

Legislative Alert #4

February 26, 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 however, it is not moving. |
| * | House Committee on Judiciary Non-Civil | HB 16 | Representatives: Levitas, Kevin 82 nd ; Lunsford, John 110 th ; Wilkinson, Joe 52 nd ; Jerguson, Sean 22 nd ; Glanton, Mike 76 th ; and Cheokas, Mike 134 th . | <p>HB 16 - Electronic tracking device; location of person without consent; prohibit http://www.legis.ga.gov/legis/2009_10/versions/hb16_LC_14_9896_a_3.htm</p> <p>This bill would "prohibit the electronic tracking of the location or movement of another person without such other person's consent; to provide for exceptions; to provide for punishment; ..."</p> | GACP was notified that an attempt will be made on 3-2-09 to require a search warrant before law enforcement is permitted to electronically tract a person's movement. |
| | House Committee on Motor Vehicles | HB 19 | Representatives: Oliver, Mary 83 rd ; Benfield, Stephanie 85 th ; Gardner, Pat 57 th ; and Ashe, Kathy 56 th . | <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 83 rd ; Manning, Judy 32 nd ; Hugley, Carolyn 133 rd ; Stephens, Ron 164 th ; Abrams, Stacey 84 th ; Lindsey, Edward 54 th . | <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. |

Legislative Alert #4
February 26, 2009

| Status | Assigned to: | Bill # | Author(s) | Title and or Summary | GACP Comments |
|--|--|--------|---|---|---|
| ** House Committee Favorably Reported on 2/24/09. | 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. | HB 23 - Motor vehicles; cell phones; text messaging; prohibit use http://www.legis.ga.gov/legis/2009_10/versions/hb23_LC_34_2166S_hs_5.htm 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;" | No comment |
| * | House Committee on Judiciary | HB 24 | Representatives: Willard, Wendell 49th; Ralston, David 7th; Lindsey, Edward 54th; Lane, Roger 167th; Knox, Tom 24th; and Jacobs, Mike 80th. | HB 24 - Evidence; revise, supersede, and modernize provisions; provide definitions http://www.legis.ga.gov/legis/2009_10/versions/hb24_LC_29_3575_a_3.htm The purpose of this bill is to substantially revise, supersede, and modernize provisions relating to evidence; to provide for definitions; to provide for general provisions; to provide for admission of relevant evidence; to provide for testimonial privileges; to provide for competency of witnesses; to provide for opinions and expert testimony; to provide for and define hearsay; to provide for securing attendance of witnesses; to amend Title 35 of the O.C.G.A., relating to law enforcement officers and agencies, so as to move provisions relating to DNA analysis of persons convicted of certain crimes from Title 24 to Title 35; to amend the O.C.G.A. so as to conform provisions to the new Title 24 and correct cross-references; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes. | Prosecutors are very concerned about this bill. It is legally complex therefore, scholars of the law will be aggressively reviewing the bills language. |
| | 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. | 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 The purpose of this bill is to repeal the red light camera program. | 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. | 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 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;" | No comment |

Legislative Alert #4

February 26, 2009

| Status | Assigned to: | Bill # | Author(s) | Title and or Summary | GACP Comments |
|--------|--|--------|---|---|---|
| | 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> |
| | 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/versions/hb109_LC_21_0070_a_2.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. |

Legislative Alert #4

February 26, 2009

| Status | Assigned to: | Bill # | Author(s) | Title and or Summary | GACP Comments |
|---|--|--------|--|---|---|
| <p>**</p> <p>Favorable report on House floor.</p> <p>Moves to Rules Committee.</p> | 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. |
| <p>**</p> <p>House Committee Favorably Reported Assigned to the House Rules</p> | House Committee on Public Safety & Homeland Security | 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 (Super Speeder) 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> | Supported by many groups such as the Governor's Office of Highway Safety. |

Legislative Alert #4

February 26, 2009

| Status | Assigned to: | Bill # | Author(s) | Title and or Summary | GACP Comments |
|--|--|--------|--|--|---|
| | 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> | Five acres is not much land and bullets travel great distances. |
| ** House Committee Favorably Reported on 2/24/09. | 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_29_3717S_hs_4.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> | Reasonable bill supported by GMA and others. |
| * | House Committee on Judiciary Non-Civil | HB 213 | Representatives: Davis, Steve 109th; Hatfield, Mark 177th; Walker, Len 107th; and Marin, Pedro 96th. | <p>HB 213 - Criminal street gang activity; school safety zones; increase penalty http://www.legis.ga.gov/legis/2009_10/versions/hb213_LC_35_1176_a_2.htm</p> <p>The bill seeks to increase the penalties for those who commit gang crimes within a school safety zone. Committing a gang crime within the 1,000 feet safety school zone would represent a separate crime punishable with a minimum of five years in prison or a minimum of a \$10,000 fine.</p> | No Comment |
| | 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. |

Legislative Alert #4

February 26, 2009

| Status | Assigned to: | Bill # | Author(s) | Title and or Summary | GACP Comments |
|---|--|--------|---|--|---|
| | 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> | Good bill but it will not go anywhere! |
| ** House Committee Favorably Report. Sent to House Rules | 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_29_3713S_hs_4.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> | |
| * | House Committee on Judiciary Non-Civil | HB 522 | Representatives: Maddox, Billy 127th; Abrams, Stacey 84th; Day, Burke 163rd; Byrd, Charlice 20th; Lindsey, Edward 54th; and McKillip, Doug 115th. | <p>HB 522 - Peace officers; investigation of applicant's moral character; change certain provisions http://www.legis.ga.gov/legis/2009_10/versions/hb522_LC_35_1258_a_2.htm</p> <p>The purpose of this bill is to change certain provisions relating to the investigation of an applicant's good moral character when applying for appointment or certification as a peace officer; to provide immunities relating thereto; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes. THIS IS A GACP BILL.</p> | Provides immunity to employers for providing truthful information regarding a pre-employment background investigation for a sworn law enforcement position. |
| | 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/versions/sb9_As_introduced_LC_21_0014_2.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. |

Legislative Alert #4
February 26, 2009

| Status | Assigned to: | Bill # | Author(s) | Title and or Summary | GACP Comments |
|-------------------------------|---|--------|--|--|--|
| | 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/versions/sb12_As_introduced_LC_36_1171_2.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 Natural Resources and the Environment | SB 71 | Senators: Heath, Bill 31st; Jackson, Bill 24th; Butterworth, Jim 50th; Douglas, John 17th; Murphy, Jack 27th; and Staton, Cecil 18th. | <p>SB 71 - Hunting; prohibit engaging in certain outdoor sporting activities while under the influence of alcohol, drugs, other substances http://www.legis.ga.gov/legis/2009_10/versions/sb71_As_introduced_LC_25_5408_2.htm</p> <p>This purpose of this bill is to restrict boating under the influence of alcohol or drugs and to seek to harmonize certain provisions of the Georgia Code with those applicable to driving a vehicle under the influence of alcohol, drugs, or other substances; ...</p> <p>Currently, the blood alcohol content for driving or hunting under the influence is .08; however, boating under the influence is .10. This bill seeks to reduce from .10 to .08 the legal limit for boating under the influence.</p> | <p>DNR has endorsed this legislation.</p> <p>GACP also supports this legislation.</p> |
| | 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. |
| Passed the Senate on 2/12/09. | House Committee on Transportation | SB 85 | Senators: Heath, Bill 31st; Cowsert, Bill 46th; Pearson, Chip 51st; Butterworth, Jim 50th; Tolleson, Ross 20th; and Chance, Ronnie 16th. | <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> | No comment. |

Legislative Alert #4

February 26, 2009

| Status | Assigned to: | Bill # | Author(s) | Title and or Summary | GACP Comments |
|--------|-------------------------------|--------|---|---|--|
| * | Senate Committee on Judiciary | SB 197 | Senators: Fort, Vincent 39th and Mullis, Jeff 53rd. | <p>SB 197 - Search Warrants; issuance by judicial officers; change provisions; no-knock warrants http://www.legis.ga.gov/legis/2009_10/versions/sb197_As_introduced_LC_29_3668_2.htm</p> <p>This bill states that "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."</p> | Bad bill for it seeks to codify no-knock warrants. It also changes the burden of proof needed to enter a home with a no-knock. |
| * | Senate Committee on Judiciary | SB 208 | Senator Thompson, Steve 33rd. | <p>SB 208 - Rachel's Law; provide for parameters regarding the use of confidential informants http://www.legis.ga.gov/legis/2009_10/versions/sb208_As_introduced_LC_29_3714ER_2.htm</p> <p>The purpose of this bill is "to provide for parameters regarding the use of confidential informants; to require a law enforcement agency to notify a confidential informant of his or her right to legal counsel before executing an assistance agreement; to require certain record keeping; to provide requirements for the proper use of confidential informants; to provide for related matters;...</p> | This is an extremely bad bill however, the author is willing to work with me in lieu of pushing the bill. |

* means first showing in GACP's Legislative Alert
 ** means movement or a new GACP notation