

Final Legislative Alert # 7

April 11, 2008

Status	Bill#	Author(s)	Title and/or Summary	GACP Comments
* Passed, now awaiting the Governor's signature.	HB 77	Representatives: Loudermilk, Barry 14th; Scott, Martin 2nd; Franklin, Bobby 43rd; Lunsford, John 110th; Mumford, Robert 95th; and Byrd, Charlice 20th.	Motor vehicles; traffic-control signal monitoring devices (Red light cameras) http://www.legis.ga.gov/legis/2007_08/versions/hb77_HB_77_AP_26.htm This bill was changed numerous times. GACP suggest that everyone click on the link above to read the final version that passed the legislature. This bill will require a permit from the Department of Transportation for the use of a traffic-control signal monitoring device; provides for review of permits by the department; provides for use of a certified peace officer to swear to a traffic light violation; provides for an engineering study; provides for changing timing of the intersection clearance interval; provides for reports to the Department of Transportation; provides for disposition of funds collected through use of traffic-control signal monitoring devices; and provides for an administrative review of denied, suspended, or revoked permits.	
* Passed, now awaiting the Governor's signature.	HB 89	Representatives: Bearden, Timothy 68th, Horne, Billy 71st, Hatfield, Mark 117th, Maddox, Gene 172nd and Smith, Tommy 168th.	Firearms possession http://www.legis.ga.gov/legis/2007_08/versions/hb89_HB_89_CCR_13.htm There have been many changes since the original bill was filed in the House. GACP suggest that everyone click on the link to read the final version that passed the legislature. This legislation authorizes the carrying of concealed firearms on public transit, in restaurants that serve alcohol, all parks (however, "a person shall not carry a firearm into a place prohibited by federal law."), allows for firearms to be located anywhere in a vehicle, arms constables in courthouses, shortens the timeframe for Probate Judges to issue concealed weapons permits, and removes prohibitions on allowing firearms in employee parking lots unless the employer specifically objects.	See HB 257. Also see HR 1305 and SR 819.
* Passed, now awaiting the Governor's signature.	HB 257	Representatives: Yates, John 73 rd and Knight, David 126 th .	Firearms; public gatherings; allow constables to carry weapons Final link has not been posted. This bill allows constables to carry firearms in publicly owned or operated buildings. Also allows constables to carry firearms in schools.	See HB 89.

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* Passed, now awaiting the Governor's signature.	HB 301	Representatives: Reese, Bobby 98th; Knight, David 126th; Roberts, Jay 154th; Williams, Al 165th; Jacobs, Mike 80th; and Maddox, Gene 172nd.	Dogfighting prohibition http://www.legis.ga.gov/legis/2007_08/versions/hb301_HB_301_AP_13.htm (See SB 16 also.) This bill was also modified numerous times. Click on the link above to read the final version that passed the legislature. This bill provides for increased penalties for dogfighting. The bill addresses person who possess, train, transport, or sells dogs for this purpose. Additional penalties for person that wager on these events and for attending the events.	See also SB 16.
* Passed, now awaiting the Governor's signature.	HB 333	Representatives: Starr, Wade of the 78th; Talton, Willie of the 145th; Lunsford, John of the 110th; and Glanton, Mike of the 76th.	Destruction and/or sale of weapons used in the commission of a crime or delinquent act http://www.legis.ga.gov/legis/2007_08/versions/hb333_Sen_floor_amend_1_AM_25_1106_3.htm Requires the proceeds from the sale of weapons or devices confiscated by a State law enforcement agency to be paid into the State treasury and proceeds from the sale of items confiscated by local law enforcement agencies to go into the county or city treasury.	
* Passed, now awaiting the Governor's signature.	HB 336	Representatives: Levitas, Kevin 82nd; Bearden, Timothy 68th; Talton, Willie 145th; Bridges, Ben 10th; Chambers, Jill 81st; and Oliver, Mary 83rd.	Driving under the influence; mandatory sentences http://www.legis.ga.gov/legis/2007_08/versions/hb336_Sen_ctee_sub_LC_29_3406S_10.htm This bill also had many changes; consequently, GACP suggest that everyone click on the link above to read the final version that passed. Fourth conviction is now a felony. This bill increases the penalty for driving impaired, limits parole and early release (earn time credit) for person convicted of driving under the influence. Change certain provisions relating to clinical evaluations and substance abuse treatment programs for certain offenders; changes certain provisions relating to reinstatement of licenses suspended for driving under the influence of alcohol or drugs and red stripe on licenses of repeat offenders. Revises the definition of the term felony.	

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* Failed.	HB 915	Representatives: Bearden, Timothy 68th; Horne, Billy 71st; Jerguson, Sean 22nd; Franklin, Bobby 43rd; Everson, Melvin 106th; and Rice, Tom 51st.	<p>2nd Amendment Protection Act of 2008 http://www.legis.ga.gov/legis/2007_08/versions/hb915_LC_28_3829_a_3.htm</p> <p>Although this bill failed, HB 89 passed. Many of the provisions of this bill were incorporated into HB 89.</p> <p>Allows for persons to transport loaded firearms anywhere inside a motor vehicle. Also allows person with firearms license greater liberty as to where they may carry a firearm. For firearms license holders, most of the "public gathering" restrictions related to firearms possession are removed (including private schools, churches, political rallies, bars, etc.). Includes Bloomberg Amendment. Provides timeframes for issuing firearms license. Allows firearms in parks, historical sites and recreational areas with firearms license. Some parts of this legislation have been incorporated into HB 89.</p>	See HB 89.
* Failed.	HB 924	Representatives: Everson, Melvin 106th; Rice, Tom 51st; Collins, Doug 27th; Talton, Willie 145th; and Cox, Clay 102nd.	<p>Billy Foulke Teenage Seatbelt Safety Act http://www.legis.ga.gov/legis/2007_08/versions/hb924_LC_29_3316S_hs_5.htm</p> <p>This bill relates to use of seatbelts in passenger vehicles by teenagers (15-19 year olds). Increase the penalties for teenage drivers convicted of multiple seatbelt violations. Penalties include the suspension of driver's licenses for second and subsequent convictions.</p>	
* Passed, now awaiting the Governor's signature.	HB 978	Representative Mills, James 25th	<p>Traffic accidents; seize vehicle http://www.legis.ga.gov/legis/2007_08/versions/hb978_SCSFA_to_HB_978_12.htm</p> <p>This bill was also modified numerous times. Be certain to click on the link above to read the final version that passed the legislature.</p> <p>This bill provides that any motor vehicle that is being operated by a person without a license shall be subject to removal; provides for exceptions; provides for return of the vehicle; and provides for fines. This bill also has a provision that the vehicle "shall be released to the owner, or the owner's spouse, child, or parent upon proof of relationship to the owner, such person displaying an unexpired driver's license, and such person's compliance with the other applicable provisions of Chapter 11 of this title."</p>	

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* Passed, now awaiting the Governor's signature.	HB 983	Representatives: Collins, Doug 27th; Martin, Charles 47th; Day, Burke 163rd; Talton, Willie 145th; Sellier, Tony 136th; and Bridges, Ben 10th.	<p>Out-of-state law enforcement officers; arrest certain offenders http://www.legis.ga.gov/legis/2007_08/versions/hb983_HB_983_AP_4.htm</p> <p>This will allow law enforcement officers from Alabama, Florida, North Carolina, South Carolina, or Tennessee to continue "fresh pursuit" into Georgia and make arrest in felony cases and vice versa. Without this legislation, out-of-state law enforcement agencies have no real authority to make arrest.</p> <p>This bill also states that the above mentioned States must enacted a provision similar to this relating to the arrest and custody of a person pursued into a neighboring state.</p>	
* Failed	HB 997	Representatives: Benfield, Stephanie 85th; Ralston, David 7th; Mumford, Robert 95th; Mangham, Randal 94th; Levitas, Kevin 82nd; and Hatfield, Mark 177th.	<p>Witness Identification Accuracy Enhancement Act http://www.legis.ga.gov/legis/2007_08/versions/hb997_LC_29_3128S_hs_4.htm</p> <p>The legislation will require agencies to adopt written policies for "showups, photographic lineups, or physical lineups." On and after July 1, 2011, this legislation will require all photographic lineups and physical lineups to be conducted by peace officers that have successfully completed in-service training regarding this topic. Agencies will be required to have written procedures for witness identification.</p>	
* Passed, now awaiting the Governor's signature.	HB 1027	Representatives: Rice, Tom 51st; Roberts, Jay 154th; Bearden, Timothy 68th; Floyd, Johnny 147th; and Bulloch, John 11th.	<p>Defensive driving courses; alcohol or drug programs http://www.legis.ga.gov/legis/2007_08/versions/hb1027_HB_1027_CCR_16.htm</p> <p>Click on the link above to see the final version that the Conference Committee drafted.</p> <p>This bill relates to persons completing defensive driving course or alcohol or drug program, so as to provide for approval of classroom, Internet, or other technology based driver improvement clinics' curriculums; to provide for certificates of completion; to delete references to advanced defensive driving courses.</p>	
* Failed.	HB 1071	Representatives: Sims, Chuck 169th; Lewis, Jeff 15th; and Lunsford, John 110th.	<p>Tasers; knowingly remove or attempt to remove from certain persons http://www.legis.ga.gov/legis/2007_08/versions/hb1071_LC_38_0526_a_2.htm</p> <p>Adds "Tasers" to the list of items that it is "unlawful to knowingly remove or attempt to remove a taser from certain persons."</p>	

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* Failed.	HB 1118	Representatives: Hugley, Carolyn 133rd; Williams, Al 165th; Watson, Stan 91st; Smyre, Calvin 132nd; Thomas, Mable 55th; Abdul- Salaam, Roberta 74th.	Law enforcement officers and agencies; peace officers http://www.legis.ga.gov/legis/2007_08/fulltext/hb1118.htm This bill provide that “a law enforcement agency may receive and investigate complaints from any peace officer concerning the possibility of unlawful activity on the part of another peace officer; to prohibit the disclosure of identity; to provide that no law enforcement agency shall retaliate against a peace officer for disclosing suspected unlawful activity; to provide for legal remedy...”	
* Failed.	HB 1148	Representatives: Jackson, Lester 161st; Gordon, J. Craig 162nd; Williams, Al 165th; Mitchell, Billy 88th; Heard, Keith 114th; and Heckstall, Joe 62nd.	Invasions of privacy; warrant; telecommunication device http://www.legis.ga.gov/legis/2007_08/fulltext/hb1148.htm This bill provides that under certain conditions a court may issue an investigation warrant requiring a telecommunication company to provide the location of a telecommunication device; to provide for the scope of such warrant; to provide for immunity; and to repeal conflicting laws.	
* Failed.	HB 1224	Representatives: Willard, Wendell 49th; Cole, Jim 125th; Oliver, Mary 83rd; Lindsey, Edward 54th.	Delinquent and unruly children; disposition http://www.legis.ga.gov/legis/2007_08/fulltext/hb1224.htm This bill will “change provisions relating to disposition of delinquent children; to provide for the Department of Juvenile Justice to establish and operate a probation sanctions program for children charged with violations of probation...”	See HB 1225.
* Failed.	HB 1225	Representatives: Willard, Wendell 49th; Cole, Jim 125th; Oliver, Mary 83rd; Lindsey, Edward 54th.	Juvenile proceedings; interim control or detention http://www.legis.ga.gov/legis/2007_08/fulltext/hb1225.htm This bill relates to “to arrest and detention in juvenile proceedings, so as to change provisions relating to when interim control or detention of accused children is permitted; to provide for legislative findings; to provide for use of a risk assessment instrument for purposes of determining secure detention...” This bill will reduce the amount of time a juvenile can be held in a security facility pending prosecution.	See HB 1224.

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* Passed.	HR 1071	Representatives: Benfield, Stephanie 85th; Ralston, David 7th; Mumford, Robert 95th; Mangham, Randal 94th; Levitas, Kevin 82nd; and Hatfield, Mark 177th.	House Study Committee on Eyewitness Identification Procedures To read the complete Resolution, click on the link: http://www.legis.ga.gov/legis/2007_08/versions/hr1071_LC_29_3144S_hs_4.htm	See HB 997.
* Passed.	HR 1305	Representatives: Bearden, Timothy 68th; Jerguson, Sean 22nd; Franklin, Bobby 43rd; Everson, Melvin 106th; England, Terry 108th; and Byrd, Charlice 20th.	House Comprehensive Firearms Law Study Committee http://www.legis.ga.gov/legis/2007_08/versions/hr1305_LC_29_3439S_hs_4.htm This Resolution establishes a House Committee to “undertake a study of Georgia’s firearms laws generally and the application of these laws to Georgia’s peaceable and law-abiding citizens to ensure that constitutional rights, the right of self-defense, and public safety are properly protected and that persons involved in the firearms licensing process are treated fairly and equitably. The committee shall make recommendations for changes in legislation.”	See SR 819.
* Failed.	SB 21	Senators: Douglas, John 17th; Whitehead, Sr., Jim 24th; Murphy, Jack 27th; Goggans, Greg 7th; Staton, Cecil 18th; and others.	Crimes; person convicted of murder against peace officer, corrections employee, or firefighter; official duties; change punishment http://www.legis.ga.gov/legis/2007_08/fulltext/sb21.htm This bill states that a person convicted of the offense of murder committed against any peace officer, corrections employee, or firefighter while engaged in the performance of his or her official duties shall be punished by death or by imprisonment for life without parole.	

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* Failed.	SB 125	Senators: Chance, Ronnie 16th; Staton, Cecil 18th; Whitehead, Sr., Jim 24th; Reed, Kasim 35th; Heath, Bill 31st; and Carter, Joseph 13th.	“Super Speeder” speed restrictions; instruments charging violations of speed regulations; specify two-lane or highway http://www.legis.ga.gov/legis/2007_08/versions/sb125_LC_35_0895S_hss_7.htm This bill allows for an additional civil fine to be levied on the violator if their speed exceeds more than 25 MPH over the posted speed limit. That civil fine money is earmarked for Trauma Care.	
* Failed.	SB 259	Senators: Fort, Vincent 39th and Mullis, Jeff 53rd.	Warrants; issuance of search warrants by judicial officers - No knock warrants http://www.legis.ga.gov/legis/2007_08/versions/sb259_As_passed_Senate_7.htm “No search warrant shall be issued which contains a no-knock provision unless the affidavit or testimony supporting the warrant establishes by probable cause that if an officer were to knock and announce identity and purpose before entry, such act of knocking and announcing would likely pose a significant and imminent danger to human life or imminent danger of evidence being destroyed.”	
* Failed.	SB 290	Senators: Heath, Bill 31st; Pearson, Chip 51st; Powell, J. 23rd; Wiles, John 37th; Mullis, Jeff 53rd; and Carter, Joseph 13th.	Georgia Aviation Authority Act http://www.legis.ga.gov/legis/2007_08/versions/sb290_LC_35_0642S_hss_5.htm This bill would create an Authority to acquire, operate, maintain, house, and dispose of all state aviation assets, to provide aviation services and oversight of state aircraft and aviation operations.	
* Failed.	SB 335	Senators: Douglas, John 17th; Schaefer, Nancy 50th; Hill, Judson 32nd; and Hawkins, Lee 49th	State Agencies; designate English as official language; prohibit requiring employees to speak/learn any other languages for employment http://www.legis.ga.gov/legis/2007_08/versions/sb335_Committee_sub_LC_35_0826S_4.htm	

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* Failed.	SB 339	Senators: Hill, Judson 32nd; Heath, Bill 31st; Mullis, Jeff 53rd; Goggans, Greg 7th; Rogers, Chip 21st; Douglas, John 17th; and others	<p>Firearms; valid licenses; authorized to possess/carry in state parks, historic sites; hunting; general provisions http://www.legis.ga.gov/legis/2007_08/fulltext/sb339.htm</p> <p>The intent of this legislation was incorporated into HB 89. Although this bill failed, HB 89 passed.</p>	See HB 89.
* Passed, now awaiting the Governor's signature.	SB 340	Senators: Pearson, Chip 51st; Rogers, Chip 21st; Johnson, Eric 1st; Williams, Tommie 19th; Shafer, David 48th; and Seabaugh, Mitch 28th.	<p>Counties; municipal corporations; prohibit sanctuary policies by local government http://www.legis.ga.gov/legis/2007_08/versions/sb340_Sen_floor_amend_AM_29_0734ER_7.htm http://www.legis.ga.gov/legis/2007_08/versions/sb340_LC_29_3429S_hss_6.htm</p> <p>This bill prohibits local governments, whether acting through its governing body or by an initiative, referendum, or any other process, from enacting, adopting, implementing or enforcing any sanctuary policy.</p>	
* Passed, now awaiting the Governor's signature.	SB 350	Senators: Wiles, John 37th; Rogers, Chip 21st; Seabaugh, Mitch 28th; Murphy, Jack 27th; Johnson, Eric 1st; and Thomas, Don 54th.	<p>Drivers' Licenses; requirement; driving without a valid license http://www.legis.ga.gov/legis/2007_08/versions/sb350_LC_29_3369S_hss_5.htm</p> <p>This bill makes driving without a license a felony after four convictions.</p>	See SB 488 and HB 978.
* Failed.	SB 354	Senators: Carter, Joseph 13th and Chance, Ronnie 16th.	<p>Motor Vehicles; provide another basis for first degree vehicular homicide. http://www.legis.ga.gov/legis/2007_08/fulltext/sb354.htm</p> <p>This bill provides for additional sanctions when drivers fail to "move over" and other purposes.</p>	

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* Failed.	SB 356	Senator Henson, Steve 41st.	<p>Fines and Forfeitures; county treasuries; provide for payment of certain moneys arising from traffic fines; motorcycle enforcement program http://www.legis.ga.gov/legis/2007_08/fulltext/sb356.htm</p> <p>This bill provides that fines generated from the enforcement activities of motorcycle divisions of campus police to be kept by the campus police. The fine money would have otherwise have gone to the local government whose court adjudicates the case. This bill follows the precedent set last year by legislation that allows the same fine diversion for the motorcycle divisions of the GSP.</p>	
* Passed, now awaiting the Governor's signature.	SB 373	Senators: Murphy, Jack 27th; Grant, Johnny 25th; Mullis, Jeff 53rd; Rogers, Chip 21st; and Douglas, John 17th.	<p>Peace Officers; emergency suspension of a peace officer's certification under circumstances http://www.legis.ga.gov/legis/2007_08/versions/sb373_AP_6.htm</p> <p>"Upon arrest or indictment of a peace officer for any crime which is punishable as a felony, the Executive Director of the POST Council shall order the emergency suspension of such officer's certification upon the Executive Director's determination that the suspension is in the best interest of the health, safety, or welfare of the public."</p>	
* Failed.	SB 394	Senators: Unterman, Renee 45th; Wiles, John 37th; Cowser, Bill 46th; Hamrick, William 30th; Seabaugh, Mitch 28th; and Murphy, Jack 27th.	<p>Traffic-Control Signal Monitoring Devices; send portion of funds generated to trauma care network (Red light cameras) http://www.legis.ga.gov/legis/2007_08/fulltext/sb394.htm</p> <p>"Penalties collected under the provisions of this article, less any costs incurred for acquisition, installation, maintenance, and operation of the traffic-control signal monitoring devices, and less 50 percent of the remaining money to be retained by the county or municipality, to be used to fund a trauma care system in Georgia. The Office of Treasury and Fiscal Services shall separately account for all of the moneys received under the provisions of this Code section."</p>	
* Passed, now awaiting the Governor's signature.	SB 430	Senators: Hamrick, William 30th; Hill, Judson 32nd; Mullis, Jeff 53rd; and Pearson, Chip 51st.	<p>DNA; Georgia Bureau of Investigation include information in database/compare to samples collected from evidentiary materials http://www.legis.ga.gov/legis/2007_08/versions/sb430_SB_430_HRCSFA_7.htm</p> <p>This bill allows GBI to "compare a DNA profile obtained from the analysis of a sample lawfully obtained from a suspect who has been arrested for a felony offense to DNA profiles obtained from samples collected from evidentiary materials."</p>	

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* Failed.	SB 448	Representative Harbison, Ed 15th.	<p>Peace Officer; procedure for indictment for crimes in the performance of his/her duties http://www.legis.ga.gov/legis/2007_08/fulltext/sb448.htm</p> <p>This legislation would require “if the peace officer is charged with any crime involving the death of another human being, the peace officer shall be subject to cross examination at an appearance before the grand jury.”</p>	
* Passed.	SR 819	Senators: Seabaugh, Mitch 28th; Murphy, Jack 27th; Rogers, Chip 21st; Hudgens, Ralph 47th; Moody, Dan 56th; and Hill, Jack 4th.	<p>Senate Comprehensive Firearms Law Study Committee http://www.legis.ga.gov/legis/2007_08/versions/sr819_Adopted_Senate_3.htm</p> <p>This Resolution establishes a Senate Committee to “undertake a study of Georgia’s firearms laws generally and the application of these laws to Georgia’s peaceable and law-abiding citizens to ensure that constitutional rights, the right of self-defense, and public safety are properly protected and that persons involved in the firearms licensing process are treated fairly and equitably. The committee shall make recommendations for changes in legislation ... and shall recommend any other action or make such report which the study committee deems appropriate.”</p>	See HR 1305.

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