

Legislative Alert # 4
February 28, 2008

Status	Bill#	Author	Title and/or Summary	GACP Comments
<p align="center">*</p> <p>Passed the House. Senate Public Safety Committee favorably reported a substitute bill on 2/22/08.</p>	<p align="center">HB 77</p>	<p>Representatives: Loudermilk, Barry 14th; Scott, Martin 2nd; Franklin, Bobby 43rd; Lunsford, John 110th; Mumford, Robert 95th; and Byrd, Charlice 20th.</p>	<p>Motor vehicles; traffic-control signal monitoring devices (Red light cameras) http://www.legis.ga.gov/legis/2007_08/versions/hb77_Sen_ctee_sub_LC_35_0861S_9.htm This bill will 1) require a traffic engineering study to be completed before a red light camera can be installed; 2) require cities to obtain a permit from DOT before installing an automated camera; 3) allow DOT to charge permit application fees to cities desiring to install an automated system; 4) require existing cameras to comply with DOT requirements; 5) require the city to file a report annually with DOT and stipulates that failure to do so will result in any revenue generated by the camera being deposited in the state treasury; and 6) require DOT to investigate complaints and would allow the state to recover attorneys fees against cities accrued in obtaining injunctive relief.</p>	<p>Most GACP members would like this bill to die.</p> <p>NOTE: GMA also opposes this legislation.</p>
<p align="center">*</p> <p>House Conference Committee appointed on 2/1/08. Senate Conference Committee appointed on 2/5/08.</p>	<p align="center">HB 89</p>	<p>Representatives: Bearden, Timothy 68th, Horne, Billy 71st, Hatfield, Mark 117th, Maddox, Gene 172nd and Smith, Tommy 168th.</p>	<p>Firearms possession http://www.legis.ga.gov/legis/2007_08/versions/hb89_House_Amend_to_Sen_Sub_11.htm To fully understand the legislation, GACP suggest that everyone read the complete Senate substitute. There have been many changes since the original bill was filed in the House. The original bill, as well as the substitute passed by the Senate on 1-17-08, allows for firearms to be kept anywhere in a vehicle by any person who could obtain a firearms license. In addition, that version of the bill allows license holders to have their firearms in their vehicle despite the objection of the land owner (parking lots); provides tight timeframes for the probate judges to issue the firearms license; and allows firearms in parks, historical sites, and recreational areas. It also provides penalties for persons, who attempt to solicit, persuade, encourage or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer (Bloomberg Amendment). However, an amendment to the bill by the House on 1-31-08 would now allow firearms at many public gatherings such as; churches, bars, K-12 sporting events, public transportation systems such as MARTA, and many other locations.</p>	<p>GACP continues to oppose this legislation for many reasons including officer safety. Some of the amendments to this bill make it extremely harmful to the tranquility of society.</p>
<p align="center">*</p> <p>Senate Agriculture & Consumer Affairs Committee favorably reported on 2/1/08.</p>	<p align="center">HB 301 (Cross Reference SB 16)</p>	<p>Representatives: Reese, Bobby 98th; Knight, David 126th; Roberts, Jay 154th; Williams, Al 165th; Jacobs, Mike 80th; and Maddox, Gene 172nd.</p>	<p>Dogfighting prohibition http://www.legis.ga.gov/legis/2007_08/versions/hb301_Sen_ctee_sub_LC_25_5118S_9.htm (See SB 16 also.) The House Judiciary Non-Civil Committee offered a substitute bill. 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.</p>	<p>GACP supports this legislation.</p>

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* Passed House on 2/7/08. Assigned to Senate Public Safety Committee.	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/fulltext/hb333.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.	Sounds reasonable.
* House withdrawn and recommitted on 2/26/08.	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_LC_29_3200S_hs_6.htm 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.	GACP supports this legislation.
* Assigned to House Committee on Judiciary Non-Civil.	HB 915	Representatives: Bearden, Timothy 68th; Horne, Billy 71st; Jerguson, Sean 22nd; Franklin, Bobby 43rd; Everson, Melvin 106th; and Rice, Tom 51st.	2nd Amendment Protection Act of 2008 http://www.legis.ga.gov/legis/2007_08/versions/hb915_LC_28_3829_a_3.htm 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 (see HB 89 above). 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.	GACP is very concerned about allowing firearms at "public gatherings" as well as other parts of this bill.
* Assigned to House Committee on Judiciary Non-Civil.	HB 924	Representatives: Everson, Melvin 106th; Rice, Tom 51st; Collins, Doug 27th; Talton, Willie 145th; and Cox, Clay 102nd.	Billy Foulke Teenage Seatbelt Safety Act http://www.legis.ga.gov/legis/2007_08/versions/hb924_LC_34_1419_a_3.htm 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.	GACP supports this legislation.

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* Passed the House on 02/27/08. Now it moves to the Senate.	HB 978	Representative Mills, James 25th	Traffic accidents; illegal immigrants; seize vehicle http://www.legis.ga.gov/legis/2007_08/versions/hb978_LC_28_4087S_hs_4.htm This bill states "any motor vehicle that is involved in an accident while being operated by a person who is not legally in this country is declared to be contraband and subject to forfeiture to the state..."	No comment.
Assigned to the House Rules Committee on 2/6/08.	HB 983	Representatives: Collins, Doug 27th; Martin, Charles 47th; Day, Burke 163rd; Talton, Willie 145th; Sellier, Tony 136th; and Bridges, Ben 10th.	Out-of-state law enforcement officers; arrest certain offenders http://www.legis.ga.gov/legis/2007_08/fulltext/hb983.htm This will allow law enforcement officers from neighboring states 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. NOTE: According to GSP, Georgia and Alabama are the only two states in our region without such a law.	GACP supports this legislation.
* House Rules Committee.	HB 997	Representatives: Benfield, Stephanie 85th; Ralston, David 7th; Mumford, Robert 95th; Mangham, Randal 94th; Levitas, Kevin 82nd; and Hatfield, Mark 177th.	Witness Identification Accuracy Enhancement Act http://www.legis.ga.gov/legis/2007_08/versions/hb997_LC_29_3128S_hs_4.htm 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.	GACP has been very involved with this legislation. It appears an acceptable compromise has been reached. There will be some changes to existing training and some additional training requirements.

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<p>* Passed House on 2/11/08. Senate Public Safety Committee offered substitute bill and reported favorably on 2/22/08.</p>	<p>HB 1027</p>	<p>Representatives: Rice, Tom 51st; Roberts, Jay 154th; Bearden, Timothy 68th; Floyd, Johnny 147th; and Bulloch, John 11th.</p>	<p>Defensive driving courses; alcohol or drug programs http://www.legis.ga.gov/legis/2007_08/versions/hb1027_Sen_ctee_sub_LC_35_0868S_9.htm 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>	<p>No comment.</p>
<p>* Assigned to the House Committee on Judiciary Non Civil.</p>	<p>HB 1071</p>	<p>Representatives: Sims, Chuck 169th; Lewis, Jeff 15th; and Lunsford, John 110th.</p>	<p>Tasers; knowingly remove or attempt to remove from certain persons http://www.legis.ga.gov/legis/2007_08/fulltext/hb1071.htm Adds "Tasers" to the list of items that it is "unlawful to knowingly remove or attempt to remove a taser from certain persons."</p>	<p>Sounds reasonable.</p>
<p>* Assigned to House Judiciary Non Civil Committee on 2/12/08.</p>	<p>HB 1148</p>	<p>Representatives: Jackson, Lester 161st; Gordon, J. Craig 162nd; Williams, Al 165th; Mitchell, Billy 88th; Heard, Keith 114th; and Heckstall, Joe 62nd.</p>	<p>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.</p>	<p>Sounds reasonable.</p>

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* House Judiciary Non Civil Committee offered substitute bill and reported favorably on 2/6/08. Now it moves to House Rules Committee.	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 above.	See HB 997.
Assigned to Senate Committee on Judiciary. At a hearing on 1- 31-08, this bill failed to pass by a vote of 5 to 4. Unless it is redrafted, this bill is dead for this session.	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.	GACP supports this legislation.
* House Committee on Public Safety and Homeland Security.	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_As_passed_Senate_5.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.	No comment.

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* Senate Committee on Judiciary offered substitute bill and reported favorably on 2/22/08.	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_Committee_sub_LC_29_3268S_6.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."	GACP has some concerns about this legislation, since it creates a higher standard than has previously been required by the courts.
* House Committee on Public Safety and Homeland Security offered substitute bill.	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.	No comment.
* Senate Public Safety Committee offered substitute bill and reported favorably on 2/20/08.	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 NOTE: If a government is fully complying with the provisions of the already passed SB 590 (2006) then the government is exempt from the provisions of this bill.	GACP has some concern that this legislation. NOTE: GMA also opposes this legislation.
Assigned to Senate Committee on Judiciary.	SB 339	Senators: Hill, Judson 32nd; Heath, Bill 31st; Mullis, Jeff 53rd; Goggans, Greg 7th; Rogers, Chip 21st; Douglas, John 17th; and others	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 The intent of this legislation has been incorporated into HB 89.	See HB 89.

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* House Judiciary Committee.	SB 340	Senators: Pearson, Chip 51st; Rogers, Chip 21st; Johnson, Eric 1st; Williams, Tommie 19th; Shafer, David 48th; and Seabaugh, Mitch 28th.	Counties; municipal corporations; prohibit sanctuary policies by local government http://www.legis.ga.gov/legis/2007_08/versions/sb340_As_passed_Senate_4.htm 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.	No comment.
* House Judiciary Non Civil Committee.	SB 350	Senators: Wiles, John 37th; Rogers, Chip 21st; Seabaugh, Mitch 28th; Murphy, Jack 27th; Johnson, Eric 1st; and Thomas, Don 54th.	Drivers' Licenses; requirement; driving without a valid license http://www.legis.ga.gov/legis/2007_08/versions/sb350_As_passed_Senate_3.htm This bill makes driving without a license a felony after four convictions.	No comment.
Senate Committee on Judiciary.	SB 354	Senators: Carter, Joseph 13th and Chance, Ronnie 16th.	Motor Vehicles; provide another basis for first degree vehicular homicide. http://www.legis.ga.gov/legis/2007_08/fulltext/sb354.htm This bill provides for additional sanctions when drivers fail to "move over" and other purposes.	GACP supports this legislation.
Senate Rules Committee.	SB 356	Senator Henson, Steve 41st.	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 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.	GACP opposes this legislation. NOTE: GMA also opposes this legislation.

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* Passed the Senate on 2/19/08. Now it moves to the House Public Safety and Homeland Security Committee.	SB 373	Senators: Murphy, Jack 27th; Grant, Johnny 25th; Mullis, Jeff 53rd; Rogers, Chip 21st; and Douglas, John 17th.	Peace Officers; emergency suspension of a peace officer's certification under circumstances http://www.legis.ga.gov/legis/2007_08/versions/sb373_As_passed_Senate_3.htm "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."	GACP supports this legislation.
Assigned to Senate Committee on Public Safety.	SB 394	Senators: Unterman, Renee 45th; Wiles, John 37th; Cowsert, Bill 46th; Hamrick, William 30th; Seabaugh, Mitch 28th; and Murphy, Jack 27th.	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 "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."	NOT good for local governments. It is another way of gutting red light camera operations.
* House Public Safety and Homeland Security Committee.	SB 430	Senators: Hamrick, William 30th; Hill, Judson 32nd; Mullis, Jeff 53rd; and Pearson, Chip 51st.	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_As_passed_Senate_3.htm This bill allows GBI to "include in a data base a DNA profile obtained from the analysis of a sample lawfully obtained from a suspect in a criminal investigation and may compare such DNA profile to DNA profiles obtained from samples collected from evidentiary materials."	GACP supports this legislation.
* Senate adopted on 2/14/08.	SR 819	Senators: Seabaugh, Mitch 28th; Murphy, Jack 27th; Rogers, Chip 21st; Hudgens, Ralph 47th; Moody, Dan 56th; and Hill, Jack 4th.	Senate Comprehensive Firearms Law Study Committee http://www.legis.ga.gov/legis/2007_08/versions/sr819_Adopted_Senate_3.htm 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."	Hopefully, GACP will be asked to assist with this study committee

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