

Legislative Alert #3
February 18, 2009

Status	Assigned to:	Bill #	Author(s)	Title and or Summary	GACP Comments
	House Committee on Judiciary Non-Civil	HB 10	Representatives: Levitas, Kevin 82 nd ; Ramsey, Matt 72 nd ; Powell, Alan 29 th ; Talton, Willie 145 th ; O'Neal, Larry 146 th ; Hatfield, Mark 177 th and others.	<p>HB 10 - Georgia Crime Information Center; provide access to criminal history http://www.legis.ga.gov/legis/2009_10/versions/hb10_LC_29_3569_a_3.htm</p> <p>The purpose of this bill is "to provide access by private individuals, businesses, and governmental agencies to an individual's Georgia criminal history without such individual's consent or fingerprints; to change provisions relating to disclosure and dissemination of criminal records to private persons and businesses; to change provisions relating to disclosure and dissemination of records to public agencies and political subdivisions; to change provisions relating to fees;"</p>	This Bill appears to be reasonable.
	House Committee on Motor Vehicles	HB 19	Representatives: Oliver, Mary 83rd; Benfield, Stephanie 85th; Gardner, Pat 57th; and Ashe, Kathy 56th.	<p>HB 19 Motor vehicles; wireless communication devices; provisions http://www.legis.ga.gov/legis/2009_10/versions/hb19_LC_29_3555_a_3.htm</p> <p>The purpose of this bill is "to add a point penalty for the use of cellular, hands-free, or mobile telephones or other wireless communication devices under certain circumstances."</p>	No comment
	House Committee on Agriculture & Consumer Affairs	HB 22	Representatives: Oliver, Mary 83rd; Manning, Judy 32nd; Hugley, Carolyn 133rd; Stephens, Ron 164th; Abrams, Stacey 84th; Lindsey, Edward 54th.	<p>HB 22 Safety belts; pickup trucks; rear seats of vehicles; require http://www.legis.ga.gov/legis/2009_10/versions/hb22_LC_29_3553_a_3.htm</p> <p>The purpose of this bill is to require seat belts in trucks, SUVs and certain vans.</p>	Reasonable bill however, for years this type of bill has failed.
	House Committee on Motor Vehicles	HB 23	Representatives: Ramsey, Matt 72nd; Rice, Tom 51st; Lindsey, Edward 54th; Williams, Mark 178th; Levitas, Kevin 82nd; Everson, Melvin 106th.	<p>HB 23 - Motor vehicles; cell phones; text messaging; prohibit use http://www.legis.ga.gov/legis/2009_10/versions/hb23_LC_34_1947_a_3.htm</p> <p>The purpose of this bill is "to change certain provisions relating to suspension or revocation of the licenses of habitually negligent or dangerous drivers and the point system; to change certain provisions relating to drivers' exercise of due care; to prohibit use of cell phones by persons under 18 years of age while operating a motor vehicle; to prohibit the practice of text messaging by persons under 18 years of age while operating a motor vehicle; to provide penalties for violations; to provide for related matters;"</p>	No comment

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	House Committee on Judiciary Non-Civil	HB 31	Representatives: Loudermilk, Barry 14th; Collins, Doug 27th; Hatfield, Mark 177th; Franklin, Bobby 43rd; Davis, Steve 109th; Scott, Martin 2nd.	<p>HB 31 - Motor vehicles; traffic-control signal monitoring devices; repeal provisions http://www.legis.ga.gov/legis/2009_10/versions/hb31_LC_34_1970_a_3.htm</p> <p>The purpose of this bill is to repeal the red light camera program.</p>	GACP opposes this legislation and we are clearly backed by the GMA
	House Committee on Judiciary Non-Civil	HB 32	Representatives: Bearden, Timothy 68th; Benton, Tommy 31st; Maddox, Gene 172nd; Byrd, Charlice 20th; and Walker, Len 107th.	<p>HB 32 - Death penalty; impose with unanimous verdict; provisions http://www.legis.ga.gov/legis/2009_10/versions/hb32_LC_29_3591_a_3.htm</p> <p>The purpose of this bill is "to provide that the death penalty may be imposed where the jury finds at least one aggravating circumstance but is unable to reach a unanimous verdict as to the sentence, taking into account the vote of the jurors under certain circumstances; to change provisions relating to the requirement of a jury finding of aggravating circumstance and recommending the death penalty;"</p>	No comment
	House Committee on Judiciary Non-Civil	HB 53	Representatives: Brooks, Tyrone 63rd; Marin, Pedro 96th; Heard, Keith 114th; Abdul-Salaam, Roberta 74th; Frazier, Gloria 123rd; and Williams, Al 165th.	<p>HB 53 - Law enforcement officers; stop motorists; race or ethnicity; prohibit http://www.legis.ga.gov/legis/2009_10/versions/hb53_LC_21_0051_a_2.htm</p> <p>The purpose of this bill is "to require policies that prohibit law enforcement officers from impermissibly using race or ethnicity in determining whether to stop a motorist; to require annual training of law enforcement officers on impermissible uses of race and ethnicity in stopping vehicles; to require law enforcement officers to document the race, ethnicity, and gender of a motorist and passengers;"</p> <p><i>Cross Reference HB 110 (same concept)</i></p>	The mandate for documentation and interpretation of the date make this bill a poor bill.
**	House Committee on Judiciary	HB 83	Representatives: Powell, Alan 29th; Bearden, Timothy 68th; and Levitas, Kevin 82nd.	<p>HB 83 - Abandoned motor vehicles; define terms; provisions http://www.legis.ga.gov/legis/2009_10/versions/hb83_LC_28_4417_a_2.htm</p> <p>This bill appears to be primarily directed at auto storage facilities. However, it also changes OCGA 40-11-3 regarding how long law enforcement officers must wait prior to removing the vehicle. The bill states "Any peace officer who finds a motor vehicle which has been left unattended on a public street, road, or highway or other public property for a period of at least two days shall be authorized to cause such motor vehicle to be removed to an automotive storage facility."</p> <p><i>NOTE: Currently, officers must wait five (5) days.</i></p>	<p>Confusing bill but many believe this would help law enforcement.</p> <p>Changes abandon vehicle time period from 5 days to 2 days.</p>

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*	House Committee on Judiciary Non-Civil	HB 109	Representatives: Bryant, Bob 160th; Stephens, Mickey 161st; Stephens, Ron 164th; Carter, Earl 159th; Gordon, J. Craig 162nd; and Day, Burke 163rd.	<p>HB 109 - Cockfighting; punishments; provisions http://www.legis.ga.gov/legis/2009_10/fulltext/hb109.htm</p> <p>The purpose of this bill is "to provide that owning, possessing, keeping, or training a cock for cockfighting, causing any cock to fight or injure another cock for amusement or gain, or allowing such activities on a person's property shall constitute a felony; to provide that being present at a cockfight shall constitute a misdemeanor of a high and aggravated nature; to provide that being present at any place where preparations are being made for an exhibition of cockfighting shall constitute a misdemeanor; to provide for punishments;..."</p>	GACP supports this legislation.
** Favorable report on house floor.	House Committee on Judiciary Non-civil	HB 140	Representatives: Jacobs, Mike 80th; Willard; Wendell 49th; Chambers, Jill 81st; Bearden, Timothy 68th; Levitas, Kevin 82nd; and Cheokas, Mike 134th.	<p>HB 140 - Georgia Bureau of Investigation; state-wide "Blue Alert" system; create http://www.legis.ga.gov/legis/2009_10/versions/hb140_LC_21_0232S_hs_4.htm</p> <p>The purpose of this bill is "to create a state-wide "Blue Alert" system to speed the apprehension of violent criminals who kill or seriously injure local, state, or federal law enforcement officers..."</p> <p>See also HB 36.</p>	Reasonable legislation which follows procedures associated with Mattie's and Kimberly's Calls.
*	House Committee on Judiciary Non-Civil	HB 155	Representatives: Mills, James 25th; Maxwell, Howard 17th; and Talton, Willie 145th.	<p>HB 155 - License to carry pistol or revolver; permanent license; provide http://www.legis.ga.gov/legis/2009_10/versions/hb155_LC_21_0015_a_2.htm</p> <p>This bill would establish an option for the renewal of license, that is it "shall be \$15.00 for a renewable permit valid for a period of five years or \$40.00 for a permanent license valid for the remainder of the applicant's life."</p>	Lifetime license has some drawbacks. For example, the current system allows for arrest records to be checked each time a license is renewed.

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**	Withdrawn from House Committee on Judiciary Non-Civil and recommitted to House Committee on Public Safety & Homeland Security on 1/28/09.	HB 160	Representatives: Cole, Jim 125th; Neal, Jay 1st; Pruett, Jimmy 144th; Hanner, Bob 148th; and Talton, Willie 145th.	<p>HB 160 - Driver Services, Department of; increase fees; speed restrictions (<i>Super Speeder</i>) http://www.legis.ga.gov/legis/2009_10/versions/hb160_LC_34_2013_EC_a_2.htm</p> <p>This purpose of this bill is "to increase the fees paid to the Department of Driver Services for reinstatement or restoration of suspended or revoked drivers' licenses; to amend Article 9 of Chapter 6 of Title 40 of the O.C.G.A., relating to speed restrictions, so as to specify that instruments charging violations of speed regulations shall state whether the violation occurred on a two-lane road or highway;..."</p>	Currently under review.
*	House Committee on Judiciary Non-Civil	HB 182	Representatives: Austin, Rick 10th; Scott, Martin 2nd; Jerguson, Sean 22nd; Williams, Mark 178th; Horne, Billy 71st; and Roberts, Jay 154th.	<p>HB 182 - Firearms; discharge; counties or municipalities; provisions http://www.legis.ga.gov/legis/2009_10/versions/hb182_LC_28_4427_a_2.htm</p> <p>This bill states "that no ordinance, resolution, or other enactment by a municipality or county shall apply to the discharge of firearms on tracts of property consisting of five or more acres located in such municipality or county."</p>	
*	House Committee on Judiciary	HB 200	Representatives: Geisinger, Harry 48th; Reese, Bobby 98th; and Hill, Calvin 21st.	<p>HB 200 - Safety belts; failure to use; evidence of negligence; provide http://www.legis.ga.gov/legis/2009_10/versions/hb200_LC_28_4476_a_2.htm</p> <p>This bill states "that the failure to use safety belts may be evidence of causation, negligence, and contributory negligence;..." "Violation of this Code section may be considered evidence of negligence or contributory negligence."</p>	
*	House Committee on Motor Vehicles	HB 258	Representative Scott, Austin 153rd.	<p>HB 258 - Driver's license; minor of disabled guardian; restricted learner's permit; provisions http://www.legis.ga.gov/legis/2009_10/versions/hb258_LC_34_2068_a_2.htm</p> <p>This bill would allow "person 14 years of age who has a parent or guardian who is medically incapable of being licensed to operate a motor vehicle due to visual impairment or a permanent disability may apply for and, subject to the approval of the commissioner, may be issued a restricted noncommercial Class P instruction permit for the operation of a noncommercial Class C vehicle." This bill merely adds "permanent disability". Current law already covers the visually impaired.</p>	No comment.
*	House Committee on Judiciary Non-Civil	HB 259	Representatives: Marin, Pedro 96th and Wilkinson, Joe 52nd.	<p>HB 259 - Firearms; training of licensed persons; provide http://www.legis.ga.gov/legis/2009_10/versions/hb259_LC_29_3615_a_2.htm</p> <p>This bill states "An applicant shall demonstrate completion of a firearms safety training course within three years of the date of the application for a license under this Code section." OCGA 16-11-129.</p>	

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*	House Committee on Judiciary Non-Civil	HB 287	Representatives: Benton, Tommy 31st and England, Terry 108th.	<p>HB 287 - Speed detection devices; school zones; certain restrictions not apply http://www.legis.ga.gov/legis/2009_10/versions/hb287_LC_14_9957_a_2.htm</p> <p>The bill relates to speed detection devices and school zones. This bill would remove the inadmissibility of evidence obtained by using speed detection devices within a certain distance of a reduction of a speed limit shall not apply in properly marked school zones one hour before, during, and one hour after the normal hours of school operation.</p>	
	Senate Committee on Judiciary	SB 9	Senators: Douglas, John 17th; Rogers, Chip 21st; Goggans, Greg 7th; Murphy, Jack 27th; Hawkins, Lee 49th; and Chance, Ronnie 16th.	<p>SB 9 - Concealed Weapon; kept in a holster; repeal requirement http://www.legis.ga.gov/legis/2009_10/fulltext/sb9.htm</p> <p>The purpose of this bill is to repeal the requirement that a firearm must be kept in a holster;</p>	This bill does not consider "Safety First". This is a bad piece of legislation.
	Senate Committee on Judiciary	SB 12	Senator Ramsey, Sr., Ronald 43rd.	<p>SB 12 - Handgun ammunition; prohibit manufacture, sale that does not contain unique code; create ammunition coding system data base http://www.legis.ga.gov/legis/2009_10/fulltext/sb12.htm</p> <p>The purpose of this bill is to prohibit the manufacture, sale, and possession in this state of handgun ammunition that does not contain a unique code; to provide for definitions; to provide for the creation of an ammunition coding system data base to be established by the Department of Public Safety; to require the registration of manufacturers and vendors; to require the obtaining and maintenance of certain information; to provide for penalties; to provide for exceptions;</p>	No comment
*	Senate Committee on Regulated Industries and Utilities	SB 82	Senators: Unterman, Renee 45th; Chance, Ronnie 16th; and Staton, Cecil 18th.	<p>SB 82 - Secondary Metals Recyclers; transaction records; change provisions http://www.legis.ga.gov/legis/2009_10/versions/sb82_As_introduced_LC_37_0832_2.htm</p> <p>This purpose of this bill is "to provide for transmission of transaction records to the applicable sheriff's department; to regulate payments to persons selling copper items to secondary metals recyclers; to provide for supervision of secondary metals recyclers by counties, municipal corporations, or consolidated governments; to change provisions relating to the superseding nature of the article"</p> <p>Numerous bills address this topic. See also HB 177. Also see: SB 52, SB 56, HB 43, and HB 274.</p>	GMA supports this legislation over all other bills. I concur with GMA's position; however, some police chiefs favor other bills.

* means first showing in GACP's Legislative Alert

** means movement or a new GACP notation

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<p>**</p> <p>Passed the Senate on 2/12/09.</p>	<p>House Committee on Transportation</p>	<p>SB 85</p>	<p>Senators: Heath, Bill 31st; Cowsert, Bill 46th; Pearson, Chip 51st; Butterworth, Jim 50th; Tolleson, Ross 20th; and Chance, Ronnie 16th.</p>	<p>SB 85 - Georgia Aviation Authority Act; create; provide for membership, governance, operation, power, duties http://www.legis.ga.gov/legis/2009_10/versions/sb85_As_passed_Senate_3.htm</p> <p>The purpose of this bill is to create an authority that "shall be to acquire, operate, maintain, house, and dispose of all state aviation assets, to provide aviation services and oversight of state aircraft and aviation operations..."</p>	<p>No comment.</p>

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