

Legislative Alert # 2
February 8, 2008

| Status | Bill# | Author | Title and/or Summary | GACP Comments |
|---|---|---|---|--|
| <p style="text-align: center;">*</p> <p>House passed this bill last year. Currently assigned to Senate Committee on Public Safety and Homeland Security.</p> | <p style="text-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/fulltext/hb77.htm “No county or municipality shall operate a traffic-control signal monitoring device unless it has first conducted a traffic engineering study of the approach to an intersection to determine whether, in addition to or as an alternative to the traffic-control signal monitoring device, a design change to the approach, reducing the approach speed, or a change in the signalization of the intersection is likely to reduce the number of accidents or red light violations at that intersection. This report shall be submitted with the annual report required under these provisions.”</p> | <p>Most GACP members would like this bill to die.</p> |
| <p style="text-align: center;">*</p> <p>House passed an amendment on the Senate version of the bill on 1-31-08. Because of that amendment, the Senate must look at the bill again. Senate and House Conference Committee appointed on 2/5/08.</p> | <p style="text-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/fulltext/hb89.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. The last amendment makes this bill extremely harmful to the tranquility of society. Perhaps, because of the added language, the Senate will not concur with the House's amendment.</p> |
| <p>Assigned to the Senate Agriculture & Consumer Affairs Committee.</p> | <p style="text-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/fulltext/hb301.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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| * Assigned to the House Rules 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. |
| * 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/fulltext/hb915.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 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. |
| * Assigned to House Rules Committee on 2/6/08. | 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/fulltext/hb997.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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| * Assigned to House Rules Committee on 2/6/08. | 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/fulltext/hr1071.htm See HB 997 above. | See above. |
| * 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. |
| Passed the Senate on 3/27/07. Now assigned to 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/fulltext/sb125.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. |
| *Assigned to House Committee on Public Safety and Homeland Security. | 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/fulltext/sb290.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. |

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| * Assigned to Senate Committee on Public Safety (Sub-Committee). | 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/fulltext/sb335.htm | GACP has some concern that this legislation will prohibit agencies from providing incentives to officers to learn foreign languages (in particular, Spanish). |
| * 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 above. |
| * Senate Committee on Veterans, Military and Homeland Security reported favorably. | 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/fulltext/sb340.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. |
| * Passed the Senate, 2-7-08 and on its way to the House | 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/fulltext/sb350.htm This bill makes driving without a license a felony after four convictions. | No comment. |
| Assigned to 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/sum/sb354.htm This bill provides for additional sanctions when drivers fail to "move over" and other purposes. | GACP supports this legislation. |

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| * Senate Committee on Public Safety reported favorably on 2/1/08. | 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. It should be noted that GMA opposes this legislation. | No comment. |
| Assigned to Senate Committee on Public Safety. | 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/fulltext/sb373.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. |
| * | SR 680 | Senator John Bulloch of the 11 th . | Drinking Water Security Day http://www.legis.ga.gov/legis/2007_08/fulltext/sr680.htm This Resolution recognizes January 29, 2008, as "Drinking Water Security Day" in the Georgia. The Resolution also states "experts including the federal General Accounting Office, the American Water Works Association, National Rural Water Association, Georgia Rural Water Association, and the Georgia Association of Chiefs of Police recognize the extreme high vulnerability to our drinking water systems; and preventing the introduction of poison agents or toxins into our water by a foreign or domestic terrorist..." | GACP originally passed a Resolution regarding this issue at the urging of Chief Dwayne Hobbs of Forest Park. |

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| * | 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/fulltext/sr819.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.”</p> | Hopefully, GACP will be asked to assist with this study committee |

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