



## Prosecuting Attorneys' Council of Georgia

Chuck Spahos, Executive Director

### Summary of Legislation Enacted During the 2015 Georgia General Assembly

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The following is a summary of the Bills and Resolutions impacting prosecuting attorneys or the criminal justice system that passed during the 2015 Session of the Georgia General Assembly and, in the case of Bills or Resolutions having the effect of law, were approved by the Governor. For each Bill or Resolution, the summary includes the Bill number, a short descriptive title (usually as it appears on the General Assembly website), the name of the lead sponsor, the date the Bill was approved by the Governor (if required), the effective date, the summary prepared by the contributing staff, and a link to where the full text can be found on the General Assembly website.

We have provided a brief analysis by the contributing authors shown above for the majority of the Bills and Resolutions included in this report. These summaries are intended to give the reader an idea of what is contained in the new law; **they are not a substitute for reading the actual text of the Bill.** In a few instances where the authors concluded that the legislative short title adequately described the contents of the Bill or Resolution, no summary has been provided.

There are five sections in this report, followed by an index. If a Bill has multiple effective dates, it will be included in the section, based on the earliest effective date.

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### *Part 1 - Laws Effective Before 7/1/15.*

#### **HB 1 "Haleigh's Hope Act" (Medical Marijuana)**

Sponsor: Peake, Allen 141st  
Governor approved 4/16/15; effective 4/16/15.

Part 1 of HB 1 amends Chapter 12 of Title 16 by adding Article 8 and new Code Section 16-12-190 to define "low THC oil" as oil that contains not more than 5% tetrahydrocannabinol and an amount of cannabidiol equal to, or greater than, the THC. New O.C.G.A. § 16-12-191 makes it lawful to possess no more than 20 ounces of low THC oil if you are registered with the Department of Public Health, possess a registration card and the oil is in a pharmaceutical container that indicates the percentage of THC contained in the oil. It is a misdemeanor to possess 20 ounces or less of low THC oil and not meet the requirements above. Also, it is lawful to possess 20 ounces or less of low THC oil if you are a participant, caregiver, employee or agent of an authorized clinical study and possess a permit and the oil is in a pharmaceutical container. Manufacturing or dispensing or possession of greater than 20 ounces of low THC oil is a felony with increasing incremental punishment depending on the amount. Employers are not required to make any accommodations for individuals who use medical marijuana.

Part 2 of HB 1 amends Title 31 of Chapter 2A by adding new O.C.G.A. § 31-2A-18 to define "Board" and "Caregiver." "Conditions" are defined as end stage cancer, end stage amyotrophic lateral sclerosis, seizure disorders related to epilepsy, multiple sclerosis, Crohn's disease, mitochondrial disease, end stage Parkinson's disease or end stage sickle cell disease. The Bill establishes a low THC oil patient registry within the Department of Public Health. To qualify for the registry, patients must reside in the state for one year. The Department will begin issuing cards no later than September 1, 2015. The Board is required to promulgate rules and regulations for certification and registration. The Bill requires doctors certifying their patients to use low THC oil to issue quarterly reports. Law enforcement and prosecutors are to be provided access to information in order to verify if someone is in the program.

Part 3 of HB 1 further amends said Title by adding new Chapter 50 to create the Georgia Commission on Medical Cannabis, consisting of 17 members, to make recommendations regarding medical cannabis.

Part 4 of HB 1 further amends said Title by adding new Chapter 51 for the development of a low THC Oil Research Program within the Board of Regents. Individuals in the program must be under 18 years of age, have medication-resistant epilepsies and have been a resident of the state for two years. Authorized individuals involved in the program shall be immune from prosecution for possession of low THC oil.

Part 5 of HB 1 amends Chapter 1 of Title 51 by adding new O.C.G.A. § 51-1-29.6 to define terms and to bar liability of any health care institution because of low THC oil.  
<http://www.legis.ga.gov/Legislation/20152016/152355.pdf>

#### **HB 3 Education; programs; person solicit transaction with student-athlete; provide sanctions**

Sponsor: Fleming, Barry 121st  
Governor approved 5/6/15; effective 5/6/15.

HB 3 amends O.C.G.A. § 20-2-317 to add a new subsection (b.1) which provides that it shall be unlawful for a person to solicit or enter into a transaction (a defined term) with a student-athlete if the person has knowledge that the transaction would likely cause the student-athlete to permanently or temporarily lose 1) athletic scholarship eligibility; 2) the ability to participate on an intercollegiate athletic team; or 3) the ability to participate in one or more intercollegiate sporting competitions as sanctioned by a) a national association for the promotion and regulation of intercollegiate athletics; b) an athletic conference or other sanctioning body; or c) the institution of post secondary education itself as a reasonable self-imposed disciplinary action taken by such institution to mitigate sanctions likely to be imposed by such organizations as a result of such transaction or as a violation of

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such institution's own rules. The violation of this provision is a misdemeanor of a high and aggravated nature. It also amends § 20-2-317 to allow a college or university to have a right of action against someone who essentially causes a violation of (b.1).

<http://www.legis.ga.gov/Legislation/20152016/153463.pdf>

### **HB 75 Supplemental appropriations; State Fiscal Year July 1, 2014 - June 30, 2015**

Sponsor: Ralston, David 7th

Governor approved 2/19/2015; Effective 2/19/2015.

This Bill provides for supplemental/amended appropriations for the current Fiscal Year 2015, covering the period July 1, 2014 through June 30, 2015. The Bill provides no increase in DA travel and training funds but does increase funding for risk premiums (\$6,188).

<http://www.legis.ga.gov/Legislation/20152016/145649.pdf>

### **HB 76 General appropriations; State Fiscal Year July 1, 2015 - June 30, 2016**

Sponsor: Ralston, David 7th

Governor approved 5/11/15; effective 5/11/15.

HB 76 provides general appropriations for the fiscal year July 1, 2015 through June 30, 2016. The Bill does not provide an increase in DA travel funds which was requested, but does provide \$914 in funding for 11 additional ADA positions for circuits with accountability courts. It also funds 15 additional ADA positions for juvenile court (\$1.2M) and contains funding that will increase the supplement for Chief ADAs from \$100 to \$300/month (\$191K). HB 76 also provides funds for merit based increases for ADAs, Investigators & Admin (\$416K), effective July 1, 2015. It also includes funding for the 5% DA salary increase and the \$6,000 accountability court supplement (\$403K) authorized by HB 279 (effective Jan. 1, 2016).

<http://www.legis.ga.gov/Legislation/20152016/145650.pdf>

### **HB 90 Code Revision - O.C.G.A. - technical edits and corrections**

Sponsor: Willard, Wendell 51<sup>st</sup>

Approved by the Governor 3/13/2015; effective 3/13/2015.

HB 90 is the annual Bill that is introduced on behalf of the Code Revision Commission to clean up typographical errors, punctuation, spelling and mistakes in cross-references throughout the Code. It does not cover Title 47, Retirement.

<http://www.legis.ga.gov/Legislation/20152016/150690.pdf>

### **HB 118 Drivers' licenses; issuance of commercial licenses and instruction permits to comply with federal law; amend certain provisions**

Sponsor: Tanner, Kevin 9th

Governor approved 5/12/15; effective 5/12/15.

HB 118 amends portions of Chapter 5 of Title 40 relating to commercial drivers' licenses and permits.

Section 1 modifies existing O.C.G.A. § 40-5-125 by making the use of a false or fictitious name or address when applying for any drivers' license a felony punishable in accordance with O.C.G.A. § 16-10-20 (false statements and writings). Also, new a subsection (c) is added to that section which makes knowingly making a false statement, concealing a material fact, or committing fraud when applying for a commercial drivers' license (CDL) or permit, punishable in accordance with O.C.G.A. § 16-10-20. Section 2 amends O.C.G.A. § 40-5-142(18.2)(H) so that violation of the new O.C.G.A. § 40-5-125(c) is a "major traffic violation" for commercial drivers' license purposes.

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Section 3 amends O.C.G.A. § 40-5-147, which deals with the requirements for issuance of commercial drivers' licenses (CDL) or instructional permits. The change requires third parties authorized to administer the commercial drivers' license skills test be bonded. It also specifies that only DDS or the American Association of Motor Vehicle Administrators (AAMVA) can certify examiners to administer the skills test. Examiners' certifications include a criminal background check, an examiner's training course, and re-certification every four years. Commercial drivers' license instructors are prohibited from administering the skills test to an applicant they trained. This section also adds the requirement that DDS obtain the complete driving record of applicants before issuing a commercial drivers' instructional permit. Applicants for such permits must pass the vision, knowledge and skills tests for the type of vehicle he or she intends to operate, and any test for desired endorsements. Also, the time periods for issuance and renewal of CDL instructional permits are reduced, and applicants are required to either upgrade to a full CDL within 360 days or start the instructional process over again. The order of application for CDL instructional permits, CDLs, and CDL endorsements is clarified. Violation of new O.C.G.A. § 40-5-125(b) results in disqualification from driving a commercial vehicle or reapplying for a CDL or CDL permit for at least 60 days. Violation of new O.C.G.A. § 40-5-125(c) results in disqualification from driving a commercial vehicle or reapplying for a CDL or CDL permit for at least one year. Finally, a new procedure for retesting persons suspected, but not convicted, of violating O.C.G.A. § 40-5-125(b) or (c) during the CDL or CDL instruction permit application process is established.

Section 4 amends O.C.G.A. § 40-5-151 relating to CDL disqualification periods, to create a new 60 day minimum disqualification for violations of O.C.G.A. § 40-5-125(b), and clarifies that the minimum 60 day disqualification for fraud in the application for a CDL must be served on consecutive days, and applies the disqualification to applications for CDL instructional permits.

Section 5 amends O.C.G.A. § 40-5-159 and subjects commercial drivers to a maximum \$2,750 civil penalty (in addition to any criminal fines) for texting while driving. Employers who knowingly allow their drivers to text while driving are subjected to a maximum \$11,000 civil penalty.

Section 6 amends the criminal texting law (O.C.G.A. § 40-6-241.2) by specifying certain additional prohibited acts for commercial drivers in new subsection (b)(2). Specifically, commercial drivers cannot hold a wireless phone to conduct voice communication, use more than a single button on a wireless phone to begin or end voice communications, or reach for a wireless phone so that he or she is no longer properly positioned in the driver's seat.

<http://www.legis.ga.gov/Legislation/20152016/153466.pdf>

### **HB 131      The End to Cyberbullying Act; enact**

Sponsor:      Dickerson, Pam 113th  
Governor approved 5/6/15; effective 5/6/15.

HB 131 amends O.C.G.A. § 20-2-751.4 relating to policies in public schools regarding bullying. The term applies to acts which occur on school property, on school vehicles, at designated school bus stops, or at school related functions or activities or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system. The term also applies to cyberbullying through the use of electronic communication, whether or not the act originated on school property or with school equipment, if the electronic communication (1) is directed specifically at students or school personnel, (2) is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of the school, and (3) creates a reasonable fear of harm to the students' or school personnel's person or property or has a high likelihood of succeeding in that purpose. Electronic communication includes but is not limited to any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system. It does not contain criminal penalties.

<http://www.legis.ga.gov/Legislation/20152016/153777.pdf>

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### **HB 160 Game and fish; trapping of raccoons in certain counties; repeal a provision**

Sponsor: Dunahoo, Emory 30th  
Governor approved 4/29/15; effective 4/29/15.

HB 160 amends O.C.G.A. § 27-3-62 which relates to wildlife trapping, trappers, and fur dealers. It repeals subsection (d) which made it illegal to trap raccoons in 38 counties in Georgia that were north of, and including, Carroll, Fulton, DeKalb, Gwinnett, Barrow, Jackson, Madison, and Elbert counties.  
<http://www.legis.ga.gov/Legislation/20152016/152503.pdf>

### **HB 211 Controlled substances; Schedule I, III, and IV; change certain provisions**

Sponsor: Broadrick, Bruce 4th  
Governor approved 5/6/15; effective 5/6/15.

HB 211 is the annual GBI Crime Lab Bill adding certain controlled substances to Schedules I, IV and Dangerous Drugs and revising Schedule III by deleting certain provisions relating to hydrocodone. The Bill also amends O.C.G.A. § 16-13-73 to provide that whenever a pharmacist dispenses a dangerous drug, the pharmacist must place the name of the prescribing "practitioner" on the container instead of the current language, which requires the prescribing "physician."  
<http://www.legis.ga.gov/Legislation/20152016/151603.pdf>

### **HB 254 Waycross, City of; rename the police court as the municipal court**

Sponsor: Corbett, John 174th  
Governor approved 5/6/15; effective 5/6/15.

HB 254 is a local Bill that amends the city charter for Waycross, GA to rename the "police court" as the "municipal court," so it conforms to O.C.G.A. 36-32-1, which was passed in 1986, Ga. L. 1986, p. 784, and Art. V, Sec. X, Para I of the Ga. Constitution (ratified in 1983).  
<http://www.legis.ga.gov/Legislation/20152016/151770.pdf>

### **HB 300 DeKalb County State Court; establish traffic division of said court; provisions**

Sponsor: Oliver, Mary Margaret 82nd  
Governor approved 3/3/2015; effective 3/3/2015.

HB 300 is local legislation that amends the local Act that created what is now the State Court of DeKalb County. It creates a "traffic division of the state court" and in Section 2-4(a) requires that "all cases involving violations of the traffic laws of the State of Georgia shall be assigned to the state court." It also provides that the "solicitor of the state court shall be the solicitor of the traffic division."  
<http://www.legis.ga.gov/Legislation/20152016/149575.pdf>

### **HB 301 DeKalb County Magistrate Court; provide a solicitor; provisions**

Sponsor: Oliver, Mary Margaret 82nd  
Governor approved 3/3/2015; effective 3/3/2015.

HB 301 abolishes the Recorders Court of DeKalb County and transfers any pending cases to the Magistrate Court. It also designates the Solicitor-General of DeKalb County as the prosecuting attorney for Magistrate Court.  
<http://www.legis.ga.gov/Legislation/20152016/149578.pdf>

### **HB 302 DeKalb County; Chief Magistrate and other judges; increase and establish salaries**

Sponsor: Oliver, Mary Margaret 82nd  
Governor approved 3/3/2015; effective 3/3/2015.

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HB 302 is local legislation setting the compensation for the Solicitor-General of DeKalb County, several judges and the supplement for the District Attorney for the Stone Mountain Judicial Circuit. The Solicitor-General's salary is set to be 90% of a superior court judge, including the local supplement; the District Attorney's total compensation is set at 93.5% of the superior court judges salary including supplement.

<http://www.legis.ga.gov/Legislation/20152016/149576.pdf>

**HB 361 Juvenile Code; enact reforms as recommended by Georgia Council on Criminal Justice Reforms; provisions**

Sponsor: Welch, Andrew 110th

Governor approved 5/6/15; effective 5/6/15.

HB 361 implements several of the recommendations that the Georgia Council on Criminal Justice Reform made in 2014 regarding juvenile courts and juveniles. It changes the time limits on holding detention hearings in delinquency cases by eliminating the term "business." It also amends O.C.G.A. §§ 15-11-560, 15-11-561, 15-11-562 and 17-10-14, to make the criteria for transfers of juveniles to or from superior court the same, while at the same time making them more specific.

Part II would allow, but not mandate, that district attorneys represent the State's interest in CHINS cases in a *parens patriae* capacity, if the General Assembly provides funding. District Attorneys would still have the ability to opt-out based on lack of resources.

The Bill also amends O.C.G.A. §§ 15-11-10 and 15-11-630 which establish juvenile traffic offenses, so that these provisions only applies if the child is under 17 years of age.

<http://www.legis.ga.gov/Legislation/20152016/153838.pdf>

**HB 489 Cherokee County; State Court; appointment of solicitor-general investigators; provide**

Sponsor: Ballinger, Mandi 23rd

Governor approved 5/12/15; effective 5/12/15.

HB 489 amends the local Act that created the State Court of Cherokee County, Ga. L. 1996, p. 4427, and authorizes investigators working for the solicitor-general to have full peace officer powers.

<http://www.legis.ga.gov/Legislation/20152016/150513.pdf>

**HB 600 Cobb County; State Court; revise compensation of solicitor-general**

Sponsor: Ehrhart, Earl 36th

Governor 5/12/15; effective 5/12/15.

HB 600, amends Ga.L. 1964, p. 3211 to make the annual salary of the Solicitor-General of the State Court of Cobb County the same as that of the chief judge of the State Court of Cobb County.

<http://www.legis.ga.gov/Legislation/20152016/153419.pdf>

**SB 79 Victim Compensation; expand the Criminal Justice Coordinating Council's powers and duties relative to claims**

Sponsor: Unterman, Renee 45th

Governor approved 5/6/15; effective 5/6/15.

SB 79 would amend O.C.G.A. § 17-15-7 relating to victim compensation by enlarging the class of eligible claimants to include parents, step-parents and step-children. The Bill would also double the maximum award for funeral expenses from \$3000 to \$6000. In cases where a crime results in a death, it would enlarge the class of

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claimants eligible for victims compensation for psychological counseling to include children, step-parents, step-children and step-siblings.

<http://www.legis.ga.gov/Legislation/20152016/152975.pdf>

### **SB 135 Clerks of Superior Courts; provide for protection and disclosure of records held; procedure for disclosure**

Sponsor: Bethel, Charlie 54th

Governor approved 5/6/15; Part 1 effective 5/6/15; Part II effective 7/1/15.

SB 135 creates new rules for records kept by the Clerk and creates a new 15 year/\$50,000 felony for the misuse of records obtained from the clerk. For example, if the Clerk is required by law to give the DA a copy of a record and the DA uses the record for a purpose other than the performance of a statutory duty, it is a felony. The definition of "back-up record" would change from paper or microfilm to an electronic copy. Back-ups would be required to be sent to the Georgia Superior Court Clerk's Cooperative Authority every month instead of every 6 months. It also amends O.C.G.A. § 9-11-4.1, to eliminate the automatic repeal of the law dealing with certified process servers.

<http://www.legis.ga.gov/Legislation/20152016/153976.pdf>

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### *Part 2 - Laws Effective on 7/1/15.*

### **HB 17 Hidden Predator Act; enact**

Sponsor: Spencer, Jason 180th

Governor approved 5/5/15; effective 7/1/15.

HB 17 amends O.C.G.A. § 9-3-33.1 to extend the statute of limitations for filing civil actions in child sexual abuse cases for victims under the age of 18 and up to the age of 23. It also amends O.C.G.A. § 49-5-90 to permit a child alleging abuse to have access to confidential child abuse and deprivation records for the purpose of civil actions.

<http://www.legis.ga.gov/Legislation/20152016/153841.pdf>

### **HB 48 Special license plates; include surviving spouse or a sibling of service member killed in action; extend eligibility**

Sponsor: Coleman, Brooks 97th

Governor approved 5/6/15; effective 7/1/15.

Section 1 of HB 48 amends Article 3 of Chapter 2 of Title 40 by adding new O.C.G.A. § 40-2-63.1 to allow any public safety first responder who sustains a major injury during competent performance of their duty to be issued a special license plate with payment of a \$25 manufacturing fee. License plates may be renewed annually for \$35.

Section 2 amends Title 40 by revising O.C.G.A. § 40-1-158 to require a chauffeur employed by a limousine carrier to possess a for-hire endorsement or private background check certificate.

Section 2.1 amends said Title by revising O.C.G.A. § 40-1-166 to require limousine carriers to obtain and maintain insurance from a company licensed under Title 33 or through a surplus line broker licensed under Title 33 and provide for minimum coverage.

Section 3 of HB 48 amends Title 40 by adding a new Part 4 to Article 3 of Chapter 1. The new Part 4 adds new O.C.G.A. § 40-1-190 defining terms related to the transportation for compensation business. The Bill adds new O.C.G.A. § 40-1-191 to establish the General Assembly's authority over transportation services. The Bill adds new

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O.C.G.A. § 40-1-192 to provide for the registration of a transportation referral service and establishes that the license fee shall not exceed \$100 as well as requirements for registration, permits and certificates. The Bill establishes a zero tolerance for drug and alcohol while drivers are on duty. The Bill requires all ride share network services to register with the department the requirements for certain driver information and the information a driver must make available to law enforcement. The Bill adds new O.C.G.A. § 40-1-194 to require all transportation referral services, ride share networks, taxi services and limousine services to be properly licensed and insured. The Bill adds new O.C.G.A. § 40-1-195 to require the license number on all advertising. Failure will result in civil penalty not to exceed \$5000. Each ride share driver is to display signage approved by DPS. The Bill adds new O.C.G.A. § 40-1-196 and provides for requirements for billing and charges. The bill adds new O.C.G.A. § 40-1-197 authorizing the department to promulgate rules. The Bill adds new O.C.G.A. § 40-1-198 to require all transportation referral service providers to maintain a current list of drivers to be made available to law enforcement with a violation being a misdemeanor. The Bill adds new O.C.G.A. § 40-1-199 that voids any waiver of rights with regard to personal injury. The Bill adds new O.C.G.A. § 40-1-200 which excludes horse drawn carriages.

Section 4 further amends Title 40 by revising O.C.G.A. § 40-2-168 by requiring each for-hire vehicle to display an approved decal or certificate and set fees for master licenses.

Section 5 further amends Title 40 by revising paragraph (9) and (11) of O.C.G.A. § 50-5-1 to define terms related to transportation for compensation.

Section 7 further amends Title 40 by revising O.C.G.A. § 40-5-39 requiring anyone who operates a motor vehicle for hire to have a for-hire endorsement or a private background check certificate and the required insurance.

Section 8 amends O.C.G.A. § 48-8-3 to revise paragraph (25) to exempt fares for owners who have purchased a for-hire master license in lieu of paying sales and use tax on or after July 1, 2017.  
<http://www.legis.ga.gov/Legislation/20152016/153747.pdf>

### **HB 71 Pardons and Paroles; provide input and transparency relative to granting parole or commutation of a death sentence to a life sentence; provisions**

Sponsor: Tanner, Kevin 9th  
Governor approved 5/1/2015; effective 7/1/15.

HB 71 is intended to provide greater transparency to the proceedings of the Board of Pardons & Paroles (BP&P). It does that by first amending O.C.G.A. § 17-17-13 to provide for 72 hour notification to a victim if the BP&P receives a request to commute a death sentence. To receive notice the victim must request notification and provide the BP&P with a current address or email address and telephone number. The victim is to be provided the date of the hearing and an opportunity to file a written response. The failure of the victim to inform the BP&P shall not void a decision of the BP&P.

It amends O.C.G.A. § 42-9-42 to provide that a written decision of the BP&P relating to a pardon for a "serious offense" or commutation of a death sentence shall include findings which support the board's decision. The decisions are to be available for public inspection. It enumerates which offenses are considered to be "serious offenses" subject to the requirement that the written decision and findings in support of the decision be made available to the public.

It amends O.C.G.A. § 42-9-43 to add new paragraph (a)(6) which will require the BP&P to consider the views and recommendation of the DA in the county where the person was sentenced when making a decision as to a pardon for a "serious offense" or commutation of a death sentence. It also expands the information that the BP&P must consider to include information from the victim or victim's family, if the victim has provided such information to the BP&P. Additionally, it adds a new (a)(8) which requires, if the prisoner is on the sexual offender registry, the BP&P to take into consideration any court order that released the person from registry

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requirements, or any residency or employment restrictions. A new (c)(1) provides for at least 30 days advanced written notification and opportunity to be heard to the DA when the decision involves a pardon for a serious offense. The DA is permitted to submit information and file a written objection. (c)(2) Within 72 hours of receiving a request to commute a death sentence, the BP&P must provide written notification to the DA of the date set for the hearing, and provide the DA opportunity to submit information and file a written response. Subsection (d) is expanded to allow the BP&P to consider "any testimony it deems relevant or necessary" and provides that it may hold a hearing and consider oral testimony when objections to the grant of a pardon or commutation of a death sentence are being considered. Subsection (d)(2) provides that notice of the BP&P's determination shall be given to the DA who submitted information or objection and to the victim in accordance with the Victim's Bill or Rights Act. It also deletes subsection (f) relating to notification to the victim.

O.C.G.A. § 42-9-47 is amended to allow for a decision of the BP&P to be emailed to the victim if the address is provided under O.C.G.A. § 17-17-13.

It amends O.C.G.A. § 42-9-53 to provide that in making a determination as to whether any information, records, papers, or documents in the possession of the board should be declassified, the board will consider whether declassification of such materials would: assist law enforcement or aid in the protection of the public and whether, in the board's judgment, the public benefit of declassifying such information outweighs other considerations relative to confidentiality and privacy. The board is authorized to disclose, upon request: (A) to an alleged violator of parole or conditional release, the evidence introduced against him or her at a final hearing on the matter of revocation of parole or conditional release; provided, further, that the board may make supervision; (B) Supervision records of the board available to probation officials employed with the Department of Corrections and the Sexual Offender Registration Review Board, provided that the same will remain confidential and not available to any other person or subject to subpoena unless declassified by the board; (C) Information as provided in paragraph (3) of subsection (b) of O.C.G.A. § 42-9-42; and (D) Any other information which has been declassified by the board.

Finally it amends O.C.G.A. § 50-13-9.1 relating to variance or waiver of rules by deleting under subsection (h) the provision that the Code section shall not apply and no variance or waiver shall be sought or authorized for any rule or regulation of the BP&P regarding clemency consideration and actions.  
<http://www.legis.ga.gov/Legislation/20152016/153848.pdf>

### **HB 72 Crimes and offenses; protection of disabled adults and elder persons; expand and clarify**

Sponsor: Willard, Wendell 51st  
Governor approved 5/5/15; effective 7/1/15.

HB 72 adds additional protections for at risk adult prosecutions. Section 1 amends O.C.G.A. § 16-5-100 to expand the definition of "disabled" to include the definition of mentally and physically incapacitated. Section 1-2 adds an exception to criminal liability under O.C.G.A. § 16-5-103 for long term care facilities. Note: Long-term care facilities are immune to private causes of action under this statute. Section 1-3 adds new O.C.G.A. § 16-5-104 which allows for venue in cases of elderly or disabled abuse to lie in the county where the victim resides. Section 1-4 amends O.C.G.A. § 16-14-3 to allow for prosecution of crimes against the elderly under the Georgia RICO statute. Section 1-5 creates new O.C.G.A. § 17-8-1 which will provide the State with preferred case scheduling of cases involving elderly and disabled abuse. Note: this statute is discretionary and not mandatory. Section 1.6 amends section 30-5-3 to make brokerage firms and other investment entities mandatory reporters of elderly/disabled abuse. It also adds new definitions of mentally and physically incapacitated. Section 1-7 amends O.C.G.A. § 30-5-4 to make investment and brokerage firms mandatory reporters. It also imposes a continuing obligation to report any additional crimes against at risk adults. Section 1-8 amends O.C.G.A. § 31-2-9 to include felony convictions under 31-7-12.1 (Operating a personal care home without a license). Section 1-9 through 1-13 amends O.C.G.A. §§ 31-2-13, 31-5-20, 31-5-21, & 31-5-24 to provide a process and procedure for the securing

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of inspection warrants for personal care homes and repeals the provision that excludes the use in criminal proceedings of evidence obtained during these inspections.  
<http://www.legis.ga.gov/Legislation/20152016/153764.pdf>

### **HB 85      Alcoholic beverages; sale or furnishing to patients or inmates of Central State Hospital and sale or possession near schools; change certain provisions**

Sponsor:     Harrell, Brett 106th  
Governor approved 4/20/15; effective 7/1/15.

HB 85 lifts certain restrictions on the sale of alcoholic beverages near schools. Section 1 amends O.C.G.A. § 3-3-21(a)(1) so as to permit grocery stores, which are redefined as "a retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 85 percent is reserved for the sale of food and other nonalcoholic items," to sell wine or malt beverages for consumption off the premises within 100 yards of a school building, school grounds, or a college campus" when allowed to do so by a local ordinance. Section 2 amends O.C.G.A. § 3-3-25 to eliminate outdated references to "Central State Hospital," which no longer exists.  
<http://www.legis.ga.gov/Legislation/20152016/153768.pdf>

### **HB 98      Ga. Code of Military Justice - revise and modernize**

Sponsor:     Coomer, Christian 14th  
Governor approved 5/6/15; effective 7/1/15.

HB 98 replaces the current Georgia Code of Military Justice (GCMJ), O.C.G.A. § 38-2-320 thru 38-2-577, which was based on the original Uniform Code of Military Justice (UCMJ) enacted by Congress in 1951. The GCMJ was adopted in 1955 and has remained virtually unchanged since its enactment. The GCMJ governs the conduct of members of the "organized militia" of this state when they are serving in any capacity other than active duty federal service (which would include weekend drill and active duty for training). The organized militia consists of the Army and Air National Guard, the Georgia Naval Militia (if it were to be reestablished) and the Georgia State Defense Force. See O.C.G.A. § 38-2-2(10). Under the new GCMJ, the maximum penalties would mirror that which is available under federal law with the exception that the maximum period of confinement that a general court-martial can impose is 10 years (see O.C.G.A. § 38-2-1008). With the exception of certain motor vehicle offenses, such as DUI, which are enumerated in new O.C.G.A. § 38-2-1111, the GCMJ would give courts-martial primary jurisdiction only over "military offenses." If a member of the National Guard or State Defense Force commits a civilian crime while on duty, the new O.C.G.A. § 38-2-1002(b)(3) provides that a "proper civilian court shall have primary jurisdiction of a nonmilitary offense when such act or omission violates both this article and local civilian criminal law, foreign or domestic. In such case, a court-martial may be initiated only after the civilian authority has declined to prosecute or dismissed such charge."

<http://www.legis.ga.gov/Legislation/20152016/153465.pdf>

### **HB 110     Fireworks; provide for sale of consumer fireworks; provisions**

Sponsor:     Roberts, Jay 155th  
Governor approved 5/5/15; effective 7/1/15.

HB 110 amends Chapter 10 of Title 25 relating to regulation of fireworks, and will allow the sale of consumer fireworks. Section 2 adds the definitions of consumer fireworks, consumer retail sales facility, and removes hot air balloon from the definition of fireworks. The main change is to increase the amount of the chemical compound that can be used in multiple-tubed, non-aerial, and nonexplosive fireworks from a total of 200 grams to a total of 500 grams.

Section 3 makes it unlawful to sell "consumer fireworks" to someone under 18 years of age. All sales of fireworks must be face-to-face sales. HB 110 makes it lawful to use fireworks any day between the hours of 10:00 A.M.

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and 12:00 Midnight but extends those hours to 2:00 A.M. on January 1, July 3-4, and December 31. It also makes it unlawful to use fireworks near dangerous location such as gas stations. It lowers the age for someone to use, possess, manufacture, transport or store consumer fireworks to 18 years of age. An 18 year old can sell fireworks as long as they have a license from the Safety Fire Commissioner. Sixteen and 17 year olds have those same rights as long as they are serving as an assistant to a licensed individual.

Section 4 adds O.C.G.A. § 25-10-5.1 which deals with the license requirements and sets the fees to sell fireworks. Section 5 changes the enforcement duties for violations from the Georgia State Patrol to the fire marshal. Section 6 changes the amount of the fine for violations from \$100 to \$2500 for each transaction. Section 7 outlaws floating water lanterns in public waterways. Section 8 limits the authority of counties or municipalities to prohibit the sale and use of fireworks.

HB 110 also contains provisions amending Title 48 which relate to taxes on fireworks.

<http://www.legis.ga.gov/Legislation/20152016/153851.pdf>

**HB 117      Employment security; victims of family violence; modify definition of the term most recent employer; change certain provisions**

Sponsor:     Hamilton, Mark 24th

Governor approved 5/6/15; effective 7/1/15.

HB 117 amends O.C.G.A. § 34-8-43 relating to unemployment benefits to allow for victims of family violence who have left employment due to the violence to be eligible for unemployment benefits.

<http://www.legis.ga.gov/Legislation/20152016/153891.pdf>

**HB 123      Motor vehicles; use of safety chain or cable when operating a motor vehicle drawing a trailer; provide**

Sponsor:     Yates, John 73rd

Governor approved 5/5/15; effective 7/1/15.

HB 123 amends O.C.G.A. § 40-6-254 to define a "load" to include, but not be limited to, a trailer required to be registered under Chapter 2 of Title 40.

<http://www.legis.ga.gov/Legislation/20152016/153467.pdf>

**HB 147      Motor vehicles; initial two-year registration period for certain vehicles; provide**

Sponsor:     Powell, Alan 32nd

Governor approved 5/6/15; effective 7/1/15.

HB 147 amends O.C.G.A. § 40-2-20 to allow for the purchaser of a new motor vehicle to register the vehicle for 2 years at the initial registration. Thereafter, the vehicle shall be registered annually. HB 147 also amends O.C.G.A. § 40-2-151(c) to set the fee for the initial registration at \$40.00.

<http://www.legis.ga.gov/Legislation/20152016/153468.pdf>

**HB 177      Social services; school personnel required to report child abuse shall be notified by child protective agency, law enforcement or prosecuting attorney upon receipt of report and completion of investigation; provide**

Sponsor:     Wilkerson, David 38th

Governor approved 5/6/15; effective 7/1/15.

HB 177 amends O.C.G.A. § 49-5-41 so that a child welfare agency, law enforcement agency or prosecuting attorney that receives a report of suspected child abuse from a school employee, must "acknowledge, in writing, the receipt of such report to the reporting individual." It also requires that the child welfare agency, law enforcement agency or prosecuting attorney that receives the report from a school employee must notify, in writing, "the school counselor for the school such child was attending at the time of the reported child abuse, . . .

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. whether the suspected child abuse was confirmed or unconfirmed. If a school does not have a school counselor, such disclosure shall be made to the principal.”

<http://www.legis.ga.gov/Legislation/20152016/152749.pdf>

### **HB 184 Banking and finance; extensively revise Title 7; provisions**

Sponsor: Williamson, Bruce 115th

Governor approved 5/5/15; effective 7/1/15.

HB 184 is a comprehensive revision of the state's banking laws, which are primarily in Title 7. Most of the Bill deals with how the state regulates banks and other financial institutions. The Bill makes minor changes in the felony offenses in O.C.G.A. § 7-1-845.

<http://www.legis.ga.gov/Legislation/20152016/151894.pdf>

### **HB 190 Insurance; provide requirements for transportation network companies and their drivers; provisions**

Sponsor: Golick, Rich 40th

Governor approved 5/6/15; effective 1/1/16.

HB 190 Section 1 amends Chapter 1 of Title 33 to add new O.C.G.A. § 33-1-24 to define the terms "personal vehicle" and "transportation network company" for transportation for compensation purposes. Also defined are the terms "driver" and "customer," but the Code section excludes a taxi, limousine carrier and commercially licensed driver. HB 190 sets minimum insurance coverage for a transportation network company while establishing the duties and responsibilities to defend and indemnify the driver in case of civil action.

<http://www.legis.ga.gov/Legislation/20152016/153898.pdf>

### **HB 192 Local government; counties, municipal corporations, school districts, and consolidated governments be reimbursed for expenses only through submission of expense reimbursement requests; provisions**

Sponsor: Powell, Alan 32nd

Governor approved 5/5/15; effective 7/1/15.

HB 192 deals with issues regarding the abuse of Purchase Cards (“P-cards”) by government employees. "Purchasing Cards or P-Cards" have been defined and "Government" has been redefined in O.C.G.A. § 16-9-30. Now abuse of a government issued P-Card for personal gain is the crime of financial transaction card fraud. Unauthorized use of the Government P-Card is covered by the crime of unauthorized use of a financial transaction card. Venue has been greatly expanded to where, if a Government P-Card is involved, venue shall be "in the county a public official holds office or if an employee, the county of employment," in addition to other places. New O.C.G.A. § 36-80-24 creates new rules governing the issuance and use of Government P-Cards that will impact prosecutors. In order to continue the use of these cards, there has to be a public vote and some specific policies in place.

<http://www.legis.ga.gov/Legislation/20152016/153786.pdf>

### **HB 206 Uniform rules of the road; procedure for passing sanitation vehicles; provide**

Sponsor: Harrell, Brett 106th

Governor approved 5/5/15; effective 7/1/15.

HB 206 amends Article 1 of Chapter 6 of Title 40 to add new O.C.G.A. § 40-6-16.1 to define the term "sanitation worker" and require vehicles passing sanitation trucks with active sanitation workers and displaying flashing lights to move over to the adjacent lane if possible and if not, to slow down and be prepared to stop. The fine for violating this Code Section shall not be more than \$250.

<http://www.legis.ga.gov/Legislation/20152016/153779.pdf>

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**HB 217 Investments; public retirement systems to invest in mutual funds, commingled funds, collective investment funds, common trusts, and group trusts; authorize**

Sponsor: Maxwell, Howard 17th  
Governor approved 5/6/15; effective 7/1/15.

HB 217 amends O.C.G.A. § 47-20-83 to allow public retirement systems to invest in certain mutual funds, commingled funds, collective investment funds, common trusts, and group trusts.  
<http://www.legis.ga.gov/Legislation/20152016/153828.pdf>

**HB 225 Local government; all for-hire drivers obtain a for-hire license endorsement before driving for hire; provide**

Sponsor: Powell, Alan 32nd  
Governor approved 5/6/15; multiple effective dates.

Section 1 of HB 225 amends Chapter 60 of Title 36 by revising subsection (a) of O.C.G.A. § 36-60-25 relating to certificates of public necessity and convenience and medallions for taxicabs. The Bill requires anyone operating a taxicab for the purpose of transporting passengers for hire to have a for-hire license endorsement or private background check certificate and have proper insurance. Section 2 amends Title 40 by revising O.C.G.A. § 40-1-158 to require a chauffeur employed by a limousine carrier to possess a for-hire endorsement or private background check certificate. Section 2.1 amends said Title by revising O.C.G.A. § 40-1-166 to require limousine carriers to obtain and maintain insurance from a company licensed under Title 33 or through a surplus line broker licensed under Title 33 and provide for minimum coverage. Section 3 amends Title 40 by adding a new part to Article 3 of Chapter 1. Section 4 adds new O.C.G.A. § 40-1-190 defining terms related to the transportation for compensation business. The Bill adds new O.C.G.A. § 40-1-191 to establish the General Assembly's authority over transportation services. The Bill adds new O.C.G.A. § 40-1-192 to provide for the registration of a transportation referral service and establishes that the license fee shall not exceed \$100 as well as requirements for registration, permits and certificates. The Bill establishes a zero tolerance for drug and alcohol while drivers are on duty. The Bill requires all ride share network services to register with the Department of Public Safety the requirements for certain driver information and the information a driver must make available to law enforcement. The Bill adds new O.C.G.A. § 40-1-194 to require all transportation referral services, ride share networks, taxi services and limousine services to be properly licensed and insured. The Bill adds new O.C.G.A. § 40-1-195 to require the license number on all advertising. Failure will result in a civil penalty not to exceed \$5000. Each ride share driver is to display signage approved by DPS. The Bill adds new O.C.G.A. § 40-1-196 and provides for requirements for billing and charges. The Bill adds new O.C.G.A. § 40-1-197 authorizing the DPS to promulgate rules. The Bill adds new O.C.G.A. § 40-1-198 to require all transportation referral service providers to maintain a current list of drivers to be made available to law enforcement with a violation being a misdemeanor. The Bill adds new O.C.G.A. § 40-1-199 that voids any waiver of rights with regard to personal injury. The Bill adds new O.C.G.A. § 40-1-200 which excludes horse drawn carriages from coverage by the new provisions. Section 4 further amends Title 40 by revising O.C.G.A. § 40-2-168 by requiring each for-hire vehicle to display an approved decal or certificate and set fees for master licenses. Section 5 further amends Title 40 by revising paragraphs (9) and (11) of O.C.G.A. § 50-5-1 to define terms related to transportation for compensation. Section 7 further amends Title 40 by revising O.C.G.A. § 40-5-39 requiring anyone who operates a motor vehicle for hire to have a for-hire endorsement or a private background check certificate and the required insurance. Section 8 amends O.C.G.A. § 48-8-3 to revise paragraph (25) to exempt fares for owners who have purchased a for-hire master license in lieu of paying sales and use tax on or after July 1, 2017.  
<http://www.legis.ga.gov/Legislation/20152016/153884.pdf>

**HB 233 Georgia Uniform Civil Forfeiture Procedure Act; enact**

Sponsor: Atwood, Alex 179th  
Governor approved 5/6/15; effective 7/1/15.

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HB 233 is the "Georgia Uniform Civil Forfeiture Procedure Act." Section 1 of the Bill takes what was essentially the forfeiture procedure from O.C.G.A. §16-13-49 and creates an entirely new Chapter 16 in Title 9. The Bill gives greater access to the courts when property is seized; re-defines, limits and clarifies the uses to which forfeited assets distributed to law enforcement and DAs may be put; and strengthens the annual reporting requirements of law enforcement and DAs regarding those forfeited assets. Section 2 of the Bill conforms the Title 16 forfeiture statutes to the civil forfeiture procedure of Title 9, Chapter 16, and revises the RICO Act. Section 3 of the Bill conforms the forfeiture statutes found outside of Title 16 to the civil forfeiture procedure of Title 9, Chapter 16. Section 4 provides that the Act shall become effective on July 1, 2015 and shall apply to seizures of property for forfeiture that occur on or after that date.

The Bill also amends O.C.G.A. 15-12-60 regarding who can sit on GJ and provides that having an ineligible (as opposed to disqualified) person on GJ cannot serve as the sole basis for quashing an indictment if the ineligibility is based on mental incompetency or involvement in the criminal justice system.

<http://www.legis.ga.gov/Legislation/20152016/153855.pdf>

### **HB 252 J. Calvin Hill, Jr., Act; enact**

Sponsor: Caldwell, Michael 20th

Governor approved 5/6/15; effective 7/1/15.

HB 252, repeals or revises a number of code sections that have fallen into desuetude (a term used to describe un-repealed statutes that have become obsolete or are no longer followed; see *Jordan v. Faircloth*, 14 Ga. 544, 547 (1854); *Orr Stationery Co. v. Dr. Bell & Lee Drug Co.*, 4 Ga. App. 702, 704 (1908)). The Bill is named for the late Rep. Calvin Hill, Jr. who annually sought to clean up the Code by repealing or revising obsolete or unconstitutional provisions.

Section 2-7 repeals O.C.G.A. § 43-32-1 thru 43-32-7 which required any "itinerant or traveling trader who carries goods about in order to sell them," *Singleton v. State*, 14 Ga. App. 527, 530 (1914), to obtain a license from the probate court. Failure to obtain a license was a misdemeanor.

Section 3-1 repeals O.C.G.A. § 16-11-40, the criminal defamation statute.

Section 3-2 repeals O.C.G.A. §§ 45-2-7 and 45-2-8 that relate to the employment of aliens.

Part VI of the Bill removes the term "mental retardation" and changes it to "intellectual disability" or "developmentally disabled" where it is referenced in O.C.G.A. §§ 31-7-5, 31-7-53, 31-7-54, 31-7-57, 44-2-83, 44-5-170, 44-6-161, 44-6-132, 44-6-171, 9-3-73, 15-9-30, 15-12-163, and Titles 9, 10, 13, 15, 34 and 48.

Part V removes references to "communists" in O.C.G.A. §§ 16-11-7 and 16-11-10 so that they will apply to any "subversive organization" (a term that is defined by O.C.G.A. § 16-11-6(4)). It also revises and revives the State Employee's Loyalty Oath found in O.C.G.A. § 45-3-11 by removing the reference to communism. (The statute had been declared unconstitutional in *Georgia Conference of American Asso. of University Professors v. Board of Regents*, 246 F. Supp. 553 (N.D. Ga. 1965). Executive Branch agencies were advised by the Attorney General in 1985 to continue administering the oath minus the communism references. Ga. Op. Att'y Gen. 85-19.)  
<http://www.legis.ga.gov/Legislation/20152016/152753.pdf>

### **HB 263 Criminal Justice Coordinating Council; advisory board to the council for juvenile justice issues; provide**

Sponsor: Coomer, Christian 14th

Governor approved 5/6/15; effective 7/1/15.

HB 263 adds to the functions of the Criminal Justice Coordinating Council (CJCC), O.C.G.A. § 35-6A-1, et seq, the preparation of a state juvenile justice plan and concurrent authority to apply for, and manage, US Dept of

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Justice Juvenile Justice Delinquency and Prevention Grants. The CJCC will be authorized access to juvenile data. The Bill also provides for CJCC to have an "advisory board for juvenile justice" issues. The advisory board is to be composed of 15-33 members, appointed by the Governor, which are to be drawn from nine categories of interest groups, including prosecuting attorneys. One fifth of the members must be under age 24, and two have to be, or have been, under some form of juvenile justice supervision.  
<http://www.legis.ga.gov/Legislation/20152016/153570.pdf>

### **HB 268 Child abuse; mandatory reporters; change provisions**

Sponsor: Ballinger, Mandi 23rd  
Governor approved 5/6/15; effective 7/1/15.

HB 268 amends O.C.G.A. §19-7-5 relating to mandatory reporting of child abuse. Paragraph (c)(1) is amended to provide that for those required to report, the reporting requirement is triggered if the person has "reasonable cause to believe that suspected child abuse has occurred." New paragraph (c)(3) is added to provide that if a mandated reporter, listed in (c)(1), has reasonable cause to believe that child abuse has occurred involving a person who tends to a child as a volunteer or employee of a hospital, school, social agency or similar facility, that person must notify the person in charge of the hospital, school, agency or facility or designated delegate thereof and that the person so notified must report or cause a report to be made. The employee or volunteer who makes the report to the person designated shall be deemed to have fully complied with the subsection. The new paragraph also states "under no circumstances shall any person in charge of such hospital, school, agency or facility or designated delegate thereof, to whom such notification has been made exercise any control, restraint, or modification or make any other change to the information provided by the reporter" although the person may consult with the reporter and provided additional information. Oral reports by phone or a written report by electronic submission shall be performed in accordance with Division of Family and Children Services policy. All oral reports shall be followed by a written report.  
<http://www.legis.ga.gov/Legislation/20152016/153783.pdf>

### **HB 279 Public officers and employees; annual salaries of Supreme Court Justices, Court of Appeals, superior court judges district attorneys and circuit public defenders**

Sponsor: Powell, Jay 171st  
Governor approved 5/6/15; multiple effective dates (see text below).

HB 279 affects the pay for justices of the Supreme Court, judges of the Court of Appeals and Superior Court, the district attorneys and the circuit public defenders, and salary supplements for state-paid personnel in the district attorneys and circuit public defenders offices. It also increases the number of judges on the Court of Appeals and in the Western Judicial Circuit.

It amends O.C.G.A. §§ 45-7-4(a)(18), (19), (20), and (21) and 17-12-25 to raise the annual salary of justice of the Georgia Supreme Court and judges of the Court of Appeals and the Superior Courts, and the district attorneys and circuit public defender, effective January 1, 2016 as follows:

Position	Current	Effective, Jan 1, 2016
District Attorney	\$114,354.00	\$120,072.00
Super. Ct. Judge	\$120,252.00	\$126,265.00
Ct. of App. Judge	\$166,186.00	\$174,500.00
S.Ct. Justice	\$167,210.00	\$175,600.00
Public Defender	\$87,594.00	\$99,526.00

In addition, HB 279 provides a \$6,000 supplement for every judge, DA and circuit public defender in a circuit with a drug, mental health or veterans accountability court by adding new O.C.G.A. §§ 15-6-29.1, 15-18-10.1 and

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17-12-25.1. Each of these Code sections contains a subsection that prohibits the accountability court supplement from being used to calculate the salary of a local official's salary which is based on a percentage of the salary of a superior court judge, district attorney or circuit public defender's state salary.

O.C.G.A. §§ 15-18-10.1 and 17-12-25.1 also contain a subsection that provides that on or after January 1, 2016, any supplement paid by local/county governments to judges, district attorneys and state-paid members of the DA's staff, and public defenders and state-paid members of their staff, cannot be increased if the aggregate amount of the supplement(s) is \$50,000.00 or more.

The Bill adds three judges to the Court of Appeals, and a judge to the superior court in the Western Judicial Circuit effective July 1, 2015.

HB 279 also creates a judicial pay commission (O.C.G.A. § 15-22-1, et seq) for the purpose of conducting periodic comprehensive reviews of all aspects of compensation paid to said group.

Supreme Court justices and judges of the Court of Appeals who live more than 50 miles from Atlanta will receive a daily allowance (similar to allowances authorized for members of the General Assembly) for up to 30 days of expenses, each term of court.

<http://www.legis.ga.gov/Legislation/20152016/153967.pdf>

### **HB 310 Penal institutions; create Board of Community Supervision, Department of Community Supervision, and Governor's Office of Transition, Support, and Reentry; provisions**

Sponsor: Powell, Alan 32nd

Governor approved 5/5/15; effective 7/1/15.

HB 310 is a 119 page Bill that transfers responsibility for the supervision of persons who are on felony probation, felony parole, or juveniles who have been adjudicated to have committed a Class A or B designated felony from the Departments of Correction and Juvenile Justice and the Board of Pardons and Paroles to a new Department of Community Supervision (DCS). The new agency would be governed by an 11 member board composed of the commissioners of the Departments of Corrections, Juvenile Justice, Developmental Disabilities, the chair and vice-chair of the Parole Board, the director of the Division of Family and Children Services, a sheriff, a judge of the superior court, a juvenile court judge, a mayor and a county commissioner or county manager (appointed by the governor). The Governor's Office of Transition, Support and Reentry would be attached for administrative services to the new DCS. The Department would be headed by a commissioner appointed by the Governor. The new department also will assume the functions of the County and Municipal Probation Advisory Council with regard to county probation offices and contracts with private probation service providers. The Advisory Council becomes an advisory body to the DCS board with no authority. This advisory committee will consist of a judge from the state, municipal, probate and magistrate courts (designated by their respective Councils) and a criminal defense attorney, probation officer and a private probation officer or individual "with expertise in private probation services" who will be appointed by the Governor. It provides terms and conditions for the tolling of misdemeanor sentences. The Bill repeals Articles 5 (pretrial diversion and release), 8 (diversion centers), 9 (probation management) of Chapter 8 and then reenacts them in the new Chapter 3 of Title 42. It makes several changes to the first offender laws, including one that makes it the duty of the defense attorney to advise their clients about their eligibility to be sentenced as a first offender. If the defendant is pro se, the court has to advise the defendant. It creates a procedure which would allow someone who qualified for sentencing as a first offender but who was not informed of his or her eligibility for first offender treatment to file a petition in the superior court for retroactive first offender treatment "with the consent of the prosecuting attorney." HB 310 is effective July 1, 2015 and would apply to sentences entered on or after July 1, 2015, so it will not impact current cases where individuals are on misdemeanor probation.

<http://www.legis.ga.gov/Legislation/20152016/153410.pdf>

### **HB 313 Public employees; limited paid leave for purpose of promoting education; authorize**

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Sponsor: Dickey, Robert 140th  
Governor approved 5/6/15; effective 7/1/15.

HB 313 enacts new O.C.G.A. § 45-20-32. It would allow any state employee to apply for up to 8 hours of paid leave "for the purpose of promoting education." It applies to all Branches of state government. The rules governing the use of this leave would be developed by the State Personnel Board and approved by the Governor.  
<http://www.legis.ga.gov/Legislation/20152016/153564.pdf>

### **HB 325 Safety belts; definition of term passenger vehicle; modify**

Sponsor: Hitchens, Bill 161st  
Governor approved 5/6/15; effective 7/1/15.

HB 325 amends O.C.G.A. § 40-8-76.1 to revise the definition of "passenger vehicle" to include vehicles designed to carry 15 or fewer passengers. The Bill exempts vehicles designed to carry 11-15 passengers made before July 1, 2015.  
<http://www.legis.ga.gov/Legislation/20152016/152533.pdf>

### **HB 328 Adult offenders; enact reforms recommended by Georgia Council on Criminal Justice Reform**

Sponsor: Efration, Chuck 104th  
Governor approved 5/5/15; Part II 5/5/15; remainder effective 7/1/15.

HB 328 contains several Parts which address reforms recommended by the Georgia Council on Criminal Justice Reform. Part I adds a new O.C.G.A. § 10-1-393.14 which is the definition section to the "Fair Business Practices Act of 1975." It defines "adverse action," "consumer report" and "consumer reporting agency."

Part II deals with sentencing. Section 2-1 amends O.C.G.A. § 17-10-7 by adding "except as otherwise provided in subsection (b) of 42-9-45" to go along with subsection (b) or 17-10-7 that was already listed. Section 2-2 amends O.C.G.A. § 42-9-45 by separating parole eligibility for misdemeanors from parole eligibility for felonies by making a (b)(1) for misdemeanors and (b)(2) for felonies. It also adds section (3) which list the criteria for determining when an inmate who is sentenced to 12 years to life, will become eligible for parole.

Part III addresses employment of former convicts. Section 3-1 adds (p)(1) to O.C.G.A. § 43-1-19 relating to the issuance and renewal of licenses for professional and businesses. It provides for a probationary license upon application and proof of the completion of a drug court diversion program.

Part IV amends O.C.G.A. § 49-4-15 to increase the threshold from \$500 to \$1500 before a welfare fraud overpayment becomes a felony.

Part V transfers responsibility for accountability courts, as well as the rule making and review functions, from the Judicial Council to a new Council of Accountability Court Judges, which will be composed of all of the active and "judges emeriti of the accountability courts." The new council will receive "technical services" and assistance from the Criminal Justice Coordinating Council (CJCC) and office space and administrative support from the Administrative Office of the Courts.

Part VII deals with the Public Defenders Standards Council which is renamed the "Georgia Public Defender Council." Section 7-4 amends O.C.G.A. § 17-12-5 which relates to the director of the Public Defender Council's qualification, selection, salary and responsibilities. It also adds a new (e) which prohibits the director from directly representing clients and prohibits private practice for profit. Section 7-5 amends O.C.G.A. § 17-12-6 by replacing "shall" with "may" in the council's duties. Section 7-6 changes required meetings from quarterly to semiannually. Section 7-7 repeals O.C.G.A. § 17-12-8, which required the GPDSC to promulgate standards for indigent defense. Sections 7-8, 7-9 and 7-10 deal with certain reports that the GPDSC was required to make.  
<http://www.legis.ga.gov/Legislation/20152016/153562.pdf>

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**HB 385 Health records; determining annual cost adjustment for providing medical records from Office of Planning and Budget to Department of Community Health; move responsibility**

Sponsor: Nimmer, Chad 178th  
Governor approved 5/6/15; effective 7/1/15.

O.C.G.A. § 31-33-3 sets the amount that certain health care providers can charge for copies of a patient's medical records. The amounts specified in the statute may be adjusted annually based on the medical component of the consumer price index. Under current law, the Office of Planning and Budget is responsible for making that adjustment; HB 385 moves that responsibility to the Department of Community Health.  
<http://www.legis.ga.gov/Legislation/20152016/153472.pdf>

**HB 398 Monticello, City of; dissolve municipal court**

Sponsor: Holmes, Susan 129<sup>th</sup>  
Governor approved 5/6/15; effective 7/1/15.

HB 398 abolishes the municipal court of Monticello, GA and transfers all its cases to the Probate Court of Jasper County.  
<http://www.legis.ga.gov/Legislation/20152016/150285.pdf>

**HB 452 Protective Order Registry Act; enact**

Sponsor: Ballinger, Mandi 23rd  
Governor approved 5/12/15; effective 7/1/15.

HB 452 changes the name of Article 4 of Chapter 13 of Title 19 from the “Family Violence and Stalking Protective Order Registry Act” to the “Protective Order Registry Act.” It amends O.C.G.A. § 19-13-50, et seq., so that criminal protective orders, sentencing, or no contact orders will also be included in the Georgia Protective Order Registry. It expands the registry to include all victims of crime, not just victims of stalking and family violence.  
<http://www.legis.ga.gov/Legislation/20152016/153557.pdf>

**HB 461 Secondary metals recyclers; buying and selling regulated metal property; change certain provisions**

Sponsor: Shaw, Jason 176th  
Governor approved 5/5/15; effective 7/1/15.

HB 461 relates to the buying and selling of metals. It changes O.C.G.A. § 10-1-350 by adding definitions and giving more specific requirements for the buyers and sellers of certain metals. It appears to concentrate on metals that are stolen from buildings, cars and cemeteries. The goal of this legislation is to make it harder for those that steal these items to turn around and then sell them to secondary metal recyclers. Section 1 adds the definition for business license. Section 2 adds provisions that the secondary metal recycler must follow before buying coils, copper wire and catalytic converters. It limits who they can purchase from and increases the documentation that must be kept. Section 3 adds provisions that the secondary metal recycler must follow before buying burial objects. It limits who they can purchase burial objects from and increases the documentation that must be kept. Section 4 revises O.C.G.A. § 10-1-353 by providing the transaction documentation that is required after each sale. Section 5 adds a new O.C.G.A. § 10-1-358.1 which is intended to protect used car or used car parts dealers. Section 6 revises 10-1-395.5 by adding the following provisions: (a) metal recyclers must provide GBI with all of the transaction information for each transaction; (b) GBI shall maintain a data base of all information required (this information is considered a trade secret and is exempt from disclosure); and (c) provides that this data base

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shall be searchable by all post certified law enforcement personnel. Violations are a 1-5 year felony and up to a \$5000.00 fine.

<http://www.legis.ga.gov/Legislation/20152016/153808.pdf>

### **HB 475 Game and fish; hunting of feral hogs; revise provisions**

Sponsor: McCall, Tom 33rd

Governor approved 5/12/15; effective 7/1/15.

HB 475 is the "Feral Hog Control Act." Section 3 of the Bill adds new O.C.G.A. §§ 2-7-200 through 2-7-204. These Code sections regulate the transportation, housing, and slaughter of feral hogs. It also makes the unlawful transportation of feral hogs a high and aggravated misdemeanor with a minimum fine of \$1,500. Section 4 makes a linguistic adjustment to O.C.G.A. § 27-1-33. Section 5 creates a wildlife control permit that broadly authorizes the hunting or trapping of feral hogs. Section 6 eliminates the limit on the shell capacity of shotguns used to hunt deer, feral hogs, and bear, and eliminates all other firearm restrictions on feral hog hunting. Section 7 makes clear that feral hogs can be hunted from any motor vehicle, including boats, aircraft, hydroplanes, or hovercrafts. <http://www.legis.ga.gov/Legislation/20152016/153811.pdf>

### **HB 490 Blue Ridge Judicial Circuit; appointment of district attorney investigators; provide**

Sponsor: Ballinger, Mandi 23rd

Governor approved 5/12/15; effective 7/1/15.

HB 490 is an uncodified general law that confers full peace office authority on investigators that work for the District Attorney for the Blue Ridge Judicial Circuit.

<http://www.legis.ga.gov/Legislation/20152016/150688.pdf>

### **HB 492 Crimes and offenses; carrying in unauthorized locations; revise provisions**

Sponsor: Jasperse, Rick 11th

Governor approved 5/6/15; effective 7/1/15.

HB 492 creates an addition to the definition of an act which constitutes a violation of O.C.G.A. § 16-11-127.1 in the Juvenile Code, where a Class B designated felony act is defined. It will now read,

- “(i) An act which constitutes a violation of 16-11-127.1 involving a:
- (I) Firearm, as defined in O.C.G.A. § 16-11-131;
  - (II) Dangerous Weapon or machine gun, as defined in O.C.G.A. § 16-11-121; or
  - (III) Weapon, as defined in O.C.G.A. § 16-11-127.1, together with an assault; or
- (ii) An act which constitutes a second or subsequent adjudication of delinquency based on a violation of O.C.G.A. § 16-11-127.1; or”

HB 497 adds the language, “Nothing in this Code Section shall in any way operate or be construed to affect, repeal, or limit the exemptions provided for under O.C.G.A. §16-11-130,” to O.C.G.A. §§ 16-11-126, 16-11-127.1, and 16-11-127.2.

O.C.G.A. § 16-11-127 is amended so as to specify that a nonlicense holder may not carry in a government building and that the ban on firearms within 150 feet of a polling place only applies “when elections are being conducted and such polling place is being used as a polling place.”

Finally it includes provisions amending O.C.G.A. § 16-11-129 which will require that if a person is convicted of a crime or is “involved in any matter” which would it make it illegal for the person to have a weapons carry license, the judge is to inquire: (1) Whether such person is the holder of a weapons carry license; (2) if so, which county's probate court issued the license; and (3) if ever renewed, which county's probate court most recently

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renewed the license. The trial court judge is then required to notify the judge of the probate court of such county which issued the weapons carry license of the conviction or matter which makes the maintenance of the license unlawful. The Councils of State and Superior Court Judges are directed to adopt uniform rules establishing the procedures that state and superior courts are to follow.

<http://www.legis.ga.gov/Legislation/20152016/153554.pdf>

### **HB 512 Mental health; governing and regulation; change certain terminology and provisions**

Sponsor: Jasperse, Rick 11th

Governor approved 5/12/15; effective 7/1/15.

HB 512 amends O.C.G.A. § 37-1-20 relating to the Department of Behavioral Health and Developmental Disabilities, to change the delivery of services from regional to local. Under this Bill, the regional planning boards will become advisory councils. Most regional functions will be handled by local offices. Each region of the Department will have its own advisory council, which will provide recommendations for comprehensive planning for the region. The Department will begin supervising the regular visitation of disability service providers and programs to verify licensing, accreditation and the compliance of service providers.

<http://www.legis.ga.gov/Legislation/20152016/153477.pdf>

### **HB 551 Public officers and employees; authorize political subdivisions to provide for voluntary contributions by employees through payroll deductions to certain not for profit organizations; provisions**

Sponsor: Brockway, Buzz 102nd

Governor approved 5/12/15; effective 7/1/15.

HB 551 amends O.C.G.A. § 45-7-56 which currently authorizes state and local government employees to make voluntary contributions to charities through payroll deductions. HB 551 expands that authorization to also allow employees to participate in consumer offerings through an employee purchase program facilitated by and through the Department of Administrative Services.

<http://www.legis.ga.gov/Legislation/20152016/153415.pdf>

### **HB 567 Alimony and child support; jurisdiction of courts that hear contempt proceedings; expand**

Sponsor: Dempsey, Katie 13th

Governor approved 5/6/15; effective 7/1/15.

HB 567 amends O.C.G.A. § 19-6-26, apparently in response to *Ford v. Hanna*, 292 Ga. 500 (2013), to permit a contempt action brought in a rem proceeding to enforce a child support order to be brought in the county where property is found.

<http://www.legis.ga.gov/Legislation/20152016/153850.pdf>

### **HB 568 Paternity; testing in certain cases; revise provisions**

Sponsor: Dempsey, Katie 13th

Governor approved 5/12/15; effective 7/1/15.

HB 568 deals with paternity tests when child support is being collected by the Dept. of Human Services. It clarifies when such tests will be made, the standards for such tests, and who is responsible for paying for the testing.

<http://www.legis.ga.gov/Legislation/20152016/153763.pdf>

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### **HB 674 Catoosa County; State Court; create**

Sponsor: Weldon, Tom 3rd  
Governor approved 5/5/15; effective 7/1/15

HB 674 creates a new State Court in Catoosa County. Both the judge and the Solicitor-General will be full-time. The judge's salary will be 90% of the state salary of a superior court judge; the Solicitor-General's salary will be 85% of the judge's salary.

<http://www.legis.ga.gov/Legislation/20152016/153492.pdf>

### **SB 8 Crimes and Offenses: children who have been sexually exploited; make provisions; create Safe Harbor for Sexually Exploited Children Fund Commission**

Sponsor: Unterman, Renee 45th  
Governor approved 5/5/15; effective 7/1/15; Part III effective 1/7/17 if ratified.

SB 8, the "Safe Harbor Act," provides resources and protections for sex trafficking victims. The Bill is divided into 6 parts. Part I contains the short title ("Safe Harbor/Rachel's Law Act") and a statement of legislative findings and intent. Part II deals with civil remedies. The remaining Parts, affect criminal cases.

In Part III, Section 3-1 adds language to O.C.G.A. § 15-21-208, authorizing an additional \$2500 fine on those convicted of sex trafficking crimes. It imposes misdemeanor punishment for anyone who refuses or fails to collect and remit the fines. Code section 15-21 209 will require adult entertainment establishments to pay a fee equal to the greater of 1% of the previous year's gross revenue or \$5,000. These funds would be deposited into the Safe Harbor for Sexually Exploited Children Fund. Section 3-2 would amend Code Section 15-6-95, making the Safe Harbor for Sexually Exploited Children Fund a priority in the list of distribution of fines, bond forfeitures, etc. Note: Part III will become law if and when an enabling Constitutional Amendment creating the Safe Harbor fund is passed in November 2016.

In Part IV, Section 4-1 amends Code section 16-3-6 and creates an affirmative defense for victims of sex trafficking for children under the age of 18, or if the victim was acting under coercion and deception. Section 4-2 amends Code section 41-1-12 to add sexual trafficking crimes to the Georgia Sexual Offender Registry and includes additional venue provisions. Section 4-3 amends Code section 49-5-8 to require DFACS to develop a plan and process to care for child victims of sex trafficking.

Part VI adds Code section 16-6-13.2 which will allow for forfeiture of vehicles and proceeds used in the commission of sex trafficking.

Part VI contains the enabling language which provides for Part III to become effective if the constitutional amendment is ratified in November 2016 or repealed if it does not pass.

<http://www.legis.ga.gov/Legislation/20152016/154017.pdf>

### **SB 62 Probate Courts; remove certain limitations on the jurisdiction of the probate courts over game and fish violations**

Sponsor: Harper, Tyler 7th  
Governor approved 5/6/15; effective 7/1/15.

This Bill amends O.C.G.A. § 15-9-30.3(a), which deals with the jurisdiction of Probate Courts over game and fish misdemeanors. The Bill removes the old limits on the jurisdiction of Probate Courts so that they will be able to try, take pleas, and enter sentences in cases (a) where the game and fish offense is a high and aggravated misdemeanor; and (b) where the defendant is charged with his or her first violation of O.C.G.A. § 37-3-2 (hunting deer at night with a light).

<http://www.legis.ga.gov/Legislation/20152016/152966.pdf>

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**SB 63      Alcoholic Beverages; provide for manufacturers of malt beverages to make limited retail sales of malt beverages under certain circumstances**

Sponsor:     Hill, Hunter 6th  
Governor approved 5/5/15; effective 7/1/15.

SB 63 deals with when and under what circumstances a brewery may allow their products to be consumed on site. Section 1 amends Title 3 by revising paragraph (3) of O.C.G.A. § 3-1-2, the definition of "brewpubs." Section 2 revises O.C.G.A. § 3-2-3 relating to the Commissioner's duties as to denial, suspension or cancellation of licenses or permits. Section 3 revises O.C.G.A. § 3-3-46 to include "permits" to regulations. Section 4 further amends said Title by revising subsection (e) of O.C.G.A. § 3-4-24 allowing a manufacturer or distiller to provide educational and promotional tours upon issuance of a permit by the commissioner. Section 5 further amends said Title by revising subsection (e) of O.C.G.A. § 3-4-24.1 allowing a manufacturer or distiller to provide educational and promotional tours upon issuance of a permit by the commissioner. Section 6 further amends said Title by revising O.C.G.A. § 3-4-180 to define terms related to tours, samples and souvenirs and the limitations on each. Section 7 further amends said Title by revising O.C.G.A. § 3-5-36 by providing for requirements on who can be licensed owners and operators of brewpubs. Section 8 further amends said Title by revising O.C.G.A. § 3-5-38 related to the requirements for brewery tours and defining: tastings, samples and souvenirs.  
<http://www.legis.ga.gov/Legislation/20152016/154042.pdf>

**SB 69      State Defense Force; remove restrictions; rights of public officers and employees to be absent for service; reemployment rights**

Sponsor:     Hill, Judson 32nd  
Governor approved 5/5/15; effective 7/1/15.

SB 69 amends O.C.G.A. § 38-2-54 to allow members of the State Defense Force (SDF) who are employed by state or local governments to have the same rights to military leave and employment protection as are members of the National Guard and Reserves. It also extends employment protection to members of the SDF who work for private employers.  
<http://www.legis.ga.gov/Legislation/20152016/152985.pdf>

**SB 72      "Tanja's Law"; provide measure of equivalency in punishment of crimes committed against police dogs in performance of their official duties**

Sponsor:     Mullis, Jeff 53rd  
Governor approved 5/1/15; effective 7/1/15.

HB 72 amends several provisions in Title 16. First, it amends O.C.G.A. 16-6-22 (incest) to clarify that the relationship of 1) grandparent and grandchild includes of the whole or half blood; 2) aunt and niece or nephew includes of the whole or half blood; and 3) uncle and niece or nephew included of the whole or half blood.

It also amends O.C.G.A. 16-11-39.1 relating to harassing phone calls by expanding the application to "harassing communications" not just "telephone" calls. Thus, a person violates the statute if they contact another repeatedly via telecommunication, e-mail, text messaging or any form of electronic communication for the purpose of harassing, molesting, threatening or intimidating the person or family of the person. They also violate the statute if they threaten bodily harm via telecommunication, e-mail, text messaging or any form of electronic communication. It also is a violation to telephone another, intentionally fail to hang up/disengage connection or to knowingly permit any device used for telecommunication, e-mail, text messaging or any form of electronic communication under one's control to be used to violate any portions of the statute. Venue is the county where: 1) defendant located when he/she placed call, transmitted, sent, or posted electronic communication; or 2) where call or electronic communication was received. It also includes a non-merger provision so it will not merge with any other crime.

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Finally SB 72 amends O.C.G.A. § 16-5-23 (e) (Simple Battery), by deleting "law enforcement dog" and amending O.C.G.A. § 16-11-107 relating to destroying or injuring a police dog or police horse. In O.C.G.A. § 16-11-107, it adds new definitions including "law enforcement animal" and "performance of its duties". It then creates four degrees of offenses relating to the harming of law enforcement animals in the performance of its duties. The penalties range from a misdemeanor of a high and aggravated nature for a 4th degree violation to a minimum of 18 months and maximum of 5 yrs and \$20K fine for a 1st degree violation. The amendment to O.C.G.A. § 16-5-23 includes a restitution provision that includes the actual replacement value and costs associated with training. The amendment also specifically does not prohibit a defense if the person is attacked by a law enforcement animal without, or in spite of, commands given by its handler. The Division of Forensic Sciences of the GBI is required to perform forensic pathology services if a law enforcement animal is killed while in the performance of its duties. <http://www.legis.ga.gov/Legislation/20152016/153775.pdf>

### **SB 94 Criminal Procedure; search & seizure; witness identification accuracy**

Sponsor: Bethel, Charlie 54th

Governor approved 5/6/15; effective 7/1/15, except Section 4 which is effective 1/1/16.

SB 94 amends the definition of "private place" found in O.C.G.A. § 16-11-60 (3) to mean "a place where there is a reasonable expectation of privacy." It amends O.C.G.A. § 16-11-62 (2) by creating new subparagraph (D) to allow police officers or their agents to use a device to observe photograph, videotape or record the activities of persons that occur in the presence of the officer or agent. Similarly, O.C.G.A. § 17-5-21 (b) is amended to allow such devices to be used by peace officers or their agents while in the process of effecting a lawful arrest or lawful search.

O.C.G.A. § 17-5-21 (a) (5) is also amended to expand what a judicial officer may authorize to be seized pursuant to a warrant to include "instruments, articles or things, any information or data, and anything that is tangible or intangible, corporeal or incorporeal, visible or invisible...other than the private papers of any person."

O.C.G.A. § 50-18-72 (a) relating to what need not be disclosed as an open record is amended by adding new paragraph (26.2). It provides that disclosure shall not be required of audio and video recordings made by officers in places where there is a reasonable expectation of privacy when there is no pending investigation, except where the following persons seeking the recording submits a sworn affidavit attesting to facts establishing that he or she is (A) an appointed representative of a deceased's estate and the deceased was depicted or heard in the recording; (B) a parent or legal guardian of a minor depicted or heard on the recording; (C) an accused in a criminal case if there is a good faith belief the recording is relevant to his or her criminal proceeding; (D) a party to a civil action if there is a good faith belief the recording is relevant to his or her civil action; (E) an attorney for any person identified in (A – D); and (F) an attorney for any person who may pursue a civil action if there is a good faith belief of the attorney that the recording is relevant to the potential civil action.

Section 4 of the Bill, which is effective Jan. 1, 2016, creates new Chapter 20 in Title 17 relating to live lineups, photo lineups and showups. O.C.G.A. § 17-20-1 is the definitions section. O.C.G.A. § 17-20-2 sets forth the procedure. The Act requires that any law enforcement agency of one or more full or part time employees shall adopt written policies for conducting identification procedures no later than July 1, 2016 and that these written policies shall be subject to public disclosure and inspection notwithstanding any provision to the contrary under Georgia's Open Records Act. The new procedure requires that an individual who does not know the identity of the suspect shall conduct a live lineup (this is referred to as "blind administration" and is generally accepted as a pragmatic method for reducing the possibility of suggestive taint on the part of the administrator). Photographic lineups may be conducted either by 1) administration by an individual who does not know the identity of the suspect (blind administration), or 2) a random shuffling of the identification photos which are then presented to the witness, with the administering officer being unable to see which photographs are being viewed by the witness and in what order. Live lineups require a minimum of 4 fillers, and photographic lineups require a minimum of 5 fillers. The procedure also calls for an admonition that the suspect "may or may not be present," and the fillers

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must resemble the suspect. The witness who makes an identification would be allowed to indicate his or her level of confidence and certainty in the identification in his or her own words.

<http://www.legis.ga.gov/Legislation/20152016/153952.pdf>

### **SB 99 Criminal procedure; reversal on appeal; judge expresses an opinion regarding proof in a criminal case; change provisions**

Sponsor: Kennedy, John 18th

Governor approved 5/6/15; effective 7/1/15.

SB 99 rewrites O.C.G.A. § 17-8-57 regarding judicial comment. The Code section will now provide that it is error for any judge, during any phase of any criminal case, to express of intimate to the jury the judge's opinion as to whether a fact at issue has or has not been proved or as to the guilt of the accused. Any party who alleges a violation shall make a timely objection and inform the court of the specific objection and the grounds for such objection, outside the jury's hearing and presence. After such objection has been made, and if it is sustained, it shall be the duty of the court to give a curative instruction to the jury or declare a mistrial if appropriate. Failure to make a timely objection to an alleged violation shall preclude appellate review, unless such violation constitutes plain error which affects substantive rights of the parties. Plain error may be considered on appeal even when a timely objection informing the court of the specific objection was not made, so long as such error affects substantive rights of the parties. If a judges express an opinion as to the guilt of the accused, the Supreme Court or Court of Appeals or the trial court in a motion for new trial shall grant a new trial.

<http://www.legis.ga.gov/Legislation/20152016/154004.pdf>

### **SB 100 Motor Vehicles and Traffic; provide for applicability with current federal reg. in the safe operations of motor carriers and commercial motor vehicles**

Sponsor: Harper, Tyler 7th

Governor approved 4/16/15; effective 7/1/15.

SB 100 amends multiple laws relating to motor vehicle and traffic laws. Part I of the Bill eliminates O.C.G.A. § 3-3-23.1(b)(3), which suspended the drivers' licenses of underage persons convicted of purchasing, attempting to purchase, or possessing alcoholic beverages. Part II adds new subsection (p) to O.C.G.A. § 19-11-9.3, which requires the Department of Human Services (DHS) to inform persons who are behind in child support payments of resources that are available to help remedy their delinquency.

In Part III, Section 3-1 changes O.C.G.A. § 20-2-320 to refer to the Department of Driver Services instead of the Department of Public Safety; Section 3-4 does the same for O.C.G.A. § 20-2-67. Section 3-3 eliminates school nonattendance suspensions from the list of consequences for failing to adhere to compulsory school attendance requirements. Section 3-5 eliminates the absence notification requirement for children over 14 years of age, and does away with the requirement that superintendents and attendance officers report failure to meet attendance requirements to the State Board of Education and, in turn, to DDS.

Part IV has multiple provisions. Section 4-1 alters the definition of "commercial motor vehicle" by reducing the "gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight" from 4,537 kg to 4,536 kg. (This appears to be a mathematical rounding correction.) Section 4-2 updates the state's incorporation of federal CMV regulations to those in force on January 1, 2015. Section 4-3 adds the definitions of "for-hire intrastate motor carrier" and "intrastate motor carrier" to O.C.G.A. § 40-2-1. Section 4-4 adds new subsection (a)(1)(C) to O.C.G.A. § 40-2-20, which allows county tag agents to issue a one-time, 30 day temporary operating permit for vehicles that fail to satisfy federal emission standards. Section 4-5 clarifies the terminology in O.C.G.A. § 40-2-140 relating to the certificate of insurance, registration, and fee requirements so that the requirements apply to intrastate motor carriers or for-hire intrastate motor carriers. Sections 4-6 and 4-7 allow DDS to include organ donation information on personal identification cards. Section 4-8 eliminates school

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attendance requirements (NOT the enrollment requirement) for suspension of the drivers' licenses of persons under age 18. Also, DDS is authorized to issue limited driving permits to applicants who are suspended in another jurisdiction as long as the person would qualify for the permit if the offense had occurred in Georgia. Section 4-9 waives the license fee for persons taking the knowledge test for a drivers' license when the test is administered by a third-party drivers school, or a qualifying public or private high school. Section 4-10 updates the types of organizations to which DDS can release organ donation information. Section 4-11 revises the visual acuity and field of vision standards in O.C.G.A. § 40-5-27 to apply only to noncommercial vehicles. Section 4-12 allows black and white photographs to be used on drivers' licenses. Section 4-13 amends O.C.G.A. § 40-2-140 to remove the fraudulent use of, or application for, a license and forgeries related to identification documents from the list of offenses for which DDS must issue a mandatory suspension. Section 4-14 repeals O.C.G.A. § 40-5-57.2, thereby eliminating license suspensions for gas drive-offs. Section 4-15 eliminates license suspensions for minor in possession, misrepresenting age to purchase alcohol, and misrepresenting one's identity to purchase alcohol (O.C.G.A. §§ 3-3-23(a)(2), (3) and (5), respectively). Further, license suspensions for persons under 21 convicted of hit and run, racing, fleeing & attempting to elude, reckless driving, offenses for which four or more points are assessable, and DUI are made effective upon conviction by operation of law. Section 4-16 repeals O.C.G.A. § 40-5-63(e) and (f), which provided the suspension periods for minor in possession and related offenses. Section 4-17 removes school attendance suspensions from the list of suspensions for which a limited permit can be obtained, because the Bill eliminates such suspensions. This section also expands the work restriction on limited permits and ignition interlock limited permits so as to allow persons who drive in the normal course of their job to continue to do so, even though they do not have a "place of employment." Section 4-18 eliminates license suspensions for violations of the Georgia Controlled Substances Act, but retains them for DUI-Drugs offenses. Section 4-19 makes it a misdemeanor for driver improvement clinics and DUI risk reduction programs to offer gifts to students, private probation companies, police officers, or court employees in an attempt to solicit attendees. Section 4-20 allows the use of black and white photos on ID cards, and allows organ donation information to be indicated on such cards. Applicants for ID cards are also afforded the opportunity to make a voluntary donation towards blindness prevention. Section 4-21 revises O.C.G.A. § 40-5-121 to conform to the revisions to O.C.G.A. § 40-5-75. Section 4-22 allows the use of black and white photos on commercial drivers' licenses. Section 4-23 allows the use of black and white photos on ID cards for persons with disabilities. Section 4-24 revises O.C.G.A. § 40-6-15 to allow only one nolo contendere plea to driving with a suspended registration within a five year period.

PART V corrects a misdirected citation within O.C.G.A. § 42-8-112(a)(1).

With the exception of Section 4-9 (relating to the fee for the knowledge test administered by third parties) which becomes effective on January 1, 2016, the Bill goes into effect on July 1, 2015.  
<http://www.legis.ga.gov/Legislation/20152016/154058.pdf>

### **SB 112 Wildlife; general hunting provisions; prohibit the removal, transportation; game animal or game bird carcasses**

Sponsor: Harper, Tyler 7th  
Governor approved 5/6/15; effective 7/1/15.

SB 112 contains several provisions affecting Title 27. Section 1 adds new O.C.G.A. § 27-3-29 to Article 1 (Hunting) of Title 27. This provision would require the Board of Natural Resources to promulgate rules and regulations establishing recording and reporting requirements for game animals and game birds. The rules must describe the information that is required from hunters, the requirements for transporting the carcass of an animal or bird killed by another person, and the requirements for a private cold storage or processing facility to possess the carcass of a game animal or bird. The Bill also makes it a misdemeanor offense for a person to remove the carcass of a game animal or bird, to remove such a carcass if the animal was killed by another person, or for a cold storage or processing facility to possess such a carcass unless those actions are taken in compliance with the regulations established by the Board pursuant to this new Code section. Also, the Bill makes it unlawful for a

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person to obtain, possess, or use multiple sets of hunting licenses or harvest records in order to circumvent any limits on the number of animals that may be killed. Violations of this Code section are set at a maximum \$200 fine, a maximum 30 days in jail, or both. Section 2 updates O.C.G.A. § 27-1-39 to allow criminal punishment for violations of the rules and regulations of the Board of Natural Resources in effect on January 1, 2015. Section 3 repeals O.C.G.A. § 27-3-45, which related to the information required before a deer carcass could be removed from where it was killed. Section 4 repeals O.C.G.A. § 27-3-46, which related to the failure to tag a deer carcass before storing or processing it.

<http://www.legis.ga.gov/Legislation/20152016/152994.pdf>

**SB 126      Pharmacists and Pharmacies; expansion of certain medical professionals to prescribe auto-injectable epinephrine to authorized entity; emergency purposes**

Sponsor:     Hufstetler, Chuck 52nd

Governor approved 5/5/15; effective 7/1/15.

SB 126 amends O.C.G.A. § 26-4-116.1(b) to allow a physician, an advanced practice registered nurse, and a physician's assistant to prescribe auto-injectable epinephrine, and for a pharmacist to dispense the auto-injectable epinephrine. Additionally, it creates new O.C.G.A. § 31-1-14 to allow an "authorized entity", defined as any organization at which anaphylaxis may be present, to be authorized to acquire and stock auto-injectable epinephrine. Further, any employee of such an organization is authorized to administer such medication. And, the new Code section mandates initial training of employees and repeat training every two years.

<http://www.legis.ga.gov/Legislation/20152016/154024.pdf>

**SB 134      Speed Detection Devices; provide for a rebuttable presumption for law enforcement agencies' use of speed detection devices**

Sponsor:     Stone, Jesse 23rd

Governor approved 5/6/15; effective 7/1/15.

HB 134 amends two provisions related to revenue generated by speeding fines. Section 1 adds a sentence to the end of O.C.G.A. § 36-81-8 which will require local governments to report the total amount of speeding fine revenue they generate to the Department of Community Affairs. Section 2 revises O.C.G.A. § 40-14-11. When fines collected based on speed detection devices used by a municipal or county law enforcement agency equal or exceed 35 (reduced from 40) percent of the agency's budget, a rebuttable presumption arises that the agency is "employing speed detection devices for purposes other than the promotion of the public health, welfare, and safety." Fines collected for violations of O.C.G.A. § 40-6-180 must be included in this calculation. However, fines from tickets where the violator exceeded the speed limit by 20 miles per hour or more are not considered.

<http://www.legis.ga.gov/Legislation/20152016/153972.pdf>

**SB 138      Social Services; provide for various reforms regarding the state's child welfare system**

Sponsor:     Miller, Butch 49th

Governor approved 5/5/15; effective 7/1/15.

SB 138 deals with the Division of Family and Children Services within the Dept. of Human Services. New O.C.G.A. § 49-2-18 provides: (a) The Governor shall appoint the director of the Division of Family and Children Services, who shall serve at the pleasure of the Governor. The director shall be an employee of the Department of Human Services but shall report directly to the Governor. The director shall have a college degree and +at least one of the following qualifications: (1) Educational background or managerial experience involving work with vulnerable populations; (2) Work experience in a setting dealing with the safety or well-being of children or other vulnerable populations; or (3) Experience working in or managing a complex, multidisciplinary business or government agency. New O.C.G.A. § 49-2-19 establishes the DFCS State Advisory Board which shall consist of

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20 members appointed by the Governor as follows: (1) One representative from each of the 15 DFCS regions; and (2) Five members who are either state legislators or representatives from the fields of: (A) Child welfare; (B) Former youth in foster care; (C) Public health; (D) Behavioral health and developmental disabilities; or (E) Juvenile justice. The advisory board shall review and recommend proposed rules and regulations for the Division of Family and Children Services. The Advisory Board shall elect a chairperson from among its membership. The advisory board may elect such other officers and committees as it considers appropriate. The Advisory Board shall meet at least quarterly and at such additional times as it shall determine necessary to perform its duties. The Advisory Board shall also meet on the call of the chairperson, the director of the Division of Family and Children Services, or the Governor. The director of the Division of Family and Children Services shall participate in such meetings and provide a quarterly report to the Advisory Board in advance of each quarterly meeting. Also revises 49-3-2, relating to the appointment of members to the county department of family and children services. The governing authority shall ensure that all appointments to the county board made on or after July 1, 2015, include the following disciplines: (1) Pediatric health care providers; (2) Appropriate school personnel; (3) Emergency responders; (4) Law enforcement personnel; (5) Private child welfare service providers; (6) Alumni of the child welfare system; (7) Mental health care providers; (8) Foster parents; and (9) Leaders within the faith-based community. The Bill revises O.C.G.A. § 49-3-6, relating to the functions of county or district departments of family and children services: The primary purpose of county departments shall be to protect children. To achieve this primary purpose, the county departments shall, in accordance with rules and regulations of Division of Family and Children Services of the Department of Human Services: (1) Investigate reports of abuse and neglect; (2) Assess, promote, and support the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse or neglect; (3) Work cooperatively with law enforcement regarding reports that include criminal conduct allegations; and (4) Without compromising child safety, coordinate services to achieve and maintain permanency on behalf of the child, strengthen the family, and provide prevention, intervention, and treatment services pursuant to this title. New O.C.G.A. § 49-3-9 establishes in each region a DFCS Regional Advisory Board. The purpose of the Regional Advisory Board is to improve communication and coordination between county depts of family and children services of the counties within the region and ensure consistent application of state policy. It revises O.C.G.A. § 49-5-8 by expanding the powers and duties of the Department of Human Services in the areas of preventive services; collecting and disseminating information regarding the problems of children and youth; child welfare services; regional group care facilities; regulation of child placing agencies; adoption services; and the preparation, education and training of foster parents. New O.C.G.A. § 49-5-12.2 provides that any caregiver or other entity under contract with the department will be immune from civil liability as a result of a caregiver's approval of the participation of a child, who is in the custody of the department in an age or developmentally appropriate activity, when they act in accordance with a reasonable and prudent parent standard. New O.C.G.A. § 49-5-24 mandates that state agencies will develop and implement a system for sharing data among state agencies responsible for making informed decisions regarding the treatment, care, security and protection of children. The new Code contemplates a central repository for data. The agencies involved include Department of Early Care and Learning; Community Health; Public Health; Behavioral Health and Developmental Disabilities; Juvenile Justice; Education; and Georgia Crime Information Center. It also provides that non-governmental entities and individuals may have access if permitted by State or Federal Law. O.C.G.A. § 49-5-41 is revised to list who may have access to the data.

The Bill enacts a new Article 8 which revises the old article relating to the child abuse registry (O.C.G.A. § 49-5-180). O.C.G.A. § 49-5-182 requires that an abuse investigator conducting an investigation under O.C.G.A. § 19-7-5, who finds that an allegation is substantiated, must notify the division within 30 days of the determination if the perpetrator is 13 years or older. The Code section also provides a list of information which must be provided to the division. Further, a prosecutor must notify the division within 30 days of receipt of a sentence for a convicted child abuser. The notice from the prosecutor may be received electronically. The Code section also enumerates what must be included by the prosecutor: 1) certified copy of sentence; 2) history of conviction (indictment/accusation); 3) name, age, sex, race, social security number, and birth date of the victim; 4) name, age, sex, race, social security number and birth date of parents, caretaker or custodian of victim. O.C.G.A. § 49-5-183 requires that the division upon receiving an investigator's report substantiating abuse and naming an alleged child abuser shall: 1) include the name of the alleged child abuser in the child abuse registry; 2) mail the alleged abuser

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notice regarding the determination and his/her right to a hearing to appeal the determination, the procedure, right to legal counsel, and the right to present evidence. O.C.G.A. § 49-5-185 provides a list of entities and individuals who are permitted access to, or can be provided information from, the child abuse registry.  
<http://www.legis.ga.gov/Legislation/20152016/153954.pdf>

**SB 148 Commerce and Trade; transfer powers and responsibilities of Governor's Office of Consumer Affairs to Attorney General's office**

Sponsor: Kennedy, John 18th  
Governor approved 5/6/15; effective 7/1/15.

SB 148 transfers the Office of Consumer Affairs from the Governor's office to the Attorney General by making the latter the head of the office. It gives the Attorney General the authority to prosecute criminal cases that are investigated by the Office of Consumer Affairs or to refer them to a local prosecuting attorney.  
<http://www.legis.ga.gov/Legislation/20152016/152987.pdf>

**SB 160 Alcoholic Beverages; revise penalties for a violation of Code Section 3-3-23**

Sponsor: Williams, Michael 27th  
Governor approved 5/6/15; effective 7/1/15.

SB 160, Section 1, amends Article 2 of Chapter 3 of Title 3 by revising subsection (d) and (e) of O.C.G.A. § 3-3-23.1 requiring law enforcement to arrest by citation any person accused of violating paragraph (2), (3) or (5) of section (a) of O.C.G.A. § 3-3-23. If the person poses a threat to himself or others the officer may effect a custodial arrest. If the person has a license or permit the officer may seize it to ensure the accused's appearance in court.

Section 1A amends Article 2 of Chapter 11 of Title 16 by adding new O.C.G.A. § 16-11-46.1 to prohibit the identification of a minor in an obscene depiction or to electronically impose the facial features of a minor in an obscene depiction.  
<http://www.legis.ga.gov/Legislation/20152016/154013.pdf>

**SB 175 Animal Protection; require inspection of certain animals entering into the state**

Sponsor: Black, Ellis 8th  
Governor approved 5/12/15; effective 7/1/15.

SB 175 amends O.C.G.A. § 4-11-11 to require that any equine, livestock, bird, cold-blooded animal, or rodent that is brought into Georgia must have an official interstate or international certificate of veterinary inspection. Under current law, those animals were exempt. It also makes it unlawful to bring any other type of animal into Georgia if the Agriculture Commissioner has determined that the animal poses a significant risk of disease to domestic animals or humans. Violations are a misdemeanor, O.C.G.A. § 4-11-16.  
<http://www.legis.ga.gov/Legislation/20152016/153993.pdf>

**SB 190 Bona Fide Coin Operated Machines; provide certain definitions; license fees and requirements for manufacturers and distributors**

Sponsor: Miller, Butch 49th  
Approved by the Governor 4/8/15; effective 7/1/15.

SB 190 makes numerous amendments to Article 3 of Chapter 27 of Title 50 relating to bona fide coin operated amusement machines (§50-27-70 et seq.). The changes primarily relate to fees governing master licensees,

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manufacturer, distributors and location owners. O.C.G.A. § 50-27-73(e) is amended, effective July 1, 2015, to allow the Lottery Corp. to issue up to 220 Class B master licenses through a competitive bidding process. O.C.G.A. § 50-27-103(d) to provide a procedure for disputes under the Code section and requires the corporation to adopt rules and regulations in this regard with the Bona Fide Coin Operated Amusement Machine Operator Advisory Board.

<http://www.legis.ga.gov/Legislation/20152016/154010.pdf>

**SB 194      Pharmacists and Pharmacies; certain provisions shall not apply; facility engaged solely in the distribution of dialysate, drugs; patients with end stage renal disease**

Sponsor:     Jeffares, Rick 17th

Governor approved 5/5/15; effective 7/1/15.

SB 194 creates new O.C.G.A. § 26-4-6 to provide that under certain enumerated conditions, the Georgia Pharmacy Practice Act shall not apply to a facility engaged solely in the distribution of dialysate, drugs or devices necessary to perform home kidney dialysis to patients with end stage renal disease. The Bill also amends O.C.G.A. § 26-4-80(f) relating to the dispensing of prescription drugs to allow a pharmacist to refill a prescription for topical ophthalmic products without authorization at 70% of the predicted days of use or at the patient's request, to allow a practitioner to authorize refills earlier than 70% of the predicted days of use.

<http://www.legis.ga.gov/Legislation/20152016/154039.pdf>

**SB 195      Bonds and Recognizances; increase fees allowed for continuing education programs**

Sponsor:     Williams, Michael 27th

Governor approved 5/6/15; effective 7/1/15.

SB 195 relates to bonds and recognizances. Section 1 increase the maximum amount that can be charged for continuing education programs that bondsmen must attend to \$250 annually. Section 2 adds "issue a bench warrant for the principal's arrest" language to O.C.G.A. § 17-6-71 when the principal fails to appear. Section 3 simply provides that notice may be served by email.

<http://www.legis.ga.gov/Legislation/20152016/154028.pdf>

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### *Part 3 - Laws Effective Later Than 7/1/15.*

**HB 67      Milledgeville-Baldwin County; provide for unified government; provisions**

Sponsor:     Kidd, E. Culver "Rusty" 145th

Governor approved 5/5/15; requires a referendum; effective 6 months after referendum passes.

HB 67 is local legislation that would consolidate the city of Milledgeville and Baldwin County into a unified government, if the voters of both jurisdictions approve the consolidation in a referendum. Although drafted as local legislation, it contains provisions that would affect the superior court, state court, and imposes new duties on the district attorney and solicitor-general.

<http://www.legis.ga.gov/Legislation/20152016/148678.pdf>

**HB 278      Public Employee Hazardous Chemical Protection and Rights to Know Act of 1988; transfer responsibility to Safety Fire Commissioner; provisions**

Sponsor:     Clark, David 98th

Governor approved 5/6/15; effective 1/1/16.

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HB 278 transfers responsibility for the “Public Employee Hazardous Chemical Protection and Right to Know Act of 1988,” which is found in Chapter 22 of Title 45, to the Safety Fire Commissioner (a/k/a the State Insurance Commissioner). It is of interest only because state officials, including DAs & S-Gs, are required to post a notice about this law in the workplace.

<http://www.legis.ga.gov/Legislation/20152016/153409.pdf>

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### *Part 4 - State Constitutional Amendments.*

**SR 7      Safe Harbor for Sexually Exploited Children Fund; provide that General Assembly by law may impose additional penalties or fees for the offenses- CA**

Sponsor:     Unterman, Renee 45th

Governor approved 5/12/15; effective if ratified in 2016.

SR 7 proposes a Constitutional Amendment allowing the imposition of additional penalties for persons convicted of sexual offenses such as pandering, keeping a place of prostitution trafficking of persons for sexual servitude, sexual exploitation of children, and masturbation for hire. It would allow for funds collected from these fines to be allocated into the Safe Harbor for Sexually Exploited Children Fund. These funds would be used to provide rehabilitative services to child victims of sexual exploitation. It is the companion to SB 8.

<http://www.legis.ga.gov/Legislation/20152016/153974.pdf>

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### *Part 5 - Resolutions Creating Study Committees*

**HR 641     House Study Committee on Children's Mental Health; create**

Sponsor:     Dempsey, Katie 13th

Effective upon appointment of committee.

HR 641 is a resolution that creates the House Study Committee on Children's Mental Health.

<http://www.legis.ga.gov/Legislation/20152016/152082.pdf>

**HR 744     House Study Committee on the Use of Drones; create**

Sponsor:     Tanner, Kevin 9th

Effective upon appointment of members.

<http://www.legis.ga.gov/Legislation/20152016/152339.pdf>

**HR 829     House Welfare Fraud Study Committee; create**

Sponsor:     Clark, David 98th

Effective upon appointment of members.

HR 829 creates a welfare fraud study committee.

<http://www.legis.ga.gov/Legislation/20152016/152621.pdf>

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*Part 6 - Miscellaneous*

- HR 282**      **Georgia Bureau of Investigation Internet Crimes Against Children Task Force and the Human Trafficking component of the task force; commend and invite to House**  
Sponsor:     Taylor, Darlene 173rd  
  
<http://www.legis.ga.gov/Legislation/20152016/147437.pdf>
- HR 336**      **Domestic Minor Sex Trafficking Awareness Day at the capitol; February 12, 2015; recognize**  
Sponsor:     Welch, Andrew 110th  
  
<http://www.legis.ga.gov/Legislation/20152016/147681.pdf>
- HR 635**      **Law Enforcement Appreciation Day at the capitol; March 18, 2015; commend**  
Sponsor:     Powell, Alan 32nd  
  
<http://www.legis.ga.gov/Legislation/20152016/150879.pdf>
- SR16**        **Global Summit to End Sexual Violence in Conflict; reaffirming shared commitment of U.S. and United Kingdom to end sexual violence globally**  
Sponsor:     Unterman, Renee 45th  
  
<http://www.legis.ga.gov/Legislation/20152016/145388.pdf>
- SR176**      **Domestic Minor Sex Trafficking Awareness Day; recognize February 12, 2015**  
Sponsor:     Unterman, Renee 45th  
  
<http://www.legis.ga.gov/Legislation/20152016/147116.pdf>
- SR 454**      **Law Enforcement Appreciation Day; recognize March 18, 2015**  
Sponsor:     Harper, Tyler 7<sup>th</sup>  
  
<http://www.legis.ga.gov/Legislation/20152016/150585.pdf>
- SR 577**      **Partnership Against Domestic Violence; commend**  
Sponsor:     Shafer, David 48th  
  
<http://www.legis.ga.gov/Legislation/20152016/152047.pdf>
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*Part 7 - Vetoed Bills*

- HB 86**        **Social services; provide for transfer of the Division of Aging Services to the Georgia Adult and Aging Services Agency; provisions**  
Sponsor:     Benton, Tommy 31st

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Governor vetoed 5/12/15 (Veto # 3)

HB 86 would have transferred the Division of Aging Services from the Department of Human Services to the Georgia Adult and Aging Services Agency which is attached to the Dept. of Community Health.  
<http://www.legis.ga.gov/Legislation/20152016/152291.pdf>

**SB 76 "Motorcycle Mobility Safety Act"; safe operation of a motorcycle; inoperative traffic-control signal**  
 Sponsor: Jackson, Bill 24th  
 Governor vetoed 5/12/15 (Veto # 1)

SB 76 would have revised O.C.G.A. § 40-6-20 to allow for motorcycles to proceed through intersections controlled by traffic-control devices if the device is inoperative due to the design of the motorcycle if there is no other vehicle within 500 feet and the driver proceeds cautiously. It also would have revised O.C.G.A. § 40-6-91 by requiring a vehicle to stop and allow a pedestrian to cross the roadway when a rapid flash beacon was activated. Finally it would have changed O.C.G.A. § 40-6-314 to end the restriction on handlebars more than 15 inches higher than the seat on the motorcycles. <http://www.legis.ga.gov/Legislation/20152016/153819.pdf>

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