



# Enacted Legislation 2008

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### BUDGET

#### HB 989 - FY 08 AMENDED APPROPRIATIONS

This bill:

- Increases funds for Court of Appeals to cover real estate cost in the amount of \$258,530
- Increases funds for Court of Appeals for the Westlaw contract in the amount of \$20,445
- Increases funds for mileage reimbursements in accordance with HB 129 (2007 Session) in the amount of \$56,041 for the Court of Appeals
- Increases funds for mileage reimbursements in accordance with HB 129 (2007 Session) in the amount of \$10,000 for the Supreme Court
- Increases funds for the Supreme Court to cover real estate cost in the amount of \$11,349
- Increases funds for fees paid to monitors and professional consultants for the Georgia Bar Exam in the amount of \$12,625

**Effective Date:** Upon signature of Governor - March 21, 2008

**Signed by the Governor on 5/21/08.**

To view a full budget  
report please visit:  
[http://www.legis.state.ga.us/legis/  
2007\\_08/house/budget/budgetDocs.htm](http://www.legis.state.ga.us/legis/2007_08/house/budget/budgetDocs.htm)

#### HB 990 - FY 09 APPROPRIATIONS

This bill:

##### **Common Changes**

- Increases funds to annualize the FY 2008 3% pay raise for judges and staff
- Reduces funds to reflect adjustment in the employer share of the State Health Benefit Plan premiums from 22.84% to 24.182%
- Reduces funds to reflect adjustment in the Workers' Compensation premium rate structure
- Increases funds for a 2.5% pay raise for judges and staff effective January 1, 2009

##### **Supreme Court**

- Reduces Supreme Court operational budget by 2.5%
- Increases funds for DOAS liability insurance for the Supreme Court in the amount of \$12,000
- Increase funds for postage for the Supreme Court in the amount of \$5,000.
- Increases funds for travel reimbursement for the Supreme Court in the amount of \$4,850
- Increases funds for Westlaw and Lexis-Nexis contracts for the Supreme Court in the amount of \$3,298

- Increases funds to provide a co-location site for computer equipment for the Supreme Court in the amount of \$71,050

## BUDGET cont.

### *Court of Appeals*

- Increase funds for operating expenses for the Court of Appeals in the amount of \$234,068.
- Provides \$150,000 funding for a salary scale adjustment for staff attorneys for the Court of Appeals
- Increases real estate rental for Court of Appeals in the amount of \$258,530
- Increases funding to replace court docket system for the Court of Appeals in the amount of \$147,900
- Increases funding for e-file initiative for Court of Appeals in the amount of \$45,329
- Reduces funding for a one time disaster recovery plan for the Court of Appeals by \$30,000
- Reduces funding for a one time renovation to the third floor of the Judicial Building for the Court of Appeals by \$111,761.

### *Superior Courts*

- Reduces Council of Superior Court Judges operational budget by 1.25%
- Reduces one-time funding for temporary labor for Council of Superior Court Judges by \$27,200
- Reduces funds for the Sentence Review Panel for the Council of Superior Court Judges by \$54,208
- Increases funds for operating expenses for the Council of Superior Court Judges in the amount of \$20,000
- Increases funds for one paralegal position for the Council of Superior Court Judges in the amount of \$37,363
- Increases funds for annualize step increases for Council of Superior Court Staff in the amount of \$39,453
- Reduces Superior Court Judges operational budget by 1.25%
- Reduces one-time funding for Fulton Business Court for Superior Court Judges by \$100,000
- Reduces one-time funding for equipment and furniture for new judgeships for Superior Court Judges by \$150,000
- Increases funds for annualize funding for the employer contributions to the county courts retirement fund for State Court Judges and Juvenile Court Judges in the amount of \$387,000
- Increases funds for travel mileage reimbursements for Superior Court Judges in the amount of \$48,500
- Increase funds for annualizing benefits for Superior Court Judges in the amount of \$103,469
- Increase funds for employer retirement contribution for county courts in the amount of \$155,000
- Increases funds for annualize three new judgeships for Superior Court Judges in the amount of \$421,722
- Reduces Judicial Administrative Districts base budget by 2.5%
- Increases funding for real estate rents for the Judicial Administrative Districts in the amount of \$11,059
- Reduces one-time funding for security training for Judicial Administrative Districts by \$25,000
- Reduces Council of Superior Court Clerks operational budget by 2.5%
- Increases funding for the Judicial Data Exchange (JDX) Project for the Council of Superior Court Clerks in the amount of \$1,500,000

### *Juvenile Courts*

- Reduces Council of Juvenile Court Judges operational budget by 2.5%

### *Judicial Council*

- Reduces Appellate Resource Center operational budget by 2.5%
- Reduces funds due to availability of IOLTA funds for the Appellate Resource Center by \$200,00.
- Reduces Judicial Qualifications Commission operational budget by 2.5%
- Reduces Office of Dispute Resolution operational budget by 2.5%
- Increases funds for Office of Dispute Resolution to restore funding cut in FY 08 budget in the amount of \$50,000
- Reduces ICJE operational budget by 2.5%
- Increases funding for ICJE to train five new judges by the amount of \$17,500
- Increases funding for ICJE for the court administrators' professional certificate and Magistrate Court training in the amount of \$177,296
- Reduces Judicial Council operational budget by 2.5%
- Reduces one-time funding for child support calculator by \$200,000 and state court Mock Trial Program by \$15,000.
- Increases funding for the Council of Magistrate Court Judges to provide a bench book and newsletter in the amount of \$15,000
- Increases funding for GCAC in the amount of \$200,000
- Increases the funding for a Family Law Information Center in the Appalachian Circuit in the amount of \$124,276

- Increases the funding for the Supreme Court Commission on Children, Marriage and Family Law in the amount of \$60,000

- Increases the funding to implement one new Drug Court in the amount of \$131,877

- Increases the funding to implement one new DUI Court in the amount of \$99,828

- Reduces one-time funding for Guardianship video for Probate Courts by \$65,000

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/14/08**

## CIVIL

### **HB 89 - FIREARMS; CARRYING AND POSSESSION; CHANGE PROVISIONS**

HB 89 is known as the “Business Security and Employee Privacy Act.” It creates a felony for any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person. This bill allows any person with a license to carry a weapon in parks, historic sites, wildlife management areas, or recreational areas, including all publicly owned buildings located in these areas. It also allows such person to carry a firearm on public transportation, provided they do not carry it into a place where firearms are prohibited by federal law. Consumption of alcoholic beverages in a restaurant or eating establishment while carrying a firearm is prohibited. Doing so would constitute a misdemeanor offense.

HB 89 changes certain provisions

relating to the issuance of licenses and license renewals for carrying weapons so that the judge of the probate court shall, within 2 business days following the receipt of the application or request, direct the law enforcement agency to request a fingerprint based criminal history records check and conduct background check and return an appropriate report to the probate judge. The law enforcement agency has 30 days (previously 50 days) to report their findings to the judge. No later than 10 days after the judge of the probate court receives the report from the law enforcement agency, the judge shall issue such applicant a license or renewal unless the judge determines the applicant has not met all the qualifications, is not of good moral character, or has failed to comply with any of the requirements. The judge shall date stamp the report to show the date on which it was received.

This bill also prohibits private or public employers from conditioning employment on any agreement that would prohibit a prospective employee, who possess a Georgia firearms license, from entering the parking lot with a firearm. It also prohibits employers from having a policy or rule that allows them to search locked cars of employees or invited guests on the employer's parking lot. The bill also provides for a number of exemptions. Employers, property owners, or property owner's agent are not liable for damages resulting from the transportation, storage, possession, or use of a firearm unless they commit a criminal act or knew that the person using the firearm would commit such criminal act on the premises.

HB 89 adds the language of HB 257 which provides for constables to carry firearms in publicly owned or operated buildings. This bill exempts them from the prohibition of carrying weapons within school safety zones,

at school functions, or on school property, provided however, that a courthouse security plan may prohibit the carrying of a pistol.

Any person, organization or entity, working in coordination and under the direction of an appropriate state agency, who voluntarily and without the expectation or receipt of compensation provides services or goods during a time of emergency as declared by the Governor shall not be civilly liable to any person receiving assistance as a result of any act or omission in rendering service.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/14/08**

### **HB 111 - DELAYED BIRTH CERTIFICATES; PETITIONS IN PROBATE AND SUPERIOR COURT; PERMIT**

This bill permits petitions for delayed birth certificates to be filed in the probate court as well as the superior court.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/6/08**

### **HB 422 - SPECIALIZED LAND TRANSACTIONS; MINIMUM AMOUNT FOR LIENS; PROVIDE**

HB 422 amends Chapter 3 of Title 44, relating to regulation of specialized land transactions. No foreclosure action against a lien on a condominium shall be permitted unless the amount of the lien is at least \$2,000. This also applies to home owner association foreclosures. The obligation for the payment of assessments and fees arising from covenants shall include the cost of collection, including reasonable attorney's fees actually incurred.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/14/08**

## CIVIL cont.

### **HB 579 - LANDLORD LIENS; DEFINITIONS; PROVISIONS**

HB 579 amends Part 2 of Article 8 of Chapter 14 of Title 44, relating to liens by landlords. This bill would provide for the assessment of certain storage charges on certain manufactured or mobile homes by real property owners. It also provides for the establishment of a lien on manufactured or mobile homes for certain storage costs. In the event that the homeowner or occupant declares bankruptcy, the accruing of any rent or rent charge due by the lienholder to the owner of the manufactured home community shall be stayed by the bankruptcy until 30 days after the final court action discharging the bankruptcy or releasing the collateral, whichever occurs first. If either a lienholder or an owner of a manufactured home community brings an action at law against the other in a court of competent jurisdiction, the prevailing party, as determined by the court, in addition to other relief granted by the court, may be awarded costs of litigation including reasonable attorney's fees.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/14/08**

### **HB 958 - MAGISTRATE COURT; CERTAIN JUDGMENTS; CLARIFY APPEAL PROCEDURE**

HB 958 amends Code Section 15-10-3 of the O.C.G.A., relating to civil proceedings in magistrate court by stating that no appeal shall lie from a default judgment or a dismissal for want of prosecution after a nonappearance of a plaintiff for trial. Any voluntary dismissal by the plaintiff or by order of the court for want of prosecution shall

be without prejudice except that the filing of a second dismissal shall operate as an adjudication upon the merits. Review, including review of denial of a postjudgment motion to vacate a judgment, shall be by certiorari to the state court of that county or to the superior court of that county.

At the request of any individual, the judge or clerk may prepare a statement of claim which is to include a brief statement giving the defendant reasonable notice of the basis for each claim contained in the statement of claim. The bill also eliminates the 30 day time frame in which to file interrogatories.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/14/08**

### **HB 972 - UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT; ENACT**

HB 972 concerns charities and standards set up for how they manage investments and spend endowments. This will affect all 501c3 organizations, including churches, colleges, and universities. It accomplishes three main things:

1. Sets standards for investments of assets for boards of directors.
2. Allows flexibility for spending of endowment funds.
3. Sets out a mechanism by which a fund can be released from the charity by donor.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/6/08**

### **HB 1020 - CIVIL AND CRIMINAL CASES; MINORS; CERTAIN SEXUALLY EXPLICIT OR OBSCENE EVIDENCE; RESTRICT ACCESS**

HB 1020 restricts access to certain sexually explicit or obscene property and material which is evidence in civil and criminal cases involving minors. It prohibits making copies of evidence seized in a criminal proceeding for a crime involving the sexual exploitation of minors. With respect to evidence in the possession of the prosecution intended for use as evidence in cases involving the sexual exploitation of minors, such evidence shall, no later than 10 days prior to trial, be allowed to be inspected by the defendant. This evidence shall not be open to public inspection. If the judge approves inspection of the physical evidence, the judge shall designate in writing the location where it may be inspected. The location must be a facility owned or operated by an agency of state or local government. Any person in violation of these provisions shall be guilty of a felony, punishable by 1-20 years or a fine of not more than \$100,000 or both.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/14/08**

*\*See also in Criminal*

### **HB 1040 - JUVENILE COURTS; DEPRIVED CHILD; PERMANENT GUARDIAN; GRANT JURISDICTION**

This bill grants juvenile courts with the jurisdiction to appoint a permanent guardian for a child whose custody is a subject of controversy before the court as a result of adjudication that the child is deemed deprived. The Juvenile court may enter an order of support on behalf of the minor child

## CIVIL cont.

against the parents of the child. Orders shall remain in effect until the child reaches the age of majority (18). The court shall retain jurisdiction over guardianship for the sole purpose of entering an order following the filling of a petition to modify, vacate, or revoke the guardianship and to appoint a new guardian. The superior courts shall have concurrent jurisdiction for enforcement or modification of any child support order entered.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/14/08*

### **HB 1093 - LIQUIDATED DAMAGES; DEMAND; CHANGE CERTAIN PROVISIONS**

HB 1093 amends Code Section 44-14-3 of the O.C.G.A., relating to furnishing of cancellation by grantee or holder upon payment, liability for failure to comply, cancellation of instrument after failure to comply, and liability of agents. It addresses the inaction of grantees to comply with the furnishing of cancellations. The bill provides a remedy in the amount of \$500, plus attorney's fees, for the grantor in the situation where the grantee does not comply. At least 15 business days prior to filing a civil action to recover liquidated damages, the grantor shall provide written notice to the grantee or holder of the instrument. If the grantee fails to do so within 60 days, the grantor may file a civil action.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/12/08*

### **HB 1283 - RAILROAD CORPORATIONS; PRESUMPTIONS; PROVISIONS**

This bill provides that occupancy of a railroad right of way be with the permission of the railroad corporation or railroad company, but such presumption may be rebutted. It requires that each railroad corporation and railroad company record an official map in the superior court in which the land is situated. It also provides for courts to take judicial notice of the information on the map that has been properly filed and recorded.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/6/08*

### **SB 88 - CARE OF A GRANDCHILD ACT; PROVIDE SUBSIDY TO CERTAIN GRANDPARENTS RAISING GRANDCHILDREN UNDER CERTAIN CIRCUMSTANCES**

SB 88 amends Chapter 9 of Title 19, relating to child custody proceedings. A parent of a minor child may delegate to any grandparent residing in this state care giving authority regarding the minor child when hardship prevents the parent from caring for the child. This authority may be delegated without the approval of a court by executing in writing a power of attorney for the care of a minor. The instrument providing power of attorney shall be executed by both parents, if both are living and have joint legal custody, and shall specify which hardship prevents the parent or parents from caring for the child. The grandparent shall have legal custody of the child, including authorizing medical, dental and mental health care and enrolling the child in school, until each parent who executed the power of attorney for the child revokes the power of attorney in writing and provides notice of the revocation to the

grandparent.

The language from HB 158 was attached to this bill which clarifies methods of legitimation of a child and to correct cross-references. It defines 'acknowledgement of legitimation' and 'Legal father' and provides that prior to a child's first birthday, a father of a child born out of wedlock render his relationship with the child legitimate when both the mother and father have freely agreed, consented, and signed a voluntary acknowledgment of paternity. The definition of 'legal father' is expanded to include a man who has legitimated.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

\*See also in General

### **SB 358 - GEORGIA UNIFORM SECURITIES ACT OF 2008; REPEALING IT IN ITS ENTIRELY AND ENACTING A NEW CHAPTER**

SB 358 is known as the "Georgia Uniform Securities Act of 2008". This bill updates Georgia's current securities laws. It provides for qualified immunity and civil and criminal penalties. It also provides for administration and judicial review.

**Effective Date:** July 1, 2009

*Signed by the Governor on 5/12/08*

### **SB 374 - LIENS; REVISE CERTAIN TIME PERIODS OF FILING MATERIALMEN'S/ MECHANIC LIENS; PROVIDE FOR CERTAIN NOTICES REGARDING WAIVER OF LIENS OR CLAIM UPON BOND**

SB 374 revises certain time periods for filing materialmen's and mechanics' liens and provides for certain notices regarding waiver of lien or claim upon bond. This bill provides

## CIVIL cont.

that certain notices shall be sent by registered or overnight mail or statutory overnight delivery. It also provides that certain liens are unenforceable if an action is not commenced within 365 days. An owner or an owner's agent or attorney, or the contractor or contractor's agent or attorney, may elect to shorten the time prescribed in which to commence a lien action to enforce any claim of lien by recording a notice in the superior court clerk's.

**Effective Date:** March 31, 2009

**Signed by the Governor on 5/14/08**

### **SB 397 - BONDS; ISSUANCE/ VALIDATION; CHANGE CERTAIN PROVISIONS**

This bill deals with powers of housing authorities and issuance of bonds, so as to change certain provisions regarding bond issuance and validation. Any action pertaining to issuance of bonds, of an authority, shall be brought in the superior court of the county where the eligible housing units to be financed with the bonds are located. If these housing units are located in more than one county, the action may be brought in either the superior court of the county where the authority is located, or in the superior court of any county where the eligible housing units are situated.

**Effective Date:** Upon signature of Governor or July 1, 2008 without such approval

**Signed by the Governor on 5/6/08**



*To view bills on the  
web, please visit  
[www.georgiacourts.org](http://www.georgiacourts.org)*

### **SB 405 - GEORGIA REVISED UNIFORM ANATOMICAL GIFT ACT; ENACTMENT; DEFINITIONS; PROVIDE FOR ANATOMICAL GIFT**

SB 405 provides for the enactment of the "Georgia Revised Uniform Anatomical Gift Act" and repeals the "Georgia Anatomical Gift Act". This bill is concerned with the issue of anatomical gifts and provides definitions as well as determines who may make an anatomical gift and in what manner. It also outlines how to amend or revoke a gift. This bill also prohibits the sale or purchase of body parts while providing for penalties and immunity. A person who intentionally falsifies, forges, conceals, defaces, or obliterates a document of a gift, an amendment or revocation of a document of gift or a refusal for financial gain or commits a felony and upon conviction is subject to a fine not exceeding \$50,000.00 or imprisonment not exceeding five years, or both. A person that knowingly purchases or sells a part for transplantation or therapy if removal of a part from an individual is intended to occur after the individual's death commits a felony and upon conviction is subject to a fine not exceeding \$50,000.00 or imprisonment not exceeding five years, or both.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/12/08**

\*See also in Criminal

### **SB 483 - CHILD SUPPORT; REVISE CERTAIN DEFINITIONS; PROCESS OF CALCULATING; PROVISIONS**

SB 483 addresses child support in final verdict or decree, the guidelines for determining the amount of child support awarded, and the duration of

support. Revised certain definitions and clarified that the final child support order shall be the presumptive amount of child support as increased or decreased by deviations. In addition, any benefits which the child receives on the obligor's account under Title II of the federal Social Security Act shall be applied against the final child support order. Addresses that the guidelines are applicable to Domestic Violence Twelve Month Protective Orders as temporary orders and the court and parties shall not be obligated to attach the Child Support Worksheet and Schedule E to the final court order. The award of the child's health insurance coverage is now mandatory rather than discretionary, if the insurance is reasonably available at reasonable cost. Clarifies which military benefits are considered attributable income and identifies those benefits that are excluded for the various branches of service. Except as determined by the court or jury, military special pay or incentive pay, allowances for clothing or family separation, and reimbursed expenses related to the parent's assignment to a high cost of living location shall not be considered income for the purpose of determining gross income. When cases with established orders are reviewed for modification and a parent fails to produce reliable evidence of income, and the court or jury has no other reliable evidence of that parent's income or income potential, the court or jury may enter an order to increase the child support of that parent by an increment of 10 percent per year of such parent's gross income for each year since the final child support order was entered. The court may allow, upon motion, the temporary modification of a child support order pending the final trial on the petition. An order granting temporary modifi-

## CIVIL cont.

cation shall be subject to revision by the court at any time before the final trial. The roll of the jury was clarified that the court, rather than the jury, determines adjusted income, health insurance cost for the child and work related child care expenses.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/6/08*

### **SB 508 - PROBATE COURTS; UPDATE/CHANGE PROVISIONS**

SB 508 updates and changes provisions affecting the probate courts. It updates a reference to a conservator involving incompetency or incapacity of a principal on a power of attorney. The probate court shall be held at the place prescribed for the superior court or in the office of the judge of the probate court in each county, on the first Monday in January, April, July, and October. It adds that probate courts shall have concurrent jurisdiction with superior courts with regard to the proceedings for adjudication of petitions for direction or construction of a will.

SB 508 changes provisions relating to the composition of the Probate Judges Training Council. The training council shall consist of one member from each district as elected by the judges of the probate courts within such district. The elections shall occur prior to the annual spring business meeting of The Council of Probate Court Judges of Georgia. Training council members shall serve four-year terms; provided, however, that members from odd-numbered districts shall serve an initial term of two years and members from even-numbered districts shall serve an initial term of four years.

This bill also provides for change in provisions relating to sealing of

records of minors or adult guardianship or conservatorship. Sealed records may be examined by the ward and the ward's legal counsel, the minor, the minor's parents, and the minor's legal counsel, the guardian or conservator and the guardian or conservator's legal counsel, and any surety for the conservator and legal counsel for the surety at any time. It also allows the court, provided that for good cause shown to the court, to shorten the notice period for requests by other interested parties to examine the sealed records or grant the petition without notice. The court shall limit the portion of the file to which access is granted to that which is required to meet the needs of the petitioner. SB 508 provides for recordation of certain information relating to real property when no administration is necessary and eliminates the year support as a bar for probate of a will after five years.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/14/08*

### **SB 531 - FORECLOSURE; CONDUCT BY THE CURRENT OWNER/HOLDER OF MORTGAGE; REQUIRE**

SB 531 amends Code Section 44-14-7 of the O.C.G.A. The bill provides that the security instrument or assignment thereof vesting the secured creditor with title to the security instrument shall be filed prior to the time of sale in the office of the clerk of the superior court of the county in which the real property is located. Notice of the initiation of proceedings to exercise a power of sale in a mortgage, security deed, or other lien contract shall be given to the debtor by the secured creditor no later than 30 days before the date of the proposed foreclosure. Such notice shall include the name,

address, and telephone number of the individual or entity who shall negotiate, amend, and modify all terms of the mortgage with the debtor.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/13/08*

## CRIMINAL

### **HB 280 - CONTROLLED SUBSTANCES; SALE OF MARIJUANA FLAVORED PRODUCTS TO MINORS; BAN**

This bill bans the sale, delivery, distribution, or providing of marijuana flavored products to minors. Any person who violates this law shall be guilty of a misdemeanor and subject to a fine of \$500 for each offense.

**Effective Date:** July 1, 2008, and shall apply to offenses committed on or after such date.

*Signed by the Governor on 5/6/08*

### **HB 301 - DOGFIGHTING; PROHIBIT; PUNISHMENTS; AMEND PROVISIONS**

This bill prohibits dog fighting and related conduct. Any person who owns, possesses, trains, transports, or sells any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog and wagers money or anything of value on the result of dog fighting, shall be guilty of a felony. Previously, this violation was a misdemeanor. First conviction shall be punished by imprisonment of not less than one nor more than five years or a fine of not less than \$5,000 or both. Second and subsequent convictions shall be punished by imprisonment of not less than one nor more than 10 years or a fine of

## CRIMINAL cont.

not less than \$15,000 or both. Any person who is knowingly present only as a spectator at any place for dog fighting shall, upon a first conviction, be guilty of a high and aggravated misdemeanor. On a second conviction, the person shall be guilty of a felony and punished by imprisonment of not less than one nor more than five years, a fine of not less than \$5,000.00, or both such fine and imprisonment. On a third or subsequent conviction, the person shall be punished by imprisonment of not less than one nor more than ten years, a fine of not less than \$15,000.00, or both such fine and imprisonment. Any dog subject to fighting may be impounded.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/6/08*

### **HB 333 - WEAPONS; CRIME OR DELINQUENT ACT; PROVISIONS**

This bill provides that any law enforcement agency (e.g. chief of police), not necessarily the sheriff, may confiscate and retain weapons used during the commission of a crime. When the weapon is no longer needed for evidentiary purposes, the agency involved with possession of the weapon may retain, destroy, or sell it with proceeds being paid into the state treasury. An accurate description of each weapon along with records of whether each weapon was retained, sold, or destroyed must be maintained by the law enforcement agency.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/12/08*

### **HB 336 - DRIVING UNDER THE INFLUENCE; MANDATORY SENTENCES; INCREASE**

HB 336 addresses DUI convictions. Upon a first conviction, with no previous conviction of nolo contendere nor a plea of nolo contendere accepted within the previous ten years, the violator must complete a clinical evaluation and, if recommended as a part of such evaluation, a substance abuse treatment program, provided, however, that in the court's discretion such evaluation may be waived. This bill changes the time from five years of the last conviction to ten years of the last conviction, to which penalties assigned to the second and third conviction, or plea of nolo contendere, are applied. It makes a fourth or subsequent DUI conviction a felony. For the fourth or subsequent conviction within a ten year period, the violator shall be punished by: 1) a fine of \$1000-\$5000 2) imprisonment of 1-5 years 3) at least 60 days of community service; provided however that if a defendant is sentenced to serve 3 years of actual imprisonment, the judge may suspend the community service 4) completion of a DUI Alcohol or Drug Use Risk Reduction Program 5) a clinical evaluation and if recommended as part of the evaluation, a completion of a substance abuse treatment program 6) 5 years probation.

**Effective Date:** July 1, 2008, and shall be applied to offenses occurring on or after July 1, 2008.

*Signed by the Governor on 5/12/08*

\*See also in Traffic

### **HB 960 - ECSTASY; CERTAIN TRAFFICKING; BAILABLE ONLY BEFORE SUPERIOR COURT JUDGE; REQUIRE**

HB 960 would make certain charges relative to the drug ecstasy bailable only in the superior court.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/14/08*

### **HB 975 - COUNTY OR MUNICIPAL CORPORATIONS; AUTHORIZING DOCUMENTS; PROVISIONS**

HB 975 makes it unlawful for any county or municipal corporation to issue any backdated license, permit, or other similar authorization under certain circumstances. A license, permit, or other authorizing document shall be considered backdated if it purports to have been issued or have become effective prior to its actual date of issuance. Any county or municipal officer or employee who knowingly does so shall be guilty of a misdemeanor.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/6/08*

### **HB 983 - OUT-OF-STATE LAW ENFORCEMENT OFFICERS; ARREST CERTAIN OFFENDERS; PROVIDE**

HB 983 allows a law enforcement officer from Alabama, Florida, North Carolina, South Carolina, or Tennessee who enters this state in fresh pursuit of a person to have the same authority to arrest a person within Georgia as that of a law enforcement officer of Georgia. This authority, however, is limited to criminal offenses of the pursuing state that are also criminal offenses under the laws

## CRIMINAL cont.

of this state and that are punishable by death or imprisonment in excess of one year under the laws of the pursuing state.

When an arrest is made in this state by a law enforcement officer of another state, the law enforcement officer shall, without unnecessary delay, take the person arrested before a judicial officer of this state. The judicial officer shall conduct a hearing for the limited purpose of determining whether such arrest meets the proper requirements unless the person arrested executes a written waiver of his or her right to a hearing. If the judicial officer determines that such arrest was unlawful, he or she shall discharge such person arrested. If the judicial officer determines that such arrest was lawful, he or she shall commit such person arrested to imprisonment.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/6/08*

### **HB 1020 - CIVIL AND CRIMINAL CASES; MINORS; CERTAIN SEXUALLY EXPLICIT OR OBSCENE EVIDENCE; RESTRICT ACCESS**

HB 1020 restricts access to certain sexually explicit or obscene property and material which is evidence in civil and criminal cases involving minors. It prohibits making copies of evidence seized in a criminal proceeding for a crime involving the sexual exploitation of minors. With respect to evidence in the possession of the prosecution intended for use as evidence in cases involving the sexual exploitation of minors, such evidence shall, no later than 10 days prior to trial, be allowed to be inspected by the defen-

dant. This evidence shall not be open to public inspection. If the judge approves inspection of the physical evidence, the judge shall designate in writing the location where it may be inspected. The location must be a facility owned or operated by an agency of state or local government. Any person in violation of these provisions shall be guilty of a felony, punishable by 1-20 years or a fine of not more than \$100,000 or both.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/14/08*

\*See also in Civil

### **HB 1066 - ALCOHOLIC BEVERAGES; VAPORIZED FORMS; PROHIBIT CERTAIN CONDUCT**

This bill bans the purchase, sale, or use of any vaporized form of alcoholic beverage produced by an alcohol vaporizing device. It also prohibits any person from owning or possessing any alcohol vaporizing device and from keeping any vaporized form of an alcoholic beverage on a licensed premises. Any person in violation of this will be guilty of a misdemeanor upon conviction. It would also make the sale, or use, to a person under the age of 21 a misdemeanor on the first offense and a misdemeanor of a high or aggravated nature on the second offense.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/12/08*

### **HB 1116 - PROBATION MANAGEMENT ACT OF 2004; MODIFY CERTAIN PROVISIONS**

HB 1116 amends the Probation Management Act of 2004, relating to jurisdiction over certain misdemeanor offenders, designation of place of con-

finement of inmates, and reimbursement of counties for housing state inmate. It changes the county reimbursement rate to a \$25.00 minimum from \$7.50 per day per inmate. HB 1116 removes the language in code section 42-5-50 that relates to convicted persons remaining in county jail instead of transferring to a correctional institution in order to be present for trial. Department of Corrections day reporting center was added to a list of alternative sanctions. A preliminary hearing for violation of probation is not required if the administrative hearing is held within 15 days of arrest.

The bill further states that a hearing officer's decision shall be final unless the options system probationer files for review with the senior hearing officer. The request for review shall be filed within 15 days of the issuance of the department's decision. The request for review shall not stay the department's decision. The senior hearing officer shall issue a response within seven days of receipt of the review request. The senior hearing officer's decision shall be final unless the options system probationer files an appeal in the sentencing court. This only applies to judicial circuits where the department has allocated certified hearing officers.

**Effective Date:** Sections 1 (jurisdiction over certain misdemeanor offenders) and 2 (transmittal of information on convicted persons and places of detention) of this Act shall become effective on January 1, 2010. The remaining sections of this Act shall become effective on June 15, 2008.

*Vetoed by the Governor on 5/14/08*

**Governor Perdue's Press Release: House Bill 1116 extends the sunset on the Probation Management Act. It also raises the statutory minimum amount that the State Treasury must**

## CRIMINAL cont.

reimburse county governments for housing persons convicted of felonies from \$7.50 to \$25.00, an over 333% increase, per day commencing on the fifteenth day after receipt of sentencing documents. The latter provision will not be effective until 2010. I support the extension of the Probation Management Act, but I believe decisions about compensation for counties should be made in the budget not statute. Accordingly, I VETO House Bill 1116.

\*See also in Fines & Fees

### **HB 1297 - SEXUAL ASSAULT PROTOCOL; AFFORD GREATER PROTECTION TO VICTIMS; CHANGE PROVISIONS**

HB 1297 deals with sexual assault protocol and criminal procedure to provide greater protection to victims of sexual crimes. It changes provisions for the preservation of evidence so that the law enforcement agency must maintain any physical evidence from a sexual assault case for 10 years after the report of the crime. This bill also gives the victim the right to have a forensic medical examination regardless of whether they participate in the criminal justice system or cooperate with law enforcement in pursuing prosecution of the underlying crime.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/12/08*

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### **HB 1346 - THEFT; ORGANIZED RETAIL THEFT; CREATE OFFENSE**

HB 1346 creates a new code section defining the term of retail property fencing. A person commits the offense of retail property fencing when they receive, dispose of, or retain property that was unlawfully taken or shoplifted, up to 180 days, with the intent to transfer, sell, or distribute the property to a retail fence for money. It is not necessary in the prosecution of this crime to prove that any intended profit was actually realized. Any property constituting proceeds shall be subject to forfeiture to the State of Georgia.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

### **SB 1 - SEXUAL OFFENDERS; UNLAWFUL TO PHOTOGRAPH MINORS; PROVIDE PENALTIES**

SB 1 amends Article 2 of Chapter 1 of Title 42, relating to the Sexual Offender Registration Review Board, so as to repeal certain provisions relating to residency and employment restrictions for certain sexual offenders. This bill makes it unlawful for persons required to register as sexual offenders to: 1) intentionally photograph a minor without parental consent 2) reside within 1000 feet of or be employed by or volunteer at any child care facility, school church, school, or anywhere minors congregate 3) be employed by or volunteer at any business entity that is located within 1000 feet of any area minors congregate. Any sexual offender who knowingly photographs a minor without parental consent shall be guilty of a misdemeanor of a high and aggravated nature. Violating the other 3 provisions shall constitute a felony punishable by imprisonment 10-30 years.

An individual owning real property and residing on that property or being employed within 1,000 feet of a prohibited location shall not be guilty of violating the 1,000 feet distance rule, if the individual had established such property ownership or employment prior to July 1, 2006. He or she must also provide sufficient proof demonstrating their exemption to the sheriff of the county where they are registered within ten days of being notified of code violation.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

### **SB 16 - ANIMAL FIGHTING ACT; CHANGE CERTAIN PROVISIONS**

SB 16 makes it a misdemeanor to remove an electronic or radio transmitting collar from a dog, without the permission from the dog's owner, with the intention of preventing or hindering the owner from locating the dog. If the dog is lost or killed as a result of the violator's removal of the collar, the violator shall be required to pay the dog's owner restitution in the amount of the actual value of the dog and any associated veterinary expenses.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/12/08*

### **SB 24 - COMPUTER SECURITY; PERSONS PROVIDE IDENTIFYING INFORMATION BY FALSELY REPRESENTING THEMSELVES TO BE A BUSINESS; DEFINITIONS; PENALTIES**

SB 24 provides that any person who intentionally defrauds, by means of a web page, or takes any action to induce another person to provide identifying information by representing himself, herself, or itself to be a busi-

## CRIMINAL cont.

ness without the authority or approval of such business shall be guilty of a felony. The punishment shall be imprisonment for not less than one nor more than 20 years; a fine of not less than \$1,000.00 nor more than \$500,000.00, or both.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/12/08*

### **SB 400 - FORESTRY/FIRE; ENFORCEMENT OF LAWS; PUNISHMENT OF CERTAIN VIOLATIONS; FORESTRY INVESTIGATORS; PROVIDE FOR QUALIFICATIONS/ POWERS**

This bill provides for enforcement of laws related to forestry and fire. Investigators who have been so appointed and who have been certified by the Georgia Peace Officer Standards and Training Council enforce laws related to forestry and fire. If any person charged by citation shall fail to appear in court as specified in the citation, the judge having jurisdiction of the offense may issue a warrant ordering the apprehension of such person and commanding that he or she be brought before the court to answer the charge contained within such citation and the charge of his or her failure to appear as required. Such person shall then be allowed to make a reasonable bond to appear on a given date before the court. Any person who, with intent to damage, start, cause, or procure another to start or cause a fire in any lands that are not one's own and without the permission of the owner or lessee having control of such property shall be guilty of arson of lands in the third degree. Any person whose violation of this law results in a fire that burns more than

five acres shall be guilty of arson of lands in the second degree. If the violation occurred under such circumstances that human life might be endangered, the person would be guilty of arson of land in the first degree.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/12/08*

### **SB 405 - GEORGIA REVISED UNIFORM ANATOMICAL GIFT ACT; ENACTMENT; DEFINITIONS; PROVIDE FOR ANATOMICAL GIFT**

SB 405 provides for the enactment of the "Georgia Revised Uniform Anatomical Gift Act" and repeals the "Georgia Anatomical Gift Act". This bill is concerned with the issue of anatomical gifts and provides definitions as well as determines who may make an anatomical gift and in what manner. It also outlines how to amend or revoke a gift. This bill also prohibits the sale or purchase of body parts while providing for penalties and immunity. A person who intentionally falsifies, forges, conceals, defaces, or obliterates a document of a gift, an amendment or revocation of a document of gift or a refusal for financial gain or commits a felony and upon conviction is subject to a fine not exceeding \$50,000.00 or imprisonment not exceeding five years, or both. A person that knowingly purchases or sells a part for transplantation or therapy if removal of a part from an individual is intended to occur after the individual's death commits a felony and upon conviction is subject to a fine not exceeding \$50,000.00 or imprisonment not exceeding five years, or both.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/12/08*

\*See also in Civil

### **SB 406 - OFFENSES; INCREASE PENALTIES FOR REPRODUCING, TRANSFERRING, SELLING, DISTRIBUTING CERTAIN RECORDED MATERIAL; FORFEITURE OF CERTAIN TERMS**

SB 406 amends Article 3 of Chapter 8 of Title 16 relating to criminal reproduction and sale of recorded material, so as to increase penalties for reproducing, transferring, selling, distributing, or circulating certain recorded material. Every person convicted of this crime shall be guilty of a felony. This bill also provides for forfeiture of certain items as well as restitution relating to reproduction of recorded material, transfer, sale, distribution, and circulation. For purposes of imposing restitution, when a person is convicted the court shall consider damages to any owner or lawful producer of a master phonograph record, master disc, master tape, master videotape, master film, or other device or article from which sounds or visual images are derived.

SB 406 also repeals Article 3 of Chapter 9 of Title 42 of the O.C.G.A., relating to the "Uniform Act for Out-of-State Parolee Supervision".

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/6/08*

### **SB 421 - FALSE IDENTIFICATION DOCUMENTS; CHANGE PENALTIES BASED UPON THE AGE OF THE CONVICTED PERSON/NATURE OF CRIME**

This bill addresses the penalties associated with convictions for manufacturing, selling, or distributing false identification, so as to change the penalties to be based upon the age of the person convicted and the nature of the crime. Any person under 21 who

## CRIMINAL cont.

commits the crime of manufacturing, selling or distributing false identification documents for the purpose of being used to enter an age restricted facility or to purchase an age restricted consumable good shall, upon first conviction, be guilty of a misdemeanor and upon a second or subsequent conviction be guilty of a misdemeanor of a high and aggravated nature.

**Effective Date:** July 1, 2008 and shall apply to all offenses committed on or after such date.

*Signed by the Governor on 5/14/08*

### **SB 453 - CONTROLLED SUBSTANCES; ADD THE STATE AS ENTITY AUTHORIZED TO GOVERN CERTAIN CRIMINAL ACTIVITY; DESIGNATED AREAS FOR RECREATIONAL PURPOSES**

This bill makes it unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance, marijuana or a counterfeit substance within 1,000 feet of any real property dedicated and set apart by the governing authority of any municipality, county, state authority, or the state for recreational purposes. There is an exception if the manufacture, distribution, or dispensing is otherwise allowed by law.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

### **SB 529 - RULES OF THE ROAD; COMMIT THE OFFENSE OF FELONY HIT AND RUN; PROVIDE FOR OFFENSE OF HOMICIDE BY VEHICLE, VESSEL**

SB 529 amends Chapter 6 of Title 40 of the O.C.G.A., relating to the uniform rules of the road. The bill provides for an offense of homicide by vehicle punishable by imprisonment for not less than three years and not more than 15 years, where a person has committed the offense of felony hit and run and the accident resulted in the death of the person. It provides that a person who fails to stop and render aid under certain circumstances has committed the offense of hit and run. Where a person injured in such accident is unconscious, appears deceased, or is otherwise unable to communicate, the person that hit them must make every reasonable effort to ensure that emergency medical services and local law enforcement are contacted for the purpose of reporting the accident and making a request for assistance. It changes the penalty for homicide by vehicle to not less than 3 years and not more than 15 years.

In addition, the bill amends Code Section 52-7-12.2, relating to homicide by vessel. It provides for an offense of homicide by vessel in the first degree where a person has operated a vessel in such a manner as to cause a collision or accident and knowingly fails to stop and attempt to render assistance. This crime is a felony punishable by not less than 3 years and no more than 15 years.

**Effective Date:** July 1, 2008, and shall apply to all offenses committed on or after such date.

*Signed by the Governor on 5/14/08*

\*See also in Traffic

## TRAFFIC

### **HB 77 - MOTOR VEHICLES; TRAFFIC-CONTROL SIGNAL MONITORING DEVICES; REPEAL PROVISIONS**

HB 77 addresses red light cameras. This bill requires a governing authority to obtain an operating permit from the Department of Transportation prior to using any traffic-control signal monitoring device. The revenue generated by the use of these devices shall not be considered when determining whether to issue a permit. Through this legislation the Department of Transportation has the authority to regulate red light cameras. Where a violation of the rules and regulations established by the DOT is substantiated, the DOT may order that revenues generated from the use of traffic-control signal monitoring devices during the time of such violation be remitted to the state's general fund. The department's order to remit funds shall be a continuous order until the violation is corrected by the governing authority as determined by the department. Jurisdiction for enforcing the department's order shall be in the Superior Court of Fulton County.

**Effective Date:** December 31, 2008

*Signed by the Governor on 5/14/08*

### **HB 336 - DRIVING UNDER THE INFLUENCE; MANDATORY SENTENCES; INCREASE**

HB 336 addresses DUI convictions. Upon a first conviction, with no previous conviction of nolo contendere nor a plea of nolo contendere accepted within the previous ten years, the violator must complete a clinical evaluation and, if recommended as a part of such evaluation, a substance abuse

## TRAFFIC cont.

treatment program, provided, however, that in the court's discretion such evaluation may be waived. This bill changes the time from five years of the last conviction to ten years of the last conviction, to which penalties assigned to the second and third conviction, or plea of nolo contendere, are applied. It makes a fourth or subsequent DUI conviction a felony. For the fourth or subsequent conviction within a ten year period, the violator shall be punished by: 1) a fine of \$1000-\$5000 2) imprisonment of 1-5 years 3) at least 60 days of community service; provided however that if a defendant is sentenced to serve 3 years of actual imprisonment, the judge may suspend the community service 4) completion of a DUI Alcohol or Drug Use Risk Reduction Program 5) a clinical evaluation and if recommended as part of the evaluation, a completion of a substance abuse treatment program 6) 5 years probation.

**Effective Date:** July 1, 2008, and shall be applied to offenses occurring on or after July 1, 2008.

**Signed by the Governor on 5/12/08**

\*See also in Criminal

### **HB 978 - TRAFFIC ACCIDENTS; ILLEGAL IMMIGRANTS; SEIZE VEHICLE; ALLOW LAW ENFORCEMENT**

HB 978 states that where a person is operating a motor vehicle without a license, the arresting law enforcement officer shall, except in an emergency, cause the vehicle being operated by such person to be removed and impounded. The vehicle shall be released to the owner, or the owner's spouse, child, or parent upon proof of

relationship to the owner, such person displaying an unexpired driver's license.

This bill amends Code Section 15-21-179 of the O.C.G.A. (Joshua's Law), by extending the date to be repealed from June 30, 2008 to June 30, 2013.

**Effective Date:** July 1, 2008, and shall be applied to violations occurring on or after that date.

**Vetoed by the Governor on 5/14/08**

**Governor Perdue's Press Release: House Bill 978 requires that law enforcement officers impound the vehicle of any person caught driving without a valid driver's license.**

**While it does provide three exceptions – (1) persons driving with an expired license; (2) first-time offenders that are under 17 years of age; and (3) persons otherwise exempt from carrying a Georgia drivers' license – it mandates impoundment in all other circumstances. To help address what I believe to be the concerns of this legislation's author, I have already signed Senate Bill 350, which enhances the penalties for driving without a valid drivers' license.**

**However, because I believe that officers should have discretion to determine when a vehicle should be impounded, and because I am concerned about how this legislation will impact new residents to Georgia, I cannot sign House Bill 978. I therefore VETO House Bill 978.**

### **HB 1027 - DEFENSIVE DRIVING COURSES; ALCOHOL OR DRUG PROGRAMS; CURRICULUM; PROVISIONS**

This bill addresses driver improvement courses. It concerns any driver improvement programs that a person is required to attend by the court. It

creates a provision for online and other technology based courses to be regulated by the Department of Drivers Services (DDS). Courts can only order people to attend programs that are licensed and approved by DDS. Unlicensed programs will no longer be recognized. Courts shall have the discretion to order or authorize individuals to attend or register for on-line or classroom driver improvement programs that are licensed and approved by the department. On or after July 1, 2008 approved clinics shall charge a fee of \$75.00 for an internet or technology based driver improvement program and \$75.00 for a classroom driver improvement program. On or after July 1, 2009, approved clinics shall charge a fee of not more than \$75.00 for an internet or technology based driver improvement program and not more than \$75.00 for a classroom driver improvement program. The bill prohibits the creation or licensing of any Internet, online, or other technology based DUI Alcohol or Drug Use Risk Reduction Program.

**Effective Date:** July 1, 2008

**Vetoed by the Governor on 5/14/08**

**Governor Perdue's Press Release: House Bill 1027 would allow certain offenders to take online driver improvement programs. It maintains a fee of \$75.00 for classroom courses and Internet-based programs through May 31, 2008; subsequently, both online and classroom courses may charge no more than \$75.00. I believe that the delivery of online classes should be less expensive than classroom courses, which is not wholly reflected in House Bill 1027. More importantly, I have serious concerns about the integrity of a punishment that permits habitual violators of Georgia's traffic laws to take online courses. For these reasons, I VETO House Bill 1027.**

## TRAFFIC cont.

### HB 1111 - DRIVERS' LICENSES; REQUIREMENTS; FEES; PROVISIONS

This bill provides for information to be released by the Department of Driver Services for purposes of voter registration. In addition, HB 1111 provides for any person failing to pass a driving test to pay the license fee as a testing fee.

The Department of Drivers' Services must send notice of suspension of driver's license, via certified mail, to the driver's mailing address on the license. This notice will satisfy all notice requirements of law. All uniform traffic citations must include language that failure to appear and respond will result in suspension of driver's license. Permits are renewable upon a \$5.00 fee, and can be renewed until license is reinstated.

Identification cards can be renewed by mail, online or in person, and a free replacement card can be obtained within remaining term of card.

The department is required to suspend the license of any driver that is not in compliance with an order for child support. The department shall send a suspension notice via certified mail to the address reflected on its records as the driver's mailing address.

The Department of Drivers' Services shall obtain the driving record of any person applying for a commercial driver's license from any other state that person has been licensed. Any commercial driver convicted of violating an out-of-service order shall be subject to a civil penalty of not less than \$2,500 (previously \$1,100) for first offense and not less than \$5,000 (previously \$2,500) for subsequent offense. Any employer knowingly allows or requires a driver

to drive in violation of an out of service order shall be subject to a civil penalty of not less than \$2,750 and not more than \$25,000 (previously \$11,000). HB 1111 also allows for light-emitting diode (LED) lights to be placed on trailing carrying logs, pulpwood, poles or posts which extend more than four feet beyond rear.

**Effective Date:** January 1, 2009, except for Sections 4 (noncompliance with child support order) and 5(failure to respond to citation) which shall become effective on January 1, 2010.  
*Signed by the Governor on 5/6/08*

\*See also in Fines & Fees

### SB 55 - ALCOHOLIC BEVERAGES; RESEALED PARTIALLY CONSUMED BOTTLE OF WINE; UNIFORM RULES OF THE ROAD

This bill would authorize restaurant patrons to remove for off-premises consumption a resealed partially consumed bottle of wine that was purchased with a food item. This bill would also provide that a resealed partially consumed bottle of wine that was purchased with a food item is not an open alcoholic beverage container for purposes of the prohibition against possessing an open container of alcohol in the passenger area of a motor vehicle.

**Effective Date:** July 1, 2008  
*Signed by the Governor on 5/14/08*

### SB 350 - DRIVERS' LICENSES; REQUIREMENT; DRIVING WHILE LICENSE SUSPENDED/REVOKED; CHANGE CERTAIN PROVISION

SB 350 amends Chapter 5 of Title 40 of the Official Code of Georgia Annotated which relates to drivers licenses. No one, unless exempted, shall drive any motor vehicle upon a highway in this state unless that person has a valid driver's license for the type or class of vehicle being driven. Any person who is a resident of Georgia for 30 days shall obtain a Georgia driver's license before operating a motor vehicle in this state. Any court having jurisdiction over traffic offenses shall report to the Department of Driver's Services the name and other identifying information of any individual convicted of driving without a license. Any person who drives a motor vehicle on any public highway of this state without ever being issued a license shall be guilty of a misdemeanor for a first conviction. That person shall be fingerprinted and shall be imprisoned not less than 2 days and not more than 12 months and subject to pay a fine between \$500 and \$1,000, however, at the time of the hearing such person shall not be guilty if he or she presents the court with proof of a valid Georgia driver's license. The fingerprints are used to track future violations of the same person. The second and third convictions within 5 years shall constitute a high and aggravated misdemeanor. For the fourth conviction within 5 years, the violator will be guilty of a felony and will be imprisoned between 1 and 5 years and subject to pay a fine between \$2,500 and \$5,000. When any person charged with a felony or driving without being licensed or convicted of driving under the influence is confined for any peri-

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## TRAFFIC cont.

od of time in jail, a reasonable effort shall be made to determine the nationality of the person confined.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/14/08**

### **SB 529 - RULES OF THE ROAD; COMMIT THE OFFENSE OF FELONY HIT AND RUN; PROVIDE FOR OFFENSE OF HOMICIDE BY VEHICLE, VESSEL**

SB 529 amends Chapter 6 of Title 40 of the O.C.G.A., relating to the uniform rules of the road. The bill provides for an offense of homicide by vehicle punishable by imprisonment for not less than three years and not more than 15 years, where a person has committed the offense of felony hit and run and the accident resulted in the death of the person. It provides that a person who fails to stop and render aid under certain circumstances has committed the offense of hit and run. Where a person injured in such accident is unconscious, appears deceased, or is otherwise unable to communicate, the person that hit them must make every reasonable effort to ensure that emergency medical services and local law enforcement are contacted for the purpose of reporting the accident and making a request for assistance. It changes the penalty for feticide by vehicle to not less than 3 years and not more than 15 years.

In addition, the bill amends Code Section 52-7-12.2, relating to homicide by vessel. It provides for an offense of homicide by vessel in the first degree where a person has operated a vessel in such a manner as to cause a collision or accident and knowingly fails to stop and attempt to render assistance. This crime is a felony punishable by not less than 3

years and no more than 15 years.

**Effective Date:** July 1, 2008, and shall apply to all offenses committed on or after such date.

**Signed by the Governor on 5/14/08**

\*See also in Criminal

## FINES AND FEES

### **HB 1018 - SUPERIOR COURT FEES; RECORDING AN INSTRUMENT; CROSS-INDEXING; PROVIDE ADDITIONAL FILING FEES**

HB 1018 allows a clerk of a Superior Court to charge a \$2 fee, to be paid into the county treasury, when he or she is required to cross-index documents. Furthermore, the bill authorizes the use of electronic means for recording. This includes, but is not limited to, real estate, personal property, liens, plats, and any other instruments. The clerk shall be authorized to make such entry or notation through electronic or automated means rather than entering such information manually in paper books or dockets.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/6/08**

### **HB 1111 - DRIVERS' LICENSES; REQUIREMENTS; FEES; PROVISIONS**

This bill provides for information to be released by the Department of Driver Services for purposes of voter registration. In addition, HB 1111 provides for any person failing to pass a driving test to pay the license fee as a testing fee.

The Department of Drivers' Services must send notice of suspension of driver's license, via certified mail, to the driver's mailing address

on the license. This notice will satisfy all notice requirements of law. All uniform traffic citations must include language that failure to appear and respond will result in suspension of driver's license. Permits are renewable upon a \$5.00 fee, and can be renewed until license is reinstated. Identification cards can be renewed by mail, online or in person, and a free replacement card can be obtained within remaining term of card.

The department is required to suspend the license of any driver that is not in compliance with an order for child support. The department shall send a suspension notice via certified mail to the address reflected on its records as the driver's mailing address.

The Department of Drivers' Services shall obtain the driving record of any person applying for a commercial driver's license from any other state that person has been licensed. Any commercial driver convicted of violating an out-of-service order shall be subject to a civil penalty of not less than \$2,500 (previously \$1,100) for first offense and not less than \$5,000 (previously \$2,500) for subsequent offense. Any employer knowingly allows or requires a driver to drive in violation of an out of service order shall be subject to a civil penalty of not less than \$2,750 and not more than \$25,000 (previously \$11,000). HB 1111 also allows for light-emitting diode (LED) lights to be placed on trailing carrying logs, pulpwood, poles or posts which extend more than four feet beyond rear.

**Effective Date:** January 1, 2009, except for Sections 4 (noncompliance with child support order) and 5 (failure to respond to citation) which shall become effective on January 1, 2010.

**Signed by the Governor on 5/6/08**

\*See also in Traffic

## FINES AND FEES cont.

### **HB 1116 - PROBATION MANAGEMENT ACT OF 2004; MODIFY CERTAIN PROVISIONS**

HB 1116 amends the Probation Management Act of 2004, relating to jurisdiction over certain misdemeanor offenders, designation of place of confinement of inmates, and reimbursement of counties for housing state inmate. It changes the county reimbursement rate to a \$25.00 minimum from \$7.50 per day per inmate. HB 1116 removes the language in code section 42-5-50 that relates to convicted persons remaining in county jail instead of transferring to a correctional institution in order to be present for trial. Department of Corrections day reporting center was added to a list of alternative sanctions. A preliminary hearing for violation of probation is not required if the administrative hearing is held within 15 days of arrest.

The bill further states that a hearing officer's decision shall be final unless the options system probationer files for review with the senior hearing officer. The request for review shall be filed within 15 days of the issuance of the department's decision. The request for review shall not stay the department's decision. The senior hearing officer shall issue a response within seven days of receipt of the review request. The senior hearing officer's decision shall be final unless the options system probationer files an appeal in the sentencing court. This only applies to judicial circuits where the department has allocated certified hearing officers.

**Effective Date:** Sections 1 (jurisdiction over certain misdemeanor offenders) and 2 (transmittal of information on convicted persons and places of detention) of this Act shall become

effective on January 1, 2010. The remaining sections of this Act shall become effective on June 15, 2008.

*Vetoed by the Governor on 5/14/08*

**Governor Perdue's Press Release: House Bill 1116 extends the sunset on the Probation Management Act. It also raises the statutory minimum amount that the State Treasury must reimburse county governments for housing persons convicted of felonies from \$7.50 to \$25.00, an over 333% increase, per day commencing on the fifteenth day after receipt of sentencing documents. The latter provision will not be effective until 2010. I support the extension of the Probation Management Act, but I believe decisions about compensation for counties should be made in the budget not statute. Accordingly, I VETO House Bill 1116.**

\*See also in Criminal

### **HB 1245 - INDIGENT DEFENSE; REVISE MATTERS; SENIOR JUDGES; CHANGE CERTAIN PROVISIONS**

HB 1245 deals with courts and legal defense for indigents. It addresses the issues of funding, budgeting, and the organization of providing indigent defense. HB 1245 provides that a senior judge shall not be assigned, designated, or preside in any criminal case involving a capital offense for which the death penalty may be imposed, unless the judge had previously been assigned or designated and presided over such case while serving as an elected superior court judge prior to attaining senior judge status.

Provisions dealing with the remittance of funds were changed so that funds are to be remitted to the Georgia Superior Court Clerks' Cooperative Authority rather than the Georgia

Public Defender Standards Council. The bill raises the bond fee to the lesser of \$100 or 10% of the original amount of bail or bond plus the lesser of an additional \$100 or 10% of the original amount of bail or bond.

This bill amends Code Section 15-21-179 (Joshua's Law), relating to additional fee penalties for violation of traffic laws. The sunset provision in Joshua's Law was extended to June 30, 2013.

HB 1245 changes the definition of an indigent changing the earning requirement from 125% of the federal poverty guidelines to 100%. It changes the definition of a juvenile indigent to mean an individual whose parents earn less than 125 % of the federal poverty guidelines unless there is evidence that the juvenile or their parents have other resources that might reasonably be used to employ a lawyer without undue hardship.

Provisions were changed relating to the Georgia Public Defender Standards Council so that on or after July 1, 2008, the Lieutenant Governor and the Speaker of the House will be responsible for appointing members to the council instead of the Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals. The Director of the Georgia Public Defender Standards Council will now serve at the pleasure of the Governor instead of the Council.

A mental health advocacy division and the Georgia capital defender division are to be established by, and report to, the director of the Georgia Public Defender Standards Council. The bill appoints the mental health advocacy division as the successor to the office of mental health advocacy and transfers the powers and duties.

The length of time in which entitlement to the services of council begins was changed from 72 hours to three business days after the indigent person

## FINES AND FEES cont.

is taken into custody or service is made upon them of the charge, petition, notice, or other initiating process and such person makes an application for counsel to be appointed. Any assistant public defender or other attorney employed full time by the circuit public defender who is compensated by state funds shall not engage in the private practice of law for profit or serve concurrently in any judicial office.

Funding for attorney's fees and expenses between \$150,000.01 and \$250,000.00 for each death penalty case shall be paid through state appropriations for 75 percent of such attorney's fees and expenses, and the county governing authority shall pay 25 percent of such attorney's fees and expenses. Funding for all attorney's fees and expenses in excess of \$250,000.00 for each death penalty case shall be paid through state appropriations for 50 percent of such attorney's fees and expenses, and the county governing authority shall pay 50 percent of such attorney's fees and expenses. In order to retain funding, a governing authority shall verify that the applicant qualifies as an indigent person.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/14/08*

\*See also in General

## COMPENSATION/ RETIREMENT

### HB 119 - CERTAIN JUSTICES AND JUDGES; ANNUAL SALARIES; INCREASE

HB 119 increases the salaries of Supreme Court justices, appellate court judges, and superior court judges to \$179,960, \$178,858, and \$129,421 respectively, starting on July 1, 2009. It also increases the annual salaries of district attorneys from \$107,900 to \$123,073.24.

**Effective Date:** July 1, 2009

*Vetoed by the Governor on 5/14/08*

**Governor Perdue's Press Release: House Bill 119 raises the statutory compensation for Georgia's Supreme Court justices, Court of Appeals and Superior Court judges and District Attorneys. I have consistently expressed concern with raising judicial officers' salaries without tackling the well above-market retirement benefits. In addition, I commissioned a review of judicial pay in Georgia and found it in line with competitor states and various counsel. The same review also confirmed that the judiciary's retirement benefits are far above market average. I have seen no compelling data to the contrary. I disagree with those who have suggested that current judicial pay has diminished the quality of applicants for judicial office. Contrary to such critics, I continue to be impressed with the quality and character of those who offer themselves for public service in the State judiciary. I have full confidence in the abilities of those I have appointed to the bench as well as many of the candidates I have interviewed. These facts lead me to conclude that no data demonstrates a need to raise judicial compensation at this time, so I VETO House Bill 119.**

### HB 255 - PUBLIC RETIREMENT SYSTEMS; PUBLIC EMPLOY- MENT RELATED CRIME; EXPAND DEFINITION

This bill expands the definition of "public employment related crime" to include federal convictions and also defines "economic impact of a public employment related crime". If a public employee commits a public employment related crime, upon final conviction such person's benefits under a public retirement or pension system, including any survivor's benefits if applicable, shall be reduced by an amount equal to three times the economic impact of the crime.

Payment of benefits shall cease until the amount has been forfeited, after which benefits shall be restored. This shall apply to persons who, first or again, become members of a public retirement system on or after July 1, 2008. Upon final conviction, the prosecuting attorney must notify the former public employer and any public retirement system.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/6/08*

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## COMPENSATION/ RETIREMENT cont.

### **HB 373 - PUBLIC SAFETY, DEPARTMENT OF; STATE PATROL; RETIREMENT BENEFITS; AMEND**

This bill relates to retirement benefits in the Employees' Retirement System of Georgia for those in the Uniform Division of the Department of Public Safety so that they may return to full-time employment and retain their retirement benefits.

HB 373 also allows a member of the Georgia Judicial Retirement System, but did not vest, to have employer and employee contributions transferred to this retirement system by notifying both boards by December 31, 2008.

**Effective Date:** July 1, 2008, only if it is determined to have been concurrently funded as provided by the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2008.

*Vetoed by the Governor on May 14, 2008*

**Governor Perdue's Press Release: House Bill 373 addresses two unrelated retirement issues: return to work and the transfer of credible service between retirement systems. The bill would allow retired members of the Uniformed Division of the Department of Public Safety to return to work full time, which runs counter to the purpose of retirement benefits and the choices made by those members who decided to retire. Whatever perceived ills this legislation seeks to address should be assuaged by my budget recommendation that includes funding for personnel at the**

**Department. Thus, the fiscal and policy concerns I have about this legislation require me to VETO House Bill 373.**

### **HB 1086 - COURT BALIFFS; MAXIMUM PER DIEM; ELIMINATE**

HB 1086 eliminates the maximum per diem compensation allowed to court bailiffs. It also allows the same compensation to bailiffs of state and special courts as allowed bailiffs in the superior court of the county in which the state or special court is located.

**Effective Date:** July 1, 2008  
*Signed by the Governor on 5/6/08*

### **SB 328 - GEORGIA STATE EMPLOYEE SAVINGS PLAN; DEFERRED COMPENSATION PLAN; EMPLOYER CONTRIBUTION; PROVIDE RULES/REGULATIONS**

This bill would create the Georgia State Employees' Pension and Savings plan and would affect persons who first or again become members of the Employees' Retirement System or on or after January 1, 2009. Such members would initially receive a retirement allowance equal to 1% of their highest average monthly compensation during a period of 24 consecutive calendar months multiplied by the member's years of creditable service. The bill also provides for an additional benefit through optional participation in a deferred compensation plan offered by the State for public employees. Additionally, this bill includes provisions to allow existing members to elect participation in this proposed plan. The bill also includes provisions relating to disability benefits for persons covered under the "Georgia State Employees' Pension and Savings Fund".

**Effective Date:** July 1, 2008, only if it is determined to have been concurrently funded as provided in the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2008.

*Signed by the Governor on 5/14/08*

### **SB 460 - SUPERIOR COURT CLERKS' RETIREMENT FUND; MEMBERSHIP DUES IN SUCH FUND; CREDITABLE SERVICE; PROVIDE A PENALTY**

This bill would amend several provisions relating to the collection of membership dues, fines, and fees relating to the Superior Court Clerks' Retirement Fund. Members will be assessed a late charge if membership dues remain unpaid for 60 days (previously 90 days) from the due date. Members will not receive creditable service for any month in which dues are in arrears on the last day of the calendar year payments are due.

The bill also changes the time frame that the authority responsible for collecting payments for the Superior Court Clerks' Retirement Fund to remit payments to the Fund from a quarterly basis to monthly basis. These payments will be due on the first of the month, but will be considered timely if received by the 15th day of the month following the month in which the payments were collected. The payments will be considered late if they are not remitted to the Fund within 60 days of the date on which such remittance is due, and penalties will be imposed.

Finally, this bill authorizes the Board to establish a rule or regulation authorizing certain surviving spouses to receive benefits in the event the member dies prior to retirement, provided the member satisfied all require-

## COMPENSATION/ RETIREMENT cont.

ments for retirement except for being 55 years old. If such rule or regulation is established, the surviving spouse would receive a monthly sum during his or her lifetime that is not greater than 50% of the amount the member would have received. The actual percent will be set by the Board of Trustees.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/14/08*

## ELECTIONS

### HB 296 - SPECIAL ELECTIONS; HELD ON CERTAIN DATES; PROVIDE

HB 296 amends Code Section 21-2-540 of the O.C.G.A. A special election to present a question to the voters shall be held only on one of the following dates which is at least 29 days after the date of the call for the special election: In odd-numbered years, any such special election shall only be held on the third Tuesday in March or on the Tuesday after the first Monday in November; and In even-numbered years, any such special election shall only be held on: The date of and in conjunction with the presidential preference primary if one is held that year; The date of the general primary; or The Tuesday after the first Monday in November.

**Effective Date:** January 1, 2010

*Signed by the Governor on 5/6/08*

### HB 993 - ABSENTEE VOTING; CASTING BALLOT IN PERSON; PROVISIONS

This bill allows voters that are 75 years of age or older to receive preferential treatment when casting their ballots.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/14/08*

### HB 1098 - PRIMARIES AND ELECTIONS; ELECTION SUPERINTENDENTS; PROVISIONS

HB 1098 adds municipalities to the code for elections. It requires election superintendents to provide notice to the Secretary of State of certain primaries and elections.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/14/08*

### HB 1112 - ELECTIONS AND PRIMARIES; MUNICIPAL ELECTION SUPERINTENDENTS; PROVISIONS

This bill amends provisions relating to elections so as to revise provisions for the State Elections Board. All county and municipal election superintendents or, in the case of a board of elections and registration, the designee of such board charged with the daily operations of the board shall become certified by completing a certification program approved by the Secretary of State by no later than December 31 of the year in which they are appointed. Any county or municipal election superintendent appointed prior to January 1, 2008, who has not met the certification requirement, shall complete a certification program approved by the Secretary of State by no later than December 31, 2008. HB 1112 sets procedures for extraordinary cir-

cumstances. The Secretary of State may, by agreement with the commissioner of the Department of Corrections, obtain criminal information relating to the conviction, sentencing, and completion of sentencing requirements of felonies involving moral turpitude. Additionally, the Secretary of State shall be authorized to obtain such criminal information relating to Georgia electors convicted of felonies involving moral turpitude, if possible, from other states. Any person who uses or threatens violence to any poll officer in a manner that would prevent a poll officer from the execution of his or her duties shall be guilty of a felony. Upon conviction they shall be sentenced to imprisonment for not less than one year nor more than ten years or to pay a fine not to exceed \$100,000.00, or both. Any person who votes or attempts to vote by absentee ballot at any primary or election knowing that he or she is not qualified to vote shall be guilty of a felony.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/14/08*

### SB 11 - SUPERIOR/STATE COURT JUDGES; PERFORMING ORDERED MILITARY DUTY; ELIGIBLE FOR REELECTION; QUALIFY BY MAIL, MESSENGER OR AGENT ON DUTY

This bill relates to requesting judicial assistance from other courts so as to provide that a judge may request assistance if the requesting judge is unable to preside because he or she is performing military duty. Any superior court judge or state court judge who is performing ordered military duty is eligible for reelection, and may qualify in absentia as a candidate for reelection to such office. The performance of ordered military duty shall not

## ELECTIONS cont.

create a vacancy in such office during the term for which such judge was elected.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/12/08*

### **SB 387 - ABSENTEE BALLOTS; ALLOW ELECTORS TO REQUEST/CAST WITHOUT STATING A REASON; ALLOW ELECTRONIC SUBMISSION OF REQUESTS BY CERTAIN ELECTORS**

SB 387 makes changes in the process of using absentee ballots. There will no longer be a Monday-Friday time restriction. The person requesting an absentee ballot will not be forced to give a reason in any primary election, run-off primary or election. People who are entitled to vote by absentee ballot under the Federal Uniformed and Overseas Citizens Absentee Voting act will be able to request ballots electronically. The registrar or absentee ballot clerk will compare signatures and other identifying information to make the process more secure. The bill also makes the storage of these ballots more secure.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/12/08*



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## GENERAL

### **HB 188 - JURY DUTY; PRIMARY CAREGIVER OF CERTAIN PERSONS; PROVIDE EXEMPTION**

This bill provides for an exemption from jury duty for a primary unpaid caregiver of a person aged six or older with physical or cognitive limitations. Any person seeking the exemption shall furnish the court with an affidavit and statement of a physician, or other medical provider, supporting the affidavit's statements related to the persons medical condition.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/12/08*

### **HB 470 - GEORGIA LEMON LAW; ENACT**

HB 470 enacts the "Georgia Lemon Law". The bill is intended to create a procedure for expeditious resolution of complaints and disputes concerning nonconforming new motor vehicles. It provides a method for notifying consumers of their rights, and to ensure that consumers receive information, documents, and service necessary to enable them to exercise those rights. The manufacturer shall publish an owner's manual and provide it to the new motor vehicle dealer. At the time of purchase, the dealer shall provide a written statement that explains the consumer's rights under this article. If a consumer reports nonconformity during the lemon law rights period, the manufacturer/agent/dealer shall be allowed a reasonable number of attempts to repair and correct the nonconformity. If the nonconformity cannot be fixed the consumer shall give written notice to the manufacturer of the need to repair and correct the nonconformity. If the manufacturer is

unable to correct nonconformity after the final attempt or the vehicle has been out of service for 30 days, the manufacturer shall repurchase or replace the vehicle. The manufacturer shall have 10 days from receipt of the notice to repurchase or replace the vehicle. If a manufacturer fails to replace or repurchase the vehicle the consumer may move to compel replacement or repurchase by applying for arbitration. A consumer whose dispute is determined to be ineligible for arbitration may appeal that determination. The decision of the arbitrator is final unless a party appeals the decision to the superior court within 30 days. A fee of \$3.00 shall be collected by the dealer from the consumer at completion of sale of each new vehicle that will be deposited in the new motor vehicle arbitration account. A violation of this article shall constitute an unfair and deceptive act or practice in conduct of consumer transactions.

**Effective Date:** January 1, 2009.

Code Section 10-1-795 (administrator authority) shall become effective upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/14/08*

### **HB 515 - LOTTERY FOR EDUCATION ACT; DEFINE CERTAIN TERMS; PROVISIONS**

This bill amends 50-27-1 of the O.C.G.A., relating to general provisions relative to the "Lottery for Education Act". It defines "assignee" as any person or third party other than the winner to whom any portion of a prize payable by the corporation in installment payments may be transferred or assigned pursuant to an appropriate judicial order. "Assignment" is defined as the transfer of any portion of a prize to any

## GENERAL cont.

person or third party pursuant to an appropriate judicial order. "Assignor" is defined as any person receiving installment payments seeking to assign or transfer any portion of a prize to an assignee or any person or third party pursuant to an appropriate judicial order.

The assignor has three business days after signing the contract to cancel the assignment, the court shall issue an order approving a voluntary assignment and directing the corporation to make prize payments as a whole or in part to the assignee. Written notice of the petition and proposed assignment along with any court hearing concerning the petition and proposed assignment are to be given to the corporation's counsel at least ten days before a court hearing. Written notice of the petition and proposed assignment and any court hearing concerning the petition and proposed assignment shall be served by certified mail to the last known address of any interested party. The corporation, not later than ten days after receiving a certified copy of a court order approving a voluntary assignment, shall send the assignor and the assignee written confirmation of the court approved assignment and the intent of the corporation to rely on the assignment in making payments to the assignee named in the order free from any attachments, garnishments, or executions. Each court order issued shall provide that any obligations of the assignor shall be satisfied out of the proceeds to be received by the assignor.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

**Signed by the Governor on 5/12/08**

### **HB 535 - MENTAL HEALTH; PATIENT ADVOCACY BOARD; CREATE**

This bill repeals certain provisions relating to state ombudsman and community ombudsmen for mental health, developmental disabilities, and addictive diseases. It also creates the office of disability services ombudsman and provides for its organization and duties. The Governor shall identify at least 3 qualified persons to serve as ombudsman. No person shall discriminate or retaliate in any manner against any consumer, relative of a consumer, guardian or health care agent of a consumer, any employee of a services provider, or any other person for making a complaint or providing information in good faith to the ombudsman. Any person violating this Code section shall be guilty of a misdemeanor. No person providing information to the ombudsman shall be held to have violated any criminal law or to be civilly liable under any law unless such information is false and the person providing such information knew or had reason to believe that it was false. HB 535 also creates a medical review group appointed by the Governor to conduct medical reviews of all deaths of consumers in state hospitals or state operated community residential services.

**Effective Date:** July 1, 2008, unless funds are not specifically appropriated for in a General Appropriations Act.

**Signed by the Governor on 5/6/08**

### **HB 1051 - CHILD ABUSE; COUNTY MULTIAGENCY CHILD FATALITY REVIEW COMMITTEE; CHANGE CERTAIN PROVISIONS**

HB 1051 amends Code Section 19-15-3 of the O.C.G.A., relating to the county multiagency child fatality

review committee and reporting. By January 1 of each calendar year, the panel must submit a report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the Judiciary Committees of the Senate and House of Representatives regarding the prevalence and circumstances of child fatalities in the state.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/6/08**

### **HB 1054 - CHILDREN AND FAMILY SERVICE STRENGTHENING ACT OF 2008; ENACT**

This bill consolidates the Children and Youth Coordinating Council with the Children's Trust Fund Commission, and places the functions of the Georgia Child Fatality Review Panel under the supervision of the Child Advocate for the Protection of Children. Establishes the Governor's Office for Children and Families, which shall be assigned to the Governor's Office of Planning and Budget for administrative purposes and which will take over the duties of the State Children's Trust Fund Commission and the Children and Youth Coordinating Council. Establishes an executive director of the Governor's Office for Children and Families, and an advisory board.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/12/08**

## GENERAL cont.

### **HB 1090 - CONTROLLED SUBSTANCES; SCHEDULE I, II, III AND IV; CHANGE CERTAIN PROVISIONS**

HB 1090 amends Chapter 13 of Title 16, relating to controlled substances, so as to change certain provisions relating to Schedule I, II, III, and IV controlled substances and to change certain provisions relating to the definition of "dangerous drug".

**Effective Date:** Upon signature of Governor or July 1, 2008 without such approval.

*Signed by the Governor on 5/6/08*

### **HB 1113 - STATE PURCHASING; DEFINITIONS; PROVISIONS**

Any person who uses state funds through purchase orders, government contracts, credit cards, charge cards or debit cards for his or her own personal benefit will be charged with a misdemeanor of high and aggravated nature if the total amount does not exceed \$500. If the total amount exceeds \$500, the person will be charged with a felony. In addition to fines and imprisonment, restitution equal to the amount of unlawful purchases plus 12 percent interest per year must be paid. Any person knowingly assisting in using state funds for personal benefit will be charged with the same penalty. Any person who uses travel advance from state funds for nongovernmental purposes will also be charged with a misdemeanor of high and aggravated nature if the amount does not exceed \$500 and a felony if the amount does exceed \$500. HB 1113 also establishes regulations for purchase cards provided by the State of Georgia.

**Effective Date:** Upon signature of Governor or July 1, 2008, without

such approval. Shall apply to all transactions on or after July 1, 2008.

*Signed by the Governor on 5/14/08*

### **HB 1163 - BRUNSWICK JUDICIAL CIRCUIT; FIFTH JUDGE FOR SUPERIOR COURTS; PROVIDE**

HB 1163 creates three new judgeships. A fifth judgeship in the Brunswick Judicial Circuit appointed by the Governor effective July 1, 2009 for a term to expire on December 31, 2010. A fifth judgeship in the Alcovy Judicial Circuit appointed by the Governor effective July 1, 2009 for a term to expire on December 31, 2010. A twentieth judgeship in the Atlanta Judicial Circuit appointed by the Governor effective July 1, 2009 for a term to expire on December 31, 2010. After the terms expire on December 31, 2010, the judgeship position will then be elected.

**Effective Date:** Upon signature of Governor for purposes of making the initial appointments to fill the judgeships. For all other purposes, this Act shall become effective on July 1, 2009.

*Signed by the Governor on 5/12/08*

### **HB 1245 - INDIGENT DEFENSE; REVISE MATTERS; SENIOR JUDGES; CHANGE CERTAIN PROVISIONS**

HB 1245 addresses the issues of funding, budgeting, and the organization of providing indigent defense. HB 1245 provides that a senior judge shall not be assigned, designated, or preside in any criminal case involving a capital offense for which the death penalty may be imposed, unless the judge had previously been assigned or designated and presided over such case while serving as an elected superior court

judge prior to attaining senior judge status. Provisions dealing with the remittance of funds were changed so that funds are to be remitted to the Georgia Superior Court Clerks' Cooperative Authority rather than the Georgia Public Defender Standards Council. The bill raises the bond fee to the lesser of \$100 or 10% of the original amount of bail or bond plus the lesser of an additional \$100 or 10% of the original amount of bail or bond.

This bill amends Code Section 15-21-179 (Joshua's Law), relating to additional fee penalties for violation of traffic laws. The sunset provision in Joshua's Law was extended to June 30, 2013.

HB 1245 changes the definition of an indigent changing the earning requirement from 125% of the federal poverty guidelines to 100%. It changes the definition of a juvenile indigent to mean an individual whose parents earn less than 125 % of the federal poverty guidelines unless there is evidence that the juvenile or their parents have other resources that might reasonably be used to employ a lawyer without undue hardship.

Provisions were changed relating to the Georgia Public Defender Standards Council so that on or after July 1, 2008, the Lieutenant Governor and the Speaker of the House will be responsible for appointing members to the council instead of the Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals. The Director of the Georgia Public Defender Standards Council will now serve at the pleasure of the Governor instead of the Council.

A mental health advocacy division and the Georgia capital defender division are to be established by, and report to, the director of the Georgia Public Defender Standards Council. The bill appoints the mental health

## GENERAL cont.

advocacy division as the successor to the office of mental health advocacy and transfers the powers and duties.

The length of time in which entitlement to the services of council begins was changed from 72 hours to three business days after the indigent person is taken into custody or service is made upon them of the charge, petition, notice, or other initiating process and such person makes an application for counsel to be appointed. Any assistant public defender or other attorney employed full time by the circuit public defender who is compensated by state funds shall not engage in the private practice of law for profit or serve concurrently in any judicial office.

Funding for attorney's fees and expenses between \$150,000.01 and \$250,000.00 for each death penalty case shall be paid through state appropriations for 75 percent of such attorney's fees and expenses, and the county governing authority shall pay 25 percent of such attorney's fees and expenses. Funding for all attorney's fees and expenses in excess of \$250,000.00 for each death penalty case shall be paid through state appropriations for 50 percent of such attorney's fees and expenses, and the county governing authority shall pay 50 percent of such attorney's fees and expenses. In order to retain funding, a governing authority shall verify that the applicant qualifies as an indigent person.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

**Signed by the Governor on 5/14/08**

\*See also in Fines & Fees

## SB 88 - CARE OF A GRANDCHILD ACT; PROVIDE SUBSIDY TO CERTAIN GRANDPARENTS RAISING GRANDCHILDREN UNDER CERTAIN CIRCUMSTANCES

SB 88 amends Chapter 9 of Title 19, relating to child custody proceedings. A parent of a minor child may delegate to any grandparent residing in this state care giving authority regarding the minor child when hardship prevents the parent from caring for the child. This authority may be delegated without the approval of a court by executing in writing a power of attorney for the care of a minor. The instrument providing power of attorney shall be executed by both parents, if both are living and have joint legal custody, and shall specify which hardship prevents the parent or parents from caring for the child. The grandparent shall have legal custody of the child, including authorizing medical, dental and mental health care and enrolling the child in school, until each parent who executed the power of attorney for the child revokes the power of attorney in writing and provides notice of the revocation to the grandparent.

The language from HB 158 was attached to this bill which clarifies methods of legitimation of a child and to correct cross-references. It defines 'acknowledgement of legitimation' and 'Legal father' and provides that prior to a child's first birthday, a father of a child born out of wedlock render his relationship with the child legitimate when both the mother and father have freely agreed, consented, and signed a voluntary acknowledgment of paternity. The definition of 'legal father' is expanded to include a man who has legitimated.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/13/08**

\*See also in Civil

## SB 175 - STATE GOVERNMENT; CLARIFY MEANING OF CRIMINAL ACTION; REPLACE DEPT. OF ADMINISTRATIVE SERVICES WITH OFFICE OF TREASURY/FISCAL SERVICES

SB 175 clarifies the term "criminal proceeding" so as to include, but not be limit it to, any criminal cause of action, suit, investigation, subpoena, warrant, request for documentation or property, or threat of such action whether formal or informal where such action arises out of the performance of official duties. It also changes certain provisions relating to the award or letting of contracts by the Department of Administrative Services.

**Effective Date:** July 1, 2008

**Signed by the Governor on 5/6/08**

## SB 396 - ADMINISTRATIVE SERVICES DEPT.; REMOVE/TRANSFER FUNCTIONS; COUNCIL OF SUPERIOR COURT JUDGES OF GA., PROSECUTING ATTORNEYS' COUNCIL

SB 396 transfers the ministerial functions of the Department of Administrative Services relating to the payment of superior court judges and other state paid personnel to the Council of Superior Court Judges. It also authorizes the Council of Superior Court Judges of Georgia to provide for or contract for administrative functions, services, and equipment necessary for the fulfillment of the responsibilities of the superior courts. It transfers administrative and salary paying functions for district attorneys and their staff to the Prosecuting Attorneys' Council of the State of Georgia.

The commissioner of administrative services is removed from the advisory council of the Georgia

## GENERAL cont.

Courts Automation Commission. The 175 judge or chief judge of each judicial circuit must certify to The Council of Superior Court Judges of Georgia the names and addresses of all persons duly appointed as reporters for the superior courts in the judicial circuit, annually during the month of January.

Prior to September 1 of each year, the Office of Planning and Budget shall send all requests for new, expanded, relocated, or renovated rental real estate space to the State Properties Commission. The State Properties Commission shall return the evaluation to the Office of Planning and Budget prior to the Governor's submission of the budget to the General Assembly.

**Effective Date:** July 1, 2008  
**Signed by the Governor on 5/12/08**

### **SB 455 - O.C.G.A.; CORRECT ERRORS/OMISSIONS**

This is an annual bill to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions in the O.C.G.A. and in Acts of the General Assembly amending the O.C.G.A.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.  
**Signed by the Governor on 5/12/08**

### **SB 456 - O.C.G.A.; CORRECT/OMISSIONS**

This is an annual bill to correct typographical, stylistic, capitalization, punctuation, and other errors in Title 21 of the O.C.G.A. relating to elections.

**Effective Date:** Upon signature of Governor - May 7, 2008  
**Signed by the Governor on 5/6/08**

### **SB 474 - MINORS; PROVIDE AVAILABILITY OF PARENTAL CONTROLS OVER INTERNET ACCESS**

This bill provides for the availability of parental control over internet access by minors. If an Internet access provider knows that a subscriber currently resides in Georgia, the provider shall make available to the subscriber a product or service that enables the subscriber to control a minor's use of the Internet. This bill requires the Department of Education to develop a model program for educating students on internet safety.

In determining the terms and conditions of probations for any person who has been convicted of a criminal offense against a minor or dangerous sexual offense, the court may provide that the probationer be required to allow viewing and recording of the probationer's incoming and outgoing e-mail, history of websites visited and content accessed, and other Internet based communication. There may also be a requirement to have periodic unannounced inspections of the contents of the probationer's computer, or any other device with Internet access, including the retrieval and copying of all data from the computer.

An interactive computer service doing business in Georgia that obtains knowledge of facts or circumstances from which a violation of any law of this state prohibiting child pornography is apparent shall make a report of such facts and circumstances to the Cyber Tipline at the National Center for Missing and Exploited Children. Failure to do so shall constitute a misdemeanor of a high and aggravated nature.

**Effective Date:** July 1, 2008. Sections 3 and 4, relating to the State Sexual Offender Registry, shall become effective on January 1, 2009.  
**Signed by the Governor on 5/14/08**

### **SB 482 - GOVERNMENT; STATE LAW LIBRARY; REPEAL CHAPTER 11**

This bill amends Title 50, relating to state government so as to repeal Chapter 11, relating to the State Law Library. It also deletes references to the State Law Library in the O.C.G.A.

**Effective Date:** Upon signature of Governor - May 7, 2008  
**Signed by the Governor on 5/6/08**

### **SB 488 - DRIVERS' LICENSES; ALLOW FOREIGN NATIONALS TO KEEP LICENSE FROM THEIR HOME COUNTRY; EXEMPT NONRESIDENTS; MEET ALL LICENSING REQUIREMENTS IN GEORGIA**

This bill allows foreign nationals to keep their license from their home country when obtaining a Georgia Drivers license or identification card and exempts nonresidents from getting a Georgia license as long as they meet all licensing requirements in Georgia except for residency and have a valid driver's license issued in their home state or country. It also provides that verification of lawful presence in the United States through the SAVE program, or verbal or email confirmation is necessary to receive a temporary driver's license. The bill states that the maximum term of a temporary license is three years.

**Effective Date:** January 1, 2009  
**Signed by the Governor on 5/14/08**

## LOCAL - COMPENSATION

### **HB 820 - COBB COUNTY STATE COURT; JUDGES; CHANGE COMPENSATION**

This bill changes the salary of judges of Division 1 of the State Court of Cobb County to \$150,917.21 per annum (up from \$145,112.71 per annum).

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/12/08*

### **HB 821 - COBB COUNTY STATE COURT; SOLICITOR-GENERAL AND ASSISTANT SOLICITORS; CHANGE COMPENSATION**

This bill would change the compensation of the solicitor-general and assistant solicitors to \$135,486.00. It also gives the solicitor-general the authority to appoint two assistant solicitors for each judge of Division I and Division II of the State Court of Cobb County. It gives the same number of additional assistant solicitors as the number of full-time magistrates of the Magistrate Court of Cobb County. There will be four additional assistant solicitors, one of whom shall be the chief assistant solicitor, two of whom may be deputy assistant solicitors, and one of whom may serve as an intake attorney at the Cobb County Adult Detention Center. The compensation of such assistant solicitors shall be determined by the solicitor-general.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Vetoed by the Governor on 5/12/08*

**Governor Perdue's Press Release: House Bill 821 changes the compensation for the Office of Cobb County Solicitor-General. At the request of the authors, I VETO HB 821.**

### **HB 1003 - COBB COUNTY; SOLICITOR-GENERAL; CHANGE COMPENSATION**

This bill changes the compensation of the solicitor-general to \$140,905.00. The solicitor-general shall have the authority to appoint two assistant solicitors for each judge of Division I and Division II of the State Court of Cobb County and the same number of additional assistant solicitors as the number of full-time magistrates of the Magistrate Court of Cobb County. The solicitor-general shall also have the authority to appoint four additional assistant solicitors, one of whom shall be the chief assistant solicitor, two of whom may be deputy assistant solicitors, and one of whom may serve as an intake attorney at the Cobb County Adult Detention Center.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/12/08*

### **HB 1010 - LIBERTY COUNTY STATE COURT; SOLICITOR-GENERAL; CHANGE COMPENSATION**

This bill changes the compensation of the solicitor-general of the State Court of Liberty County. The solicitor-general of the State Court of Liberty County shall be paid an annual salary equal to two-thirds of the minimum annual salary set for the judge of the State Court of Liberty County.

**Effective Date:** May 1, 2008. Upon signature of Governor and the enactment of HB 1011.

*Signed by the Governor on 5/13/08*

### **HB 1011 - LIBERTY COUNTY STATE COURT; JUDGE; FULL-TIME OFFICE; ESTABLISH**

This bill establishes the office of judge of the State Court of Liberty County as a full-time office. The judge of the State Court of Liberty County serving on the effective date of this Act shall continue to serve for the remainder of his or her term and until his or her successor has been duly elected and qualified. Thereafter, successors to judges of the State Court of Liberty County whose terms of office are to expire shall be nominated in a nonpartisan general primary and elected at the nonpartisan general election immediately preceding such expiration of term. They shall take office the first day of January immediately following such election, and shall serve for a term of four years and until the election and qualification of a successor. Said judge shall be paid a minimum annual salary in an amount equal to the annual base salary set by the General Assembly for judges of the superior courts, together with other supplements, if any, as may be deemed appropriate from time to time by the governing authority of Liberty County.

**Effective Date:** Upon signature of Governor or July 1, 2008 without such approval.

*Signed by the Governor on 5/1/08*



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## LOCAL - COMPENSATION cont.

### **HB 1048 - COBB COUNTY; CERTAIN EMPLOYEES; CHANGE COMPENSATION**

HB 1048 creates and establishes a salary for the office of chief deputy, chief investigator and executive assistant to the sheriff for Cobb County, which are to be appointed by the sheriff. The chief deputy's salary shall be \$119,763.85; chief investigator's salary shall be \$108,668.72; the executive assistant's salary shall be \$65,318.44.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/12/08*

### **HB 1053 - COBB JUDICIAL CIRCUIT; JUDGES; PROVIDE SUPPLEMENT**

This bill provides for the supplement to be paid to each of the judges of the superior court of the Cobb Judicial Circuit and an additional supplement for the chief judge of said circuit. Each judge of the Superior Court of the Cobb Judicial Circuit shall receive an annual supplement of \$58,711.00, payable in equal monthly installments from the funds of Cobb County. In addition, the chief judge of the Superior Court of the Cobb Judicial Circuit shall receive \$9,800.00 annually, payable in equal monthly installments from the funds of Cobb County.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/12/08*

### **HB 1089 - COBB COUNTY PROBATE COURT; JUDGE AND CLERK; CHANGE COMPENSATION**

This bill changes the compensation of the judge and the clerk of the probate court of Cobb County to \$117,096.61 and \$80,975.49 respectively.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/12/08*

### **HB 1099 - HENRY COUNTY STATE COURT; ADDITIONAL JUDGE; PROVIDE**

This bill provides for an additional judge for the State Court of Henry County. The additional judge added effective July 1, 2008, shall be appointed by the Governor for an initial term of office ending on December 31, 2010.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/13/08*

### **HB 1109 - COBB COUNTY PROBATE COURT; SUPERIOR COURT DEPUTY CLERK; CHANGE COMPENSATION**

HB 1109 changes the compensation of the deputy clerk of the superior court of Cobb County. The clerk of the superior court will be allowed a deputy clerk whose annual salary shall be \$95,440.39. The candidate elected for the office of clerk of the Superior Court of Cobb County shall certify to the judge of the Probate Court of Cobb County the name of the person he or she appoints as deputy clerk.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/12/08*

### **HB 1250 - COBB COUNTY STATE COURT; JUDGES; CHANGE COMPENSATION**

This bill changes the compensation of the judges of Division I of the state court of Cobb County from \$150,917.21 per annum to \$156,954.00 per annum.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/12/08*

### **HB 1308 - COBB COUNTY STATE COURT; CLERK AND CHIEF DEPUTY CLERK; CHANGE COMPENSATION**

This bill changes the compensations of the chief deputy clerk and the clerk of the State Court of Cobb County from to \$95,440.38 and \$106,044.78 respectively.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/12/08*

### **HB 1414 - DOUGLAS COUNTY STATE COURT; ADDITIONAL JUDGE; PROVIDE**

HB 1414 adds an additional judge to the State Court of Douglas County. Effective **July 1, 2009** there shall be two judges of the State Court of Douglas County.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

## LOCAL - COMPENSATION cont.

### **HB 1416 - FAYETTE COUNTY STATE COURT; JUDGE; CHANGE QUALIFICATIONS AND COMPENSATION**

HB 1416 amends the Act creating the State Court of Fayette County, so as to change the compensation of the judge. The judge of the State Court of Fayette County shall receive as compensation an amount equal to 90 percent of the base salary of a judge of the superior courts in the State of Georgia, plus 90 percent of the supplement paid to superior court judges of the Griffin Judicial Circuit.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/13/08*

### **HB 1456 - HALL COUNTY STATE COURT; ADDITIONAL JUDGE; PROVIDE**

HB 1456 amends an Act creating the State Court of Hall County. It provides for an additional judge to Hall County State Court which is to be appointed by the Governor for an initial term of office ending on December 31, 2010, and until his or her successor is elected. The judge's successor is to be elected by the qualified voters of Hall County.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/13/08*

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## LOCAL - ELECTIONS

### **HB 750 - SUMTER COUNTY; PROBATE COURT JUDGE; NONPARTISAN ELECTIONS; PROVIDE**

This bill provides that the future election of judge of the probate court of Sumter County shall be nonpartisan elections after January 1, 2008. The elections shall be held in conjunction with the November general election immediately preceding expiration of the term of office.

This Act shall not affect the term of office of the judge of the probate court of Sumter County in office on January 1, 2008. The sitting judge of the probate court shall serve out the term of office for which he or she was elected and shall be eligible to succeed himself or herself. This Act must receive pre-clearance from the Department of Justice.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/14/08*

### **HB 932 - BOARD OF ELECTIONS AND REGISTRATION OF TOWNS COUNTY; RE-CREATE**

HB 932 recreates the board of elections of Towns County to the Board of Elections and Registration of Towns County. This bill provides for definitions and the composition of the board and the selection and appointment of members. HB 932 also relieves certain officers of powers and duties and to provide for the transfer of functions to the board. It provides for certain expenditures of public funds, for compensation of personnel, for offices and equipment, and for related matters.

Upon this Act becoming effective, the judge of the probate court of Towns County and the existing board

of registrars of Towns County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act. This Act must receive pre-clearance from the Department of Justice.

**Effective Date:** September 1, 2008

*Signed by the Governor on 5/13/08*

### **HB 1127 - IRWIN COUNTY; BOARD OF COMMISSIONERS; STAGGERED ELECTIONS; PROVIDE**

This bill provides for staggered elections for the chairperson and members of the Board of Commissioners of Irwin County.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

### **HB 1352 - ATKINSON COUNTY; BOARD OF ELECTIONS AND REGISTRATION; CREATE**

This bill creates a board of elections and registration for Atkinson County and to provides for its powers and duties.

**Effective Date:** Upon the Governor's signature or July 1, 2008 for purposes of making initial appointments to the board only. This Act shall become fully effective on January 1, 2009.

*Signed by the Governor on 5/12/08*



## LOCAL - ELECTIONS

### **HB 1361 - COOK COUNTY; BOARD OF ELECTIONS; CREATE**

This bill creates a board of elections and registration for Cook County and to provides for its powers and duties. This Act must receive pre-clearance from the Department of Justice.

**Effective Date:** Upon the Governor's signature or July 1, 2008 for purposes of making initial appointments to the board only. This Act shall become fully effective on January 1, 2009. Upon becoming fully effective, the judge of the Probate Court of Cook County shall be relieved of all powers and duties.

*Signed by the Governor on 5/12/08*

### **HB 1437 - DOUGLAS COUNTY; BOARD OF ELECTIONS; CREATE**

This bill creates a board of elections and registration for Douglas County and to provides for its powers and duties. This Act must receive pre-clearance from the Department of Justice.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

### **HB 1450 - FRANKLIN COUNTY; BOARD OF ELECTIONS AND REGISTRATION; CREATE**

This bill creates a board of elections and registration for Franklin County and provides for its powers and duties. This Act must receive pre-clearance from the Department of Justice.

**Effective Date:** Upon the Governor's signature or July 1, 2008 for purposes of making initial appointments to the

board only. This Act shall become fully effective on January 1, 2009. Upon becoming fully effective, the judge of the Probate Court of Franklin County shall be relieved of all powers and duties.

*Signed by the Governor on 5/1/08*

### **HB 1471 - LAMAR COUNTY; JOINT BOARD OF ELECTIONS AND REGISTRATION; REVISE COMPOSITION OF BOARD**

HB 1471 amends the Act creating the Joint Board of Elections and Registration of Lamar County.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

## LOCAL - OTHER

### **HB 1033 - EDGEHILL, CITY OF; PROVIDE NEW CHARTER**

This bill provides a new charter for the City of Edgehill in Glascock County. It provides for a municipal court and its jurisdiction, powers, officers, and affairs.

**Effective Date:** July 1, 2008

*Signed by the Governor on 3/10/08*

### **HB 1162 - SKY VALLEY, CITY OF; REINCORPORATE AND PROVIDE NEW CHARTER**

This bill reincorporates and provides a new charter for the City of Sky Valley in Rabun County, Georgia. It provides for a municipal court and its jurisdiction, powers, officers, and affairs.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

### **HB 1312 - BLECKLEY COUNTY SCHOOL BUILDING AUTHORITY; CREATE**

HB 1312 creates the Bleckley County School Building Authority. Any suit or action against the authority shall be brought in the Superior Court of Bleckley County, Georgia. Any action pertaining to validation of any revenue bonds issued under the provisions of this Act shall likewise be brought in said court which shall have exclusive, original jurisdiction of such actions.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/14/08*

### **HB 1313 - PULASKI COUNTY SCHOOL BUILDING AUTHORITY; CREATE**

This bill creates the Pulaski County School Building Authority. Any suit or action against the authority shall be brought in the Superior Court of Pulaski County, Georgia. Any action pertaining to validation of any revenue bonds issued under the provisions of this Act shall likewise be brought in said court which shall have exclusive, original jurisdiction of such actions.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/14/08*

### **HB 1374 - CLINCH COUNTY STATE COURT; ABOLISH**

This bill abolishes the State Court of Clinch County. All cases and matters pending in the State Court of Clinch County on December 31, 2008, will be transferred to the Superior Court of Clinch County on January 1, 2009.

**Effective Date:** Section 1 (repealing of Clinch County State Court) of this Act shall become effective January 1, 2009. The remainder of the Act shall become effective upon the Governor's signature or July 1, 2008.

*Signed by the Governor on 5/12/08*

## LOCAL - OTHER cont.

### **HB 1375 - LAVONIA, CITY OF; CORPORATE LIMITS; CHANGE AND EXTEND**

HB 1375 extends the corporate limits of the City of Lavonia. It requires the city manager to certify and admit a map or written description of the boundaries in all courts.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

### **HB 1418 - WHITE COUNTY; BOARD OF COMMISSIONERS; RECONSTITUTE**

This bill reconstitutes the Board of Commissioners of White County and provides for continuation of certain obligations and liabilities. This Act must receive pre-clearance from the Department of Justice.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/13/08*

### **HB 1447 - SYLVESTER, CITY OF; PROVIDE NEW CHARTER**

This bill provides a new charter for the City of Sylvester. It provides for a municipal court and its jurisdiction, power, officers, and affairs.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

### **HB 1448 - TYRONE, TOWN OF; CHARTER; CHANGE CERTAIN PROVISIONS**

HB 1448 amends an Act to repeal and replace the charter of the Town of Tyrone in Fayette County.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

### **HB 1469 - FRANKLIN SPRINGS, CITY OF; RESTATE AND REENACT CHARTER**

HB 1469 amends the Act providing a new charter for the City of Franklin Springs, so as to restate and reenact the charter. It provides for a municipal court and its jurisdiction, power, officers, and affairs.

**Effective Date:** June 1, 2008

*Signed by the Governor on 5/13/08*

### **SB 82 - DUNWOODY, CITY OF; INCORPORATION, BOUNDARIES, AND POWERS OF THE CITY**

SB 82 enacts the incorporation of Dunwoody as a city. This legislation follows similarly to the incorporation of Sandy Springs. It also provides for a municipal court and the judge or judges thereof.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 3/25/08*

### **SB 398 - POWDER SPRINGS, CITY; PROVIDE FOR MAYOR'S OR CITY COUNCILMEMBERS TERMS AND QUALIFICATIONS FOR OFFICE**

This bill provides for the mayor's or the city councilmembers' terms and qualifications for office. Any elected officer sought to be removed from office shall have the right to appeal from the decision of the mayor and city council to the Superior Court of Cobb County. Such an appeal shall be governed by the same rules as govern appeals to the superior court from the probate court. This Act must receive pre-clearance from the Department of Justice.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/12/08*

### **SB 557 - ALLENTOWN, CITY OF; PROVIDE FOR NEW CHARTER**

This bill provides a new charter for the City of Allentown. It provides for a municipal court and its jurisdiction, powers, officers, and affairs.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/13/08*

## STUDY COMMITTEES

### **HR 47 - LEGISLATIVE STUDY COMMITTEE ON JUDICIAL ELECTION REFORM; CREATE**

HR 47 creates a House study committee on Judicial Election Reform. The committee will be composed of five members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The resolution requires the committee to make a publicly available report of its findings and recommendations, with suggestions for proposed legislation, if any, before the convening of the 2009 session of the General Assembly, at which time the committee shall stand abolished.

**Effective Date:** July 1, 2008

### **HR 1271 - PUBLIC RETIREMENT SYSTEM COLA STUDY COMMITTEE; CREATE**

This resolution creates the House Public Retirement System COLA Study Committee. The Committee will be composed of six members of the House of Representatives and one retired member of the Employees' Retirement System of Georgia to be appointed by the Speaker of the House of Representatives. Any report of findings and recommendations, with suggestions for proposed legislation, if any, shall be made on or

## STUDY COMMITTEES cont.

before December 31, 2008. The committee shall stand abolished on December 31, 2008.

**Effective Date:** July 1, 2008

### **HR 1305 - HOUSE COMPREHENSIVE FIREARMS LAW STUDY COMMITTEE; CREATE**

This resolution creates the House Comprehensive Firearms Law Study Committee. The committee is to be composed of not more than six members of the House of Representatives, which are to be appointed by the Speaker of the House of Representatives. Any report of findings and recommendations, with suggestions for proposed legislation, if any, shall be made on or before December 31, 2008, at which time the committee shall stand abolished.

**Effective Date:** July 1, 2008

### **HR 1516 - HOUSE STUDY COMMITTEE ON ORGANIZED RETAIL THEFT; CREATE**

This is a resolution creating the House Study Committee on Organized Retail Theft. The committee will be composed of six members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Any report of findings and recommendations, with suggestions for proposed legislation, if any, shall be made on or before December 1, 2008. The committee shall stand abolished on December 1, 2008.

**Effective Date:** July 1, 2008

### **HR 1701 - HOUSE STUDY COMMITTEE ON PROSTITUTION AND THE ADULT ENTERTAINMENT INDUSTRY; CREATE**

HR 1701 creates the House Study Committee for the Protection of Abused and Neglected Children. The Speaker of the House of Representatives shall appoint six members of the House of Representatives as members of the committee. Any report of findings and recommendations, with suggestions for proposed legislation, if any, shall be made on or before December 31, 2008. The committee shall stand abolished on December 31, 2008.

**Effective Date:** July 1, 2008

### **HR 1746 - HOUSE STUDY COMMITTEE ON CHILDREN'S MENTAL HEALTH IN GEORGIA; CREATE**

HR 1746 creates the House Study Committee on Children's Mental Health in Georgia. The committee will be composed of six members of the House of Representatives to be appointed by the Speaker House. The committee shall report its findings and recommendations, with suggestions for proposed legislation if any, on or before December 15, 2008. The committee shall stand abolished on December 15, 2008.

**Effective Date:** July 1, 2008

### **HR 1932 - HOUSE STUDY COMMITTEE ON DEKALB COUNTY COURT FINES AND FEES; CREATE**

HR 1932 creates the House Study Committee on DeKalb County Court Fines and Fees. The committee will be composed of 12 members. Six of the members shall be from the DeKalb

County delegation in the House of Representatives and shall be appointed by the Speaker of the House of Representatives. The other members shall be the District Attorney of DeKalb County or his or her designee, the Sheriff of DeKalb County or his or her designee, the Clerk of the State Court of DeKalb County or his or her designee, the Clerk of the Superior Court of DeKalb County or his or her designee, the chief executive officer of DeKalb County or his or her designee, and the presiding officer of the Board of Commissioners of DeKalb County or his or her designee. Any report of findings and recommendations, with suggestions for proposed legislation, if any, shall be made on or before December 31, 2008. The committee shall stand abolished on December 31, 2008.

**Effective Date:** July 1, 2008

### **SR 445 - JOINT COMMERCIAL SEXUAL EXPLOITATION OF MINORS STUDY COMMISSION; CREATE**

This bill creates the Joint Commercial Sexual Exploitation of Minors Study Commission composed of 12 members. The President of the Senate shall appoint 3 members of the Senate as members of the commission and the Speaker of the House shall appoint three members of the House as members of the commission. An additional six members of the commission shall be appointed: one local police chief, one DA, one juvenile court judge, one superior court judge, one public defender, and one representative of child advocacy appointed by the Office of Child Advocate.

In the event the commission makes a report of its findings and recommendations, with suggestions for proposed legislation, it shall be made on or before December 31, 2008. The com-

## STUDY COMMITTEES cont.

mission shall stand abolished on January 1, 2009.

**Effective Date:** July 1, 2008

*Signed by the Governor on 5/14/08*

### **SR 819 - SENATE COMPREHENSIVE FIREARMS LAW STUDY COMMITTEE; CREATE**

SR 819 forms a study committee to look at all the firearms legislation in a deliberate way. It is not intended to create legislation that has unintended consequences. The study committee shall be composed of five members of the Senate to be appointed by the President of the Senate.

In the event the committee makes a report of its findings and recommendations, with suggestions for proposed legislation, it shall be made on or before January 31, 2009, at which time the committee shall stand abolished.

**Effective Date:** July 1, 2008

### **SR 1012 - PUBLIC PROPERTY; CONVEYANCE; 10 COUNTIES**

This is a resolution authorizing the conveyance of certain state owned real property located in Bartow County, Bulloch County, Cherokee County, Lowndes County, and Mitchell County, Georgia. It also authorizes the conveyance by exchange of certain state owned real property in Brantley County, Georgia authorizing the conveyance of certain state owned real property located in Bulloch County, Georgia and easement over certain state owned real property located in Troup County, Georgia. The deeds of conveyances, leases, and grants of easements shall

be recorded in the Superior courts of these counties.

**Effective Date:** Upon signature of Governor or July 1, 2008, without such approval.

*Signed by the Governor on 5/14/08*

### **SR 1020 - SENATE SEXUAL EXPLOITATION OF MINORS STUDY COMMITTEE; CREATE**

This bill creates a Senate study committee on the sexual exploitation of minors. The committee shall be composed of five members of the Senate appointed by the President of the Senate.

In the event the committee makes a report of its findings and recommendations, with suggestions for proposed legislation, it shall be made on or before December 1, 2008. The committee shall stand abolished on December 1, 2008.

**Effective Date:** July 1, 2008

### **SR 1093 - CREATION OF A GEORGIA METHCHECK DATA BASE; CREATE SENATE STUDY COMMITTEE; APPOINTMENT**

This is a resolution creating the Senate Study Committee for the Creation of a Georgia MethCheck Data Base. The committee shall be composed of five members of the Senate to be appointed by the President of the Senate.

In the event the committee makes a report of its findings and recommendations, with suggestions for proposed legislation, it shall be made on or before December 31, 2008. The committee shall stand abolished on December 31, 2008.

**Effective Date:** July 1, 2008

### **SR 1147 - FLEEING AND LAW ENFORCEMENT PURSUITS; CREATE SENATE STUDY COMMITTEE**

This is a resolution creating the Senate Study Committee on Fleeing and Law Enforcement Pursuits. The committee shall be composed of five members of the Senate to be appointed by the President of the Senate.

In the event the committee makes a report of its findings and recommendations, with suggestions for proposed legislation, it shall be made on or before December 31, 2008, at which time the committee shall stand abolished.

**Effective Date:** July 1, 2008

### **SR 1187 - SENATE CHILDREN'S MENTAL HEALTH IN GEORGIA STUDY COMMITTEE; CREATE**

A resolution creating the Senate children's mental health in Georgia study committee. The committee shall be composed of five members of the Senate to be appointed by the President of the Senate.

The committee shall report its findings and recommendations, with suggestions for proposed legislation if any, on or before December 15, 2008. The committee shall stand abolished on December 15, 2008.

**Effective Date:** July 1, 2008

## STUDY COMMITTEES cont.

### SR 1288 - SENATE STUDY COMMITTEE ON THE ORGANIZATION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND ADDICTIVE DISEASES SERVICES; CREATE

SR 1288 is a resolution creating the Senate Study Committee on the Organization of Mental Health, Developmental Disabilities, and

Addictive Diseases Services. The committee shall be composed of five members of the Senate to be appointed by the President of the Senate.

In the event the committee makes a report of its findings and recommendations, with suggestions for proposed legislation, it shall be made on or before December 31, 2008. The committee shall stand abolished on December 31, 2008.

**Effective Date:** July 1, 2008



### *Enacted Legislation 2008*

Judicial Council of Georgia  
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