HB 963 modifies O.C.G.A. § 16-13-25, the controlled substances schedule. The changes are as follows:

New subparagraphs are added and reserved subparagraphs are utilized to add more controlled substances to Schedule I, IV, and “dangerous drugs” lists. A few substances in the dangerous drug paragraph that were formerly listed are changed to “reserved.”

Some of the newly listed substances are:

- Tianeptine - an antidepressant not approved for use in the United States.
- Para-methoxymethamphetamine (PMMA) - a stimulant and psychedelic drug.
- Methiopropamine - structural analog of methamphetamine.
- Fluclotizolam - a designer drug.

*Effective Date: May 13, 2022*

**[HB 0972](#) | Professional counselors; licensing requirements; change certain definitions | Dave Belton**

This Act amends O.C.G.A. § 43-10A-3 relating to licensing therapists to move the definitions of Commission on Accreditation for Marriage and Family Therapy Education and a Council on Social Work Education to a different part of the statute. In O.C.G.A. § 43-10A-4, the Act changes the requirements of the members of the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists by eliminating term limits from the 1980’s. Such outdated parts are eliminated elsewhere in the Act. It adds interns and practicum students to the exemptions of holding themselves out as those who are practitioners.

The Act further updates licensing and credential requirements for professional counselors in O.C.G.A. § 43-10A-11. The Act updates O.C.G.A. § 43-10A-20 by increasing the misdemeanor fine for violating O.C.G.A. § 43-10A-7 or -19 on licensing requirements and licensing fraud from \$100 to \$500 to \$1,000.

*Effective Date: July 1, 2022*

**[HB 1009](#) | Motor vehicles; use of personal delivery devices to transport cargo; authorize | Todd Jones**

HB 1009 is an Act that adds a new class of vehicle to the list of those exempted from the definition of “motor vehicle” in O.C.G.A. § 40-1-1 (33)

New O.C.G.A. § 40-1-1 (43.1) and (43.2) are added, defining “Personal Delivery Device” (43.1) to be a device that operates on pedestrian areas to transport cargo without carrying passengers. (Delivery drones and similar things.) A “Personal Delivery

Device Operator” (43.2) is the person who actually controls or monitors the delivery device as it operates. A "Personal Delivery Device Owner (43.3) is the entity who owns the device. PDDs are also added to the type of vehicles contemplated by a bike path. (6.2).

O.C.G.A. § 40-6-320 to include PDDs, allowing them to operate on roadways and sidewalks, adding a requirement they yield to pedestrians or people in wheelchairs, and may only be used on highways with a speed limit of 45 mph or less, and they use a bike lane, shoulder, or remain as close as practicable to the extreme right of the roadway unless crossing or avoiding an obstacle.

O.C.G.A. § 40-6-321 is amended to include PDDs, requiring that they emit a sound when within 6 feet of a vehicle, or person on foot or in a wheelchair.

O.C.G.A. § 40-6-322 is amended to include PDDs, limited their speed to 20 mph on a roadway, bike lane, or shoulder, 4 mph on a sidewalk or shared use path, and from 3.5 fps to 4 mph within a crosswalk.

O.C.G.A. § 40-6-323 and 40-6-324 are amended to include PDDs.

O.C.G.A. § 40-6-325 is amended to include PDD's, requiring a braking system, lights on the front and rear, and ID number and contact number for the owner on each device.

New O.C.G.A. § 40-6-327 requires monitoring of the PDD while in operation, and general liability coverage for PDDs in the amount of \$250,000.

New O.C.G.A. § 40-6-328 holds that laws involving leaving the scene of a crash are satisfied if the PDD remains on scene and the operator contacts law enforcement to relay the required information.

New O.C.G.A. § 40-6-329 (formerly O.C.G.A. § 40-6-327) is amended to add civil monetary penalties for the violation of this chapter, not to exceed \$500.

New O.C.G.A. § 40-6-329.1 generally restricts local authorities from regulating PDDs.

New O.C.G.A. § 40-6-329.2 bars PDDs from being operated within a surface transportation project as defined in O.C.G.A. § 36-61-2.

*Effective Date: July 1, 2022*

**[HB 1011](#) | Motor vehicles; amber strobe lights; permitting requirements; exempt low speed vehicles | Don Hogan**

HB 1011 is an Act that changes statutes relating to low-speed vehicles and emergency vehicle permitting.

O.C.G.A. § 40-8-35 is amended to remove subsection (b), which required permits for amber strobe lights and low speed vehicles to be issued by county tag offices.

O.C.G.A. § 40-8-92 is amended to hold that all permits issued by the Department of Public Safety for emergency vehicles to operate flashing/revolving lights shall be valid for five years. (Under current law, only federal, state, county, or municipal govt. vehicles could be permitted for this long - all other emergency vehicle permits were valid for only one year. There is also language added that any low-speed vehicle shall not be required to have a permit for the use of an amber strobe light.

*Effective Date: July 1, 2022*

### **HB 1013 | Mental Health Parity Act; enact | David Ralston**

The Act amends O.C.G.A. § 37-3-42, relating to emergency admission of persons arrested for penal offenses and report by officer. A peace officer may take any person to an emergency receiving facility if: (i) the peace officer has probable cause to believe that the person is a mentally ill person requiring involuntary treatment; and (ii) the peace officer has consulted either in-person or via telephone or telehealth with a physician, as provided in O.C.G.A. § 37-3-41, and the physician authorizes the peace officer to transport the individual for an evaluation. To authorize transport for evaluation, the physician shall determine, based on facts available regarding the person's condition, including the report of the peace officer and the physician's communications with the person or witnesses, that there is probable cause to believe that the person needs an examination to determine if the person requires involuntary treatment. The peace officer shall execute a written report detailing the circumstances under which the person was detained; and this report shall be made a part of the patient's clinical record.

The Act revises O.C.G.A. § 37-3-101, relating to transportation of patients. Notwithstanding subsections (a) or (b) of this Code section, for initial transports to an emergency receiving facility initiated by a peace officer pursuant to O.C.G.A. § 37-3-42, the emergency receiving facility shall coordinate all subsequent transports with the law enforcement agency employing such peace officer or a qualified private nonemergency transport provider or ambulance service.

Further amends O.C.G.A. 37-7-42, relating to emergency admission of persons arrested for penal offenses, report by officer, and entry of report into clinical record. (2) A peace officer may take any person to an emergency receiving facility if: (i) the peace officer has probable cause to believe that the person is an alcoholic, a drug dependent individual, or a drug abuser requiring involuntary treatment; and (ii) the peace officer has consulted either in-person or via telephone or telehealth with a physician, as

provided in O.C.G.A. § 37-7-41, and the physician authorizes the peace officer to transport the individual for an evaluation. To authorize transport for evaluation, the physician shall determine, based on facts available regarding the person's condition, including the report of the peace officer and the physician's communications with the person or witnesses, that there is probable cause to believe that the person needs an examination to determine if the person requires involuntary treatment. The peace officer shall execute a written report detailing the circumstances under which the person detained; and this report shall be made a part of the patient's clinical record.

Notwithstanding subsections (a) or (b) of this Code section, for initial transports to an emergency receiving facility initiated by a peace officer pursuant to O.C.G.A. § 37-7-42, the emergency receiving facility shall coordinate all subsequent transports with the law enforcement agency employing such peace officer or a qualified private nonemergency transport provider or ambulance service.

If a mental health court division has been established in the county under O.C.G.A. § 15-1-16 that also serves participants with co-occurring substance use disorders, they may receive moneys collected pursuant to O.C.G.A. § 15-21-101, relating to the collection of fines for the County Drug Abuse Treatment and Education Fund for the purposes of the mental health court division.

*Effective Date: July 1, 2022*

**[HB 1055](#) | Motor vehicles; revise definition of all-terrain vehicle | Jason Ridley**

HB 1055 is an Act that amends the definition of “all-terrain vehicle” found in O.C.G.A. § 40-1-1(3).

The maximum dry weight to qualify as an ATV under this section is increased to 3,500 pounds. The current maximum is 2,500 pounds.

*Effective Date: July 1, 2022*

**[HB 1117](#) | Bryan County; State Court; authorize collection of technology fee | Ron Stephens**

HB 1117 allows the State Court of Bryan County to impose a \$5 technology fee on every civil case filed and a \$5 surcharge on all fines imposed. The State Court can use the funds collected for (1) Computer hardware and software purchases; (2) Lease, maintenance, and installation of computer hardware; and (3) Purchase, lease, maintenance, and installation of imaging, scanning, facsimile, communications, projection, and printing equipment and software needs of the Court. The fees and

surcharges can be imposed from July 1, 2022 until July 1, 2031. Any funds that remain in the account after July 1, 2030 can be used by Bryan County for their technology needs.

*Effective Date: July 1, 2022*

**[HB 1134](#) | Crimes and offenses; prosecute offenses involving criminal gang activity; provide for concurrent authority | Chuck Efstration**

This Act adds Section (n) to O.C.G.A. § 16-15-4 of the Gang Act, giving the Attorney General concurrent jurisdiction over gang crimes to District Attorneys. This is not the same status they have with Human Trafficking (Original).

*Effective Date: July 1, 2022*

**[HB 1146](#) | Motor vehicles; law enforcement vehicles be equipped with primarily blue flashing or revolving lights; provide | Jodi Lott**

HB 1146 is an Act that amends O.C.G.A. §§ 40-1-7 and 40-8-91, related to blue lights for officers enforcing traffic, making the following changes:

- Replaces “must” with “shall” place a visible blue light on the roof of a police vehicle not equipped with permanent exterior mounted roof blue lights.
- Lights must be “primarily blue in color.” (Previous text said only “colored lights.”)
- Removes the requirement that each Georgia State Patrol Post have no more than two vehicles without exterior mounted roof lights.

*Effective Date: July 1, 2022*

**[HB 1147](#) | Game and fish; hunting and trapping of raccoons and opossum year round; authorize | Trey Rhodes**

Starting on May 10, 2022 it is open season on Opossum and Raccoon in Georgia. They may be hunted or trapped all year long unless the Board of Natural Resources decides to close parts of the year.

*Effective Date: May 10, 2022*

**HB 1148 | Game and fish; possession of cervid carcasses; remove definitions; provisions | Trey Rhodes**

House Bill 1148 amends O.C.G.A. § 27-5-2.1 regarding Cervid Carcasses of animals. Cervids are animals in the family Cervidae (Mammals in the Deer Family). For a more expansive list, please see this link: [https://en.wikipedia.org/wiki/List\\_of\\_cervids](https://en.wikipedia.org/wiki/List_of_cervids)

This bill is designed to protect Georgia's Deer Herds against Chronic Wasting Disease, a disease that can decimate a cervid population. For more information, please follow this link: [https://en.wikipedia.org/wiki/Chronic\\_wasting\\_disease](https://en.wikipedia.org/wiki/Chronic_wasting_disease)

This bill removes the definition of “clean” from O.C.G.A. § 27-5-2.1 and makes it a misdemeanor to import or possess a whole cervid carcass or cervid carcass part from a place outside of Georgia, unless the carcass or carcass part falls into an exception. HB 1148 also reduces the number of exceptions from seven to four.

Additionally, there is a new section (d) which authorizes the Department of Natural Resources to take further steps to restrict the movement or transport of carcass or carcass parts upon the detection of chronic wasting disease in this Georgia or any county adjacent to its borders. Violations of this Code Section would also be a misdemeanor.

*Effective Date: July 1, 2022*

**HB 1175 | Georgia Raw Dairy Act; enact | Clay Pirkle**

HB 1175 is a two-part bill. The first part, for which the bill is named, creates a new Article 18 to Chapter 2 of Chapter 26 covering raw milk. Raw milk or milk products produced in accord with regulations implementing the new article will be legal to sell for human consumption.

The Commissioner of the State Department of Agriculture will have duties to ensure safe production and sale of raw milk products.

The Commissioner may adopt regulations to carry out the article.

Violations of the new article for such things like manufacturing or importing for sale raw milk or raw milk products without a permit from the Department of Agriculture or improper handling or storing raw milk will be misdemeanors.

*This part of the Act becomes effective July 1, 2023.*

The Second part of the HB 1175 prevents prosecution of testing equipment used to determine if a controlled substance has been “adulterated” which contains a synthetic opioid as a drug related object under O.C.G.A. § 16-13-32.2 and related code sections

*This part of the Act becomes effective July 1, 2022.*

**HB 1183 | Criminal procedure; increase time allotted to try a criminal case in judicial emergencies; provide | Stan Gunter**

HB 1183 relates to professional bondsmen and bond forfeitures. O.C.G.A. § 17-6-15 (b)(1)(E)(ii) is amended to provide that for a professional bond company operating continuously for 18 months or longer in the county, the cash escrow account or other form of collateral shall not exceed 5 (down from 10) percent of the current outstanding bail bond liability of the company and “such cash escrow account shall not be required to have on deposit an amount in excess of \$1,000,000.00.”

O.C.G.A. § 17-6-72 relates to when the surety is entitled to a remission of the payment of the bond. Subsection (d) (1) is amended to clarify that remission may be had if within 120 days after entry of the judgment and the application for remission is filed within 120 days of payment of the judgment. Paragraph (d)(2) is amended to provide that the bond must be paid within 120 days of entry of judgment and the delay has not prevented prosecution of the principal. Subsection (e) is amended by changing paragraph (1) to be 120 days from entry of judgment instead of from payment of judgment. Similarly, subparagraph (e)(2)(A) is amended to be 120 days from entry of judgment instead of from payment of judgment.

*Effective Date: July 1, 2022*

**HB 1188 | Criminal procedure; each act of child molestation charged as a separate offense; provide | Jodi Lott**

The Act amends O.C.G.A. § 16-6-4, relating to child molestation and aggravated child molestation by curing the unit of prosecution issue. When a person does an immoral or indecent act involving touching of any child under the age of 16 years with the intent to arouse or satisfy the sexual desires of the child or the person, and such person touches such child in multiple areas of such child's body, the touching of each area shall constitute a separate offense of child molestation.

The Act also amends O.C.G.A. § 16-12-100, relating to sexual exploitation of children by curing the unit of prosecution issue. For any violation of paragraph (5), (6), (7), or (8) of subsection (b) of this Code section involving multiple visual mediums, mediums, or materials, each visual medium, medium, or material connected to such violation shall constitute a separate offense.

The Act creates a new O.C.G.A. § 16-12-100.4 which makes it unlawful for any high-risk sex offender to access or use any commercial social networking website to: (1) Communicate with a person who the offender believes is under 16 years of age; (2) Contact a person who the offender believes is under 16 years of age; (3) Pose falsely as

a person under 16 years of age; or (4) Gather information about a person who the offender believes is under 16 years of age. For purposes of determining jurisdiction, an offense shall be deemed to be committed in this state if the transmission that constitutes the offense either originates in this state or is received in this state. The offense is a felony and, upon conviction, shall be punished by imprisonment for not less than one nor more than ten years and by a fine of not more than \$10,000.00.

*Effective Date: Applies to any crime committed on or after July 1, 2022.*

**HB 1191 | Bremen, City of; Municipal Court; charge technology fee | Tyler Smith**

After July 1, 2022, HB 1191 allows the Municipal Court of Bremen to impose a technology fee of not more than \$10 as a surcharge on all criminal and quasi-criminal fines paid. Such fee shall be used exclusively to provide for the following technological needs of the court: the purchase, lease, maintenance, and installation of computer hardware and software; and the purchase, lease, maintenance, and installation of equipment and software used for imaging, scanning, facsimile, communications, projections, and printing. It may also be used to reimburse the City of Bremen for technology services provided to the Court.

*Effective Date: July 1, 2022*

**HB 1194 | Motor vehicles; federal regulations regarding safe operation of commercial motor vehicles and carriers; update reference date | Clint Crowe**

HB 1194 is an Act that makes the annual amendment to O.C.G.A. § 40-1-8 (a)(3) on the definition of “Present Regulations” affecting commercial motor vehicles, motor carriers, and hazardous materials transporters. Under the bill - “Present Regulations” would mean regulations in 49 C.F.R. in force on January 1, 2022.

*Effective Date: July 1, 2022*

**HB 1216 | Traffic offenses; enhanced penalties for violations of fleeing or attempting to elude a police officer; provide | Lauren McDonald**

HB 1216 is an Act that amends O.C.G.A. § 40-6-395, (fleeing and attempting to elude officer.) It adds language making a fourth or subsequent conviction for this offense a felony, and increases punishments for prior offenses, which are now as follows:

- 1st offense - fine of \$1,000 - \$5,000 (previous minimum was \$500), and 30 days - 1 year in jail (previous minimum 10 days)

- 2nd offense - \$2,500 - \$5,000 fine and 90 days - 1 year in jail. (Previous minimums \$1,000 and 30 days.)
- 3rd offense - \$4,000 - \$5,000 fine and 180 days - 1 year in jail. (Previous minimums \$2,500 and 90 days.)
- 4th and subsequent offenses will be punished by a fine of \$5,000 - \$10,000 and incarceration from 1 - 10 years.

The section delineating aggravating factors that make fleeing a felony is now O.C.G.A. § 40-6-395 (c), with subsequent sections moving accordingly. In addition to the current aggravating factors currently in the statute, fleeing is now a felony if the driver:

- Is the proximate cause of an accident;
- Violates O.C.G.A. § 40-6-144 (Failure to stop/yield upon emerging from an alley/driveway/building/driving on sidewalk)
- Violates O.C.G.A. § 40-6-163 (Passing a stopped school bus)
- Violates O.C.G.A. § 40-6-251 (Laying Drags)
- Violates O.C.G.A. § 40-6-390 (Reckless Driving)
- Violates O.C.G.A. § 40-6-390.1 (Reckless Stunt Driving)
- Violates any provision of O.C.G.A. § 40-6-391 (a) - (Previous language allowed only a *per se* alcohol Driving Under the Influence under O.C.G.A. § 40-6-391 (a)(5) to aggravate to a felony.)

Former O.C.G.A. § 40-6-395 (c) is now O.C.G.A. § 40-6-395 (e) in the Act which adds having a blue light on the vehicle to the ways a driver can illegally impersonate a law enforcement officer.

*Effective Date: July 1, 2022; applies to offenses committed on or after that date.*

**[HB 1233](#) | Natural Resources, Department of; earliest effective date for certain rules and regulations; delay | Trey Rhodes**

HB 1233 is an Act that reauthorizes the Rules, Regulations, and Authority of the Department of Natural Resources allowing it to, among other things, establish criminal violations of their Rules and Regulations. In addition, HB 1223 now prohibits the hunting of all migratory game birds, not just ducks, geese, and swan by someone 16 and over unless they have the proper license and stamp or be the property owner or family member of the land where the birds are being hunted. The Act also limits shotguns to a capacity of three shells and the plug cannot be removed when hunting migratory game birds. Finally, limitations on fishing certain kinds of bass are removed.

*Effective Date: July 1, 2022*

**[HB 1270](#) | Atkinson County; Probate Court; authorize collection of technology fee | James Burchett**

HB 1270 allows the Probate Court of Atkinson County to impose a \$5 technology fee on every civil case filed and a \$5 surcharge on all fines imposed. The Probate Court can use the funds collected for (1) Computer hardware and software purchases; (2) Lease, maintenance, and installation of computer hardware; and (3) Purchase, lease, maintenance, and installation of imaging, scanning, facsimile, communications, projection, and printing equipment and software needs of the Court. The fees and surcharges can be imposed from July 1, 2022 until July 1, 2031. Any funds that remain in the account after July 1, 2031 can be used by Atkinson County for their technology needs.

*Effective Date: July 1, 2022*

**[HB 1275](#) | Local government; appointment and removal of municipal court judges; revise provisions | Bonnie Rich**

HB 1275 modifies O.C.G.A. § 36-32-2 by stating that unless provided for by a municipal corporation, a municipal court judge shall serve for a minimum one-year term. The municipality's charter may provide for a longer term. In the event of a vacancy on a municipal court, the governing authority of the municipal corporation is authorized to appoint an individual to serve the remainder of an unexpired term created by such vacancy, provided the appointee is qualified by law to serve.

The bill provides for a removal proceeding which can be initiated by written petition signed by one or more members of the governing authority of the municipal corporation. The bill details due process requirements for said removal proceeding. The governing authority of the municipality shall decide whether or not to remove the judge from office.

*Effective Date: July 1, 2022*

**[HB 1299](#) | Elbert County; Probate Court judge also serves as chief magistrate judge of Magistrate Court; provide | Rob Leverett**

Pursuant to HB 1299, there will not be an election for Magistrate Court Judge in Elbert County in 2022. Instead, the Probate Court Judge of Elbert County will begin serving as both the Chief Magistrate Judge and the Probate Court Judge on January 1, 2023.

*Effective Date: January 1, 2023*

**[HB 1364](#) | Cobb County; State Court; change compensation of judges | Teri Anulewicz**

HB 1364 makes changes to the compensation of the Cobb County State Court Judges, last changed by HB 851 in 2020. Effective July 1, 2022, the Chief Judge's supplement goes from \$9,872.38 to \$10,168.55 per annum. The salaries for the Judges of Division 1 go from \$189,228.74 to \$194,905.60.

*Effective Date: July 1, 2022*

**[HB 1391](#) | Criminal procedure; compensation for public defenders and assistant public defenders; revise | Stan Gunter**

HB 1391 increases the salary of the 44 Circuit Public Defenders from \$99,526 to \$127,473 (the same as the District Attorney) including any cost-of-living adjustments authorized by the General Assembly for which the District Attorneys are eligible. The Act also increases the maximum cap on the state salary of an Assistant Public Defender IV from 90% of the Circuit Public Defender's compensation to 95% of their compensation.

*Effective Date: July 1, 2022*

**[HB 1411](#) | Putnam County; State Court; district attorney shall represent the state in all criminal prosecutions and perform the duties of solicitor-general; provide | Trey Rhodes**

HB 1411 abolishes the office of the Solicitor-General for Putnam County. No election will be held in November 2022 for a new term of office. Starting on January 1, 2023 the District Attorney for the Ocmulgee Judicial Circuit will handle all criminal matters in the State Court of Putnam County.

*Effective Date: July 1, 2022*

**[HB 1433](#) | Criminal Justice Coordinating Council; revise and update composition of advisory board | Mandi Ballinger**

HB 1433 changes the composition of the Criminal Justice Coordinating Council. Youth workers involved with programs that are alternatives to incarceration are removed in favor of representatives of those programs. Individuals with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence are removed in favor license or certified persons with expertise and competence in preventing and addressing mental health and substance abuse issues in youth. Finally HB 1433 adds

representatives of victim or witness advocacy groups with at least one individual; with expertise in working with sexual abuse and related trauma, particular for youth to the Council's membership.

*Effective Date: July 1, 2022*

**[HB 1441](#) | Professions and businesses; exempt a certified peace officer employed as an independent contractor from certain requirements | J Collins**

HB 1441 deletes paragraphs in O.C.G.A. § 43-38-7 that require POST certified individuals to obtain a license from the board that licenses private detectives and private security guards.

Instead, POST certified individuals will be listed as exempt from the licensing requirement if they are employed by a private detective business or private security business as an independent contractor. For the exemption to apply, the individual must have a current and valid POST certificate.

The net effect of this bill is that instead of having to do paperwork to get a private detective license or private security license, a person with valid POST certificate will be able to engage in the independent contractor employment in these sectors more easily.

*Effective Date: July 1, 2022*

**[HB 1444](#) | Coweta Judicial Circuit; Superior Court; change supplemental salaries for judges | Randy Nix**

HB 1444 increases the supplements paid to the Superior Court Judges of the Coweta Judicial Circuit, last amended in 2009. After July 1, 2022 the supplement for the 7 judges increases from \$30,000 to \$50,000.

*Effective Date: July 1, 2022*

**[HB 1452](#) | Domestic relations; dating violence protective orders; revise a definition | Houston Gaines**

This Act amends O.C.G.A. § 19-13A-1 to clarify the language regarding the definition of dating violence, extending the relationship time requirements from 6 months to 12 months.

*Effective Date: July 1, 2022*

**[HB 1466](#) | Dougherty County; Magistrate Court; impose and collect county law library fees | Gerald Greene**

HB 1466 authorizes the Magistrate Court of Dougherty County to impose a law library fee on all matters docketed upon the official dockets of the court and have a case number assigned by the court. Any funds collected can be used as provided in Chapter 15 of Title 36.

*Effective Date: Applies to all matters docketed on or after May 25, 2022.*

**[HB 1529](#) | Atlantic Judicial Court; minimum supplement each county shall provide to the judges of the superior court; provide | Al Williams**

HB 1529 provides for minimum supplements paid to the Superior Court Judges of the Atlantic Judicial Circuit as follows:

(1) Bryan County - \$900.00 per month; (2) Evans County - \$300.00 per month; (3) Liberty County - \$1,500.00 per month; (4) Long County - \$350.00 per month; (5) McIntosh County - \$400.00 per month; and (6) Tattnall County - \$600.00 per month

The Counties may pay more than the amounts listed.

*Effective Date: July 1, 2022*

**[HB 1566](#) | Berrien County; Probate Court; authorize assessment and collection of technology fee | Penny Houston**

HB 1566 authorizes the Probate Court of Berrien County to charge and collect a technology fee not to exceed \$10. The fee is to be imposed for the filing of each civil action in the court as well as a surcharge imposed on every fine. Any funds created by the fee and surcharge may be used by the Court for its needs for (1) Computer hardware and software purchases; (2) Lease, maintenance, and installation of computer hardware; and (3) Purchase, lease, maintenance, and installation of imaging, scanning, facsimile, communications, projection, and printing equipment and software. The court can start imposing the fee and surcharge on July 1, 2022 and their ability to impose the fee and surcharge ends on July 1, 2031. At that time, any remaining funds created by the fee and surcharge may be used by Berrien County for its technology needs.

*Effective Date: July 1, 2022*

**[HB 1570](#) | Gwinnett County; State Court; provide for additional judge | Chuck Efstration**

HB 1570 increases the number of Judges in the Gwinnett County State Court from 6 to 7 effective January 1, 2023. The Governor will make the initial appointment and the election will be held in November 2024.

*Effective Date: January 1, 2023*

**[HB 1578](#) | Ocmulgee Judicial Circuit; chief judge; provide for designation | Trey Rhodes**

HB 1578 provides for the selection of the Chief Judge of the Ocmulgee Judicial Circuit starting on January 1, 2025. The judge who has been in office the longest is selected as the Chief Judge. The term lasts for four years. In case of a tie, the judge who joined the State Bar of Georgia first would be deemed the most senior.

*Effective Date: January 1, 2025*

**[HB 1585](#) | Cherokee County; State Court; modify compensation of judges | Wesley Cantrell**

HB 1585 increases the compensation for the Judges of the Cherokee County State Court. Their salary was last amended in 1996. After July 1, 2022, the Judges will now get 95% of the base salary for a Superior Court Judge instead of 90% as well as 95% of any county supplement that they might receive instead of 90%. State Court Judges also receive a \$6,000 supplement for operating accountability courts.

*Effective Date: July 1, 2022*

**[HB 1595](#) | Fayette County; State Court; change compensation of judge and solicitor | Josh Bonner**

HB 1595 makes changes to the salaries of the Solicitor-General and Judge of the State Court of Fayette County. (Ga. L. 2008, p. 3834) After July 1, 2022, the Judge will receive 90% of the base salary of the Superior Court Judges of the Griffin Judicial Circuit as well as 90% of the supplement paid to the Superior Court Judges. Additionally, the Judge shall get 5% of their salary multiplied by the number of completed 4-year terms as an additional lump sum supplement paid on January 1st, after completing a 4-year term of office. The Solicitor-General of Fayette County will receive 75% of base salary of the Superior Court Judges of the Griffin Judicial Circuit as well as 75% of the

supplement paid to the Superior Court Judges. Additionally, the Solicitor-General shall get 5% of their salary multiplied by the number of completed 4-year terms as an additional lump sum supplement paid on January 1st, after completing a 4 year term of office.

*Effective Date: July 1, 2022*

**HB 1596 | Fayette County; State Court; authorize assessment and collection of technology fee | Josh Bonner**

HB 1596 authorizes the Clerk of State Court of Fayette County to collect a \$5.00 technology fee on each civil case filed as well as a surcharge on each criminal fine paid in the State Court. The fees shall be used for (1) Computer hardware and software purchases; (2) Lease, maintenance, and installation of computer hardware and software; and (3) Purchase, lease, maintenance, and installation of imaging, scanning, facsimile, communications, projection, and printing equipment and software. The clerk of probate court shall maintain the funds in a segregated account.

*Effective Date: July 1, 2022*

**HR 0593 | Perry, Mr. Dennis Arnold; compensate | Don Hogan**

On the evening of March 11, 1985, someone shot and killed Harold and Thelma Swain inside Rising Daughter Baptist Church in Waverly, Georgia. In January 2000, Dennis Arnold Perry was arrested for their murders. He was tried and found guilty on February 14, 2003 to those charges. In exchange for the State not seeking the death penalty, Dennis Perry waived his appellate rights. In 2019 new DNA evidence that exonerated Dennis Perry was presented to the Superior Court in Camden County. In July 2020, the Court granted a motion for new trial and the State dismissed the charges. This resolution calls for the State of Georgia to pay Dennis Perry \$1,230,000.00 as compensation for his time spent in prison. The payments start with a lump sum and then monthly payments over 20 years.

*Effective Date: May 2, 2022*

**HR 0626 | Robinson, Kerry; compensate | Scott Holcomb**

Kerry Robinson was convicted of a 1993 rape by a Colquitt County jury and was sentenced to 20 years to serve.

Robinson was tried with co-defendant Sedrick Moore, who was convicted of rape, armed robbery, burglary, and three counts of possession of a firearm during the commission of a crime. His conviction was affirmed by the Court of Appeals in *Robinson v. State*, 259 Ga. App. 555, 578 S.E.2d 214 (2003). In 2019 he filed an amended Extraordinary Motion for New Trial in Colquitt County claiming his innocence and using information from the DNA evidence in his case which was re-examined using current Georgia Bureau of Investigation technology and practices. As a result of this testing, it was determined that it was actually 1,800 times more likely that a random African-American's DNA was in the complex DNA mixture present in the rape kit than Kerry Robinson's DNA. With an agreement from the Southern Judicial Circuit's District Attorney's Office, the motion was granted and the charges were dismissed. This resolution calls for the State of Georgia to pay Kerry Robinson \$480,000 as compensation for his incarceration. Part of it will be paid in a lump sum and the remainder paid out over 20 years.

*Effective Date: May 2, 2022*

**[HR 1082](#) | House Study Committee on State and Local Law Enforcement Salaries; create | Mike Cheokas**

HR 1082 creates a House Study Committee on State and Local Law Enforcement Salaries. The purpose is to study Law Enforcement Officers' salaries in Georgia and other states to compare them and hopefully ensure Georgia salaries are competitive enough to keep Law Enforcement Officers in the field. The Speaker shall appoint five members. If the committee makes any findings, the chairperson shall file a report of same. The committee shall stand abolished on Dec 31, 2022.

*Effective Date: April 4, 2022*

**[SB 0010](#) | "Jaye Mize Law"; promoting illegal drag racing and laying drags; provide for an offense | Emanuel Jones**

SB 10 is an act that is significantly changed from previous versions. The version signed into law by the Governor makes the following changes:

- O.C.G.A. § 16-10-23 (Impersonating a public officer or employee) is modified to add "himself or herself" to the definition and adds "officer of the court" as an official that may be illegally impersonated.
- O.C.G.A. § 16-11-62, (eavesdropping) has new subsection (7) added, which makes it illegal to "intentionally and in a clandestine manner place, or direct someone else to place" an electronic monitoring device on a motor vehicle

owned or leased by another person without their consent when such person has a protective order against the person placing or ordering the placement of said device. (Lawful electronic monitoring under Title 31 is exempted from this code section.) Current subsection (7) is renumbered as subsection (8)

- O.C.G.A. § 17-6-11 (Display of driver's license / failure to appear) - is amended to hold that the currently mandatory suspension of a driver's license upon the defendant's failure to appear shall take place "unless otherwise ordered by the court." The court is also given discretion to order reinstatement of a driver's license, and to waive the restoration fee if they choose.
- O.C.G.A. § 40-5-56 (Failure to appear suspensions) is amended to harmonize with the new provisions in O.C.G.A. § 17-6-11.

*Effective Date: July 1, 2022*

**[SB 0084](#) | Peace Officers' Annuity and Benefit Fund; certain communications officers shall be eligible for membership in such fund; provide | John Albers**

Amends Title 47 Chapter 17 - relating to the Peace Officer's Annuity and Benefit Fund by adding **Communications Officers** to the list of those professionals falling under the definition of "peace officer" regarding the availability of benefits and participation under the program.

Further, OCGA § 38-3-186.17 is amended to reduce the percentage of prepaid wireless 9-1-1 charges collected by the Department of Revenue to defray the administrative costs of such collection from 1.0 percent to .25 percent.

This Act becomes effective on July 1, 2022, only if it is determined to have been concurrently funded, otherwise, it shall not become effective and shall be automatically repealed in its entirety on July 1, 2022.

*Effective Date: July 1, 2022*

**[SB 0120](#) | Solicitors-General of State Courts; honorary office of solicitor-general emeritus; provide | Lindsey Tippins**

SB 120 was significantly changed and no longer reflects the caption.

SB 120 is titled the "Ethics in Government Act of 2021." It amends Chapter 5 of Title 21, renaming it as "the Georgia Government Transparency and Campaign Finance Act."

O.C.G.A. § 21-5-3 (22) redefines "public officer"; defines "loan" in new paragraph (16.2) and in new paragraph (25) defines "staff attorney" as a member of the Georgia Bar

employed by the Georgia Government Transparency and Campaign Finance Commission.

O.C.G.A. § 21-5-5 provides that the commission is assigned for administrative purposes only to the State Accounting Office (previously, it was assigned to be the Secretary of State).

O.C.G.A. § 21-5-6 (a) (7) provides that the commission “shall not require the reporting or disclosure of more information on any campaign contribution disclosure report or personal financial disclosure statement than is expressly required to be reported or disclosed by this chapter.” Also, in making investigations and conducting preliminary investigations, the commission may include a staff attorney hired by the commission.

O.C.G.A. § 21-5-7 allows the use of staff attorneys but holds the attorney to the same requirements of the commission. It also *deletes* the language that “[n]othing in this Code section, however, shall be construed to limit or encumber the right of the commission to initiate on probable cause an investigation on its own cognizance as it deems necessary to fulfill its obligations under this chapter.”

New O.C.G.A. § 21-5-9.1 provides: “No person who has served or is serving as a member of the General Assembly shall be eligible to qualify to seek election or reelection to the General Assembly until and unless all fines and fees owing to the commission have been paid, all disclosure reports due have been filed, and all outstanding taxes have been paid.”

O.C.G.A. § 21-5-13 is a statute of limitations section. First, under subsection (a), an action alleging a violation of this chapter must be commenced within 3 years after the date on which the violation, wrongful act or omission occurred. Subsection (b) and (c) are exceptions to this rule. Subsection (b) provides that for actions alleging a violation involving a person serving a term of 4 to 6 years., or a person seeking an office with a term of 4 to 6 years., the action must be commenced within 5 years. Subsection (c) provides that if the office holder or the candidate having or seeking a term of six or more years, the action must be commenced within 7 years.

O.C.G.A. § 21-5-32 (c) relating to record keeping of accounts by candidates or campaign committee treasurers is amended as to the time one has to keep such records: for a term of less than 4 years., preserve for 3 years.; between 4 and 6 year. terms, preserve for 5 years.; for a term of 6 or more years., preserve for 7 years.; and for a proposed constitutional amendment referendum, local issue or recall vote, preserve for 3 years.

O.C.G.A. § 21-5-33 (b) (1) relating to disposition of contributions, adds new subparagraph (b)(1) (F) which allows for transfer without limitation to one or more political action committees. However, new paragraph (b)(2) provides that the Code section does not permit or authorize a candidate to utilize campaign funds for the

purpose of making gifts, loans, or investments directly to: (A) The candidate; (B) A member of the candidate's family; (C) Any business in which the candidate or a member of the candidate's family has an ownership interest; (D) The candidate's trust or a trust of a member of the candidate's family; or (E) Any nonprofit organization of which the candidate or a member of the candidate's family is on the payroll or has a controlling interest.

O.C.G.A. § 21-5-41 amends subsection (k) to provide that at the end of each gubernatorial election cycle the contribution limitations shall be raised or lowered in increments of \$100.00.

O.C.G.A. § 21-5-43 is amended to provide that subsection (c) applies in any election in which the candidate appears on the ballot while subsection (d) applies in any election in which the candidate does not appear on the ballot. New subsection (e) provides: "For purposes of separate accounting, a candidate shall be deemed to have advanced to the next election in the election cycle upon the official certification of the election result by the Secretary of State, or upon the concession of the candidate's election opponents, or upon receiving a preliminary consolidated election return of 50 percent plus one for advancement to a general election, or upon receiving a preliminary consolidated election return of 50 percent or less for a runoff election and placing in one of the two spots that will advance to the runoff election, whichever event shall first occur. In the event that the official certification of the election result by the Secretary of State differs from or is in conflict with a preliminary consolidated election return for advancement to a general or runoff election, the official certification of the election result by the Secretary of State shall control for purposes of this Code section."

O.C.G.A. § 21-5-50 relating to filings by public officers, amends paragraph (a)(2) to provide that if a "public officer" has previously filed a financial disclosure statement with the commission pursuant to O.C.G.A. § 21-5-50 (a)(2) and the statement covers the same calendar year as would be covered by the affidavit required by this Code Section, the public officer shall be exempt from filing an affidavit. Paragraph (a) (3.1) now applies to both public officers and candidates for election as a public officer.

O.C.G.A. § 21-5-50 (c) (3) is amended to require that the financial disclosure statement must be accompanied by a financial statement of the candidate's financial affairs for five years (as opposed to just the last year). New paragraph (c) (3.1) states that "[t]he financial disclosure statement required by paragraph (1) of this subsection shall include the source or sources of the candidate's income for the five calendar years prior to the year in which the election is held and the first quarter of the calendar year in which the election is held."

*Effective Date: March 2, 2022*

**[SB 0164](#) | HIV Tests; modernization of HIV related laws to align with science; provide | Chuck Hufstetler**

The Act amends O.C.G.A. § 16-5-60 relating to Reckless Conduct causing harm to or endangering the bodily safety of another by defining 'person living with HIV' as a person who has a confirmed positive HIV test, whether or not that person has AIDS, or who has been clinically diagnosed as having AIDS.

It also revises what constitutes the crime of Reckless Conduct with regard to HIV transmission. Prosecutors must now prove that when the person living with HIV engaged in a sexual act, they did so with the specific intent to transmit HIV, they did not disclose their status, and the sexual act that they engaged in has a significant risk of transmission based on scientifically supported levels of risk of transmission whether or not they engaged in such act for money. Knowingly sharing needles while being HIV infected is no longer included in this Section. Neither is soliciting another person to perform an act of sodomy for money without disclosing their HIV status or donating blood or other bodily fluids or organs without disclosing HIV status. Additionally, the felony for an HIV or hepatitis infected person assaulting peace officers with bodily fluids and substances is repealed.

Finally, the Act removes hypodermic needles and syringes from the definition of Drug Related Object found in O.C.G.A. §§ 16-13-1, -32, -32.1, and -32.2.

*Effective Date: July 1, 2022*

**[SB 0211](#) | Probate Court of Crisp County; office of judge; future elections; provide | Carden Summers**

SB 211 provides that any election after July 1, 2022 for Probate Court Judge in Crisp County will be a nonpartisan election.

*Effective Date: July 1, 2022*

**[SB 0226](#) | Sale or Distribution of Harmful Materials to Minors; provisions of Code Section 16-12-103 shall be applicable to libraries operated by schools; provide | Jason Anavitarte**

SB 226 creates O.C.G.A. § 20-2-324.6 which defines "harmful to minors" as something involving nudity, sex, sexual excitement and s/m depiction when it--appeals to shameful (etc.) sense, patently offensive to adult standards of acceptability for minors, and lacks value. Provides for schools to create a compliant complaint system by January 1, 2023. The Department of Education shall create a model policy for such

complaints. The statute lays out requirements for the process including time requirements. Also see HB 516 for other reference points.

*Effective Date: July 1, 2022*

**SB 0319 | "Georgia Constitutional Carry Act of 2021"; enact | Jason Anavitarte**

SB 319, the "Constitutional Carry" bill, revises Georgia's laws on carrying firearms in public. For many years, a Georgia Weapons Carry License ("GWCL") was required to carry a firearm on one's person outside of one's home, vehicle, or business. The GWCL allowed open or concealed carry, except as modified by campus carry rules, which required concealed carry. SB 319 introduces the concept of a "lawful weapons carrier" ("LWC"). A LWC now stands in the same legal position as a person possessing a GWCL. A LWC is anyone who is licensed (has a GWCL or foreign state recognized by reciprocity) or eligible for a GWCL and not otherwise prohibited by law from possessing a weapon or long gun.

Under Georgia Law, "weapon" means a knife or handgun. A "knife" is defined as a cutting instrument with a blade over 12 inches in length. A "handgun" is a firearm with a barrel not exceeding 12 inches. O.C.G.A. § 16-11-125.1.

O.C.G.A. § 12-3-10 is modified to remove the prohibition on possession of firearms other than handguns in parks, historic sites, or recreational areas. The statute is changed to make it unlawful for anyone to use or possess in any park, historic site, or recreational area any weapon or long gun unless such person is a LWC.

O.C.G.A. § 16-11-126 is modified to state clearly that anyone not a prohibited person may carry a weapon or long gun on their property or inside their home, vehicle, or business, may have or carry on their person a long gun, and any LWC may transport a handgun or long gun in any private passenger vehicle. Any person licensed to carry a weapon in any other state whose laws recognize a GWCL shall be authorized to carry a weapon in Georgia.

The subparagraph dealing with allowing a new resident of Georgia with a foreign carry license to carry in Georgia is deleted, because it is assumed such a person is a LWC once they enter Georgia. The statute clarifies that as before, a person possessing a GWCL could carry a weapon, long gun, or knife while engaged in legal hunting, fishing, or sport shooting, and this rule continues, except that the requirement for a GWCL is deleted, the law assuming anyone possessing such arms to be a LWC.

A LWC may carry a weapon in parks, historic sites, or recreational areas, including all buildings therein. If someone who is not a LWC carries a weapon, they violate the statute, which is a misdemeanor, second offense in 5 years is a felony.

Prohibited places. A LWC may carry a weapon or long gun in a government building, unless there is a security checkpoint. A LWC may not carry a weapon or long gun in a courthouse, jail or prison, place of worship, state mental health facility, premises of a nuclear power facility, or within 150 feet of a polling place. These rules mirror the prior rules applying to a GWCL holder.

School safety zones. Prior law provided for a misdemeanor punishment for a GWCL holder who carried a weapon within a school safety zone. The same rule now applies to a LWC. If a person carries a weapon inside a school safety zone and is not a LWC, the violation is a felony. As before, if the LWC has a weapon in a vehicle parked or in transit through a school safety zone, there is no violation.

A LWC enjoys the same post-secondary campus carry privileges previously held by a GWCL holder. A LWC may carry a concealed firearm on a post-secondary school campus, including any building or land, but may not carry in sporting events, student housing, childcare spaces, disciplinary proceedings, etc. See O.C.G.A. § 16-11-127.1.

The special licensing paragraph (O.C.G.A. § 16-11-129(2)(B)) for members of the armed forces stationed in Georgia is deleted.

A LWC enjoys the same privilege to store a weapon in a locked vehicle compartment while on the property of an employer who does not allow the employee to carry in the building as before.

The paragraph at O.C.G.A. § 16-11-137 requiring a GWCL holder to possess their physical license while carrying a weapon is deleted.

A person carrying a weapon may not be subject to detention for the sole purpose of investigating whether or not the person is a LWC.

Prosecutors cannot charge a LWC for the offense of hijacking merely because they carried a weapon or long gun on a bus or rail vehicle.

Carry weapon law exemptions for public officials remain unchanged. The most comprehensive exemption statute is O.C.G.A. § 16-11-130. Peace officers, retired peace officers, persons in the military service of Georgia or the United States, District Attorneys, their investigators, ADAs, PAC attorneys and investigators, retired versions of same, Solicitors-General, their investigators, assistant solicitor-general, and other public officials are exempt from all weapon restrictions found in O.C.G.A. § 16-11-126 through 16-11-127.2, including the school zone statute at 16-11-127.1.

*Effective Date: April 12, 2022*

**[SB 0337](#) | Public Officers; suspension of compensation because of indictment for a felony; provide | Larry Walker**

When certain elected public officials are indicted for a felony which relates to the performance of their duties in office, the Governor has the authority to suspend the official from office upon the recommendation of a three-member commission. SB 337 makes a change in the law so that any official suspended by the Governor after July 1, 2022 is suspended without pay. If the official is reinstated after the suspension, but their term of office has expired, he or she may be reinstated only so that they can be awarded back pay but the election result will be honored.

*Effective Date: July 1, 2022*

**[SB 0343](#) | Retirement; prohibition of granting postretirement benefit adjustments to any individual who became a member on or after July 1, 2009; remove | Chuck Hufstetler**

SB 343 amends Title 47 relating to retirement and pensions. Specifically, O.C.G.A. § 47-2-91 (b) (2) relating to credit for accumulations of forfeited and sick leave provides that it is limited to retirements that become effective prior to July 1, 2022. Subsection (d) of O.C.G.A. § 47-2-357 creates new paragraph (1) to provide that on or after July 1, 2022, for any participating member who contributes a percentage of his or her salary into the 401(k) plan for a pay period, the employer shall contribute an equal amount into his or her 401(k) account up to a maximum of 5 percent except as otherwise provided in paragraph (2) of this subsection. And new paragraph (2) provides that if the participating member has 5 or more years. of credible service and contributes at least 5 percent of his or her salary into his or her 401(k) account, such member's employer shall contribute an additional amount equal to 0.5 percent of the member's compensation for each year of such member's creditable service that exceeds five years; provided, however, that the total rate of any employer's contribution pursuant to this subsection shall not exceed 9 percent of the member's compensation. Paragraph (3) provides that employer contributions must be subject to the limitations imposed by federal law.

*Effective Date: July 1, 2022*

**[SB 0358](#) | Georgia Public Safety Training Center; reimbursement of certain costs incurred by active duty, retired, or honorably discharged members of the US armed forces who are attending basic law enforcement training; provide | Kay Kirkpatrick**

The Act amends O.C.G.A. § 35-5-5, which authorizes reimbursement of certain costs incurred when attending training at the Georgia Public Safety Training Center, by

authorizing the reimbursement of basic law enforcement training tuition costs for active duty, retired, or honorably discharged veterans of the US Armed Forces. The reimbursement is contingent upon the appropriation of adequate funds by the General Assembly. If sufficient funds are not appropriated for a fiscal year to fund the full cost, then the amount which would otherwise be payable shall be reduced pro rata on the basis of the funds actually appropriated.

The Act also amends the code section to strike meals and lodging as reimbursable expenses for service members personnel.

*Effective Date: July 1, 2022*

**SB 0361 | "Law Enforcement Strategic Support Act" or "LESS Crime Act"; enact | Larry Walker**

SB 361/AP is the "Law Enforcement Strategic Support Act" ("LESS Crime Act") which appears to be a way in which law enforcement agencies will receive millions of dollars that would otherwise be paid as income taxes to the State.

Chapter 7 of Title 48 relating to income tax is amended by creating new O.C.G.A. § 48-7-29.25. First, it creates "law enforcement foundations" which are non-profit 501 (c) (3) corporations "with the sole function of supporting **one** local law enforcement unit through a formal relationship recognized by such local law enforcement unit." A "local law enforcement unit" is a defined term. The local law enforcement unit will then be "affiliated" with the law enforcement foundation.

Taxpayers will receive tax credits for "qualified contributions" to these law enforcement foundations (Single - \$5,000; Married – \$10,000, corporations can also receive tax credits). Total tax credits for any year shall not exceed \$100 million.

To be qualified, these contributions must be pre-approved by the Tax Commissioner on a first come-first served basis. To do this, the taxpayer must electronically notify the Commissioner who will have 30 days to pre-approve, deny or prorate the request. If approved, the taxpayer has 60 days to contribute the amount approved to the law enforcement foundation.

Law enforcement foundations must also be qualified by the Tax Commissioner. Qualified law enforcement foundations receiving qualified contributions may use this money only for "qualified expenditures" to the law enforcement unit affiliated with it. "Qualified expenditures" are defined as 1) salary supplements to be paid no more than twice annually or training provided directly to LEOs employed by the local law enforcement unit affiliated with such qualified law enforcement foundation; 2) purchase, lease, maintenance, or improvement of equipment to be used by such

officers; or 3) costs incurred by the local law enforcement unit for the operation of an emergency response team that combines law enforcement officers and behavioral health specialists (costs does not include salaries or other regular compensation). Each qualified law enforcement foundation shall be limited to accepting \$3 million per year of contributions made under this new Code Section. It is further provided that “[n]othing in this Code section shall be construed to limit the ability of a local law enforcement unit to receive gifts, grants, and other benefits from any source allowed by law; provided, however, that no local law enforcement unit shall, under this Code section, accept or receive more than \$3 million in contributions in any calendar year.”

Qualified law enforcement foundations must make annual reports to the Department of Revenue. Some information is to be published by the Commissioner on the Department’s website. All other information provided is to be considered confidential taxpayer information and not subject to public disclosure, regardless of whether such information relates to the contributor or the qualified law enforcement foundation.

If a qualified law enforcement foundation fails to comply with the terms of the Code Section, the Department must notify the foundation by certified mail and the foundation has 90 days of receipt of the notice to “correct all deficiencies.” If it does not, the Department must revoke its qualified status; the foundation must “immediately cease all expenditures of funds received relative to this Code section, and shall transfer all of such funds that are not yet expended, to a properly operating qualified law enforcement foundation” within 30 days.

*Effective Date: July 1, 2022; applicable to taxable years beginning on or after January 1, 2023.*

**[SB 0395](#) | Mountain Judicial Circuit; third judge of the superior courts; provide | Bo Hatchett**

SB 395 increases the number of Superior Court Judges in the Mountain Judicial Circuit starting January 1, 2023 from 2 to 3. The Governor makes the initial appointment and the election would take place in 2024.

*Effective Date: January 1, 2023*

**[SB 0403](#) | "Georgia Behavioral Health and Peace Officer Co-Responder Act"; enact | Ben Watson**

This Act is designed to address issues that arise and the intersection of mental health concerns, criminal actors, and law enforcement. The act modifies existing statutes and creates a new section of statutes that together accomplish several purposes.

First, O.C.G.A. §§ 37-3-4 and 37-7-5 have been updated to provide for criminal and civil liability for professionals acting in good faith, including those who transport a patient to a physician or facility, to provide certain services to persons suffering from behavioral disabilities including against any lawsuits for injuries or damages incurred by the patient or their personal representative.

Second, the Act creates a new Chapter, Chapter 11, and Code Sections O.C.G.A. § 37-11-1 through O.C.G.A. § 37-11-13 that is entitled “Psychiatric Advance Directive Act”. This Chapter is intended to provide guidance on formation, funding, and governance of community service boards and co-responder programs.

Each law enforcement agency must either (1) enter into a co-responder partnership with a community service board and designate one or more peace officers to participate on the co-responder team or (2) in the event they do not enter into a co-responder partnership, still designate one peace officer to review behavioral health incidents and to serve as the primary point of contact with the community service board.

Officer team members may elect to receive crisis intervention team training as approved by the Georgia Police Officer Standards and Training Council. All training undertaken in accordance with this Code section shall be provided at the expense of the [Georgia Police Officer Standards and Training Council] and at no expense to any law enforcement agency, public safety agency, or community service board.

Community service board team members may request access to evaluate currently incarcerated individuals for the purpose of identifying individuals who may be treated more effectively within the behavioral health system rather than the criminal justice system and law enforcement agencies are expected to provide access and information consistent with the statutory provisions.

Law enforcement agency incident reports shall specify whether an incident arose from a behavioral health crisis and whether a co-responder team was dispatched. Each law enforcement agency shall maintain such incident reports and shall forward a copy thereof to the department upon request. Additionally, community service boards shall document each incident in which there was participation as part of a co-responder team, shall maintain a data base or file thereof, and shall forward a copy thereof to the department, upon request.

The data collected from the reporting on each of these incident reports shall be entered into a database for the purpose of assisting co-responder teams, community service boards, and other peace officers in determining appropriate action should an individual have a future behavioral health crisis, even if the individual has changed locations within the state.

*Effective Date: July 1, 2022*

**SB 0441 | Courts; reestablishment of the Criminal Case Data Exchange Board as an advisory board to The Council of Superior Court Clerks of Georgia; provide | Bo Hatchett**

The purpose of the Act is to create a uniform system to enter and submit accurate criminal record information to GCIC. The state's current system for sharing criminal case data is not adequate to provide to interested parties, including, but not limited to, law enforcement agencies and officers, courts, crime victims and other impacted individuals, housing providers, and employers, complete criminal case data.

The Act reestablishes the Criminal Case Data Exchange Board and requires courts, clerks, judges, prosecutors, and other stakeholders to assist with providing data to insure complete criminal case data. The Board has a District Attorney and the Executive Director of the Prosecuting Attorneys' Council of Georgia as its members.

GCIC is now required to provide quarterly reports to each clerk of superior court detailing the number of open criminal charges, time expired restricted charges, and closed criminal charges for each county, respectively. Judges and Prosecutors can get the report upon request.

Additionally, the duties of a District Attorney and the duties of a Solicitor-General, are amended to include ensuring disposition information is submitted to GCIC when a final disposition decision is made by a district attorney or a solicitor-general.

*Effective Date: July 1, 2022*

**SB 0461 | Bails, Bonds; human trafficking as a bailable offense; add the offense | Clint Dixon**

The Act amends O.C.G.A. § 17-6-1 relating to when offenses are bailable, by providing that any violation of O.C.G.A. § 16-5-46, Human Trafficking, is bailable only before a Superior Court Judge.

*Effective Date: July 1, 2022*

**SB 0469 | Watercraft; certain watercraft to have day and night visual distress signals on board when on coastal waters of Georgia; require | Tyler Harper**

This Act makes changes to O.C.G.A. § 52-7-3 about the general provisions of Operating Watercraft. The definition of Personal Flotation Device is amended to no longer have classes but to include any lifesaving device classified and approved by the Commandant of the US Coast Guard. If boating between sunset and sunrise, the vessel must carry a US Coast Guard approved night visual; distress signal. If carrying a

pyrotechnic signal, the vessel must carry a minimum of three unexpired visual distress signals. However, one electric distress signal satisfies this requirement. Operators of a recreational vessel greater than 16 feet or a non-motorized open sailboat less than 26 feet in length or manually operated vessel like a canoe when operated between sunrise and sunset must have a visual distress signal that is approved and required by the commandant of the United States Coast Guard for the purpose of indicating a vessel in distress, including flares, smoke signals, and non-pyrotechnic signals. A single orange flag meets the daytime requirement.

*Effective Date: July 1, 2022*

**SB 0479 | Firearms by Convicted Felons and First Offender Probationers; each firearm in the possession or attempted possession of certain offenders shall be charged as a separate offense; specify | Bo Hatchett**

This bill amends 16-11-131 Possession of a Firearm by Convicted Felon/First Offender Probationer by adding a (g) section which means if someone under this code section had multiple weapons, each weapon could be a charge, each carrying a 5 year sentence.

*Effective Date: July 1, 2022; applies to all crimes committed after that date.*

**SB 0496 | Death Investigations; medical examiner's inquiry when a pregnant female dies and an inquest; require | Dean Burke**

SB 496 amends O.C.G.A. § 45-16-24 to require a medical examiner's inquiry (through a perinatal center to be designated by Department of Public Health) when a pregnant female or any woman who was pregnant within 365 days of her death dies. Females who die by incidental or accidental cause, such as motor vehicle accidents, or any other event or condition that the death was not causally related to the care of or physiology of pregnancy or its maintenance would be exempted. Additionally, unattended by a physician now includes anyone who has not been seen or treated by a physician within 180 days of their death.

*Effective Date: July 1, 2022*

**[SB 0500](#) | Commerce; a litigation bar on governmental entities regarding certain statewide opioid litigation; provide | Brian Strickland**

SB 500 is a statutory response to national opioid litigation. Once the State of Georgia, through the Attorney General's Office has entered into a settlement agreement as part of a national lawsuit concerning illegal or tortious conduct in the manufacturing, marketing, promotion, sale, distribution, or dispensing of opioids, all similar and related claims on behalf of a government agency in Georgia are barred. Only "bellwether" claims are allowed as part of a bellwether trial that has been selected by the Ohio court are not impacted by this litigation bar.

*The litigation bar goes into effect May 2, 2022.*

**[SB 0505](#) | Communications Officers; 9-1-1 communications officers receive training in the delivery of high-quality telephone cardiopulmonary resuscitation; require | Randy Robertson**

SB 0505 amends O.C.G.A. § 35-8-23, the training of 911 operators. After January 1, 2024, "communications operators" shall complete training in "high quality telephone cardiopulmonary resuscitation (T-CPR)" in addition to all other basic training already required.

*Effective Date: January 1, 2024*

**[SB 0539](#) | Wiretapping, Eavesdropping, Surveillance; use of any device to photograph or record patients in a health care facility shall be unlawful; provide | Bo Hatchett**

This act amends O.C.G.A. § 16-11-62 "the surveillance statute" by adding a subsection 7 which provides a ban on nonconsensual videoing of patients in a facility operated by county board of health saying that such acts are legal pursuant to 2A-D of the same code section.

*Effective Date: July 1, 2022*

**[SB 0543](#) | Wrongful Death; a parent who is determined to be responsible for the homicide of his or her child shall have no right of recovery against the value of the child's life; provide | Sonya Halpern**

This bill would prohibit a parent who is found responsible for the homicide of his or her child from recovering from their estate under a wrongful death claim.

*Effective Date: July 1, 2022*

**[SB 0565](#) | Sentence and Punishment; any time after conviction; defendant convicted of an offense and sentenced as a direct result of being a victim of trafficking for labor or sexual servitude may petition the sentencing court to grant the relief of vacatur; provide | Brian Strickland**

The Act amends O.C.G.A. § 17-10-21, which allows the victim of human trafficking who was convicted of an offense while being trafficked to have their convictions vacated. When the victim files the petition to vacate, it shall be served on the prosecuting attorney at any time following conviction and sentencing rather than having to wait six months. Additionally, felony convictions are now covered.

When the court enters an order vacating a sentence, the court vacating a sentence shall include in the order to vacate an order for the return of any fines and fees paid by the defendant under such sentence in the amount paid by the defendant. The Georgia Crime Victims Emergency Fund, as provided for in Chapter 15 of Title 17, shall be responsible for the return to the defendant of fines and fees paid by the defendant.

*Effective Date: May 9, 2022*

**[SB 0635](#) | Henry County; compensation of such judge of the Probate Court; change the provisions | Brian Strickland**

SB 635 increases the compensation of the Probate Judge of Henry County. Under Act 303 (1989 HB 979), the Probate Judge of Henry County made \$36,000. After July 1, 2022, the Probate Judge will make 90% of the total compensation of the Flint Judicial Circuit Superior Court Judges, including any supplements. Additionally, the Probate Court Judge will also get a \$5000 supplement because the Chief Judge of the Superior Court of the County receives one as well.

*Effective Date: July 1, 2022*

**[SR 0741](#) | Senate Study Committee on the Creation of a Georgia Cybersecurity Force; create | Jason Anavitarte**

Creates a Senate Study Committee on the creation of a Georgia Cybersecurity Force. Committee will dissolve by end of 2022

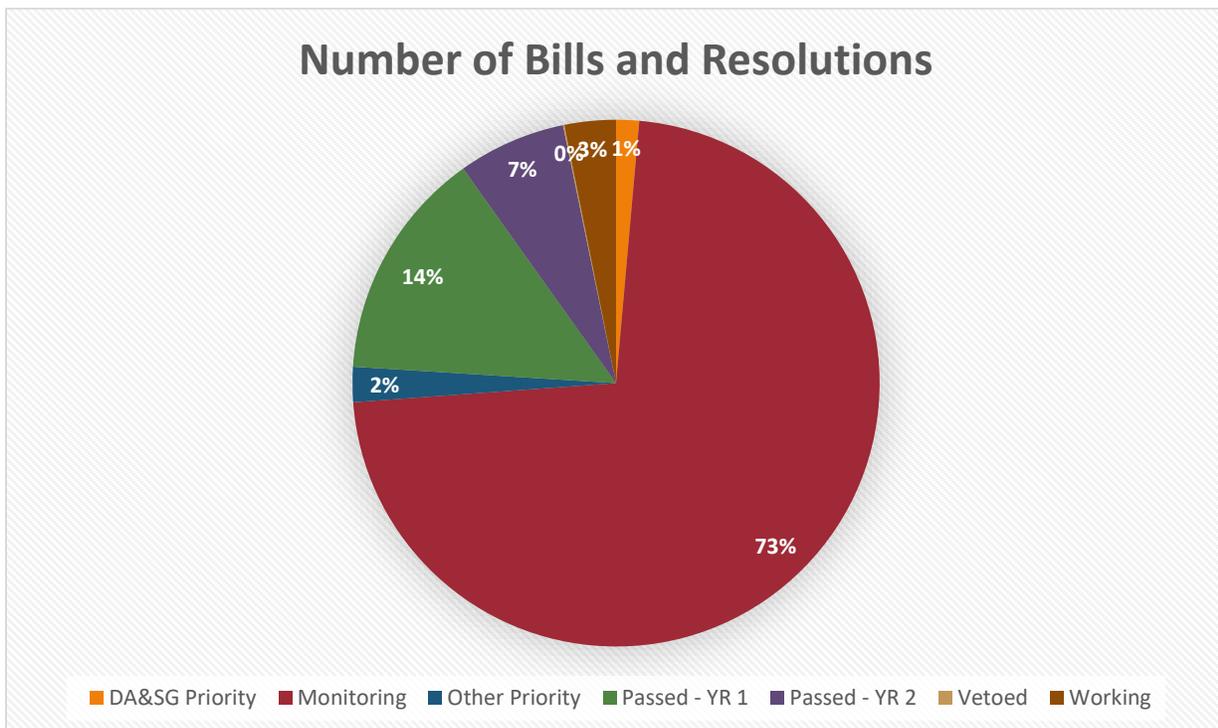
*Effective Date: April 1, 2022*

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## Conclusion

During the 2021-2022 Legislative Session, we reviewed and tracked 1208 Bills and Resolutions that had or would have had an impact on the criminal justice system. Below is a breakdown of what happened to those bills.

- *DA & SG Priority*: Bills are being sponsored by the District Attorneys' Association of Georgia (DAAG), the Georgia Association of Solicitors-General (GASG), an individual DA or SG, or have been determined by the staff as having an immediate, significant impact on prosecuting attorneys if passed.
- *Other Priority*: Bills have been identified as having a major impact on prosecuting attorneys or the criminal justice system and need prosecutor review and engagement.
- *Monitoring*: Bills have been identified as having a lesser impact than "Other Priority" Bills and are being closely watched.
- *Working*: Bills are those that staff have been asked to review and provide input on from various legislators and stakeholders.



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