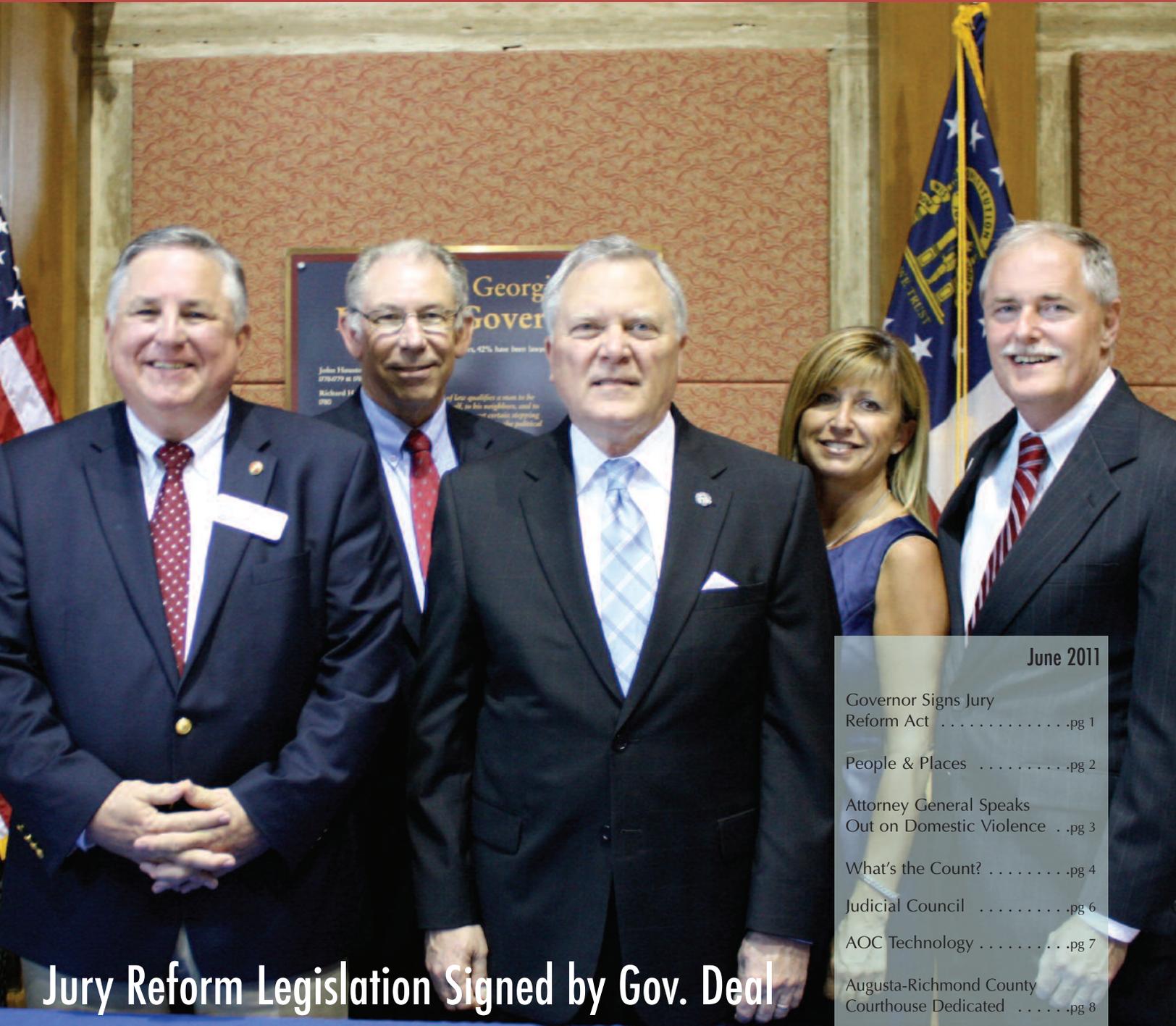




Georgia courts Journal

A Publication of the Judicial Council of Georgia



Jury Reform Legislation Signed by Gov. Deal

story page 1

June 2011

Governor Signs Jury Reform Act	pg 1
People & Places	pg 2
Attorney General Speaks Out on Domestic Violence	pg 3
What's the Count?	pg 4
Judicial Council	pg 6
AOC Technology	pg 7
Augusta-Richmond County Courthouse Dedicated	pg 8
2011 Legislative Report	pg 10

2011 Session of Georgia General Assembly

Governor Signs Historic Jury Reform Act

On May 3, 2011 Gov. Nathan Deal signed the Jury Reform Bill — HB 415 — at the State Bar of Georgia in Atlanta.

HB 415 creates a statewide jury pool. It ends forced balancing of the jury box and implements a series of procedures and rules to compile a statewide, inclusive juror source list. The Council of Superior Court Clerks will have the responsibility to establish and maintain a statewide master jury list for each county in Georgia. The Department of Driver Services and the Secretary of State, Elections Division will provide data on Georgia drivers and voters for this purpose.

HB 415 is the culmination of a nine year effort. In May 2002, Augusta was host to the Georgia Jury Summit which brought together 146 court system participants discussions centered on improving

Cover Photo: (Left to right) Rep. Alex Atwood; Mr. Bob Keller, Board of Pardons and Paroles; Gov. Nathan Deal; Ms. Patricia Baker, Cherokee County Superior Court Clerk; and Judge Ben W. Studdard, State Court of Henry County.



Gov. Deal flanked by bill sponsors Rep. Wendell Willard and Rep. Alex Atwood.

both the perception and reality of jury service in Georgia's civil and criminal court system. In 2004, The Supreme Court Jury Composition Committee, chaired by Justice Hugh Thompson, was created to continue work on jury reform.

Passed Legislation

For a comprehensive listing of judicial legislation passed and signed or vetoed by Gov. Nathan Deal, see page 10. Bills summarized include:

- SB 39 Mental Health Courts
- HB 158 Nonpartisan Elections
- HB 415 Jury Composition Reform Act
- SB 47 Training for Magistrates
- SB 30 Municipal Court Judges Qualifications

Legislation Not Passed by the General Assembly

- HB 272 proposed removal of the requirement for Rehearing an Order of Associate Juvenile Court Judges;
- HB 155 proposed increased protections afforded criminal defendants;
- HB 100 an extensive re-write of the tax code; proposed creating a Georgia Tax Court;
- HB 149 proposed changing the terms of service of a magistrate to be at the pleasure of the Chief Magistrate, rather than for the same term of office as the Chief Magistrate;
- HB 262 added a 1% qualifying fee to support JQC operations;
- HB 284 required certification of court process servers;
- SB 235 allowed certain drivers with suspended licenses to have limited driving permits. ☞

Carol W. Hunstein
Chief Justice

Marla S. Moore
Director

Courts Journal Staff

Billie Bolton
Assistant Director for Communications

Ashley G. Stollar
Graphic Designer

People, Places, & Events

In Memoriam

☛ **Judge Steven C. Adams** of Lula died March 4, 2011 in an accident at his home. He was an Emory University School of Law graduate and served as the municipal court judge of Cornelia

☛ **Judge Richard Lewis Faber** of Marietta died March 4, 2011 after a battle with cancer. Judge Faber was employed by the Federal Aviation Administration and was sworn-in as a Cobb County magistrate court judge in 1987. He was a graduate of the University of Florida Law School.

☛ **Senior Judge Robert G. Johnston** of Columbus died March 12, 2011. Judge Johnston, a graduate of the Emory University School of Law, was appointed superior court judge in October 1995. He resigned in February, 2010 and was appointed Senior Judge on April 23, 2010.

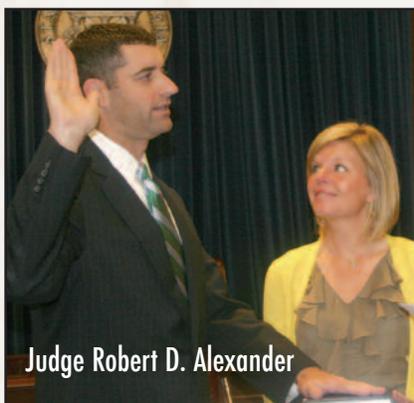
Appointments

☛ **Judge Gayle B. Hamrick** was appointed Senior Judge of the State Courts on March 1, 2011. He recently retired from the State Court of Richmond County.

☛ **Judge John C. Leggett** was appointed as Chief Magistrate of Gordon County, filling the vacancy created by the death of Judge Marvin Broyles.

☛ On March 30, 2011, **Judge Robert D. Alexander** was sworn-in as judge of the State Court of Jackson County by Gov. Nathan Deal. Judge Alexander, currently serving as judge of the Municipal Court of Jefferson, fills the vacancy created by the death of Judge Jerry Gray.

New State Court Judges



Judge Robert D. Alexander



Judge Eleanor Ross



Judge Stacey Hydrick

☛ On April 29, 2011 **Judge Eleanor Ross** and **Judge Stacey Hydrick** were sworn-in by Gov. Nathan Deal to vacant seats on the State Court of DeKalb County. Judge Ross served as Executive Assistant District Attorney for Fulton County before her appointment; Judge Hydrick was a partner of the firm Hedrick Law.

☛ Chief Justice Carol W. Hunstein has named **Judge Michael P. Boggs**, Superior Courts, Waycross Judicial Circuit, and **Judge Ural Glanville**, Superior Court, Atlanta Judicial Circuit as court representatives to the Criminal Justice Reform Council. The Chief Justice will also serve on the Council.

☛ **Judge H. Patrick Haggard** was sworn-in on June 15, 2011 by Gov. Nathan Deal to serve as Superior Court Judge for the Western Judicial Circuit. Judge Haggard fills the vacancy created by Judge Steve Jones' appointment to the US District Court, Northern District of Georgia. *See picture on page 8.*

Retirement

☛ **Judge Ronald E. Ginsberg**, State Court of Chatham County, retired on May 31, 2011. Judge Ginsberg served in the Georgia House of Representatives from 1980-1984; he was a successful Savannah attorney prior to his appointment to the State Court bench by Gov. Zell Miller in 1995. Judge Ginsberg now serves as a Senior Judge of the State Court.

continued pg 4

Attorney General Speaks Out on Domestic Violence

On March 23, 2011, Georgia Attorney General Sam Olens praised the efforts of those working to end domestic violence. Mr. Olens addressed a press conference at the State

Capitol where the Domestic Violence Fatality Review Project Report was presented. "I appreciate the hard work that the Georgia

Commission on Family Violence (GCFV) and its partners play in raising awareness of domestic violence and offering concrete recommendations for reducing its occurrences in our communities."

The *Georgia Domestic Violence Fatality Review Project* is a collaboration between the Georgia Coalition Against Domestic Violence and the

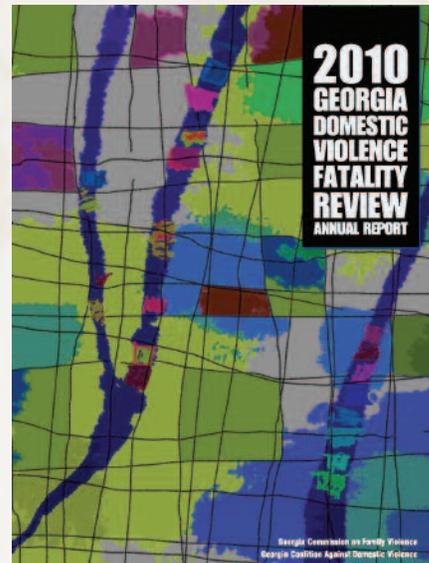
Georgia Commission on Family Violence. Initiated in 2003, the Project is funded under grants awarded by Georgia's Criminal Justice Coordinating Council with U.S. Department of Justice.



Judge Peggy Walker, Juvenile Court of Douglas County, (left) and Mr. Frank Mack, Fatality Review Team Chair, listen as Attorney General Sam Olens addresses the Family Violence Commission press conference.

Judge Peggy Walker, GCFV Chair, Juvenile Court of Douglas County, presented the recommendations of the Fatality Review Project.

The report analyzed deaths and violent assaults during 2010 in the state and provides strategies for ending domestic violence. It also spotlights communities that have success-



The 2010 Fatality Review Annual Report (pictured above) can be accessed online at fatalityreview.com

fully implemented recommendations to reduce domestic violence fatalities.

Fatality Review teams conducted reviews of domestic violence deaths by first reviewing official records of law enforcement and courts, then interviewing family, friends, and coworkers of the victim. In over half of the review cases, victims were between 16-24 when they began a relationship with their murderer. Mr. Frank Mack, Chair, Houston-Bibb Fatality Review Team, noted that teen dating violence is increasing and community resources are needed to educate young people about dangers.

Chief Justice Carol W. Hunstein, Supreme Court of Georgia; Ms. Marla S. Moore, AOC Director, Ms. Nicole Lesser, Executive Director, Georgia Coalition Against Domestic Violence; Mr. Greg Loughlin, Interim Director, GCFV; and state legislators also attended the press conference. ✍



Probate Judge of the Year

Judge Lynwood D. Jordan, Jr., Probate Court of Forsyth County, was named Probate Judge of the Year Award on March 31, 2011. Judge Jordan was presented with the award by Judge Tammy S. Brown, Probate Court of Barrow County.

What's The Count?

Case Count and Time and Motion Study Keep AOC Research Busy

The baseball season is just now headed to the All-Star break, but the AOC has been working the count since early November 2010. The Portal, the AOC's online caseload data submission tool, was a homerun when it was first implemented last year. This year the AOC has worked closely with the Council of Superior Court Clerks to encourage local clerks to report caseload data using the Portal and to provide training materials necessary to aid this transition. Ms. Molly Perry, Director of Court Services, says, "... the way the AOC, the Clerks' Council, and all court clerks have stepped up to the

plate by embracing the Portal is fantastic."

Later this summer, the AOC will recommend updates to the figures used to determine circuit judgeship needs. Five years have passed since the AOC conducted a time and motion study to determine judge time devoted to each case type, etc. The Judicial Workload Assessment Committee (JWAC) authorized the collection and analysis of current data to update the assessment values. During March, 146 superior court judges recorded their daily activities and sent these detailed time-logs to AOC Research. Partnering with the Council of Superior Court Clerks, case dispositions reports were also

sent to the AOC for analysis. The combination of these two data sets will be used for calculation of new average time-to-disposition values. If approved by JWAC and the Judicial Council, the values will be used for the first time in the 2012 workload assessment process. Ms. Perry believes "the 2011 Time and Motion Study will give all stakeholders a better understanding of the superior courts' judicial needs and also ensure our judicial resources are assigned where the need is greatest."

For more information on the activities of AOC Research, contact Mr. Christopher Hansard at christopher.hansard@gaoc.us or 404-463-1871 ☞

People, Places, & Events cont.

☛ Judge C. Donald Peppers, State Court of Walker County, has been appointed senior judge by Gov. Nathal Deal following his retirement on June 30, 2011.

Transition

☛ On April 14, 2011, Mr. Christopher Patterson became the Clerk/Court Administrator for the Municipal Court of Atlanta. Previously, Mr. Patterson was the Associate Director for Judicial Liaison at the Administrative Office of the Courts.

Resignations

☛ Judge J. Antonio DelCampo resigned from the State Court of DeKalb County on March 15, 2011, to join the law firm of Harris Penn Lowry.

☛ Judge Michael Johnson, Superior Court, Atlanta Judicial Circuit, resigned as of June 3, 2011. He was elected in 2004.

Conference of Chief Justices/ Conference of State Court Administrators Meeting

Georgia Chief Justice Carol W. Hunstein and Ms. Marla S. Moore, AOC Director, will host the CCJ/COSCA Annual Meeting July 31 - August 3 at the Ritz Carlton/Buckhead in Atlanta.

Chief Justices and state court administrators from around the nation will attend educational seminars highlighting issues facing the judiciary and court administration. ☞

Meeting of the Judicial Council

Criminal Justice Reform

The Judicial Council of Georgia met on Friday, April 22, 2011 at the Department of Corrections campus in Forsyth. The Council heard reports from the Committee on Policy and Legislation, the Standing Committee on Budget, and the Standing Committee on Drug Courts. Ms. Marla S. Moore, AOC Director, reported on activities of the AOC.

Mr. Adam Gelb of the Pew Charitable Trusts made a presentation on America's rising rates of incarceration that are driving an urgent prison reform movement. He noted that the state of Arkansas has recently begun limiting prison populations to violent and career criminals. For non-violent offenders they are turning to community supervision programs.

Mr. Gelb stated that while U.S. crime rates have been dropping since 1993, the rate of incarceration has actually increased. New Hampshire

ranks as the state with the fewest number of adults under correctional control at 1 in 88. Georgia ranks as the state with the most adults under correctional control at 1 in 13. Even though two-thirds of those under



Above. Members of the Judicial Council at the recent meeting in Forsyth.

Right. Mr. Adam Gelb, Pew Charitable Trusts, presented the Judicial Council with information on the prison reform movement.



correctional control are on probation or parole, spending for prisons accounts for 88% of correctional funding.

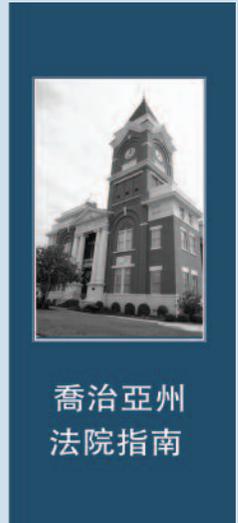
States are shifting the focus from prisons to methods that place greater reliance on advances in supervision technology, the science of behavior change, more accurate risk assessments, cost-benefit analysis, and public support for prison alternatives. ❀

Chinese Language “Your Guide to the Georgia Courts” Available

The Administrative Office of the Courts and the Georgia Committee on Access and Fairness in the Courts have produced a Chinese language version of the brochure “Your Guide to the Georgia Courts.”

For copies of the English, Spanish, or Chinese version of “Your Guide” contact the AOC at 404-656-5171.

All versions of the brochures can be viewed and downloaded at www.georgiacourts.gov/publications, then clicking on “brochures”.



喬治亞州
法院指南

The next meeting of the Judicial Council of Georgia

will be held
Friday, August 26, 2011
9:00 a.m.

AOC Office
Atlanta, GA

AOC Technology Programs Assisting Courts Across State

eCitation Portal Aids Traffic Courts

The Administrative Office of the Courts has developed, in partnership with Wipro Technologies Limited, the Electronic Citation Payment System (eCitation) Portal. The portal is an enhancement for TIPS (Traffic Information Processing System), a web-based software program that serves all classes of courts through facilitation of automation and information sharing.

The portal provides citizens a convenient way to check citation status and fine amount, offers online payment of fines, and provides proof of payment. For courts, eCitation decreases courthouse traffic, frees up staff time, automates the remittance process, fully interfaces with TIPS, and offers the latest National Information Exchange Model (NIEM) compliance.

Georgia Judicial Exchange Child Support E-filing

On May 17th 2011, the Clarke County Division of Child Support Services began filing documents electronically in the Clarke County Superior Court using the Georgia Judicial Exchange Child Support E-filing (GAJE) system designed by the Administrative Office and the Courts and the Georgia Superior Court Clerk's Cooperative Authority (GSC-CCA). Currently more than 20 Superior Courts

are filing child support documents using GAJE.

Key players in implementing GAJE in Clarke County included: Ms. Beverly Logan, Superior Court Clerk of Clarke County; Mr. Jorge Basto, AOC IT Division Director; Mr. Michael Alexandrou, AOC; and



Ms. Beverly Logan, Superior Court Clerk of Clarke County

Mr. Andy Wightwick, GSC-CCA IT Director.

The Administrative Office of the Courts and Georgia Superior Court Clerk's Cooperative Authority are committed to bringing as many superior courts into GAJE as possible.

For more information on GAJE contact Mr.

Jorge Basto at 404-656-5171 or jorge.basto@gaaoc.us

Cobb County Superior Court Moves into New Courthouse

Cobb County Superior Court Judges, staff, Superior Court Clerk, and Superior Court Administrator have moved to 70 Haynes Street in Marietta.



Courts Directory to Hit Shelves (and In-boxes) Soon

Work on the 2011-2012 Georgia Courts Directory is underway. Look for your new copy later this summer!

If you haven't verified your information yet send in your postcard or use the Portal to notify the AOC of changes.

Augusta-Richmond County Courthouse Dedicated

On May 18, 2011, the new Augusta-Richmond County Judicial Center, John H. Ruffin, Jr. Courthouse was officially dedicated. US Supreme Court Justice Clarence Thomas, a Georgia native, delivered the dedication address to the 600 judges, lawyers, court personnel, and public in attendance.

The Courthouse is named for Judge John H. Ruffin, Jr., the former Chief Judge of the Court of Appeals of Georgia who died in 2010. Judge Ruffin was a prominent civil rights attorney and Superior Court judge in the Augusta Judicial Circuit before being appointed to the Court of Appeals bench.

A separate ceremony was held on May 22 to pay tribute to Judge Ruffin's life. Speakers included Justice Robert Benham, Supreme Court of Georgia, and Chief Judge John J. Ellington, Court of Appeals of Georgia.



Photo by Jackie Riccardi, Augusta Chronicle

The building opened for business on Monday, May 2. Judges of the Superior, State, Probate, Magistrate, and Civil Court moved from the City-County Building on Greene Street. Phone, fax, and e-mail addresses have not changed. ☞

New Mailing Address:

Augusta Richmond County Judicial Center
John H. Ruffin, Jr. Courthouse
735 James Brown Boulevard
Augusta, GA 30901-2974

Superior Court*

Suite 4203

Chief Judge J. Carlisle Overstreet
Judge Carl C. Brown

Suite 4204

Judge Sheryl B. Jolly
Judge J. David Roper

Suite 4206

Judge Daniel J. Craig
Judge J. Wade Padgett

* Please note: Addresses have not changed for Judge James G. Blanchard or Judge Michael N. Annis.

State Court

Suite 4103

Judge Patricia W. Booker
Judge David D. Watkins

Suite 4105

Chief Judge Richard A. Slaby
Judge John Flythe

Probate Court

Suite 1000

Judge Isaac Jolles

Magistrate/Civil Courts

Suite 4104

Chief Judge William D. Jennings, III
Judge H. Scott Allen

Clerk of Superior Court Clerk

Suite 1500

Elaine Johnson

Superior Court Administrator

Suite 2200

L. Tom Gunnels

District Attorney

Suite 2400

Ashley Wright

Solicitor General

Suite 2500

Charles Evans

2011 Drug Court Conference Held

The Judicial Council of Georgia Standing Committee on Drug Courts hosted its seventh annual conference at the Renaissance Waverly Hotel in Atlanta, Georgia on May 31 - June 2, 2011. The 2011 conference, entitled "The Measure of Tomorrow: Make Every Connection Matter," was attended by more than 600 Drug, DUI, and Mental Health Court professionals including judges, case workers, service providers, and law enforcement officers from around the nation.

Welcoming Remarks

Judge Jeffrey Bagley, Superior Court of Forsyth County, opened the three-day conference. Speakers at the welcoming luncheon included **Gov. Nathan Deal**; **Chief Justice Carol W. Hunstein**, Supreme Court of Georgia; **Mr. Frank E. Sheply**, Commissioner, Georgia Department of Behavioral Health &



Judge Frank Jordan, (at podium) Superior Court, Chattahoochee Judicial Circuit, introduces the welcoming speakers on May 31.

Developmental Disabilities; **Mr. Brian Owens**, Commissioner, Georgia Department of Corrections; **Chief Judge Kent Lawrence**, State Court of Clarke County; **Judge Kathlene F. Gosselin**, Superior Court, Northeastern Judicial Circuit; and **Mr. Adam Gelb**, Pew Charitable Trusts.

Cobb Judicial Circuit and in the Cobb Adult Drug Court Program.

For additional information on the Drug Court Conference or Accountability Courts, contact Mr. John Zoller at 404-463-1906 ☎

Leadership Award

Judge George H. Kreeger, Superior Court of Cobb County, was presented with the Leadership Award for dedicated service provided to the Judicial Council Standing Committee on Drug Courts, the

Photo Galleries On-line

Check out pictures taken at the Drug Court Conference, HB 415 Signing, Judicial Council meeting and more online at our Photo Galleries page — a new feature on georgiacourts.gov!

Check back often to see if your picture was taken at the latest event.

Superior Court Judge Sworn-in



Judge J. Patrick Haggard, left, Superior Court, Western Judicial Circuit, was sworn-in by Gov. Nathan Deal in the House Chambers of the State Capitol in Atlanta on June 15, 2011. Judge Haggard fills the vacancy created by Judge Steve Jones' appointment to the Federal bench.

Court Administrators Train on IT Management and Education

The Georgia Council of Court Administrators (GCCA) held its spring educational conference in Brasstown Valley on May 2nd-4th, 2011. Attendees from all classes of courts and court programs were in attendance. This year's theme was IT Management and Education, Training & Development. Attendees learned more about utilizing technology to increase court efficiency and productivity. Also discussed were IT-related best practices from around the state and country as well as updates on judicial data sharing initiatives. Attendees were also instructed on incorporating court fundamentals into their outreach efforts.

Master Certificates of Court Administration were awarded to: **Mr. Tracy J. BeMent**, 10th District Administrator; **Ms. Cynthia Walker**, Lowndes County State Court; **Ms. Sheryl Hicks**, Troup County Director of Court Services.

Certificates of Court Administration were awarded to: **Ms. Kelly Belcastro**, Flint Judicial Circuit; **Ms. Mary Bennett**, Municipal Court of Waynesboro; **Mr. Michael Cuffee**, Fulton County Superior Court; **Ms. Angela Reeves**, Municipal Court of Waynesboro; and **Ms. Mary R. Walker**, Juvenile Court of Murray County.

GCCA has partnered with Michigan State University's (MSU) Judicial Administration Program. Members can earn a Judicial Administration Certificate by attending its bi-annual conferences. For more information, visit <http://www.judicialadministration.msu.edu/>



Mr. Tracy J. Bement, Ms. Sheryl Hicks, Ms. Kelly Belcastro, Ms. Angela Reeves, and Mr. Michael Cuffee display their certificates.



Dr. Maureen Connor, Michigan State University, Ms. Sharron Wallace, Municipal Court of Duluth; Mr. Tracy J. Bement, 10th District Administrator; Ms. Tammy Hardin, Juvenile Court of Catoosa County; Ms. Marla S. Moore, AOC Director; Ms. Lynn Epps, State Court of Cherokee County; and Mr. Will Simmons, 3rd District Administrator.



Mr. Chris Davey, Supreme Court of Ohio Public Information Officer, spoke to the group about "New Media and the Courts" a research project of the Conference of Court Public Information Officers.



2011 Legislative Report

Categories

1. General Bills
2. Criminal Law and Procedure
3. Traffic Law
4. Appellate Courts
5. Superior Courts
6. Superior Court Clerks
7. State Courts
8. Juvenile Courts
9. Probate Courts
10. Magistrate Courts

Entries give the bill number and title, Georgia statute(s) and brief summary. This issue presents House and Senate actions through April 14, 2011, the fortieth and final legislative day.

GENERAL BILLS

HB 24 Evidence Code Revisions
OCGA Title 24
Revises the rules of evidence so that Georgia law is consistent with the Federal rules of evidence; includes a provision on court foreign language interpreters and interpreters for the hearing impaired; makes other provisions.
Effective Date: January 1, 2013
Signed by the Governor: 5/3/2011

HB 30 Restrictive Covenants
OCGA §§ 13-8-2 et al
Defines and codifies reasonable restraints on trade, primarily restrictive covenants in employer-employee relationships, as to reasonableness of contractual restraints.
Effective Date: May 11, 2011
Signed by the Governor: 5/11/2011

HB 41 Appellate Record Fees
OCGA §§ 5-6-43, 15-6-77, 15-21A-6.1
Reduces the per page rate for preparation of the record and transcript from \$10 to \$1; reduces the fee for preparation and furnishing copy of the record of appeal in criminal cases where the accused was convicted of capital felony from \$5 to \$1.
Effective Date: March 16, 2011.
Signed by the Governor: 3/16/2011

HB 77 FY 11 Supplemental Appropriations
Provides funds for judicial branch agencies in the following amounts: Office of Dispute Resolution: \$65,013; Institute of Continuing Judicial Education: \$486,789; Judicial Council: \$11,504,354; Judicial Qualifications Commission: 347,709; Appellate Resource Center: \$565,500.
Effective Date: March 9, 2011
Signed by the Governor: 3/9/2011

HB 78 FY 12 General Appropriations
Provides state funds for judicial branch agencies in the following amounts: Office of Dispute Resolution: \$0; Institute of Continuing Judicial Education: \$461,789; Judicial Council: \$9,768,489; Judicial Qualifications Commission: \$409,240; Appellate Resource Center: \$565,500; Accountability Courts (now separate from Judicial Council) \$2,263,559.
Effective Date: May 12, 2011
Signed by the Governor: 5/12/2011

HB 87 Immigration Reform
OCGA Titles 13, 17, 35, 36, 42, 45, 50
Requires employers to use the employment eligibility verification system, e-Verify. Public employers are required to register and participate in the federal work authorization program; a person seeking employment commits the offense of aggravated identity fraud when he or she willfully and fraudulently uses any counterfeit or fictitious identifying information.
Effective Date: Staggered beginning July 1, 2011; affidavit requirement for gov't. applicants starts Jan. 1, 2012.
Signed by the Governor: 5/13/2011

GENERAL BILLS continued

HB 158 Nonpartisan Elections
OCGA §§ 21-2-132, et seq
 Provides that the names of all candidates for nonpartisan elections who have qualified with the Secretary of State or election superintendent shall be placed on the ballot in a nonpartisan election to be held and conducted jointly with the general primary in each even-numbered year.
Effective Date: May 13, 2011
Signed by the Governor: 5/13/2011

HB 238 Indigent Defense Boards
OCGA § 17-12
 The State Board shall be reduced to nine members and will no longer represent districts but shall be instead appointed by the Governor, Lt. Governor and Speaker of the House. Three members shall be county commissioners. The director is given more authority, including the hiring and firing of circuit public defenders.

Local public defender supervisory panels are reduced from seven to three members, all of whom shall be attorneys who regularly practice in that particular judicial circuit. The chief judge of the superior court shall appoint one member. The Governor shall appoint one member and one member shall be appointed by the chairperson of the governing authority.
Effective Date: July 1, 2011
Signed by the Governor: 5/3/2011

HB 302 Date of General Primary
OCGA §§ 21-2-150, -153
 Provides that the general primary shall be conducted on the last Tuesday of July. The candidates or their agents for political party nomination to county offices, for political party nomination to federal and state offices in a general, and for the office of presidential elector shall commence qualifying at 9:00 A.M. on the Wednesday immediately following the third Monday in May immediately prior to the primary and shall cease qualifying at 12:00 Noon on the Friday immediately following the Wednesday immediately following the third Monday in May.
Effective Date: May 11, 2011
Signed by the Governor: 5/11/2011

HB 415 Jury Composition Reform Act
OCGA Titles 15, 16, 21, 40, 45, 50
 Provides for creation of a statewide juror source list to be prepared by the Council of Superior Court Clerks; removes former provisions for balancing the jury box; makes other provisions.
Effective Date: Parts I and II of this Act shall become effective on July 1, 2011, and Part II of this Act shall apply to all offenses occurring on and after such date. Parts III and IV of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, and Part III of this Act shall apply to open records requests pending on such date or made on and after such date.
Signed by the Governor: 5/3/2011

SB 39 Mental Health Courts
OCGA § 15-1-16
 Authorizes the Judicial Council of Georgia to create standards for operation of mental health courts.
Effective Date: May 4, 2011
Signed by the Governor: 5/3/2011

CRIMINAL LAW AND PROCEDURE

HB 162 Sexual Offenders
OCGA § 42-1-18
 Creates a misdemeanor offense when any person who is required to register on the state sexual offender registry photographs a minor without the permission of the minor's parent.
Effective Date: May 11, 2011
Signed by the Governor: 5/11/2011

HB 200 Human Trafficking
OCGA Titles 16, 17 and 35
 Commercial sexual activity of a person alleged to have been trafficked or the person's connection by blood or marriage to an accused in the case shall be excluded from evidence, if determined that the probative values of the evidence is substantially out-weighted by the danger of unfair prejudice, confusion of the issues, or misleading the jury.
 Provides for penalties of 10-20 years imprisonment and/or \$100,000 fine for trafficking; 25-50 years and/or fine up to \$100,000 fine for trafficking a person under 18 years old; provides for penalties related to an act of prostitution, pimping or pandering a person under the age of 16.
Effective Date: May 3, 2011
Signed by the Governor: 5/3/2011

HB 265 Criminal Justice Reform
 OCGA §§ 28-13-1, -2, -3, -4
 Provides that a thorough study of the state's current criminal justice structure be made with a report to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and Chief Justice of the Supreme Court no later than November 1, 2011; makes other provisions.
Effective Date: April 22, 2011
Signed by the Governor: 4/22/2011

HB 390 Direct Appeals
 OCGA § 5-7-2
 Allows the state the right of direct appeal without seeking a certificate of immediate review of (1) decisions to suppress or exclude evidence or (2) when a defendant's motion for new trial or extraordinary motion of new trial is granted.
Effective Date: May 12, 2011
Signed by the Governor: 5/12/2011

HB 421 Plea of Mental Incompetency
 OCGA §§ 17-7-129, -130, -170, -171
 Provides that when the accused in a criminal case files a special plea alleging that the accused is mentally incompetent to stand trial, it shall be the duty of the court to have a bench trial, or jury trial, to determine the accused's mental competency to stand trial. Further, the court now has a duty to inquire sua sponte if there is information that leads the court to doubt a defendant's mental competency to stand trial.
Effective Date: May 11, 2011
Signed by the Governor: 5/11/2011

HB 503 Cost of Rape Examine Kits
 OCGA §§ 16-6-1, -2, 17-5-72, 17-15-2, -15, 17-18-2, -1
 The Georgia Crime Victims Emergency Fund shall be responsible for the cost of the medical examination of a victim of an alleged rape or aggravated sodomy up to \$1000; fund shall be responsible for payment of the cost notwithstanding whether the person receiving the examination has health insurance or any other source of health care coverage.
Effective Date: May 3, 2011
Signed by the Governor: 5/3/2011

SB 19 Forgery/Fraudulent Practices
 OCGA §§ 16-12-20, -35, 48-17-1, -2, -9, -15
Vetoed by the Governor: 5/13/2011

Governor Deal's Veto Message:
Senate Bill 19 attempts to provide much needed clarity to a statute that often leads to murky interpretations and unintended results. On close review, this legislation would expand the reward categories for those who play Class A machines and attempts to clarify the term "gift certificate" that exists in current law. In addition, this legislation attempts to clarify for prosecutors that so-called internet sweepstakes cafes are illegal and subject to prosecution for violating Georgia's prohibition on gambling. I am vetoing this legislation because I do not believe SB 19 provides sufficient clarity or enforcement powers to shut down internet cafes and I also find that the modifications to the current Class A and Class B classifications of coin operated machines could lead to unintended consequences. I look forward to signing legislation in the near future that would more forcefully address these significant concerns. Accordingly, I VETO SB 19.

SB 80 DNA Analysis
 OCGA §§ 5-5-41, 17-5-56, -160, et seq.
 Provides that any person convicted of a felony offense shall have a sample of his or her blood, an oral swab, or a sample obtained from a noninvasive procedure taken for DNA.
Effective Date: Parts I, II and IV, May 11, 2011; Part III becomes effective, and Part II stands repealed on Jan. 1, 2012
Signed by the Governor: 5/11/2011

SB 94 Runaway Youth Safety Act
 OCGA §§ 16-5-45, -160, et seq, 16-12-1
 A person commits the offense of interference with custody when without lawful authority to do so, the person knowingly harbors any child or committed person who has absconded; provides exception for reasonable cause to believe that the child has been abused.
 Provides a safe harbor provision against violation of OCGA 16-5-45 (harboring an absconded minor) if a service-provider, no later than 72 hours after initial contact with the minor, contacts the parent, guardian, or legal custodian of the runaway minor or makes a report if the person has reasonable cause to believe that the minor has been abused.
Effective Date: May 11, 2011
Signed by the Governor: 5/11/2011

TRAFFIC LAW

- HB 101 Bicycle Safety**
OCGA §§ 40-1-1, 40-6
 Provides that a distance of three feet is required between an operating motor vehicle and a bicycle; allows cyclists to ride on paved shoulders; makes other cyclist and child safety provisions.
Effective Date: May 11, 2011
Signed by the Governor: 5/11/2011
- HB 269 Restricted Drivers' Licenses**
OCGA §§ 40-3-36, -90; 40-5
 Any person 14 years of age or older who has been issued a restricted noncommercial Class P instruction permit because a parent or guardian is medically incapable of being licensed to operate a motor vehicle due to visual impairment, must be accompanied whenever operating a motor vehicle by the physically-impaired parent or guardian or by a person at least 21 years of age who is licensed as a driver for a commercial or noncommercial Class C vehicle.
 Provides for proof of installation and maintenance of an ignition interlock device for a period of six months coinciding with the issuance of an ignition interlock device limited driving permit as provided in OCGA § 40-5-64 unless waived based on financial hardship for reinstatement of license.
 A license will be reinstated if a person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee.
Effective Date: January 1, 2012, subject to appropriations.
Signed by the Governor: 5/11/2011
- SB 57 Overtaking a School Bus**
OCGA § 40-6-163
 The driver of a motor vehicle overtaking a school bus displaying its visual signals shall be liable for a civil monetary penalty. Provides for fines: \$300 for a first offense, \$750 for a second offense, \$1,000 for each subsequent offense in a five-year period.
Effective Date: May 11, 2011
Signed by the Governor: 5/11/2011

- SB 88 Use of Child Restraint Systems**
OCGA § 40-8-76
 Increases the age requirement for use of child restraint systems from six to eight years of age.
Effective Date: July 1, 2011
Signed by the Governor: 5/6/2011

APPELLATE COURTS

- HB 339 Emergency Powers**
OCGA §§ 38-3-51, -60, -61
 Allows the Chief Justice to extend the duration of a judicial emergency order when a public health emergency exists; streamlines procedures for appeals of vaccination or quarantine orders and for the declaration of a court emergency.
Effective Date: May 13, 2011
Signed by the Governor: 5/13/2011
- SB 139 Nonmonetary Judgments in Child Custody**
OCGA §§ 5-6-34, 5-6-35, 9-10-91
 When appeal is taken from a judgment or order granting nonmonetary relief in a child custody case, the judgment or order shall stand until reversed or modified by the reviewing court unless the trial court states otherwise in its judgment or order. Amends OCGA § 9-10-91, changing the grounds for exercise of personal jurisdiction over nonresidents who are or have been subject to personal jurisdiction in Georgia for family-related matters.
Effective Date: July 1, 2011
Signed by the Governor: 5/12/2011

SUPERIOR COURTS

- SB 115 Child Support; Exclude Foster Care Payments**
OCGA § 19-6-15
 Excludes foster care payments from the calculation of gross income for determining child support obligations.
Effective Date: May 12, 2011
Signed by the Governor: 5/12/2011
- SB 172 Adoption Home Study**
OCGA §§ 19-8-1, -5, -13, -14, -23, -26
 Requires a home study by an evaluator, appointed by the court, prior to the placement of a child into the home of adoptive parents.
Effective Date: July 1, 2011
Signed by the Governor: 5/12/2011

SUPERIOR COURTS continued

- SB 193** **Civil Practice Update**
OCGA § 9-14-53
Specifies that the Council of Superior Court Judges is responsible for reimbursing counties for habeas corpus costs; costs shall be certified by the county governing authority and the judges of the Superior Court in the county.
Effective Date: May 11, 2011
Signed by the Governor: 5/11/2011

JUVENILE COURTS

- HB 314** **Jessie's Law**
OCGA § 20-2-692.2
A foster care student who attends court proceedings relating to the student's foster care shall be credited as present by the school for any day, portion of a day, or days missed from school.
Effective Date: May 11, 2011
Signed by the Governor: 5/11/2011
- HB 373** **Order for Restrictive Custody**
OCGA § 15-11-63
An order for restrictive custody in the case of a child found to have committed a designated felony act may be modified by a juvenile court judge on motion by DJJ to shorten the length of confinement in a youth development center.
Effective Date: May 11, 2011
Signed by the Governor: 5/11/2011
- SB 112** **Rights of Military Parents**
OCGA §§ 19-9-1, -3, -6
Provides that if a deployed parent is required to be separated from a child, a court shall not enter a final order modifying parental rights and responsibilities and parent-child contact in an existing order until 90 days after the deployment ends, unless the modification is agreed to by the deploying parent. Upon motion of a deploying or non-deploying parent, the court shall enter a temporary order modifying parental rights and responsibilities or parent-child contact during the period of deployment or mobilization.
Effective Date: May 11, 2011
Signed by the Governor: 5/11/2011

PROBATE COURTS

- HB 92** **Absentee Balloting**
OCGA §§ 21-2-381, -384, -385, -385.1
The superintendent shall, at least 45 days prior to any general primary or general election other than a municipal general primary or general election, as soon as possible prior to a runoff, and at least 21 days prior to any municipal general primary or general election, prepare, obtain, and deliver an adequate supply of official absentee ballots to the board of registrars or absentee ballot clerk for use in the primary or election.
There shall be a period of advance voting that shall commence on the fourth Monday immediately prior to each primary or election and as soon as possible prior to a runoff and shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted during normal business hours on weekdays during such period and shall be conducted on the second Saturday prior to a primary or election during the hours of 9:00 A.M. through 4:00 P.M. Except as otherwise restricted, counties and municipalities may extend the hours for voting beyond regular business hours and may provide for addition voting locations to suit the needs of the electors of the jurisdiction.
Effective Date: May 13, 2011
Signed by the Governor: 5/13/2011
- SB 82** **Elections**
OCGA § 21-2
Makes technical changes to election procedures. These include: oaths of election officials including probate judges serving as election superintendents; changes procedure for determining the date for filing notice of candidacy; appointments of poll officers will be made available to the public; a runoff primary will be in continuation of the primary and only persons who were entitled to vote in the primary will be entitled to vote; an elector who votes in the primary of one party shall not be eligible to vote in a primary runoff of any other party.
Effective Date: July 1, 2011
Signed by the Governor: 5/13/2011

MAGISTRATE COURTS

HB 114 **Abandoned Vehicles: Fees**
OCGA § 40-11-1, -5, -10
Provides that no additional fees or moneys shall be added to the cost of filing an affidavit, except where a full hearing is requested and subsequently granted by the court. The court hearing the case shall be authorized to assess its normal fee for the hearing.
Effective Date: May 13, 2011
Signed by the Governor: 5/13/2011

SB 47 **Training for Magistrates**
OCGA §§ 15-10-132, -136, -137, -223
Allows the Magistrate Court Training Council the flexibility to decide on a yearly basis the required number of CE hours within a window of 12 to 20 hours.
Effective Date: May 12, 2011
Signed by the Governor: 5/12/2011

MUNICIPAL COURTS

SB 30 **Municipal Court Judges Qualifications**
OCGA § 36-32-1.1
Requires future municipal judges to be licensed to practice law in the State of Georgia and active members in good standing of the State Bar. Any municipal court judge serving on June 30, 2011 who does not meet the qualifications may serve as municipal court judge in any municipality so long as training hour requirements are maintained.
Effective Date: July 1, 2011
Signed by the Governor: 5/11/2011