

Legislative Alert # 6
March 26, 2008

Status	Bill#	Author	Title and/or Summary	GACP Comments
<p align="center">*</p> <p>Senate passed substitute bill on 3/20/08. Now back to the House to allow for Agree or Disagree</p>	<p>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_SCSFA_to_HB_77_25.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. Additional minor changes occurred on 3-20-08.</p>	<p>Right now, it the best we can do and keep the cameras</p>
<p>House Conference Committee appointed on 2/1/08. Senate Conference Committee appointed on 2/5/08.</p>	<p>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).</p>	<p>Concerns about where weapons could be carried with the current version of this bill.</p>
<p align="center">*</p> <p>Senate passed substitute bill on 3/12/08. Awaiting agreement by the House</p>	<p>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_SCSFA_to_HB_301_11.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. 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.
* Senate Judiciary Committee favorable report on 3-28-08. On the way to Rules Committee.	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_HB_336_RCSFA_8.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. Becomes a felony upon the 4 th conviction in 10 years.	GACP supports this legislation.
* Senate Rules Committee.	HB 978	Representative Mills, James 25th	Traffic accidents; illegal immigrants; seize vehicle http://www.legis.ga.gov/legis/2007_08/versions/hb978_Sen_ctee_sub_LC_35_0980S_8.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.
* 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.	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.

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* Senate passed substitute bill on 3/20/08.	HB 1027	Representatives: Rice, Tom 51st; Roberts, Jay 154th; Bearden, Timothy 68th; Floyd, Johnny 147th; and Bulloch, John 11th.	Defensive driving courses; alcohol or drug programs http://www.legis.ga.gov/legis/2007_08/versions/hb1027_SCSFA_to_HB1027_13.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.	No comment.
* Assigned to Senate Committee on Judiciary.	HB 1071	Representatives: Sims, Chuck 169th; Lewis, Jeff 15th; and Lunsford, John 110th.	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."	Sounds reasonable.
House Rules Committee.	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.	No comment.
Assigned to House Judiciary Non Civil Committee.	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."	GACP has some concerns about this legislation, since it creates a higher standard than has previously been required by the courts.

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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.
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.
* Passed House on 3/20/08 however, notice sent to reconsider this Bills passage	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_LC_29_3369S_hss_5.htm This bill makes driving without a license a felony after four convictions.	No comment.

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* Passed House and on its way to the Governor for his signature	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.
* House passed Rules' Committee substitute on 3/19/08. Senate disagrees with House substitute on 3/20/08.	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_SB_430_HRCSFA_7.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 (felony) 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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	HB 915	Representatives: Bearden, Timothy 68th and others	2nd Amendment Protection Act of 2008	GACP is very concerned about allowing firearms at "public gatherings" as well as other parts of this bill.
	HB 924	Representatives: Everson, Melvin 106th; and others.	Billy Foulke Teenage Seatbelt Safety Act	GACP supports this legislation.
	HB 997	Representatives: Benfield, Stephanie 85 th and others.	Witness Identification Accuracy Enhancement Act	GACP has been very involved with this legislation.
	HB 1118	Representatives: Hugley, Carolyn 133rd and others.	Law enforcement officers and agencies; peace officers	GACP has some concerns about the language in this bill.
	HB 1148	Representatives: Jackson, Lester 161st and others.	Invasions of privacy; warrant; telecommunication device	Sounds reasonable.
	HB 1224	Representatives: Willard, Wendell 49th and others.	Delinquent and unruly children; disposition (See HB 1225)	See HB 1225. HB 1224 and HB 1225 are closely related.
	HB 1225	Representatives: Willard, Wendell 49th and others.	Juvenile proceedings; interim control or detention See HB 1224.	Prosecuting Attorneys Council (PAC) and judges are working with the authors of these bills to make both more amenable.

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	HR 1071	Representatives: Benfield, Stephanie 85 th and others.	House Study Committee on Eyewitness Identification Procedures See HB 997.	See HB 997.
	SB 21	Senators: Douglas, John 17 th and others.	Crimes; person convicted of murder against peace officer, corrections employee, or firefighter; official duties; change punishment	GACP supports this legislation.
	SB 335	Senators: Douglas, John 17 th and others.	State Agencies; designate English as official language; prohibit requiring employees to speak/learn any other languages for employment	GACP has some concern that this legislation. NOTE: GMA also opposes this legislation.
	SB 339	Senators: Hill, Judson 32 nd and others.	Firearms; valid licenses; authorized to possess/carry in state parks, historic sites; hunting; general provisions	See HB 89.
	SB 354	Senators: Carter, Joseph 13 th and others.	Motor Vehicles; provide another basis for first degree vehicular homicide.	GACP supports this legislation.
	SB 356	Senator Henson, Steve 41 st .	Fines and Forfeitures; county treasuries; provide for payment of certain moneys arising from traffic fines; motorcycle enforcement program	GACP opposes this legislation. NOTE: GMA also opposes this legislation.
	SB 394	Senators: Unterman, Renee 45 th and others.	Traffic-Control Signal Monitoring Devices; send portion of funds generated to trauma care network (Red light cameras)	NOT good for local governments. It is another way of gutting red light camera operations.
	SB 448	Representative Harbison, Ed 15 th .	Peace Officer; procedure for indictment for crimes in the performance of his/her duties	Draw your own conclusions.

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