

Summary of Enacted Legislation 2016

Prepared by the Judicial Council/
Administrative Office of the Courts
Governmental and Trial Court Liaison



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FOREWORD

The Summary of Enacted Legislation provides summaries of bills and resolutions that are pertinent to the judiciary passed by the 153rd Georgia General Assembly during the 2016 Regular Session.

This publication organizes the summaries in numerical order based on their subject matter. For bills that were vetoed, the veto message, as provided by Governor Nathan Deal, is included with the bill summary and are categorized in the “Vetoed by the Governor” section.

The Summary of Enacted Legislation is intended to be a convenient reference guide. Please note: a bill summary should not be used as the definitive source of legal interpretation. For detailed information, the Act itself should be examined.

Finally, the Judicial Council/Administrative Office of the Courts would like to thank our 2016 Legislative Interns – Meredith Barrow, Sebastian Parra and Niki Patel – for their contributions during the legislative session.

SUMMARY OF THE 2016 REGULAR SESSION

The 2016 Regular Session of the 153rd Georgia General Assembly convened on January 11, 2016, and adjourned Sine Die on March 24, 2016. During the course of the legislative session, lawmakers considered legislation on a wide array of issues such as the expansion of MARTA, educational reforms and tax credits for rural healthcare facilities – among other issues.

A number of bills that affect the judiciary were passed including the modification of appellate jurisdiction, the addition of two justiceships to the Georgia Supreme Court and increased funds for grants for civil legal services for domestic violence victims and the Cold Case Project which seeks to identify the children that are likely to age out of the foster care system without a family. As in the previous four legislative sessions, the General Assembly passed another tranche of criminal justice reforms that included the expansion of accountability courts and pre-trial intervention programs across the state.

During the session there were four Judicial Council-supported bills that received final passage: HB 691, SB 255, SB 262 and SB 64. HB 691 amends O.C.G.A. § 36-32-1 to provide removal for cause provisions for municipal court judges and procedures for removal proceedings. SB 255 restructures the garnishment statutes and provides for garnishment reform. SB 64 repeals O.C.G.A. § 19-7-21.1, the Code Section that provides for administrative legitimation. Finally, SB 262 limits the degree of consanguinity between judges and parties who appear before them from six degrees to three. The language of HB 1027, which clarifies provisions on e-filing in superior, state and magistrate courts, was added to SB 262. The statutory definition of DUI courts and the adjustment of appellate court terms, two items also supported by the Judicial Council, were included in omnibus pieces of legislation and received final passage.

To view the legislative summaries of all bills tracked by the Judicial Council/Administrative Office of the Courts, please visit us at: legislation.georgiacourts.gov.

To view all bills introduced during the Georgia General Assembly's 2016 session, go to www.legis.ga.gov/.

To view the bills signed by the governor in 2016, visit <https://gov.georgia.gov/legislation/2016>.

BUDGET

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

House Author: Speaker David Ralston (R – Blue Ridge)
Senate Sponsor: Sen. Jack Hill (R – Reidsville)

HB 750 is the Supplemental Budget for State Fiscal Year 2016 (July 1, 2015 – June 30, 2016).

To view the budget as passed by the General Assembly, please click [here](#).

Signed by the Governor: February 17, 2016
Effective Date: February 17, 2016

Highlights of the AFY 2016 budget include the following:

Court of Appeals

- No increase in funds for one additional procurement and facilities starting April 1, 2016
- Increase funds to restore one central staff attorney position starting April 1, 2016 - **\$39,074**
- Increase funds for one-time funds to convert microfilm court records to a searchable PDF format - **\$60,000**
- No increase in funds for one systems analyst position
- Increase funds for personnel and operations for three new judgeships created in HB 279 (2015 Session) - **\$717,883**
- Increase funds to share costs of one editorial assistant position with the Supreme Court starting April 1, 2016 - **\$8,579**
- No increase in funds for one deputy court administrator/attorney position
- Increase funds for Teamworks to comply with the new IRS reporting requirements on insurers and employers required by the Patient Protection and Affordable Care Act (PPACA) - **\$917**
- Increase funds to share costs for one assistant reporter of decisions position with the Supreme Court - **\$19,537**

Judicial Council

Council of Accountability Court Judges
· No changes

Georgia Office of Dispute Resolution
· No changes

Institute of Continuing Judicial Education
· No increase in funds for one electronic media curriculum designer position to expand delivery of computer-based, online training for judges

Administrative Office of the Courts

- Increase funds for TeamWorks to comply with the new IRS reporting requirements on insurers and employers required by the Patient Protection and Affordable Care Act (PPACA) - **\$1,049**
- Reduce personnel services to meet projected expenditures - **(\$113,642)**

Judicial Qualifications Commission
· No changes

Juvenile Courts

Council of Juvenile Court Judges
· No changes

Grants to Counties for Juvenile Court Judges
· No changes

Superior Courts

Council of Superior Court Judges
· No changes

Judicial Administrative Districts
· Increase funds to adjust for rising costs and support new judgeships and accountability courts - **\$6,000**

BUDGET cont.

Superior Court Judges

- Increase funds to provide an accountability court supplement for Superior Court judges for six newly established and Council of Accountability Court Judges certified accountability courts in the following circuits per HB 279: Cordele, Houston, Middle, Paulding, Rome and Toombs (2015 Session) - **\$79,200**
- Reduce funds for the initial equipment set-up of the Coweta and Waycross judgeships created in HB 742 (2014 Session) – **(\$30,250)**
- Increase funds for TeamWorks to comply with the new IRS reporting requirements on insurers and employers required by the Patient Protection and Affordable Care Act (PPACA) - **\$5,698**

Supreme Court

- Increase funds for annual maintenance costs for trial court records in the case management system - **\$20,000**
- No increase in funds for one systems analyst position
- No increase in funds for per diem and commute mileage for justices
- Increase funds for to share costs for one assistant reporter of decisions position with the Court of Appeals - **\$19,537**
- Increase funds to share costs for one editorial assistant position with the Court of Appeals - **\$8,579**
- Increase funds for rent, information technology, supplies and publication costs - **\$12,762**
- Increase funds for TeamWorks to comply with the new IRS reporting requirements on insurers and employers required by the Patient Protection and Affordable Care Act (PPACA) - **\$725**
- Reduce funds to reflect case management position start date – **(\$14,462)**

[HB 751 – General appropriations; State Fiscal Year July 1, 2016 - June 30, 2017](#)

House Author: Speaker David Ralston (R – Blue Ridge)
Senate Sponsor: Sen. Jack Hill (R – Reidsville)

HB 751 is the general budget for State Fiscal Year 2017 (July 1, 2016 – June 30, 2017).

To view the budget as passed by the General Assembly, please click [here](#).

Signed by the Governor: May 2, 2016

Effective Date: July 1, 2016

Highlights of the FY 2017 budget include the following:

Court of Appeals

- Provide funds for merit-based pay adjustments and employee recruitment and retention initiatives effective July 1, 2016 - \$385,052
- Reflect an adjustment in merit system increases - \$6,712
- Reflect an adjustment to agency premiums for Department of Administrative Services administered self-insurance programs – (\$3,966)
- Reflect an adjustment in TeamWork billings - \$1,664
- Increase funds to reflect an adjustment in the employer share of the Employees' Retirement System - \$9,544
- Increase funds for personal services and operating for three new judgeships - \$1,716.617
- Increase funds for a 5% salary adjustment for appellate court judges and 40 days of the adjusted expense allowance (\$34,600) for judges residing 50 miles or more from the Judicial Building - \$130,786
- Reduce one-time funds for the conversion of microfilm to searchable PDF format for court records – (\$60,000)
- Increase funds for one additional procurement and facilities position - \$73,190
- Increase funds to restore two central staff attorney positions - \$253,231
- Increase funds to restore one system analyst position to provide support for state level courts - \$114,801

BUDGET cont.

- No increase in funds to restore one deputy court administrator/attorney position
- Increase funds for a one-time upgrade of the audiovisual system that supports the courtroom video streaming project - **\$139,150**
- Increase funds to provide live streaming of oral arguments and storage for online viewing - **\$3,500**
- No increase in funds to provide a step increase on the attorney salary scale
- Increase funds to share costs for one assistant reporter position with the Supreme Court - **\$78,148**
- Increase funds for one-time purchase of seven servers - **\$70,000**
- Increase funds for one-time software costs to update e-filing applications and allow judges to access trial court records from tablet devices - **\$121,100**
- Increase funds to share costs of one editorial assistant position with the Supreme Court - **\$34,316**

Judicial Council

Council of Accountability Court Judges

- Provide funds for merit-based pay adjustments and employee recruitment and retention initiatives effective July 1, 2016 - **\$8,026**
- Reflect an adjustment in merit system assessments - **\$94**
- Transfer funds from the Criminal Justice Coordinating Council for personal services and operating costs to support IT infrastructure, research, case management, and statewide reporting for Council of Accountability Court Judges at the Administrative Office of the Courts pursuant to HB 328 (2015 Session) - **\$156,631**

Georgia Office of Dispute Resolution

- No changes

Institute of Continuing Judicial Education

- Increase funds for merit-based pay adjustments and employee recruitment and retention initiatives effective July 1, 2016 - **\$19,868**
- Increase funds for operations and technology infrastructure and licensing for services provided to multiple classes of court - **\$24,000**
- No increase in funds for event management software

- for training support and services provided to multiple classes of court
- No increase in funds for one electronic media curriculum designer position to expand delivery of computer-based online training for judges

Administrative Office of the Courts

- Provide funds for merit-based adjustments and employee recruitment and retention initiatives effective July 1, 2016 - **\$153,733**
- Reflect an adjustment in merit system assessments - **\$1,795**
- Reflect an adjustment to agency premiums for Department of Administrative Services administered self insurance programs – **(\$27,510)**
- Reflect an adjustment in TeamWork billings – **(\$582)**
- Increase funds to reflect an adjustment in the employer share of the Employees' Retirement System - **\$4,469**
- Reduce federal and other funds based on projected revenues – **(\$1,045,568)**
- Increase funds for the Cold Case Project to identify children most likely to age out of foster care without a family - **\$75,000**
- No increase in funds to create a statewide repository for Probate Court records and a central point of contact for retrieving records
- Increase funds for grants for civil legal services to victims of domestic violence - **\$193,125**
- No increase in funds for the Council of Municipal Court Judges for publication of standard operating procedures, continued strategic business and information technology planning, and executive committee and district representative travel to present low-cost training to judges
- Increase funds to improve and expand training for members of the Georgia Council of Court Administrators - **\$7,500**
- Reduce funds to reflect a change in the employer contribution rate for the Judicial Retirement System from 12.19% to 10.48% - **(\$199,470)**
- Reduce one-time funds for the implementation of a statewide e-filing portal – **(\$96,000)**

BUDGET cont.

Judicial Qualifications Commission

- Provide funds for merit-based pay adjustments and employee recruitment and retention initiatives effective July 1, 2016 - **\$3,683**
- Reflect an adjustment in merit system assessments - **\$43**

Juvenile Courts

Council of Juvenile Court Judges

- Provide funds for merit-based pay adjustments and employee recruitment and retention initiatives effective July 1, 2016 - **\$37,763**
- Reflect an adjustment in merit system assessments - **\$396**
- Eliminate federal funds based on projected revenues - **(\$447,456)**

Grants to Counties for Juvenile Court Judges

- No increase in funds to provide a judicial salary increase
- Reduce funds to reflect a change in the employer contribution rate for the Judicial Retirement System from 12.19% to 10.48% - **(\$102,603)**

Superior Courts

Council of Superior Court Judges

- Provide funds for merit-based pay adjustments and employee recruitment and retention initiatives effective July 1, 2016 - **\$38,104**
- Reflect an adjustment in merit system assessments - **\$1,527**
- Increase funds to restore one accountant position - **\$73,257**
- No increase in funds to restore one project coordinator position

Judicial Administrative Districts

- Provide funds for merit-based pay adjustments and employee recruitment and retention initiatives effective July 1, 2016 - **\$64,452**
- Increase funds to adjust for rising costs and to support new judgeships and accountability courts - **\$56,536**
- No increase in funds to promote recruitment and retention of qualified staff

Superior Court Judges

- Provide funds for merit-based pay adjustments and employee recruitment and retention initiatives effective July 1, 2016 - **\$563,062**
- Reflect an adjustment in merit system assessments - **\$22,559**
- Reflect an adjustment to agency premiums for Department of Administrative Services administered self insurance programs - **(\$46,045)**
- Reflect an adjustment in TeamWorks billings - **\$9,915**
- Increase funds to reflect an adjustment in the employer share of the Employees' Retirement System - **\$12,294**
- Annualize the cost of the new judgeship in the Western Circuit created in HB 279 (2015 Session) - **\$277,880**
- Annualize the cost of the judicial salary increase for Superior Court judges provided in HB 279 (2015 Session) - **\$1,803,647**
- Increase funds to provide one additional judgeship in the Clayton Circuit and reflect January 1, 2017 start date - **\$185,253**
- Increase funds to provide an accountability court supplement for Superior Court judges for six newly established accountability courts in the following circuits per HB 279 (2015 Session): Cordele, Houston, Middle, Paulding, Rome and Toombs - **\$175,086**
- Increase funds to restore two law clerk positions - **\$130,522**
- No increase in funds to provide salary increase for 22 secretaries
- Reduce funds for one-time equipment costs associated with new judgeships in Coweta and Waycross circuits - **(\$60,500)**
- Reduce funds to reflect a change in the employer contribution rate for the Judicial Retirement System from 12.19% to 10.48% - **(\$433,881)**
- No decrease in funds for senior judges

BUDGET cont.

Supreme Court

- Provide funds for merit-based pay adjustments and employee recruitment and retention initiatives effective July 1, 2016 - \$199,466
- Reflect an adjustment in merit system assessments - \$3,372
- Reflect an adjustment to agency premiums for Department of Administrative Services administered self insurance programs – (\$700)
- Reflect an adjustment in TeamWorks billings - \$1,975
- Increase funds to reflect an adjustment in the employer share of the Employees' Retirement System - \$5,971
- Increase funds for annual maintenance costs for trial court records in the case management system - \$20,000
- No increase in funds for one systems analyst position
- Increase funds to annualize salary, per diem and commute mileage increase - \$63,557
- No increase in funds to restore one procurement and facilities position
- Increase funds for one administrative assistant position - \$79,532
- Increase funds for one assistant position to support the clerk's office and public affairs office - \$86,395
- No increase in funds to provide salary adjustments for law assistants
- Increase funds for continuing professional legal education training - \$4,800
- Provide one-time funds for increased security features - \$10,969
- No increase in funds to repair and replace furniture
- Increase funds to share costs of one assistant reporter position with the Court of Appeals - \$78,148
- Increase funds to share costs of one editorial assistant position with the Court of Appeals - \$34,316
- Increase funds for additional real estate rent, IT equipment, supplies and publication costs - \$33,976
- Provide funds required to implement HB 927, the "Appellate Jurisdiction Reform Act of 2016" (2016 Session) - \$1,068,228

COMPENSATION/RETIREMENT

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

House Author: Rep. Tom Weldon (R – Ringgold)
Senate Sponsor: Sen. Chuck Hufstetler (R – Rome)

HB 605 amends Code Section 47-23-63 of the O.C.G.A., relating to full-time and part-time service and calculations. Section 1 revises Code Subsection (c) by implementing a ratio for calculation of benefits in relation to part-time and full-time service for vesting. The ratio determines benefits by dividing the average monthly compensation for the 24 consecutive month period producing the highest such average during the part-time service by the average monthly salary during the 24 consecutive month period producing the highest such average during the full-time service. This ratio allows a member of Georgia Judicial Retirement System who was serving in a full-time position on his or her retirement to use prior part-time service for vesting.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the “Public Retirement Systems Standards Law”

HB 635 – Judges of Probate Courts Retirement Fund; increase number of years of mandatory contribution; provisions

House Author: Rep. Bubber Epps (R – Dry Branch)
Senate Sponsor: Sen. Ellis Black (R – Valdosta)

HB 635 amends Chapter 11 of Title 47, so as to increase the number of years of mandatory contribution to the Probate Courts Retirement Fund, and the maximum number of years used to calculate benefits, from 20 to 30 years. The bill adds a new Code Section 47-11-43 providing for application and payment of funds. Members active on July 1, 2016, may obtain creditable service for any service in excess of 20 years as judge of the probate court, employee of the board, or secretary-treasurer, but not more than the actual number of years of service or 30 years, whichever is less. The member is required to complete a board approved application and pay an amount the board deems appropriate to cover the full actuarial cost of granting creditable service. The application must be received by December 31, 2016. Revisions to Code Section 47-11-71 include the expansion of the service requirement for those eligible upon retirement to receive the maximum retirement benefits from 20 years to 30 years. It further specifies the manner in which such benefits shall be calculated based on this new increase in years requirement.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the “Public Retirement Systems Standards Law.”

COURTS

[HB 52 – Child custody; require parenting plans to be incorporated into final orders; change provisions](#)

House Author: Rep. Regina Quick (R – Athens)

Senate Sponsor: Sen. Joshua McKoon (R – Columbus)

HB 52 revises Code Section 19-9-1 of the OCGA, relating to parenting plans in conjunction with the final orders involved in child custody proceedings. The bill changes the language in Code Section 19-9-1 so that the language refers to ‘the court’ rather than ‘the judge’ when referencing the discretion of the judiciary in the matter of parenting plans in child custody hearings. The language contained within Code Section 19-9-1 has also been revised to notate that any legal action involving custody of a child shall incorporate a permanent parenting plan unless otherwise ordered by the court.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

[HB 229 – Domestic relations; grandparent rights to visitation and intervention to great-grandparents and siblings of parents; expand](#)

House Author: Rep. Brian Strickland (R – McDonough)

Senate Sponsor: Sen. Renee Unterman (R – Buford)

HB 229 amends Title 19 of the O.C.G.A. relating to domestic relations, so as to expand the current rights of grandparents to visitation and intervention to great-grandparents and siblings of parents. Title 19 of the O.C.G.A is amended by revising Code Section 19-7-3 relating to grandparent visitation rights and intervention to remove the term grandparent and to replace the term with the word “family member” to mean grandparent, great-grandparent or sibling. HB 229 provides for detailed definitions for ‘grandparent,’ ‘great-parent,’ and ‘sibling.’ HB 229 allows for the family member as defined in Code Section 19-7-3 to have the right to file an original action for visitation rights to a minor child or to or to intervene in and seek to obtain visitation rights in any action in which any court in this state shall have before it any question concerning the custody of a minor child, a divorce of the

parents or a parent of such minor child, a termination of the parental rights of either parent of such minor child, or visitation rights concerning such minor child or whenever there has been an adoption in which the adopted child has been adopted by the child’s blood relative or by a stepparent, notwithstanding the provisions of Code Section 19-8-19. Upon the filing of an original action or upon intervention in an existing proceeding under subsection (b) of Code section 19-7-3, the court may grant any family member of the child reasonable visitation rights if the court finds the health or welfare of the child would be harmed unless such visitation is granted and if the best interests of the child would be served by such visitation.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

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

House Author: Rep. Ron Stephens (R – Savannah)

Senate Sponsor: Sen. Charlie Bethel (R – Dalton)

HB 513 seeks to amend Article 2 of Chapter 6 of Title 5 of the O.C.G.A., relating to appellate practice. It revises subsection (a) of Code Section 5-6-34 by broadening the conditions under which an appeal may be taken to the Supreme Court or Court of Appeals to include “all judgments or orders entered pursuant to Code Section 9-11-11.1.” Code Section 9-11-11.1 is amended by specifying citizens’ rights not only to freedom of speech, but also that of petition. It requires that the Code Section shall be construed broadly. It further delineates that a claim for relief which could be construed as an act in furtherance of such aforementioned constitutional rights shall be subject to a motion to strike unless the court determines that the nonmoving party has established that the nonmoving party will prevail on the claim. Subsection (2) is created to require that the court shall consider pleadings and both the supporting and opposing affidavits, and delineates specifications for if the plaintiff is a public figure.

COURTS cont.

Subsection (3) is created to require that the establishment of probability on behalf of the nonmoving party that he or she would prevail on the claim shall not function as evidence or be admissible at any late stage of the case. Subsection (b.1) determines that a prevailing moving party on a motion to strike shall be granted recovery of attorney's fees and expenses as determined by the court. Subsections (3) and (4) broaden the term "act in furtherance of the person's or entity's right of petition of free speech under the Constitution... in connection with an issue of public interest or concern" to include any written or oral statement, writing, or petition made in a place open to the public with an issue of public interest or concern as well as any conduct in furtherance of the exercise of the constitutional right of petition or free speech, respectively. Subsection (g) asserts that the Code Section shall not apply to any action brought by the Attorney General or a prosecuting attorney, or a city attorney acting as a prosecutor, to enforce laws aimed at public protection.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

[HB 555 – Courts; provide reporting of certain statistics regarding juveniles seeking abortions without parental notice; provisions](#)

House Author: Rep. Joyce Chandler (R – Grayson)
Senate Sponsor: Sen. Bruce Thompson (R – White)

HB 555 revises O.C.G.A. § 15-11-64, relating to the reporting of pending abortions of unemancipated minors. Each clerk of the juvenile court is required to report to the Administrative Office of the Courts (AOC) the total number of petitions filed under subsection (b) of O.C.G.A. § 15-11-682, along with other statistics relating to petitions for abortions of unemancipated minors, and this report is required to be made by March 15 of each year for the previous calendar year. The individual reports made to the AOC shall be confidential and not subject to public disclosure; additionally, the reports are required to be destroyed six months after submission to the AOC. The AOC is required to provide only aggregated statistics to the Department of Public Health, under O.C.G.A. § 16-12-141.1.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

[HB 691 – Municipal courts; removal of appointed judges under certain circumstances; provide](#)

House Author: Rep. Kevin Tanner (R – Dawsonville)
Senate Sponsor: Sen. Charlie Bethel (R – Dalton)

HB 691 moves to amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts generally to provide removal for cause provisions for municipal court judges and procedures for removal proceedings. Ultimately, it seeks to revise Code Section 36-32-2 and create new Code Section 36-32-2.2. The revisions in 36-32-2 culminate in the addition of a memorialized service length agreement between the appointed individual and the governing authority through a written agreement, ordinance, or charter. For a municipal court judge in a consolidated government, the local Act shall determine the term of the judge. The new Code Section provides for cause removal proceedings for municipal court judges in certain special circumstances.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

[HB 725 – “Child Abuse Records Protection Act”; enact](#)

House Author: Rep. Wes Cantrell (R – Woodstock)
Senate Sponsor: Sen. Charlie Bethel (R – Dalton)

HB 725 amends O.C.G.A. § 49-5-2 relating to the agents and agencies of child abuse and deprivation records. Section 2 addresses definitions relating to child abuse and records. It adds "child advocacy center" to O.C.G.A. § 49-5-41, as persons and agencies permitted access to records. A court, by subpoena filed contemporaneously, may make records available to parties seeking to inspect records in camera, when such motion is filed and served to all parties and departments in possession of records. However, prior to release, the court will inspect the records in camera, and reasonably determine if access will lead to discovery of admissible evidence. An order authorizing access and

COURTS cont.

disclosure shall be accompanied by a protective order to ensure the confidentiality of such records. Failure to comply with the protective order may be punished by contempt of court.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

[HB 770 – Crimes and offenses; trafficking of persons for labor or sexual servitude; provisions](#)

House Author: Rep. Chuck Efstoration (R – Dacula)
Senate Sponsor: Sen. Renee Unterman (R – Buford)

HB 770 amends O.C.G.A. § 16-5-46, relating to trafficking people for labor or sexual servitude. HB 770 defines “developmental disability,” “controlled substance,” and amends the definition of “sexual servitude.” It provides the definition for sexual servitude as any sexually explicit conduct or performance which conduct is: “induced by coercion or deception, from an individual who is less than 18 years of age, from an individual whom the accused believes to be under the age of 18 years, or from an individual who has a developmental disability.” It stipulates that any person who commits the offense of trafficking shall be guilty of a felony, and upon conviction thereof shall be imprisoned for not less than 10 nor more than 20 years and, a fine not to exceed \$100,000.00. The involvement of an undercover operative involved in the investigation of trafficking for labor or sexual servitude shall not constitute a defense, however O.C.G.A. § 16-3-25, entrapment may still provide an absolute defense.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

[HB 783 – Controlled substances; Schedules I and IV; change certain provisions](#)

House Author: Rep. Bruce Broadrick (R – Dalton)
Senate Sponsor: Sen. Chuck Hufstetler (R – Rome)

HB 783 seeks to amend Article 8 of Chapter 12 and Chapter 13 of Title 16 of the O.C.G.A. relating to regulation of low THC oil and controlled substances, respectively. Article 8 of Chapter 12 is amended

through the revision of Code Section 16-12-190 by redefining the term low THC oil to contain cannabidiol and specify the weight of certain substances within the oil. Chapter 13 is amended by revising subparagraph (P) and adding new subparagraphs to paragraph (3). This section sees much of its original content removed, and adding the terminology “tetrahydrocannabinol, tetrahydrocannabinolic acid or a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.” Paragraph (12) of Code Section 16-13-25 is revised through the removal and addition of scientific terms relating to Schedule I controlled substances. Code Section 16-13-28 is also revised to adjust the compounds within the classification Schedule IV controlled substances. Code Section 16-13-71 is further amended in a similar manner, as well as redefines the term “dangerous drug.” Code Section 16-13-79 relating to violations of the “Dangerous Drug Act” adds section (e) which mandates that any person who knowingly distributes or resells any nonprescription injectable insulin product which was first obtained through over-the-counter sales made to a patient from any pharmacy, practitioner, or other source shall be guilty of a misdemeanor. Any of such drug sold in this manner shall be considered to be an adulterated dangerous drug and unsalable, making it subject to seizure under the laws of this state.

Signed by the Governor: May 3, 2016
Effective Date: May 3, 2016

[HB 808 – Courts; Judicial Qualifications Commission; create](#)

House Author: Rep. Wendell Willard (R – Sandy Springs)
Senate Sponsor: Sen. Dean Burke (R – Bainbridge)

HB 808 amends O.C.G.A. Title 15, Chapter 1, relating to the creation, powers, and composition of a new Judicial Qualifications Commission. Section 1 creates in statute a Judicial Qualifications Commission and vests the Commission with the power to discipline, remove, and cause the involuntary retirement of judges. It creates the composition of the Commission, which shall consist of seven members, each of whom shall be subject to three year terms and confirmation by the

COURTS cont.

Senate. Members are appointed as follows: two judges selected by the Supreme Court; two active members of the state bar and registered voters of Georgia, appointed by the board of governors; one citizen, who is not a member of the state bar, appointed by the Speaker of the House of Representatives; one citizen, who is not a member of the State Bar, appointed by the President of the Senate; and one member of the State Bar, appointed by the Governor, to serve as chairperson. No person shall serve more than two consecutive terms as a member of the commission. All papers filed with and proceedings of the commission shall be confidential, unless otherwise waived. Information submitted to the commission shall be absolutely privileged and not allowed as evidence for any civil action. A respondent who is recommended for public reprimand, censure, suspension, retirement, or removal shall be entitled to a copy of the proposed record to be filed with the Supreme Court and be entitled to present a brief and to argue the respondent's case, in person and through counsel, to the Supreme Court.

Signed by the Governor: May 3, 2016

Effective Date: January 1, 2017, only if an amendment to the Constitution abolishing the existing Judicial Qualifications Commission and requiring the General Assembly to create and provide by general law for the composition and manner of appointment of a new Judicial Qualifications Commission is ratified by the voters at the November, 2016, state-wide general election. If such an amendment is not so ratified, then this Act shall not become effective and shall stand repealed on January 1, 2017

[HB 874 – Courts; ability to prosecute street gang terrorism; improve](#)

House Author: Rep. Bert Reeves (R – Marietta)

Senate Sponsor: Sen. Judson Hill (R – Marietta)

HB 874 amends O.C.G.A. § 15-11-703, relating to dispositions and evidence, by providing for the admission of dispositions and evidence adduced in a hearing in a juvenile court, if hearing was of any associate or member of a street gang. HB 874 amends O.C.G.A. § 16-11-37, outlining when one commits the offense

of terroristic threat and stipulates the punishments for one convicted of issuing a terroristic threat. A person convicted of a terroristic threat shall be guilty of a misdemeanor, unless the threat suggested the death of an individual, in which case the accused shall be guilty of a felony. HB 874 revises O.C.G.A. § 16-15-4, by making propagating criminal street gang conduct a felony with a mandatory minimum sentencing of two years, but not more than 20 years. O.C.G.A. § 42-5-18 is also revised, providing for a mandatory minimum of two years but not more than ten, when an individual is convicted of violating subsection (b) of this code section. HB 874, Section 3 regulates the penalties relating to the committing of a terroristic threat in an effort to threaten or intimidate any person from performing specific duties or actions. HB 874, Section 8 amends O.C.G.A. Chapter 4 of Title 24, by allowing the admission of the accused's commission of criminal gang activity, as evidence not considered hearsay. O.C.G.A. § 42-5-18, relating to the items prohibited to be in possession of inmates, is revised by requiring that any person in violation of subsection (b) of this section shall be guilty of a felony and upon conviction serve a mandatory minimum of 2 years but not more than 10 years; this mandatory minimum shall not be suspended, stayed, or deferred by the sentencing court. The bill also incorporates HB 1066. HB 874 revises O.C.G.A. § 42-2-8, by allowing any designee, serving as the chief of staff to the commissioner of corrections, to authorize issuance of an arrest warrant for an escaped offender.

Signed by the Governor: May 3, 2016

Effective Date: Section 7 shall become effective on July 1, 2016 and shall apply to all offenses committed on and after such date. All other sections are effective as of May 3, 2016.

COURTS cont.

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

House Author: Rep. Chuck Efstoration (R – Dacula)

Senate Sponsor: Sen. Renee Unterman (R – Buford)

Legislative Note: The Senate Health and Human Services Committee passed an amended version of this bill, which included language from SB 3. Yet, that language as included in the final passed version became null and void upon Governor Deal signing SB 64. The summary, as seen below, is the legislative language that remains active for HB 887:

The bill revises subsection (e) of Code Section 15-11-135 by specifying that the DFCS shall give preference for placement with an adult who is a relative or fictive kin over a nonrelated caregiver, provided that such individual has met all requirements of the DFCS and such placement is in the best interests of the child; siblings shall be placed together.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

HB 905 – Courts; child abuse; change provisions

House Author: Rep. Mandi Ballinger (R – Canton)

Senate Sponsor: Sen. Charlie Bethel (R – Dalton)

HB 905 seeks to amend Article 2 of Chapter 3 of Title 16 and Chapter 5 of Title 49 of the O.C.G.A. relating to justification and excuse, domestic relations, and programs and protections for children and youth, respectively. New Code Section 16-3-22.1 is added to Article 2 of Chapter 3 of Title 16 which explicates that any person who, in good faith, is in possession of illegal pornographic materials or images and immediately notifies law enforcement officials, or any person required by Code Section 19-7-5 to report suspected child abuse makes such notification within 72 hours from the time there is reasonable cause to believe such person is in possession of such materials or images, shall be immune to the same extent as a law enforcement officer would be immune for criminal liability for such possession. It further requires that the official re-

port of the law enforcement agency or of the Division of Family and Children Services of the Department of Human Services shall create a rebuttable presumption of good faith and reasonableness on the part of the person in possession. A revision of subsection (b) of Code Section 19-7-5 broadens the definition of “child abuse” to include “endangering a child” and alters the definition of sexual abuse to exclude consensual acts between a minor and an adult who is no more than 4 years older than the minor as opposed to the previous limit of 5.

Code Section 19-5-2 relating to protocol committee on child abuse receives new paragraph (2) which delineates agencies and entities which must designate a representative to serve on the committee. Subsection (g) calls for the filing of updated protocol by the committee no later than the first day of September of each year. New Code Section 49-5-4.1 calls for the establishment of a child welfare agency public scorecard to score child welfare agencies. They shall be published online in a single location for public review. The score shall be posted within 30 days of the completion of an inspection and, if appealed, the revised score shall be posted within 30 days of the conclusion of the appeal. The department shall provide child welfare agencies with advanced written notice of the scores to be posted, at which point the agency may file a written appeal within 10 days of receipt of the notice. At which point, a meeting will be held and within 30 days the commissioner’s designee shall issue written notice confirming or revising the score. Subsections (p) and (q) of Code Section 49-5-12 are revised to change the range of fines for a child welfare agency operating without a license or commission to be guilty of a misdemeanor and punished by a fine of \$500-1,000 for each such offense. New Code Section 49-5-12.3 mandates that inspections of agencies shall be held no sooner than 330 days and no later than 390 days after the date of the last annual inspection and shall not exceed 5 days. Within Code Section 49-5-183, subsection (h) is added to provide instances in which a minor child alleged to have committed abuse shall have their name removed from the registry, including: if he or she has reached 18 years of age, if more than 1 year has passed from the date of

COURTS cont.

the act and there have been no subsequent acts, and if he or she can prove by a preponderance of evidence that he or she has been rehabilitated. Code Section 49-5-185 expands the persons or entities who have access or may be provided any information from the child abuse registry to include an affiliate court appointed special advocate program.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016, except for Section 5 which shall become effective on March 1, 2017

[HB 927 – “Appellate Jurisdiction Reform Act of 2016”; enact](#)

House Author: Rep. Christian Coomer (R – Cartersville)
Senate Sponsor: Sen. Bill Cowsert (R – Athens)

HB 927 seeks to amend Title 15 of the O.C.G.A. relating to courts. The Act shall be known as the “Appellate Jurisdictional Reform Act of 2016.” The bill revises Code Section 15-2-19 by permitting individuals who have graduated from law school but who are not a member of the State Bar to be appointed as a law assistant for the Supreme Court so long as he or she is admitted to the Bar of this state within one year of such appointment. Code Section 15-3-9 applies the same policy to the Court of Appeals. Code Section 15-3-1 updates to permit to Court of Appeals to rule for certain cases to be heard and determined by more than a single division and the manner in which those Judges will be selected for such cases. In this instance, 9 Judges are necessary to constitute a quorum. New subsection (d) asserts that the Court of Appeals shall provide by rule for the establishment of precedent and the manner in which prior decisions of the court may be overruled. New Code Section 15-3-3.1 delineates instances in which the Court of Appeals shall have appellate jurisdiction rather than the Supreme Court to include cases involving: titles to land, all equity cases except those in which a sentence to death was or could be imposed and executed, all cases involving wills, all cases involving extraordinary remedies except those also concerning a death sentence, all divorce and alimony cases, and all other cases not reserved to the Supreme Court or conferred on other courts. Code Section 15-2-10 is

revised to provide for two additional justiceships. They shall be appointed by the Governor for a term beginning January 1, 2017 and continuing through December 31, 2018 and until their successors are elected and qualified. The successors shall be elected in a nonpartisan election in 2018 for a term of 6 years beginning on January 1, 2019. Subsection (a) of Code Section 15-2-16 is amended to require 5 instead of 4 Justices for the rendition of a judgment. Code Section 15-2-7 is revised to restructure the Supreme Court term starting and ending dates.

Signed by the Governor: April 26, 2016
Effective Date: April 26, 2016; Part II shall become effective on July 1, 2016; Part III shall become effective on January 1, 2017 and shall apply to cases in which a notice of appeal or application to appeal is filed on or after such date; Part IV shall become effective on July 1, 2016 if funds are appropriated; Part V shall become effective on December 5, 2016

[HB 941 – Courts; review of incidents involving a peace officer’s use of deadly force that results in death or serious bodily injury; provide for procedure](#)

House Author: Rep. Rich Golick (R – Smyrna)
Senate Sponsor: Sen. Charlie Bethel (R – Dalton)

HB 941 Section 1 amends O.C.G.A. § 15-12-71 by adding a new paragraph to subsection (b) and two new subsections that give grand juries the authority to conduct a review of any incident in which a peace officer’s use of deadly force resulted in death or serious bodily injury to another. The subsequent language under Section 1 provides for the procedures and regulations to be followed in this process which can only be conducted after the investigative report of the incident has been completed and submitted. Additionally, this Section provides that the grand jury may request that the district attorney create a bill of indictment or special presentment against the peace officer. Section 3 provides that upon the request of the district attorney or accused peace officer, a court reporter shall be authorized to be present and shall attend the grand jury proceedings while any witness is being examined by the grand jury. Section 4 revises section (a) of Code

COURTS cont.

Section 15-12-100 by authorizing district attorneys to make a motion to the chief judge of the superior court to request the judges of the superior court of the county to impanel a special grand jury for the purpose of investigating any alleged violation of the laws of this state or any other matter subject to investigation by grand juries as provided by law. Furthermore, Section 6 provides for the procedures to be followed when notifying a peace officer of a proposed bill of indictment or special presentment regarding a criminal charge alleged to have occurred while the officer was in the performance of their duties. Under the same Section, the officer may request to testify as a witness before the grand jury regarding their conduct. The rest of the bill seeks to update the current language in the code in order to comply with the spirit of HB 941.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

HB 954 – “Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act”; enact

House Author: Rep. Chuck Efstoration (R – Dacula)
Senate Sponsor: Sen. Charlie Bethel (R – Dalton)

HB 954 seeks to add an eleventh chapter, to be referred to as the “Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act,” to the current Title 29 of the O.C.G.A. relating to guardian and ward. Namely, the bill clarifies the process of assigning guardianship responsibilities to individuals which were previously granted such duties in another state. It grants the Georgia courts permission to communicate with courts in other states concerning such proceedings assuming such courts provide requisite documentation of such correspondence. Additionally, witnesses located in another state at the time of testimony may be offered by “deposition or other means allowable in this state for testimony taken in another state.” Such means include the use of electronic modes of documentation such as the telephone or audiovisual devices. Further, HB 954 delineates under what conditions the court has jurisdiction, special jurisdiction, and the ability to decline jurisdiction in such proceedings. If a petition for guardianship or an issuance of a protective order is

brought to the state of Georgia, and if this is not the respondent’s home state, the court must provide notice to the people entitled to such notice if the proceeding had been brought about in the respondent’s home state. The bill defines the ability and limitations on the ability to petition the court for a transfer of guardianship to another state. Lastly, the bill mandates that this chapter applies to all guardianship and protective proceedings begun on or after July 1, 2016. Articles 1, 3, and 4 and Code Sections 29-11-40 and 29-11-41 apply to proceedings initiated prior to the July 1, 2016 cutoff date regardless of whether or not the order has been issued.

Signed by the Governor: April 27, 2016
Effective Date: July 1, 2016

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

House Author: Rep. Johnnie Caldwell, Jr. (R – Thomaston)
Senate Sponsor: Sen. Renee Unterman (R – Buford)

HB 979 revises O.C.G.A. § 16-5-21, subsection (c), relating to aggravated assault, by providing that any person who knowingly commits aggravated assault upon an emergency health worker while the worker is engaged in performing their official duties, shall be punished by imprisonment for not less than five years nor more than twenty years. O.C.G.A. § 16-5-24 is also revised, and provides the same for anyone convicted of aggravated battery upon an emergency worker.

Signed by the Governor: April 28, 2016
Effective Date: July 1, 2016

HB 1004 – Courts; maps, plats, and plans to be filed for record; provide requirements

House Author: Rep. Rick Jasperse (R – Jasper)
Senate Sponsor: Sen. Jesse Stone (R – Waynesboro)

HB 1004 provides for changing the requirements for the filing of maps and plats with the superior court clerk. Digital images will be maintained by the Georgia Superior Court Clerks’ Cooperative Authority (GSC-

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CCA) and the superior court clerk shall be required to keep a public computer terminal to provide access to the maps and plats.

Signed by the Governor: April 26, 2016
Effective Date: January 1, 2017

[HB 1025 – Courts; service of accusations of or citations for violations of ordinances under certain circumstances; change provisions](#)

House Author: Rep. Tom Taylor (R – Dunwoody)
Senate Sponsor: Sen. Fran Millar (R – Atlanta)

HB 1025 revises O.C.G.A. § 15-10-62, allowing for the serving of a citation for violating an ordinance concerning the condition of real property. The citation may be served by: leaving a copy of it at the premises where the alleged violation occurred; mailing a copy of it to the owner of such premises at the address of record maintained by the tax commissioner and tax assessor; and filing a copy of it with the clerk of magistrate court. Service under paragraph 1 of this subsection shall not be authorized until there has been at least one attempt at personal service on the accused at the address of record. When the accused who has been served under this subsection fails to appear for a trial, an in rem judgment and lien against the real property shall be the exclusive penalty.

Signed by the Governor: May 3, 2016
Effective Date: July 1, 2016

[HB 1070 – Domestic relations; adoption; permit the department to use certain information in the records concerning the adopted child’s biological parents](#)

House Author: Rep. Katie Dempsey (R – Rome)
Senate Sponsor: Sen. Renee Unterman (R – Buford)

HB 1070 amends O.C.G.A. Article 1 of Chapter 8 of Title 19, relating to adoption, and allows for the Department of Human Services to make use of any information contained in the records of the department concerning an adopted child and the adopted child’s biological parents relative to the placement of another child in the home of the adoptive parents or relative to

the investigation of a report of child abuse or neglect concerning the adopted child’s biological parents.

Signed by the Governor: May 3, 2016
Effective Date: July 1, 2016

[HR 1113 – Judicial Qualifications Commission; create - CA](#)

House Author: Rep. Wendell Willard (R – Sandy Springs)
Senate Sponsor: Sen. Dean Burke (R – Bainbridge)

HR 1113 amends Section VII of Article VI of the Constitution, revising Paragraph VI. The proposed amendment revises Paragraph VI by authorizing the General Assembly, by general law, to create and provide for the composition, manner of appointment, and governance of a Judicial Qualifications Commission (JQC). HR 1113 requires the JQC to comport to due process and allows the opinions of the body to be subject to review by the Supreme Court. It abolishes the JQC which existed on December 31, 2016. The proposed amendment shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution.

Signed by the Governor: May 3, 2016

[SB 64 – Juvenile Code, Domestic Relations, and Vital Records; repeal voluntary acknowledgments of legitimation](#)

Senate Author: Sen. Chuck Hufstetler (R – Rome)
House Sponsor: Rep. Tom Weldon (R – Ringgold)

SB 64 repeals 19-7-21.1 in its entirety and amends O.C.G.A. § 15-11-2, Title 19, and Chapter 10 of Title 31. O.C.G.A. § 19-7-22 is revised by creating definitions for “biological father” and “legal father.” During a legitimation petition process, if there is a legal father who is not the biological father, the legal father shall be named a party by the petitioner and shall be served. The court may issue an order declaring the biological father’s relationship to the child to be legitimate provided that such order is in the best interest of the child. In determining the best interests of the child, and to ensure that the petitioning alleged biological father is in fact the father, the court may order parties

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to submit to a genetic test, pursuant to O.C.G.A. § 19-7-45. The Chapter is further amended by revising O.C.G.A. § 19-7-27, requiring the hospital in which a child was delivered to an unmarried mother to provide her and the alleged father with information and forms regarding voluntary acknowledgement of paternity, and a written description of the rights and responsibilities of acknowledging paternity. When both the mother and father have signed a voluntary acknowledgement of paternity in the presence of a notary public, such acknowledgement should be filed with the State Office of Vital Records within 30 days of execution.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

[SB 193 – Crimes and Offenses; family violence battery; change penalty provisions](#)

Senate Author: Sen. Charlie Bethel (R – Dalton)
House Sponsor: Rep. Mandi Ballinger (R – Canton)

SB 193 amends O.C.G.A. § 16-5-23.1, relating to battery and family violence. SB 0193 defines household member as “past or present spouses, persons who are parents of the same child, parents and children, step-parents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household.” It defines as family violence battery committed between household members. If a defendant, upon first conviction of family violence battery, has previously been convicted of a felony committed between household members, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than one or more than five years.

Signed by the Governor: May 3, 2016
Effective Date: July 1, 2016

[SB 255 – Garnishment Proceedings; modernize, reorganize, and provide constitutional protections](#)

Senate Author: Sen. Jesse Stone (R – Waynesboro)
House Sponsor: Rep. Wendell Willard (R – Sandy Springs)

SB 255 amends Chapter 4 of Title 18 of the O.C.G.A. to restructure the garnishment statutes and provide for garnishment reform.

Signed by the Governor: April 12, 2016
Effective Date: May 12, 2016

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

Senate Author: Sen. Jesse Stone (R – Waynesboro)
House Sponsor: Rep. Andrew Welch (R – McDonough)

SB 262 amends Title 15 of the O.C.G.A. relating to courts, to change provisions relating to when a judge, grand juror or trial juror is automatically disqualified from presiding or serving based on consanguinity or affinity to an interested party. It changes the current sixth degree of relationship standard for disqualification to a third degree standard. The bill was amended to include HB 1027 which provides that by court rule or standing order any superior court or state court may accept electronic filings and for the acceptance of payments and remittances by electronic means. In addition, it clarifies provisions related to the filing of documents by electronic means in magistrate court.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

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

Senate Author: Sen. Bruce Thompson (R – White)

House Sponsor: Rep. Brian Strickland (R – McDonough)

SB 331 seeks to amend Code Section 15-11-2 and Title 19 of the O.C.G.A. relating to definitions for the Juvenile Code and domestic relations, respectively. Paragraph (5) of the aforementioned Code Section includes the scenario in which a parent has caused his child to be conceived as a result of having nonconsensual sexual intercourse with the mother of his child or when the mother is less than 10 years of age as an instance of “aggravated circumstances.” Subsection (c) of Code Section 19-7-22 by adding paragraphs (2) (A), (B), and (C). They mandate that if a court determines by clear and convincing evidence that a father caused his child to be conceived as a result of the aforementioned scenario, it shall create a presumption against legitimation. Further, if the court denies the legitimation petition, the child is still capable of inheriting from or through his or her father. If there is a criminal proceeding in connection with an allegation made, the court shall stay discovery in the legitimation action until the completion of such criminal proceeding. Further, paragraph (3) of subsection (b) of Code Section 53-2-4 is revised to include that when the court determines by clear and convincing evidence that the father caused conception through the aforementioned scenario, such sworn statement shall be insufficient for purposes relating to inheritance from children born out of wedlock.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

SB 367 – Georgia Council Justice Reform; provide for comprehensive reform

Senate Author: Sen. John Kennedy (R – Macon)

House Sponsor: Rep. Chuck Efstoration (R – Dacula)

The Criminal Justice Reform Council Bill has several changes to the Accountability Courts statutes with new Operating Under the Influence (OUI) Court and Family Treatment Court provisions. The bill also seeks to make changes to the juvenile detention process, with the goal of keeping nonviolent offenders out of the detention centers. There are also several changes to the license suspension process in the bill, and these changes should ease the burden of license reinstatement for drivers who have been suspended or revoked. There are also several new and revised provisions on records restrictions for defendants sentenced under the First Offender Act.

Signed by the Governor: April 27, 2016

Effective Date: July 1, 2016; except for Part IX which is effective as of April 27, 2016. The provisions of Part IX shall be given retroactive effect to those sentences imposed before the effective date of Part IX.

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[HB 697 – Unsolicited merchandise; solicitors to receive from consumers affirmative assent to continued receipt of certain merchandise following a free trial before charging; require](#)

House Author: Rep. Tom Kirby (R – Loganville)

Senate Sponsor: Sen. JaNice VanNess (R – Conyers)

HB 697 seeks to amend Article 3 of Chapter 1 of Title 10 of the O.C.G.A. relating to unsolicited merchandise. The bill revises Code Section 10-1-50 by affirming that no person shall require payment for the continued provision of any goods, wares, or merchandise following the expiration of a trial period during which similar items were provided free of charge unless the recipient provides affirmative oral, written, or electronic assent to the continued receipt thereof on a paid basis. In the absence of such assent, any receipt of such goods after the trial period shall be deemed an unconditional gift who may use or dispose of such items. Any violation of such Code shall be considered a violation of the “Fair Business Practices Act of 1975.”

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

[HB 727 – Fireworks; certain further regulations by counties and municipal corporations; provide](#)

House Author: Rep. Paul Battles (R – Cartersville)

Senate Sponsor: Sen. Jeff Mullis (R – Chickamauga)

HB 727 revises O.C.G.A. § 25-4-8 by requiring that any employee, volunteer, or private contractor shall not have pleaded guilty to a felony under the laws of this state. However, an individual may the recommended Georgia Firefighter Standards and Training Council training program to be authorized employment with a fire department. The bill seeks to amend Chapter 10 of Title 25 of the O.C.G.A. relating to regulation of fireworks. Revisions are made to the definition for “store” so as to include the term shall only include buildings with at least 4,000 square feet of retail display space and no more than 25 percent of such retail display space is used for consumer fireworks. It further changes the stipulations for the legality of exploding fireworks by changing the acceptable hours of use from 10 A.M.

to 9 P.M, on any day. On January 1, July 3, July 4, and December 31 of each year, it shall be lawful after the time of 9 P.M up to and including the time of 11:59 A.M; on January 1 of each year beginning at the time of 12:00 Midnight and up to and including the ending time of 1:00 A.M. It shall be unlawful to sell consumer from a tent, canopy, or membrane structure. The fact that any person charged with violating this Code section is or has been legally entitled to use a drug shall not constitute a defense against any charge of violating this Code section. The bill further amends the current law by: broadening the facilities one cannot explode fireworks within 100 yards of, including electric plants, water treatment plants, wastewater treatment plants, and facilities engaging in the retail sale of flammable or combustible liquids or gases in excess of 500 gallons; prohibiting the use of such materials near health care facilities or government property, such as historic sites, unless the actor is the owner or governing authority of such property or has been granted permission from such person; prohibiting the use of such materials at public gatherings upon the notice from law enforcement officials; and prohibiting the use of such materials under the influence of alcohol or drugs.

The Governor is allowed to enact further restrictions if they declare a drought; however no such restrictions shall be effective January 1, July 3, July 4, or December 31 of any year. The initial license fee for a distributor selling consumer fireworks from a permanent retail facility shall be \$1,500 per location, provided that the initial fee shall be \$5,000 for a distributor that is not licensed pursuant to this subsection prior to July 1, 2016. For each and every act in violation of this chapter monetary fine of \$2,500 shall be subjected against the violator of the Chapter; provided, however, that the Safety Fire Commissioner shall have the authority to subject such violator that knowingly sells consumer fireworks from a tent, canopy, or membrane structure to a monetary penalty of up to \$5,000.00 and, if any such person or entity is a distributor, then a license revocation for not more than two years. A new code section is created, O.C.G.A. § 25-10-11, allowing the Safety Fire Commissioner or their deputy to issue and deliver a cease and desist order when they believe any-

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one is in violation of this Chapter. Any order issued by the Safety Fire Commissioner shall contain a notice of opportunity for hearing, if the person accused requests one. Any person who fails to comply with any order under this subsection is guilty of a misdemeanor.

Signed by the Governor: April 26, 2016
Effective Date: April 26, 2016

[HB 759 – Courts; financial institutions; certain activities shall not constitute the unauthorized practice of law; provide](#)

House Author: Rep. Wendell Willard (R – Sandy Springs)
Senate Sponsor: Sen. P. K. Martin, IV (R – Lawrenceville)

HB 759 moves to amend Article 3 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to the regulation of the practice of law. The amendment would be in the revision of Code Section 15-19-52, in which the bill further specifies the term “financial institution” through Code Section 7-1-4. After the revisions, the bill will assert that “no... financial institution... whose deposits are federally insured shall be prohibited from giving any advice to its customers in matters incidental to.. providing financial services.”

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

[HB 840 – Conservation and natural resources; rules and regulations used to establish criminal violations; change provisions](#)

House Author: Rep. Ron Stephens (R – Savannah)
Senate Sponsor: Sen. Frank Ginn (R – Danielsville)

HB 840 seeks to amend Title 12 and Title 27 of the O.C.G.A. relating to conservation and natural resources and game and fish, respectively. The bill revises paragraph (5) of subsection (c) to change the date of efficacy for the rules and regulations of the Board of Natural Resources from January 1, 2013 to that day in 2016. The bill makes it unlawful to keep, hold, or possess any wildlife in captivity for film production purposes without first procuring a film production wildlife permit. The permit shall allow the permit holder to transport,

possess, or transfer wildlife for any permitted purpose related to film production, though the permit shall not exempt the holder from any other requirements. It is duly unlawful for the permit holder to release the wildlife from captivity or house or maintain the wildlife in such a manner as to pose a reasonable possibility that the wildlife may be released accidentally or escape from captivity. The bill also specifies the annual permit fees for resident and nonresident film producers as \$300 and \$600 annually, respectively.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

[HB 851 – Local government; annual audit of financial affairs, books, and records of boards of trustees of county law libraries; require](#)

House Author: Rep. Alex Atwood (R – St. Simons Island)
Senate Sponsor: Sen. William Ligon, Jr. (R – Brunswick)

HB 851 amends O.C.G.A. § 36-15 by adding a new code section § 36-15-13 which requires the board of trustees of a county law library to have an annual audit of its financial affairs, books, and accounts performed by a certified public accountant. The bill also requires that a copy of such audit shall be made available to the governing authority of the county and shall be a public document. The bill also makes eligible the purchase of software, equipment and furnishings for the courthouse or other county judicial facilities at the discretion of the board of trustees.

Signed by the Governor: April 26, 2016
Effective Date: April 26, 2016

[HB 949 – Crimes and offenses; illegal use of financial transaction cards; revise provisions](#)

House Author: Rep. Alan Powell (R – Hartwell)
Senate Sponsor: Sen. Charlie Bethel (R – Dalton)

HB 949 seeks to amend Article 3 of Chapter 9 of Title 16 and Chapter 80 of Title 36 of the O.C.G.A. relating, respectively, to illegal use of financial transaction cards and to general provisions applicable to counties, municipal corporations, and other government en-

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tities. The bill adds the term “constitutional officer” as authorized within the state constitution under the definitions of the term “government.” Further, such officers shall not issue government purchasing or credit cards to themselves on or after July 1, 2016 until they have asserted specific policies regarding the usage of the cards and such policies have been filed with the governing authority of the county.

Signed by the Governor: April 27, 2016
Effective Date: July 1, 2016

HB 952 – “Georgia Professional Regulation Reform Act”; enact

House Author: Rep. Chad Nimmer (R – Blackshear)
Senate Sponsor: Sen. Mike Dugan (R – Carrollton)

HB 952 seeks to amend Title 43 of the O.C.G.A., relating to professions and business. It creates a new Chapter 1C, also known as the “Georgia Professional Regulation Reform Act.” Using the standards from *N.C. State Bd. Of Dental Exam’rs v. FTC*, 135 S. Ct. 1101 (2015), the bill delineates under which circumstances state professional licensing boards and board members are entitled to antitrust immunity, including: that their anticompetitive conduct is consistent with “clearly articulated” state policy; the state provides “active supervision” of their conduct. The Governor is granted authority to actively supervise the boards, which duties are: review, and in writing, approve or veto any rule before it is filed in the Secretary’s office or before such rule becomes effective; review, and in writing, approve or veto any rule that is challenged via an appeal to the Governor after denial of a petition filed or any rule that is submitted by a professional licensing board for review by the Governor; review and, in writing, approve, remand, modify, or reverse any action by the board that is challenged via an appeal or submitted by a board for review by the Governor; promulgate any relations necessary to effectuate the provisions of this chapter. Such actions must be fully completed within 90 days.

Signed by the Governor: April 27, 2016
Effective Date: July 1, 2016

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

House Author: Rep. Stacey Abrams (D – Atlanta)
Senate Sponsor: Sen. Renee Unterman (R – Buford)

HB 962 amends O.C.G.A. Article 1 of Chapter 2 of Title 49, by creating the position of kinship care enforcement administrator within the Department of Human Services. The duties of the kinship care enforcement administrator shall include supervising, directing, and ensuring compliance to all laws and regulations, among other duties. HB 962 defines the term ‘kinship caregiver.’ The department is also required to provide a link or portal on its website which provides access to social services to kinship caregivers and the children in their care. The link shall provide specific information for applying for and accessing public assistance as a kinship caregiver. HB 962 also incorporates SB 337. HB 962 would require the Department of Human Services to allow legal residents who are dependents of military service members to be added to a database when the military member is not in this state due to such member’s military service. The dependent may be selected to receive medical assistance. A dependent is required to produce certain documents to prove status as dependent of a military service member.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

SB 269 – Counties; require local governing bodies; provide certain entities with certification of compliance with Code section; condition of funding

Senate Author: Sen. Jesse Stone (R – Waynesboro)
House Sponsor: Rep. Jesse Petrea (R – Savannah)

SB 269 seeks to amend Code Section 36-80-23 of the O.C.G.A. relating to the prohibition on immigration sanctuary policies by local government entities. It mandates funding of local governing bodies shall require certification pursuant to Code Section 50-36-4. It further adds Code Section 36-80-23 to the informing Code Sections within subsections (b) and (d) of Code Section 50-36-4 and requires compliance with this

GENERAL cont.

added Code Section by the agency or political subdivision.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

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

Senate Author: Sen. Dean Burke (R – Bainbridge)

House Sponsor: Rep. Buddy Harden (R – Cordele)

SB 271 seeks to amend Chapter 3 of Title 37 of the O.C.G.A. relating to examination and treatment for mental illness. Revisions to Code Section 37-3-44 include written notice of habeas corpus or a protective order to the patient both immediately upon arrival and as soon thereafter as reasonably possible given a person's condition or mental state at the time of arrival. Code Section 37-3-83 is revised to include a new subsection (e) which explains that if within 40 days of an order for involuntary treatment for an individual for whom discharge has been planned, the chief medical officer determines discharge would now be unsafe, the officer may execute a certificate to be filed with a petition for continued involuntary treatment. Such officer shall serve the petition along with copies of the updated individualized service plan on the Office of State Administrative Hearings and shall also serve such documents on the person who has mental illness as well as the person's representatives. Subsection (f) revises the days within notice from 10 to 5 within which the committee shall meet to consider the matter of the officer's intention to seek an order for continued involuntary treatment.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

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

Senate Author: Sen. Steve Gooch (R – Dahlongega)

House Sponsor: Rep. Alan Powell (R – Hartwell)

SB 316 seeks to amend Part 2 of Article 2 of Chapter 12 of Title 16 of the O.C.G.A. relating to bingo. It adds a clause specifying that the numbers chosen by lot shall be chosen by a natural person who is physically located on the premises or property on which the game is operated. Further, it removes the allowance to award prizes up to \$1,500 in cash or gifts of equivalent value on a calendar day, leaving a \$3,000 per week limit.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

LOCAL (Compensation/General/Elections/Fines & Fees)

[HB 514 – South Fulton, City of; Fulton County; incorporate](#)

House Author: Rep. Roger Bruce (D – Atlanta)
Senate Sponsor: Sen. Donzella James (D – Atlanta)

HB 514 incorporates the City of South Fulton in Fulton County. It provides for a municipal court and judge or judges and all matters relative to those judges including the court's jurisdiction, powers, practices, and procedures.

Signed by the Governor: April 26, 2016
Effective Date: April 26, 2016 for Sections 1. 10 and 1. 11 and 7.14; the remaining provisions shall become effective on May 1, 2017

[HB 748 – Thomas County Magistrate Court; impose and collect county law library fees as part of court costs; provide](#)

House Author: Rep. Darlene Taylor (R – Thomasville)
Senate Sponsor: Sen. Dean Burke (R – Bainbridge)

HB 748 seeks to authorize the Magistrate Court of Thomas County to impose and collect county law library fees as part of the court costs in the magistrate court. The amount of the fee to be imposed shall be no greater than the sum authorized in Code Section 36-15-9 of the O.C.G.A. All provisions of such Code Section shall apply to and govern the Magistrate Court of Thomas County. The Act shall become effective on the first day of the month follow the month of its approval or in which it becomes law.

Signed by the Governor: April 26, 2016
Effective Date: May 1, 2016

[HB 794 – Macon County; probate court judge shall also serve as chief magistrate judge; provide](#)

House Author: Rep. Patty Bentley (D – Butler)
Senate Sponsor: Sen. Ed Harbison (D – Columbus)

HB 794 seeks to adjoin the positions of the judge of the Probate Court of Macon County and the chief magistrate judge of the Magistrate Court of Macon County on and after January 1, 2017. The bill calls for

no election in 2016 or thereafter for the office of the chief magistrate judge. The office of which as well as the term length shall be concurrent with that of the judge of the probate court.

Signed by the Governor: March 2, 2016
Effective Date: March 2, 2016

[HB 804 – Superior courts; fifth judge of the Clayton Judicial Circuit; provide](#)

House Author: Rep. Ronnie Mabra (D – Fayetteville)
Senate Sponsor: Sen. Curt Thompson (D – Tucker)

HB 804 amends O.C.G.A § 15-6-2, paragraph 10, by adding a fifth judge to the Clayton Judicial Circuit. The additional judge is to be selected by the Governor for a term beginning January 1, 2017. HB 804 provides other prescriptions and authorizations of the additional fifth judge.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

[HB 888 – Upson County; Juvenile Court; transfer probation and intake services to the Georgia Department of Juvenile Justice](#)

House Author: Rep. Johnnie Caldwell, Jr. (R – Thomaston)
Senate Sponsor: Sen. John Kennedy (R – Macon)

HB 888 is an act to transfer probation and intake services of the Juvenile Court of Upson County to the Georgia Department of Juvenile Justice (GDJJ). This transfer shall become part of the state-wide juvenile and intake services and shall be fully funded through the GDJJ. Such probation and intake officers shall become employees of the GDJJ on the effective date of this Act (July 1, 2016) at which point they will be subject to the salary schedules and other personnel policies of the GDJJ, though such salaries may not be reduced due to becoming employees of the GDJJ.

Signed by the Governor: April 27, 2016
Effective Date: July 1, 2016

LOCAL (Compensation/General/Elections/Fines & Fees) cont.

[HB 947 – Echols County; assessment and collection of a technology fee by the Probate Court; authorize](#)

House Author: Rep. John Corbett (R – Lake Park)

HB 947 authorizes the clerk of the Probate Court of Echols County to charge and collect a technology fee to be set by the judge of the probate court in the amount of \$10.00 for the filing of each civil action with the court and \$10.00 as a surcharge upon each fine assessed by the court. Such technology fees shall be used exclusively to provide for technological needs of the Probate Court of Echols County, the Superior Court of Echols County, the office of the Sheriff of Echols County, and the office of the Tax Commissioner of Echols County.

Signed by the Governor: April 27, 2016
Effective Date: July 1, 2016

[HB 968 – Pike County Magistrate Court; impose and collect county law library fees as part of court cost](#)

House Author: Rep. Johnnie Caldwell, Jr. (R – Thomaston)
Senate Sponsor: Sen. Marty Harbin (R – Tyrone)

HB 968 grants the chief magistrate of the Magistrate Court of Pike County to impose a county law fee upon all cases the court is authorized to under O.C.G.A. § 36-15-9. The court may use these fees as specified in O.C.G.A. § 36-15-9.

Signed by the Governor: April 27, 2016
Effective Date: July 1, 2016

[HB 1008 – Cobb County State Court; change salary of the chief deputy clerk and the clerk](#)

House Author: Rep. John Carson (R – Marietta)

HB 1008 seeks to amend an Act creating the State Court of Cobb County. The bill delineates salary requirements for the positions of chief deputy clerk, clerk of the State Court of Cobb County, assistant solicitors, chief assistant solicitor, deputy assistant solicitor, and intake assistant solicitor. It also grants the solicitor-general authority to appoint six assistant solicitors for varying roles.

Signed by the Governor: April 28, 2016
Effective Date: July 1, 2016

[HB 1012 – Cobb County; clerk of the superior court, deputy clerk, and executive assistant; change salary](#)

House Author: Rep. John Carson (R – Marietta)

HB 1012 delineates the salaries for the positions of clerk of the superior court, deputy clerk, executive assistant, and executive secretary of Cobb County. It also specifies procedure in the event of the death or removal from office of the deputy clerk.

Signed by the Governor: April 28, 2016
Effective Date: July 1, 2016

[HB 1019 – Upson County Magistrate Court; collect and impose county law library fees as part of court cost; provide](#)

House Author: Rep. Johnnie Caldwell, Jr. (R – Thomaston)
Senate Sponsor: Sen. John Kennedy (R – Macon)

HB 1019 seeks to authorize the chief magistrate of the Magistrate Court of Upson County to impose a county law library fee, of which shall not exceed the authorized sum in Code Section 36-15-9.

Signed by the Governor: April 28, 2016
Effective Date: July 1, 2016

[HB 1021 – Spalding County State Court; election of county solicitor; provide](#)

House Author: Rep. John Yates (R – Griffin)
Senate Sponsor: Sen. Marty Harbin (R – Tyrone)

HB 1021 seeks to amend an Act establishing the State Court of Spalding County, formerly known as the City Court of Griffin. The bill delineates the terms of election and service for the role of solicitor as well as the position's salary and ability to appoint assistant solicitors.

Signed by the Governor: May 3, 2016
Effective Date: January 1, 2017

LOCAL (Compensation/General/Elections/Fines & Fees) cont.

[HB 1033 – Cobb County Probate Court; change compensation of judge and clerk](#)

House Author: Rep. Stacey Evans (D – Smyrna)

HB 1033 delineates the salaries for the positions of judge of the Probate Court of Cobb County, clerk of the probate court, and deputy clerks. The judge is also granted authority to employ requisite clerical staff and two deputy clerks.

Signed by the Governor: May 3, 2016

Effective Date: July 1, 2016

[HB 1080 – Fayette County; Magistrate Court; impose and collect county law library fees as part of court cost](#)

House Author: Rep. Matt Ramsey (R – Peachtree City)

HB 1080 authorizes the chief magistrate of the Magistrate Court of Fayette County to impose a county law library fee on all cases in courts authorized under O.C.G.A. § 36-15-9. The fee shall be no greater than the amount authorized, \$5.00 in addition to other legal costs.

Signed by the Governor: May 3, 2016

Effective Date: July 1, 2016

[HB 1083 – Tift County; State Court; change the office of the solicitor to a full-time position](#)

House Author: Rep. Penny Houston (R – Nashville)

HB 1083 seeks to amend an Act creating and establishing the State Court of Tift County, approved March 30, 1971. Section 8 is amended by delineating the office of solicitor as full-time and paid an annual salary of no less than \$8,000 which is to be paid in twelve monthly installments from the general fund of said county. The Board of Commissioners of Tift County must fix the salary of said solicitor for the calendar year before February 15 of said calendar year.

Signed by the Governor: May 3, 2016

Effective Date: July 1, 2016

[SB 105 – Chatham County Magistrate Court; provide for two full-time magistrates for Chatham County](#)

Senate Author: Sen. Lester Jackson (D – Savannah)

House Sponsor: Rep. Ron Stephens (R – Savannah)

SB 105 provides for two full-time magistrates for Chatham County. The Board of Commissioners may appoint a third full-time magistrate. It provides for the election and appointment of successor magistrates. The bill also provides for the appointment of pro tempore and part-time magistrates.

Signed by the Governor: May 3, 2016

Effective Date: May 3, 2016

[SB 208 – Stonecrest, City of; provide for a charter](#)

Senate Author: Sen. Ronald Ramsey (D – Lithonia)

House Sponsor: Rep. Dee Dawkins-Haigler (D – Lithonia)

SB 208 provides a charter for the new city of Stonecrest. It provides for a municipal court and judge or judges and all matters relative to those judges including the court's jurisdiction, powers, practices, and procedures.

Signed by the Governor: April 21, 2016

Effective Date: April 21, 2016

[SB 419 – State Court of Wayne County; change the salary of the judge and solicitor](#)

Senate Author: Sen. Tommie Williams (R – Lyons)

The judge and solicitor of the State Court of Wayne County shall be paid an annual salary equal to the sum of 90 percent of the annual salary, including base salary and all county supplements, of a judge of the superior court.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

PUBLIC SAFETY & TRAFFIC

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

House Author: Rep. Tom Rice (R – Norcross)

Senate Sponsor: Sen. Bill Cowser (R – Athens)

HB 205 provides for a process by which drivers will be eligible for a permit even if they refuse the state administered chemical test or have a result on the test of .08 or more. Currently, drivers who are suspended due to a refusal or a state chemical test of .08 or more are automatically suspended, and they are not eligible for a limited permit. OCGA 40-5-67.1. The Ignition Interlock Device Limited Driving Permit (IIDLDP) shall not be issued to 1) Drivers Under 21, 2) Drivers not currently licensed to operate a motor vehicle in GA, 3) CDL holders, 4) License holders under suspension due to their involvement in a traffic accident with injuries or fatalities, 5) Drivers who are subject to any other license suspension (child support, FTAs, points, etc.). The application for the IIDLDP constitutes a waiver of the ALS hearing. Id. at lines 368-371. The ability to get a driver’s license reinstated by complying with the conditions of OCGA § 40-5-67.2, such as the risk reduction program and paying a reinstatement fee, are still in effect under HB 205. Like the current law, drivers convicted of a second DUI within 5 years of their first are eligible for an IIDLDP after a 120 day suspension. HB 205 also creates new code section OCGA § 40-5-64.2, which requires DDS to report to the Senate Public Safety Committee the numbers of IIDLDPs issued for those who those who test at .08 or above and those who refuse the state administered chemical test. This reporting requirement will remain in effect until 2020. New code section OCGA § 40-8-110.1 creates new provisions for the installation and use of Ignition Interlock Devices. For drivers granted an IIDLDP, an Ignition Interlock Device must be installed within 10 days of the receipt of the device. Drivers who are suspended due to a state administered chemical test result of .08 or higher must drive for 4 months on an Ignition Interlock Device Limited Driving Permit. Drivers who are suspended due to a refusal to take the state administered chemical test must drive on Igni-

tion Interlock Device Limited Driving Permit for 12 months. An Ignition Interlock Device Limited Driving Permit may be issued within 30 days of notice of the ALS hearing, surrender of the driver’s license, and an affidavit attesting to the waiver of the ALS hearing.

In order to comply with SB 367, the provisions in the Criminal Justice Reform Bill, HB 205 changes the renewal process for limited driving permits. Limited permits last for one year and may be renewed for 2 months at a cost of \$5. Limited permits may only be renewed one time after the driver’s license is eligible for reinstatement. IIDLDPs may only be used for 1) going to the driver’s place of employment or performing normal duties of the driver’s occupation; 2) receiving scheduled medical care or obtaining prescription drugs; 3) attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; 4) attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver’s license or by the commissioner; 5) attending court, reporting to probation or a community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or performing community service; 6) Transporting an immediate family member who does not hold a valid driver’s license for work, to obtain medical care or prescriptions, or to school; 7) attending any program, event, treatment, or activity ordered by a judge presiding in an accountability court 8) going for monthly monitoring visits with the permit holder’s ignition interlock device service provider.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2017

PUBLIC SAFETY & TRAFFIC cont.

[HB 767 – Motor vehicles; add utility service vehicles to the “Spencer Pass Law”; provisions](#)

House Author: Rep. Alan Powell (R – Hartwell)
Senate Sponsor: Sen. Steve Gooch (R – Dahlongega)

HB 767 seeks to amend Article 1 of Chapter 6 of Title 40 of the O.C.G.A. relating to general provisions regarding uniform rules of the road. The bill revises Code Section 40-6-16 – the “Spencer Pass Law” – in subsections (c) and (d) and in new subsection (e). The term “stationary utility service vehicle” is added to the range of vehicles of which their proceedings are specified within the bill. Violation of subsection (c) shall be punished of a fine of no more than \$250.00. The new subsection simply delineates the definitions of “utility service vehicle” and “utility services.”

Signed by the Governor: April 19, 2016
Effective Date: July 1, 2016

[HB 777 – School buses; drivers use cellular telephones in similar manner as a two-way radio; allow](#)

House Author: Rep. Mike Dudgeon (R – John’s Creek)
Senate Sponsor: Sen. Tyler Harper (R – Ocilla)

HB 777 amends O.C.G.A. § 40-6-165, allowing for school bus drivers to use a cell phone only if it is being used in a similar manner as a two-way radio, allowing live communication between the driver and school officials or public safety officials.

Signed by the Governor: April 26, 2016
Effective Date: July 1, 2016

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

House Author: Rep. Buzz Brockway (R – Lawrenceville)
Senate Sponsor: Sen. Joshua McKoon (R – Columbus)

HB 792 amends and adds a new paragraph to Part 3 of Article 4 of Chapter 11 of Title 16 of the O.C.G.A., relating to carrying and possession of firearms. The new paragraph delineates that any person 18 years of age or older as well as any student enrolled in classes on

the campus in question can only employ the use of an electroshock weapon in defense of self or others. The bill further specifies the definition of the term “electroshock weapon.”

Signed by the Governor: May 3, 2016
Effective Date: July 1, 2016

[HB 806 – Drivers’ licenses; expiration of certain licenses and identification cards; provisions](#)

House Author: Rep. Kevin Tanner (R – Dawsonville)
Senate Sponsor: Sen. Tyler Harper (R – Ocilla)

HB 806 seeks to amend Chapter 5 of Title 40 of the O.C.G.A. relating to drivers’ licenses. Code Section 40-5-32 is revised to change the expiration of every drivers’ license to expire every eighth year following the issuance of such license, from the former five year span. It removes the expectation in section (a)(1) that an applicant for a Class C, E, F, or M noncommercial driver’s license who is under age 60 shall at the applicant’s option apply for a license which shall expire on the licensee’s birthday in the fifth or eighth year following the issuance of such license. It further includes that distinctive licenses shall expire in the eighth year following issuance and removes the qualification that licensees over 65 shall be subject to renewal every five years. It creates a new paragraph (3) which mandates that every driver’s license shall be renewed on or before its expiration date upon application, payment of the required fee, and, if applicable, satisfactory completion of the examination.

Code Section 40-5-53 is given a new paragraph (b)(2) which states that a report of conviction received by the department two or more years after the date of final disposition shall be noted on a person’s driving record. Further, new paragraphs (b)(3) and (b)(4) state that any violation of federal law or regulation or the law of any state or a valid municipal or county ordinance regardless of the date of report shall be considered for purposes of revoking a driver’s license. Code Section 40-5-172 subsection (a) changes the period of issuance to persons with disabilities from five to eight years. It further changes the applicability for renewal from four

PUBLIC SAFETY & TRAFFIC cont.

to seven years from the time of issuance.

Signed by the Governor: April 26, 2016

Effective Date: April 26, 2016; except for subsection (b) of Code Section 40-5-53 as amended by Section 8, which is effective on January 1, 2017

[HB 900 – Crimes and offenses; electronic data base of prescription information; authorize the retention of data base information for 2 years](#)

House Author: Rep. Sharon Cooper (R – Marietta)

Senate Sponsor: Sen. Fran Millar (R – Atlanta)

HB 900 seeks to amend Part 2 of Article 2 of Chapter 13 of Title 19 of the O.C.G.A. relating to electronic data base of prescription information. It revises subsection (e) in Code Section 16-13-59 to change the date by which the agency or others shall not access any identifying prescription information from one year to two years from the date the information was originally received by the agency. In an amendment to Code Section 16-13-60, the bill adds that nothing in subsection (b) shall be construed to prohibit the agency from accessing prescription information as part of an investigation into suspected or reported abuses or regarding illegal access of the data. Such information may be used in the prosecution of the offender who has illegally obtained prescription information. It further delineates how the agency shall be authorized to provide requested prescription information, including to delegates of such persons authorized to prescribe or dispense controlled substances. It further specifies actions that an individual authorized to access electronic data base prescription information may take. Lastly, it mandates that a dispenser or prescriber acting in good faith shall not be held civilly liable for the injury, death, or loss to person or property for receiving or using information from the electronic data base established pursuant to Code Section 16-13-57.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

[HB 976 – State records management; minimum retention periods for video recordings from law enforcement devices on or inside a vehicle; provide](#)

House Author: Rep. Bill Hitchens (R – Rincon)

Senate Sponsor: Sen. P. K. Martin, IV (R – Lawrenceville)

HB 976 revises O.C.G.A. § 50-18-96 relative to law enforcement recording devices. HB 976 requires that video recordings from law enforcement body-worn devices or devices located on or inside vehicles be retained for 180 days from the date of recording. Exceptions to this regulation are as follows: if a recording is a part of a criminal investigation, shows a vehicular accident, shows the detainment or arrest of an individual, or shows an officer's use of force, it shall be retained for 30 months; or if there exists reasonable anticipation of pending litigation, it shall be retained for 30 months. Any video recording destroyed pursuant to the retention schedule provided in this revised code section shall be deemed to have been properly destroyed and no evidentiary presumption of guilt shall be made that such recording was harmful to law enforcement officer or agency depicted in the recording. HB 976 also forbids any governing body or law enforcement officer to have a duty to redact or obscure people, objects, or information that appears in a video recording.

Signed by the Governor: May 3, 2016

Effective Date: July 1, 2016

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

Senate Author: Sen. Bruce Thompson (R – White)

House Sponsor: Rep. Michael Caldwell (R – Woodstock)

SB 263 seeks to amend Chapter 1 of Title 35 of the O.C.G.A. relating to general provisions regarding law enforcement officers and other agencies. It creates new Code Section 35-1-20 which provides for the retainment of the weapon and badge for sworn officers certified by the Georgia Peace Officer Standards and Training Council upon their retirement.

Signed by the Governor: May 3, 2016

Effective Date: July 1, 2016

PUBLIC SAFETY & TRAFFIC cont.

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

Senate Author: Sen. P. K. Martin, IV (R – Lawrenceville)

House Sponsor: Rep. Rick Jasperse (R – Jasper)

SB 270 seeks to amend Article 4 of Chapter 9 of Title 16 of the O.C.G.A. relating to fraud and related offenses. New Code Section 16-9-63 is added to affirm that it is unlawful for any individual to make false statements or representations that he or she is a military veteran or recipient of a military decoration with the intentions of securing a tangible benefit for himself or herself. Additionally, the individual cannot appear in court with the intent of deception wearing the uniform or any military decorations without authorization. Any person who violates this Code Section shall be guilty of a misdemeanor, though if the violation involves a military medal award, the person will be guilty of a misdemeanor of a high and aggravated nature. Such violation will be considered a separate offense and shall not merge with any other offense.

Revisions to Code Section 6-10-28 delineate the scenarios in which an individual commits the offense of transmitting a false public alarm. A violation of this section shall be punished for a misdemeanor of a high and aggravated nature and a second or subsequent violation shall be punished for a felony by imprisonment between 1-10 years and/or a fine of not less than \$5,000. If the location of the violation is critical infrastructure, the person shall be guilty of a felony and shall be punished by imprisonment between 5-10 years and/or a fine of not more than \$100,000. Subsections (e) and (f) of Code Section 16-11-126 is expanded to specify that any person who is not a weapons carry license holder in this state yet is licensed in another state shall be authorized to carry a weapon in this state for 90 days after he or she becomes a resident of this state; provided that the person shall carry the weapon in compliance with the laws of this state and as soon as practicable submit a weapons carry license application and remains licensed in the other state for the duration of time before the application is approved. Additionally, any person with a valid hunting or fishing license

on his or her person who is otherwise engaged in such activity may have or carry on his or her person a knife without a valid weapons carry license.

Paragraph (2) of subsection (e) of Code Section 16-11-127 is revised to specify that a license holder shall not be in violation of this Code Section in relation to carrying weapons in places of worship if such individual immediately leaves such place of worship while carrying the weapon upon personal notification by such place of worship that he or she is carrying a weapon in a locale which does not permit them to do so. New subsection (a.1) is added to Code Section 16-11-129 on gun safety information. It permits the judge of the probate court to provide applications with printed information on gun safety insofar as it offers practical advice for gun safety and the source of the material is prominently displayed on the pamphlet. Further, the Department of Natural Resources shall maintain on its principal, public website information which provides resources for information on hunter education and classes and courses in this state that render instruction in gun safety. Such courses are not required, and solely offered for the convenience of the citizens of Georgia. Neither the judge nor the department shall be liable for any personal injuries or damage to property arising from conformance to this Code Section.

Subsection (c) of Code Section 16-11-127.2 is revised shall provide exemptions to persons who are citizens of this state and follow a prescribed set of guidelines in reference to their status as law enforcement officers. Subsection (c) of Code Section 42-2-8 is revised to include any person designated and serving in the position of the commissioner's chief of staff to the individuals authorized to issue warrant for the arrest of an offender who has escaped from the custody of the department. Revisions to Code Section 42-9-9 include the permission for various officers to retain his or her board issued weapon and badge upon retirement or death in the line of duty. Subsection (b) of Code Section 42-9-90 is revised to increase the application fee from \$25.00 to \$100.00 when a non-indigent adult applies to transfer his or her supervision from Georgia to any other state or territory. Section 3 of this Act shall become effective

PUBLIC SAFETY & TRAFFIC cont.

on July 1, 2016 and shall apply to offenses committed on or after such date. All other sections become effective upon its approval from the Governor or its becoming law without such approval.

Signed by the Governor: May 3, 2016

Effective Date: July 1, 2016 for Section 3 and shall apply to offenses committed on and or after such date; all other sections are effective as of May 3, 2016

[SB 279 – Georgia Peace Officer Standards and Training Council; include Commissioners of Juvenile Justice/Natural Resources as voting members](#)

Senate Author: Sen. Tyler Harper (R – Ocilla)

House Sponsor: Rep. Alan Powell (R – Hartwell)

SB 279 amends O.C.G.A. § 35-8-3 to increase the number of voting members on The Georgia Peace Officer Standards and Training Council from 20 to 22 members. The council will now include the commissioner of juvenile justice and the commissioner of natural resources or, their respective designees.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

[SB 304 – Criminal Records; allow for the preservation of a person's involuntary hospitalization information received by Georgia Crime Information](#)

Senate Author: Sen. Elena Parent (D – Atlanta)

House Sponsor: Rep. Scott Holcomb (D – Atlanta)

SB 304 amends O.C.G.A. Chapter 1 of Title 35, relating to the reporting of forensic medical examinations for evidentiary purposes. SB 304 requires every medical examiner, who performs a forensic medical examination on an individual, to notify the Division of Forensic Sciences of the GBI of the performance of the examination, and the collection of evidence, at the request of the alleged victim. At the time of the examination, the alleged victim shall not be required to waive or assign any rights afforded to them in the Crime Victims' Bill of Rights. The officer taking possession of the evidence is responsible for ensuring that evidence is submitted to the Division within 30 days of it being

collected. Beginning December 1, 2016, the Division shall issue an annual report detailing the number of cases for which it has tested evidence and the number of cases for which it is storing evidence. The report shall be provided to the Speaker of the House, the Lieutenant Governor, the House Committee on Judiciary, Non-Civil and the Senate Judiciary Non-Civil Committee.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

[SB 320 – Driver's License; revise exemptions afforded to nonresidents issued to them in in home state/country](#)

Senate Author: Sen. Ben Watson (R – Savannah)

House Sponsor: Rep. Alan Powell (R – Hartwell)

SB 320 seeks to amend Title 40 of the O.C.G.A. relating to motor vehicles and revises provisions relating to the regulation of transportation for hire. Revisions to Code Section 40-1-154 include the removal of subsections (a), (b), and (c). New Code Section 40-1-193.1 is added to mandate that each taxi service operating or doing business in Georgia must register with the department. Upon receipt of such application, the department shall issue a license to such taxi service which shall be renewed on an annual basis. The fee for such license and registration shall not exceed \$100.00. The service must maintain a current list of all drivers and shall be made available for inspection by law enforcement officers and representatives of other government agencies upon request to ascertain compliance with this title. It further specifies steps the taxi services must take to oversee its drivers and the safety of its services.

Paragraph (2) of subsection (a) of Code Section 40-5-21 is revised to remove code mandating a valid international driving permit for nonresident driver's from out of the county and to add that such law enforcement may consult such person's passport or visa to satisfy the validity of the international license. Subsection (b) of Code Section 40-5-39 is revised through the removal of paragraph (6) which the substantiation of proof of liability insurance in such amounts as provided by law

PUBLIC SAFETY & TRAFFIC cont.

for the class of motor vehicle being operated. Subsection (d) of Code Section 40-5-81 is revised through the addition to preexisting penalties, any person convicted of a second or subsequent offense shall have his or her license to operate a driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program revoked.

Signed by the Governor: May 3, 2016

Effective Date: January 1, 2017

[SB 332 – Public Order and Safety; clarify the judges and justices who are exempt; various weapon carry laws and prohibitions](#)

Senate Author: Sen. John Kennedy (R – Macon)

House Sponsor: Rep. Barry Fleming (R – Harlem)

SB 332 seeks to amend Code Section 16-11-130 of the O.C.G.A. relating to exemptions from Code Sections 16-11-126 and 16-11-127.2. Revisions to paragraphs (12), (12.1), and (12.2) of subsection (a) include the redaction of “State and federal judges” and the insertion of “Federal judges, Justices of the Supreme Court, Judges of the Court of Appeals, judges of the superior, state” and “administrative law judges” and maintains the other previously noted judges. Code Section 15-9-60 receives new paragraph (k) which states that the fee for issuance of personal identification cards to judges or Justices shall be determined by The Council of Probate Court Judges of Georgia. New chapter 25 is added in regard to such identification cards. The judge of the probate court of each county shall issue personal identification cards to each judge or Justice who makes application to such judge. It is also permissible for a person elected or appointed as such judge or Justice to make application to the judge of the probate court upon his or her election or appointment but prior to his or her taking an oath for the issuance of such personal identification card upon taking oath. When the judge or Justice is required to be issued a weapons carry license, the judge of the probate court shall verify such qualifications on a fingerprint based criminal history records check from the Georgia Crime Information Center and the F.B.I. Subsection (b) (1) glosses the covert security features of the identification

cards and (b) (2) explicates the personal information which must be included on the cards. Every card must bear the signatures of the Chief Justice of the Supreme Court and the Governor and shall possess an ID card number. The card’s validity will span a period of 4 years and shall be renewable as long as such person meets the qualifications for such. Upon becoming a former judge or Justice, the person must surrender the card that designates him or her as such and may submit an application for a new card which will reflect their new status.

Signed by the Governor: April 26, 2016

Effective Date: July 1, 2016

VETOED BY THE GOVERNOR

(To view a complete list of the bills vetoed by Governor Deal, please click [here](#).)

[HB 59 – State tort claims; waiver of sovereign immunity for declaratory judgment or injunctive relief; provide](#)

House Author: Rep. Wendell Willard (R – Sandy Springs)
Senate Sponsor: Sen. Joshua McKoon (R – Columbus)

HB 59 amends O.C.G.A. Chapter 21 of Title 50, Chapter 3 of Title 23, and § 36-33-1. HB 59 amends code sections relating to actions ex contractu, conventional quia timet, and to a municipal corporation's immunity from liability for damages, by providing for a waiver of sovereign immunity brought by a person seeking declaratory judgment or injunctive relief in a conventional quiet title against the state or any political subdivision, to remedy a violation of a state law, except when a law explicitly prohibits such a waiver. However, sovereign immunity is not waived relating to any claim for monetary relief, attorney's fees, or expenses of litigation, or in any claim brought by or on behalf of an inmate or institutionalized person.

Vetoed by the Governor: May 3, 2016

Governor Deal's Veto Statement: "HB 59 creates a blanket waiver of sovereign immunity, with limited exceptions, as to claims seeking a declaratory judgment or injunctive relief against the state and local governments. This sweeping waiver of sovereign immunity would allow unprecedented judicial intervention into daily management decisions entrusted to the executive branch of government. While the concept of sovereign immunity is relatively simple on its face, it is complex in application and it is likely that HB 59 would have unforeseen ramifications that would impede government operations. While the purported purpose of HB 59 was to legislatively address a recent judicial decision, the waiver of sovereign immunity contained therein is not sufficiently limited. As I have not been persuaded of the need for this comprehensive waiver of sovereign immunity, I VETO HB 59."

[HB 370 – Elections; provide for waivers of certain civil penalties and fees incurred by candidates for local elected office; provisions](#)

House Author: Rep. Barry Fleming (R – Harlem)
Senate Sponsor: Sen. Dean Burke (R – Bainbridge)

HB 370 amends Chapter 5 of Title 21 of the O.C.G.A. relating to ethics in government, so as to provide for waivers for certain civil penalties and fees incurred by candidates running for local elected office. O.C.G.A. § 21-5-7.2 is revised by allowing for a grace period through December 31, 2016 for campaign contribution reports and personal financial disclosure statements that were required by Chapter 5 between January 1, 2010 and January 10, 2014. If a public officer or candidate failed to follow this compliance, they may have fines and penalties waived following the approval of financial reports by the commission. The commission shall notify by mail, each public officer or candidate who is shown on the records of the commission to have failed to file, filed late, or made an incomplete filing of a report. After the commission determines that the officer is in compliance of financial filing, the officer may be refunded any fines or penalties that have been paid.

Vetoed by the Governor: May 3, 2016

Governor Deal's Veto Statement: "HB 370 would waive all fines, fees, and penalties in association with the failure to file, filing late, or filing incomplete campaign contribution disclosure reports and personal financial disclosure statements by locally elected officials and candidates from January 1, 2010 – January 10, 2014. This retroactive measure amounts to amnesty for individuals who failed to follow correct procedure for the filing of these documents. Moreover, it places an undue burden on the Georgia Government Transparency and Campaign Finance Commission for the distribution of notice, promulgation of forms, and collection of new documents for those local officials or candidates to refile if they had previously failed to file, filed late, or filed incomplete documents during the 2010- 2014 timeframe. Finally, it has the potential to allow for a

VETOED BY THE GOVERNOR cont.

refund of fines, fees, and penalties that have already been paid by violators. For these reasons, I VETO HB 370.”

[HB 757 – Domestic relations; religious officials shall not be required to perform marriage ceremonies in violation of their legal right; provide](#)

House Author: Rep. Kevin Tanner (R – Dawsonville)

Senate Sponsor: Sen. Greg Kirk (R – Americus)

HB 757 amends O.C.G.A. Chapter 3 of Title 19 by repealing O.C.G.A. § 19-3-3.1, relating to the prohibition against same-sex marriage. New O.C.G.A. § 19-3-3.1 allows for any religious official to decline to solemnize any marriage opposing their religious views or in violation of their free exercise of religion under the Constitution of Georgia or of the U.S. New O.C.G.A. § 10-1-1000, defines “religious organization” and stipulates that no religious organization shall be required to rent, lease, or grant permission for property to be used by anyone for purposes which are objectionable to the religious organization. A refusal shall not give rise to any civil claim or result in any state action to penalize the individual based on any refusal against such individual or faith-based organization. An individual or faith-based organization may assert a violation of this Code section by a government and obtain a declaratory judgment or injunctive relief. When an aggrieved individual or faith-based organization prevails in an action pursuant to this Code section, the court may award reasonable attorney’s fees and court costs. Any individual or faith-based organization wishing to bring a claim against a government shall give notice to the government at least 30 days before filing such action. HB 757 also amends O.C.G.A. § 10-1-573, adding in subsection (b) stating that, “No business or industry shall be required to operate on either of the two rest days (Saturday or Sunday).” Except as provided by the Constitution of this state or the United States or federal law, no faith based organization shall be required to hire or retain as an employee any person whose religious beliefs or practices or lack of either are not in accord with the faith based organization’s sincerely held religious belief. Government is required to prove a compelling governmental interest, and application of

the least restrictive means to burden a person’s exercise of religion. O.C.G.A. § 50-21-38 is added, waiving the defense of sovereign immunity.

Vetoed by the Governor: March 28, 2016

Governor Deal’s Veto Statement: “The decision surrounding HB 757 has generated more intense feelings than most legislation, perhaps because it has highlighted the concerns of many in our religious communities regarding the actions of federal courts, especially the United States Supreme Court in its 5-4 opinion last summer which legalized same-sex marriage. (Obergefell v. Hodges, 576 U.S. ____ (2015)).

HB 757 enumerates certain actions that religious leaders, faith-based organizations and people of faith shall not be required to take or perform. These include solemnizing a marriage, attending such marriages, hiring church personnel or renting church property when such acts would be contrary to their sincerely held religious beliefs. While most people would agree that government should not force such actions, there has not been a single instance of such taking place in Georgia. If there has been any case of this type in our state it has not been called to my attention. The examples being cited by the proponents of this bill have occurred in other states that have very different laws than Georgia.

One example that is used is the photographer in New Mexico who refused to photograph a same-sex marriage (Elane Photography, LLC v. Willock, 309 P. 3d53 (2013)). That state has a Religious Freedom Restoration Act, but it was not applicable. It was the New Mexico Human Rights Act that determined the results in that case. Georgia does not have a Human Rights Act.

The second case that is cited is that of the bakery in Colorado that refused to bake a wedding cake for a same-sex couple. There the court ruling was based on Colorado’s Public Accommodation Act which prohibited discrimination based on sexual orientation (Craig v. Masterpiece Cakeshop, Inc. ____ P 3d_ (2015)). Georgia does not have a Public Accommodation Act.

VETOED BY THE GOVERNOR cont.

Therefore, as I have examined the protections this bill seeks to provide to religious organizations and people of faith I can find no examples that any of the things this bill seeks to protect us against have ever occurred in Georgia. It is also apparent that the cases being cited from other states occurred because those state had passed statutes that specifically protected their citizens from adverse actions based on their sexual orientation. Georgia has no such statutes.

HB 757 appeared in several forms during the recent session of the Georgia General Assembly. I had no objection to the "Pastor Protection Act" that was passed by the House of Representatives. The other versions of the bill, however, contained language that could give rise to state-sanctioned discrimination. I did have problems with that and made my concerns known as did many other individuals and organizations, including some within the faith-based community.

I appreciate the efforts of the General Assembly to address these concerns and my actions today in no way disparage their motivations on those who support this bill. Their efforts to purge this bill of any possibility that it will allow or encourage discrimination illustrates how difficult it is to legislate on something that is best left to the broad protections of the First Amendment to the United State Constitution. That may be why our Founding Fathers did not attempt to list in detail the circumstances that religious liberty embraced. Instead, they adopted what the late Supreme Court Justice Scalia referred to as "negative protection." That is, rather than telling the government what it can do regarding religion, they told the government what it could not do, namely, "establish a religion or interfere with the free exercise thereof." They had previously proclaimed in the Declaration of Independence that Man's Creator had endowed all men "with certain unalienable rights," including "Liberty" which embraces religious liberty. They made it clear that those liberties were given by God and not by man's government. Therefore, it was unnecessary to enumerate in statute or constitution what those liberties included.

In light of our history, I find it ironic that today some in the religious community feel it necessary to ask the government to confer upon them certain rights and protections. If indeed our religious liberty is conferred by God and not by man-made government, we should heed the "hands-off" admonition of the First Amendment to our Constitution. When legislative bodies attempt to do otherwise, the inclusions and omissions in their statutes can lead to discrimination, even though it may be unintentional. That is too great a risk to take. Some of those in the religious community who support this bill have resorted to insults that question my moral convictions and my character. Some within the business community who oppose this bill have resorted to threats of withdrawing jobs from our state. I do not respond well to insults or threats. The people of Georgia deserve a leader who will make sound judgments based on solid reasons that are not inflamed by emotion. That is what I intend to do.

As I've said before, I do not think we have to discriminate against anyone to protect the faith-based community in Georgia of which my family and I are a part of for all of our lives. Our actions on HB 757 are not just about protecting the faith-based community or providing a business-friendly climate for job growth in Georgia. This is about the character of our State and the character of its people. Georgia is a welcoming state filled with warm, friendly and loving people. Our cities and countryside are populated with people who worship God in a myriad of ways and in very diverse settings. Our people work side-by-side without regard to the color of our skin, or the religion we adhere to. We are working to make life better for our families and our communities. That is the character of Georgia. I intend to do my part to keep it that way.

For that reason, I will veto HB 757."

VETOED BY THE GOVERNOR cont.

HB 779 – Crimes and offenses; regulate use of unmanned aircraft systems and images; provisions

House Author: Rep. Kevin Tanner (R – Dawsonville)

Senate Sponsor: Sen. Judson Hill (R – Marietta)

HB 779 amends O.C.G.A. Title 16 by adding O.C.G.A. § 16-11-210, providing definitions relating to “unmanned aircraft systems.” HB 779 makes it unlawful to launch an unmanned aircraft system from private property unless authorized by the owner or lawful occupier of the real property. However, this subsection will not apply to the delivery or retrieval of packages by commercial operators. It shall be punishable by felony to sell, transport, manufacture, possess, or operate an unmanned aircraft system that is equipped with a weapon, unless for the purpose of United States military operations or federal government contracts involving research using weaponized unmanned aircraft systems. The use of an unmanned aircraft system to gather evidence or information shall constitute a search.

Except as provided in Article 6 of Chapter 11 or O.C.G.A. § 16-11-66.1, any person violating any of the provisions of this part, relating to wiretapping, eavesdropping, and surveillance, shall be guilty of felony. Any person that obstructs or hinders any law enforcement officer or authorized official in the lawful discharge of his or her official duties by the use of an unmanned aircraft shall be guilty of a misdemeanor. The bill adds new Code Section 6-2-13 which creates the Georgia Unmanned Vehicle Systems Commission. It provides for the duties, proposed members, and modes of appointment to the Commission.

Vetoed by the Governor: May 3, 2016

Governor Deal’s Veto Statement: “HB 779 involves the use of unmanned aircraft technology or “drones” which raises a unique concern requiring careful research. I am appreciative of the author of HB 779, the House study committee, and the Georgia Technology Research Institute for their tireless work on this matter and for realizing the impact this aircraft has on the future of our state. I also understand the importance

of continuing to study the use of drones and encourage our universities and technical colleges to offer classes and instruction on this new scientific technology and I encourage state agencies to utilize drone technology where it can provide cost savings and improve safety for Georgians—all while following proper FAA regulations. However, I believe that Georgia should first allow the Federal Aviation Authority (FAA) to complete their efforts in creating federal rules and regulations for the use of drones. Signing this bill prior to the release of the FAA guidelines would create a layer of state regulation that may be vitiated by future FAA action and would also grow state government by creating a wholly new quasi-legislative body to produce future rules and regulations. Such layers of potentially inconsistent rules could create a climate contrary to what the business community, the science and technology community, and legislative leaders sought to create by drafting this legislation. In addition, I would urge local governments to refrain from enacting ordinances that would regulate drone activity until the FAA has acted as well. In the interim, I plan by executive order, to establish a commission to propose state-level guidelines until the new FAA regulations are released. For these reasons, I VETO HB 779.”

HB 859 -- Firearms; weapons carry license holders; carrying and possession of certain weapons in certain buildings or real property owned or leased to public institutions of postsecondary education; authorize

House Author: Rep. Rick Jasperse (R – Jasper)

Senate Sponsor: Sen. Jesse Stone (R – Waynesboro)

HB 859 amends O.C.G.A. Part 3 of Article 4 of Chapter 11 of Title 16, relating to possession of firearms on public postsecondary institutions. O.C.G.A. § 16-11-127.1 is revised by adding a new paragraph, allowing any license holder, when he or she is in any building or on property owned by or leased to any public postsecondary education other than those used for sporting events or housing, to be carrying and in possession of any concealed handgun. HB 859 provides the definitions for ‘handgun’ and ‘concealed.’

VETOED BY THE GOVERNOR cont.

Vetoed by the Governor: May 3, 2016

Governor Deal's Veto Statement: "HB 859 seeks to amend O.C.G.A. § 16-11-127.1, which relates to the carrying of weapons within school safety zones. It would add an exception to the prohibition of carrying or possessing a weapon in such school zones, to "any licensed holder when he or she is in any building or on real property owned or leased to any public technical school, vocational school, college or university or other public institution of postsecondary education," except for "buildings or property used for athletic sporting events or student housing, including, but not limited to fraternity and sorority houses..."

Some supporters of HB 859 contend that this legislation is justified under the provisions of the Second Amendment to the United States Constitution which provides in part that "the right of the people to keep and bear arms, shall not be infringed." Identical words are contained in Article I, Section, I, Paragraph VIII of the Constitution of the State of Georgia. It would be incorrect to conclude, however, that certain restrictions on the right to keep and bear arms are unconstitutional.

In the 2008 case of District of Columbia v. Heller, United States Supreme Court Justice Antonin Scalia, writing the opinion of the Court, reviews the history of the Second Amendment and sets forth the most complete explanation of the Amendment ever embodied in a Supreme Court opinion. While the subject matter of HB 859 was not before the Court in the Heller case, the opinion clearly establishes that "Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." Justice Scalia further states that "nothing in our opinion should be taken to cast doubt on...laws forbidding the carrying of firearms in sensitive places such as schools and government buildings..."

Georgia, like most jurisdictions, has set forth statutory provisions defining what constitutes those "sensitive places" and has imposed specific rules relating to the presence of weapons in those places. Indeed, the Georgia Code section which HB 859 seeks to amend is called the "Georgia Firearms and Weapons Act."

Since the right to keep and bear arms in sensitive places such as those enumerated in HB 859 is not guaranteed by the Second Amendment nor the Georgia Constitution, the inquiry should then focus on whether or not those places deserve to continue to be shielded from weapons as they are and have been for generations in our state.

Perhaps the most enlightening evidence of the historical significance of prohibiting weapons on a college campus is found in the minutes of October 4, 1824, Board of Visitors of the newly created University of Virginia. Present for that meeting were Thomas Jefferson and James Madison, along with four other members. In that meeting of the Board of Visitors, detailed rules were set forth for the operation of the University which would open several months later. Under the rules relating to the conduct of students, it provided that "No student shall, within the precincts of the University, introduce, keep or use any spirituous or venomous liquors, keep or use weapons or arms of any kind..."

The approval of these specific prohibitions relating to "campus carry" by the principal author of the Declaration of Independence, and the principal author of the United States Constitution should not only dispel any vestige of Constitutional privilege but should illustrate that having college campuses free of weapons has great historical precedent.

That college campuses should be a "gun free zone" is a concept that has deep roots in Georgia as well. In the 2014 session of the Georgia General Assembly, HB 60 was passed and I signed it into law. That bill greatly expanded the areas where licensed gun owners could take their weapons. At that time, campus carry was considered but not adopted.

VETOED BY THE GOVERNOR cont.

While there have been alarming incidents of criminal conduct on college campuses in which students have been victimized during the past two years, do those acts justify such a radical departure from the classification of colleges as “sensitive areas” where weapons are not allowed? The presumed justification is the need for students to provide their own self-protection against such criminal conduct. However, since students who are under 21 years of age would be ineligible to avail themselves of such protection under the terms of HB 859, it is safe to assume that a significant portion of the student body would be unarmed.

As for the buildings and places referred to in this legislation, I will simply call “colleges.” In order to carry a weapon onto a college, there is no requirement that the armed individual actually be a student, only that they possess a license to carry a weapon. Since most, if not all, of our colleges are open campuses, this bill will allow any licensed gun owner to bring a concealed weapon onto the campus and neither police nor other law enforcement personnel will be allowed to even ask the individual to produce evidence of his license. If the intent of HB 859 is to increase safety of students on college campuses, it is highly questionable that such would be the result. However, I understand the concerns of the authors of this legislation and the parents and students who want it to become law. They apparently believe that the colleges are not providing adequate security on their campuses and that civilian police are not doing so on the sidewalks, streets and parking lots students use as they go to and come from classes.

I have today issued an Executive Order directed to the Commissioner of the Technical College System of Georgia and the Chancellor of the University System of Georgia, requesting that they submit a report to me, the Lieutenant Governor and the Speaker of the House by August 1, 2016, as to the security measures that each college within their respective systems has in place. I hereby call on the leaders of the municipalities and counties in which these colleges are located, along with their law enforcement agencies to review and improve, if necessary, their security measures in areas surround-

ing these colleges. Since each of these municipalities and counties receive significant revenue by virtue of the location of these colleges in their jurisdictions, I believe it is appropriate that they be afforded extra protections.

Since much of the motivation for HB 859 is the commission of crimes involving the use of firearms on college campuses, I suggest to the General Assembly that it consider making the unauthorized possession and/or use of a firearm on a college campus an act that carries an increased penalty or an enhanced sentence for the underlying crime.

From the early days of our nation and state, colleges have been treated as sanctuaries of learning where firearms have not been allowed. To depart from such time-honored protections should require overwhelming justification. I do not find that such justification exists. Therefore, I VETO HB 859.”

[HB 1060 – Crimes and offenses; carrying and possession of firearms; confirm that the right of the people to keep and bear arms shall not be infringed](#)

House Author: Rep. Rick Jasperse (R – Jasper)
Senate Sponsor: Sen. Tyler Harper (R – Ocilla)

HB 1060 seeks to amend various sections of the O.C.G.A. in the aim of preserving the right of the people to keep and bear arms. An addition to Article 15 of Chapter 1 of Title 10, to be cited as the “Georgia Firearms Industry Nondiscrimination Act,” serves to prevent unlawful discriminatory practice in the sense of any person refusing to provide financial services to another individual solely because such individual or trade association is engaged in the lawful commerce of firearms or ammunition products. If such unlawful activity is engaged in, the Attorney General shall investigate and bring action in the name of the state against such person. Such provisions shall not apply to any bank, trust company, credit union, or merchant acquirer limited purpose bank to the extent that federal law precludes or preempts. The bill further seeks to revise subsections (e) and (f) of Code Section 16-11-126 relating to having or carrying handguns, etc. Subsection (e) (2) is created to permit an individual licensed in an-

VETOED BY THE GOVERNOR cont.

other state to have a handgun or weapon to retain their weapon within Georgia for 90 days after they become a resident of this state, at which point they must submit a weapons carry license and must remain licensed in the other state as long as they are a resident of this state but not a weapons carry license holder in this state. Subsection (f)(2) is added to permit individuals who are hunting, fishing, or sport shooting to carry a knife on their person without a valid weapons license while engaging in such activities. The bill also calls for an addition to (e) (2) which specifies that an individual is not in violation of subsections (b) or (c) if they immediately leave a place of worship while carrying a weapon or long gun upon personal notification by such place of worship that he or she is carrying within a place of worship which does not permit such activity. The bill further seeks to amend Code Section 16-11-129. It permits a probate court judge to provide an individual, upon receipt of an application for a weapons carry license or renewal license, printed information on gun safety which offers practical advice on gun safety. The source of such material shall be prominently displayed on such printed information. The Department of Natural Resources shall provide on its website information, or a link to such information, which provides resources for information on hunter education and classes in this state that offer instruction on gun safety though no person shall be required to take such classes. Neither the judge of the probate court or the Department of Natural Resources shall be liable to any person for injuries or damages to property arising from conformance to this Code Section. Further, the bill asserts that the judge of the probate court shall not suspend the processing of the application or extend, delay, or avoid any time requirements as provided within paragraph (4) of subsection (d). The bill adds paragraph (4) to subsection (e) to allow for the replacement weapons carry license for the same time period of the license being replaced in the instance that the individual undergoes a name change or address change and have more than 90 days remaining before the expiration of such weapons carry license or renewal license. The bill further seeks to amend Code Section 16-11-130. It adds persons who are citizens of the state and either retired

within at least 10 years of aggregate service, separated from service in good standing, or possess on his or her person an identification card for retired law enforcement offices to the list of exempt persons from Code Sections 16-11-126 through 16-11-127.2. It additionally permits the sheriff may provide facilities or means for holding of weapons carried by persons enumerated under this Code Section (as listed above) provided that ingress to such facilities is actively restricted or screened by the sheriff or his or her deputy sheriffs. Further, active law enforcement officers shall be permitted in the performance of their duties to carry handguns in a level 3 holster in any courthouse or courthouse annex if they are wearing a Class A uniform of have the official badge issued to them displayed visibly on their person. Lastly, the bill amends Code Section 35-3-24. It permits a person to petition the court in which hospitalization proceedings occurred for relief. A copy of such petition must be served as notice upon the opposing civil party or prosecuting attorney. Within 60 days of the receipt of such petition, the court shall hold a hearing on the petition provided that such time may be extended for good cause as determined by the court. It further delineates the evidence the court shall receive and consider in such hearing. The court shall issue a written order of its decision no later than 30 days after the hearing. The court shall grant the petition for relief if it finds by a preponderance of evidence that the person will not likely act in a manner dangerous to himself or herself or public safety and that such granting is in accordance with the standards set in subsection (b.1) of Code Section 16-11-129. A record shall be kept of the hearing, though will remain confidential and disclosed only to court or to the parties in the event of an appeal. Upon court granting of the petition, the clerk of such court must report the order to the Georgia Crime Information Center immediately but no later than 10 days after the date of the order. The center shall purge such record that is the subject of the order as soon as practicable but no later than 30 days after the receipt of such order.

Vetoed by the Governor: May 3, 2016

VETOED BY THE GOVERNOR cont.

Governor Deal's Veto Statement: "House Bill 1060 is a bill that relates to the carrying and possession of firearms and other matters pertaining to firearms in general. It was presented as a housekeeping bill to clarify certain provisions that were contained in HB 60 that passed the General Assembly in 2014 and which became law upon my signature. While I do not have serious concerns about most of the bill, I do have serious concerns about the change of policy contained in Section 4 relating to the carrying of a weapon or long gun into a place of worship.

Prior to the effective date of the provisions contained in HB 60 of 2014, carrying a weapon or long gun into a place of worship was a criminal act. HB 60 added a proviso that said it would remain a criminal act "unless the governing body or authority of the place of worship permits the carrying of weapons or long guns by license holders..."

At the time HB 60 was being considered, I made it clear that I would not approve the bill if it required every house of worship to post a sign saying that weapons were not permitted. I was assured by the supporters of HB 60 that such would not be required and that only those houses of worship that affirmatively permitted weapons by the actions of its governing body or authority would be affected. In other words, unless a house of worship posted information indicating its permission to allow weapons inside, it would retain its status as an "unauthorized location" for weapons.

Section 4 of HB 1060 breaches the compromise contained in HB 60. If it were to become law, a house of worship would no longer be considered an unauthorized location for weapons, and any license holder could carry a weapon or long gun into a place of worship without penalty unless they refused to leave "upon personal notification by such place of worship that he or she is carrying a weapon or long gun in a place of worship which does not permit the carrying of a weapon or long gun." This provision also completely reverses the process so that now it will be the places of worship that do not want weapons on their premises that must affirmatively establish such a policy, rather than the

other way around.

Section 4 of HB 1060 is an encroachment on the peace and tranquility of those who attend houses of worship because they can no longer have the time-honored assurance that they are in a protected place that is free of weapons and long guns. In fact, quite the opposite would be true. Even the posting of a sign saying "No Weapons Allowed" would do no good. Therefore, only when the carrier of the weapon or long gun is personally notified that he or she is violating the policies of the place of worship will any action be taken. Surely religious leaders and their congregants would be shocked to know that weapons and long guns can be freely and legally brought into their houses of worship and that they can do nothing about it until they personally notify the armed individual that such is not permitted by the governing body of the place of worship.

This provision calls into question basic precepts about the Rule of Law. It would negate the age old principals that "everyone is presumed to know the law" and that "ignorance of the law is no excuse." If that same approach were used in other settings, the speeding motorist could contend that he should not be guilty of speeding, although signs were posted on the roadway advising him of the limits, because no one personally notified him of those limits.

This section of HB 1060 should be especially objectionable to licensed weapon holders, since it is they who would be protected for not knowing that a place of worship did not permit weapons. It is the reputation of such licensed weapon holders as law abiding citizens who respect and adhere to the rules of society that convinced many to accept the expansive provisions of HB 60 in 2014. With this one section of HB 1060, that reputation will be severely damaged. Surely, such a respected group of citizens who go through the processes of background checks, fingerprinting and other requirements to obtain a license to carry a weapon do not want or need to be tapped on the shoulder in a place or worship and reminded that their pistol or long gun is not allowed. Those who pride themselves on being law abiding citizens do not need ignorance of the law to be

VETOED BY THE GOVERNOR cont.

an excuse for their actions.

For these reasons, I VETO HB 1060.”

[SB 243 – Georgia Judicial Retirement System; preservation of rights by certain persons; change certain provisions](#)

Senate Author: Sen. Jack Hill (R – Reidsville)

House Sponsor: Rep. Paul Battles (R – Cartersville)

SB 243 seeks to amend Chapter 23 of Title 47 of the O.C.G.A. relating to the Georgia Judicial Retirement System. The purpose of this Act is to restore eligibility for membership in the Georgia Judicial Retirement System for certain persons who were eligible for membership under prior law. Code Section 47-23-43 is revised to cover any person employed pursuant to Code Section 45-15-31 instead of 28-4-3. New Code Section 47-23-43.1 is added to provide for any person employed under Code Section 28-4-3 in a full time position requiring admission to the State Bar of Georgia as a condition of employment to make an irrevocable election to become a member by so notifying the board no later than December 31, 2016 or within 90 days after becoming so employed. Any such person shall be credited only for actual years or service as a member of the Employees’ Retirement System of Georgia. Subsection (a) of Code Section 47-23-100 expands salary definitions to include “his or her average earnable monthly compensation” for any person who is a member of the retirement system pursuant to Code Section 47-23-43.1.

Vetoed by the Governor: May 3, 2016

Governor Deal’s Veto Statement: “Senate Bill 243 would permit full-time attorney positions in the Office of Legislative Counsel to become a member of the Georgia Judicial Retirement System (GJRS). Attorneys in this office affected by this legislation currently have access to the Employees’ Retirement System of Georgia, which serves nearly all other state employees. GJRS membership, on the other hand, is generally limited to elected or appointed judicial officials, such as Superior Court Judges, District Attorneys, State Court Judges,

Solicitors-General of the State Courts and Juvenile Court Judges. Though I support the legislation’s goal of improving the recruitment and retention of qualified staff, the issue is not unique to the Office of Legislative Counsel. For these reasons, I VETO SB 243.”

2016 STUDY COMMITTEES

[SR 1171 - Senate Judicial Qualifications Commission Study Committee; create](#)

Sponsor: Sen. Joshua McKoon (R – Columbus)

[HR 1363 - House Special Study Committee on Judicial Qualifications Commission Reform; create](#)

Sponsor: Rep. Wendell Willard (R – Sandy Springs)

[SR 883 - Incentives for Financial Technologies and the Payment Processing Industry; create joint study committee](#)

Sponsor: Sen. Brandon Beach (R – Alpharetta)

[SR 360 - Senate Data Security and Privacy Study Committee; create](#)

Sponsor: Sen. Brandon Beach (R – Alpharetta)

[SR 842 - Legislative Process; create Senate Study Committee](#)

Sponsor: Sen. William Ligon, Jr. (R – Brunswick)

[SR 974 - Senate Surprise Billing Practices Study Committee; create](#)

Sponsor: Sen. Renee Unterman (R – Buford)

[SR 1032 - Senate Sexual Offender Registry Study Committee; create](#)

Sponsor: Sen. Jeff Mullis (R – Chickamauga)

[SR 1098 - Senate Crime Study Committee; create](#)

Sponsor: Sen. JaNice VanNess (R – Conyers)

[SR 1165 - Senate Opioid Abuse Study Committee; create](#)

Sponsor: Sen. Butch Miller (R – Gainesville)

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