

## LEGISLATIVE ALERT #5 – February 23, 2007

Bill#	Author	Title and/or Summary	Status	GACP Comments
HB 5	Representatives Mary Oliver of 83rd, Stan Watson of 91st, Billy Mitchell of 88 <sup>th</sup> , Karla Drenner of 86th, others	<b>Points Penalty for Using Cell Phones</b>  This bill would add a point penalty for the use of cell phones, etc. under certain circumstances.	Assigned to House Motor Vehicles Committee	Relates to automobile accidents and the use of cell phones.  This bill also changes the point system associated with driver's licenses.
HB 6	Representatives Bobby Franklin of 43 <sup>rd</sup> and Bobby Reese of 98 <sup>th</sup>	<b>Carrying and possession of firearms during certain emergencies</b>  This bill relates to firearms possession during certain emergencies as declared by the Governor.  This bill will prohibit the confiscation of a weapon by any law enforcement officer or National Guard member during a state of emergency and stipulates that a law enforcement officer will be subject to personal liability and payment of court costs if they are personally sued.  <b>NOTE: A special GACP Alert was sent out on 1/31/07 about this bill. At the 2-18 GACP Executive Board Meeting, the Board voted to oppose this legislation, as currently written.</b>	Favorable reported from House Judiciary Non-Civil Committee.  House Rules Committee 1-30-07	Would eliminate the Governor's authority to suspend sales or transportation of firearms during declared emergencies. Additionally, prohibits law enforcement, Nation Guard personnel from taking guns away from citizens during declared emergencies.  <b><i>Provides for personal liability "against" law enforcement officers.</i></b>
HB 48	Representatives Jim Chambers of 81 <sup>st</sup> , Timothy Bearden of 68 <sup>th</sup> and Harry Geisiner of 48 <sup>th</sup> .	<b>Georgia State Indemnification Fund</b>  This bill relates primarily to firefighters that may die within 24 hours after responding to a fire...whether on or off duty. It also will include MARTA police officers in the State Indemnification Fund.	Assigned to House Committee on Appropriations	The title speaks for itself.
HB 52	Representatives Ronald Forster of the 3 <sup>rd</sup> , David Ralston of the 7 <sup>th</sup> , Mary Oliver of the 83 <sup>rd</sup> , Judy Manning of the 32 <sup>nd</sup> , and others.	<b>Juvenile Detention</b>  This bill would restrict the detention of juveniles. "Interim control or detention shall not be imposed on an accused child under the age of 16; instead, the child shall be released immediately to the child's parents, guardian, or other custodian upon such person's promise to bring the child before the court when requested by the court."	Assigned to House Judiciary Non-Civil Committee	There are many unanswered questions that must be addressed before this bill is worthy of passage.

\* means first showing in GACP's Legislative Alert

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	HB 72	Representatives  Burke Day of 163 <sup>rd</sup> , Billy Horne of 71 <sup>st</sup> , and Jay Neal of 1 <sup>st</sup> .	<b>Georgia Homeland Security Act of 2007</b>  This bill requires colleges and universities to maintain information regarding student visas and report those students who fail to enroll or attend class or who withdraw from school or who otherwise violate the terms of his or her visa.	Assigned to House Education Committee.	The Board of Regents has not officially announced their position on this legislation.  Sounds good to me.
	HB 74	Representatives  Burke Day of 163 <sup>rd</sup> , Billy Horne of 71 <sup>st</sup> , and Jay Neal of 1 <sup>st</sup> .	<b>Extraterritorial Law Enforcement Jurisdiction</b>  This bill allows municipal police to offer assistance to other law enforcement agencies, upon request, anywhere in the state.  This bill would allow any officer to leave their jurisdiction and render requested assistance with the approval of his or her employing agency. The officer would have the authority to exercise the powers of arrest to the same extent as any peace officer employed by the law enforcement agency receiving such assistance.	Assigned to House Judiciary Non-Civil Committee	This bill gives the authority to the employing agency; rather than, the elected officials to decide when officers may leave their jurisdiction to provide assistance to a requesting agency.  NOTE: GMA does not think this legislation is needed. However, this bill is needed to clearly protect responding officers from liability concerns.
**	HB 75	Representatives  Burke Day of 163 <sup>rd</sup> , Billy Horne of 71 <sup>st</sup> , and Jay Neal of 1 <sup>st</sup> .	<b>Serious traffic offenses; felony fleeing; attempt to elude police; provisions</b>  This bill will increase the penalties for fleeing or attempting to elude a police officer.	Assigned to House Judiciary Non-Civil Committee	Cross referenced to SB 91.  <b>Movement on the above Senate bill with changes from the original offering.</b>
**	HB 77	Representatives  Bobby Franklin of 43 <sup>rd</sup> , Martin Scott of 2 <sup>nd</sup> , Barry Loudermilk of 14 <sup>th</sup> , John Lunsford of 110 <sup>th</sup> , Robert Mumford of 95 <sup>th</sup> and Charlice Byrd of 20 <sup>th</sup> .	<b>Repeal of Red Light Camera Enforcement</b>  This bill repeals the statutory authority of cities to utilize red light camera enforcement technology to improve safety at intersections.  <b>At the 2-18-07 GACP Executive Board meeting, the Board voted to oppose this bill as currently written.</b>	Assigned to House Motor Vehicle Committee	NOTE: GMA, ACCG and GACP are opposed to this legislation.  After a committee hearing, this bill remains in committee

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**	HB 89	Representatives  Timothy Bearden of 68 <sup>th</sup> , Billy Horne of 71 <sup>st</sup> and Mark Hatfield of 177 <sup>th</sup> .	<b>Firearms possession</b>  This bill reduces some of the requirements for transporting a firearm in a private passenger motor vehicle. <b>NOTE: A special GACP Alert was sent out on 1/31/07 about this bill. 2-12-07 GACP's Executive Board took a stand on this issue in opposition to the bill. The Board reaffirmed their opposition at the 2-18-07 Executive Board Meeting. The focus of GACP's opposition had to do with officer safety. A letter was sent to House members however, the House still elected to pass the bill. The bill is now in the hands of the Senate Judiciary Committee. Please read the Bill and call your State Senator opposing this dangerous piece of legislation. If your Senator is on the Judiciary committee please call ASAP.</b>	Assigned to the Senate Judiciary Committee	I am aware that our membership has differing views about the right to carry firearms. However, if this bill becomes law it appears your patrol officers will have increased safety concerns especially during traffic stops.  What are the ramifications if an officer uses deadly force during a traffic stop because the officer believes someone in the vehicle is pulling out a concealed weapon?
**	HB 106	Representatives  Ben Bridges of the 10 <sup>th</sup> and Howell Maxwell of the 17 <sup>th</sup>	<b>Peace Officers' Annuity Benefit Fund</b>  This bill changes the calculations for benefits options. This bill requires benefits to be calculated on the interest rate and mortality basis approved from time to time by the board and by other factors.	Assigned to Senate Retirement Committee	
	HB 143	Representatives  Tom Graves of 12 <sup>th</sup> , Burke Day of 163 <sup>rd</sup> , Earl Ehrhart of 36 <sup>th</sup> , Willie Talton of 145 <sup>th</sup> , Rob Teihet of 40 <sup>th</sup> and Martin Scott of 2 <sup>nd</sup> .	<b>Firearms; certain employers; locked vehicles; provisions</b>  This bill prohibit employers from prohibiting employees from lawfully carrying and possessing firearms in locked motor vehicles and provide for immunity for employers who allow employees to possess firearms in locked vehicles on the premises of such employer.	Assigned to House Judiciary Non-Civil Committee	Cross reference to SB 43.
	HB 149	Representatives  Brooks of the 63 <sup>rd</sup> , Williams of the 165 <sup>th</sup> , and others	<b>Prohibiting Racial Profiling</b>  This bill prohibits law enforcement officers from using a person's race or ethnicity to form probable cause or reasonable suspicion to stop a vehicle. Also requires agencies to maintain statistical data.	Assigned to House Judiciary Non-Civil Committee	This legislation has been introduced in previous sessions. To date, it has not moved.

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	HB 185	Representatives Fleming of 117 <sup>th</sup> , Talton of 145 <sup>th</sup> , Everson of 106 <sup>th</sup> , Bearden of 68 <sup>th</sup> , Kenn of 179 <sup>th</sup> and Burkhalter of 50 <sup>th</sup> .	<b>Death penalty; jury findings; aggravating circumstance;</b>  Allows the death penalty to be imposed where the jury finds at least one aggravating circumstance but is unable to reach a unanimous verdict as to the sentence. Only nine jurors (instead of 12) are required with this bill.	Assigned to House Judiciary Non-Civil Committee	
	HB 200	Representatives Geisinger of 48 <sup>th</sup> , Lindsey of 54 <sup>th</sup> , Hill of 21 <sup>st</sup> , Rice of 51 <sup>st</sup> , Millar of 79 <sup>th</sup> and Willard of 49.	<b>Safety belts; required use</b>  This bill will remove the seat belt exemption for pickup trucks, vans and SUVs.	Assigned to House Committee on Agriculture & Consumer Affairs	Cross referenced to SB 86
**	HB 308	Representatives Benfield of 85 <sup>th</sup> , Stephenson of 92 <sup>nd</sup> , Mangham of 94 <sup>th</sup> and others.	<b>Eyewitness Identification Accuracy Enhancement Act</b>  This bill will require a procedure for enhancing eyewitness identification accuracy and provides for general guidelines relating to the development of eyewitness identification protocol.  <b>At the 2-18-07 GACP Executive Board meeting, the Board voted to oppose this legislation. In part, based upon our opposition, the author has agreed to alter the path of the bill. She will be introducing legislation requesting a study committee to look at eyewitness ID issues.</b>	Assigned to House Judiciary Committee.	It will be very difficult for many of the smaller agencies to comply with the procedures specified. Additionally, time will be needed to train officers to adhere to these new procedures. Some have said that this legislation is a defense attorney's bill.
	HB 314	Representatives Neal of 1 <sup>st</sup> , Ralston of 7 <sup>th</sup> , Day of 163 <sup>rd</sup> , and others	<b>Persons Convicted of Murder; Imposing Life without Parole</b>  This Bill would add lawful authority to impose Life in Jail without the possibility of parole.	Assigned to the House Judiciary Committee	This bill speaks for itself.
**	HB 336	Representatives Bearden of 68 <sup>th</sup> , Talton of the 145 <sup>th</sup> , Bridges of the 10 <sup>th</sup> , Chambers of the 81 <sup>st</sup> and others	<b>DUI-Alcohol, Drugs, etc. to increase Penalties</b>	Assigned to House Judiciary Committee	This bill speaks for itself

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<b>**</b>	HB 525	Representative Tim Bearden of the 63 <sup>rd</sup> . no others co-signers noted	<b>Electronically Recording of Custodial Interviews of Accused persons under the age of 17.</b>	Not yet assigned to a committee	Recording must be done with Miranda Warnings. There are provisions in this bill which would allow admissibility for faulty equipment, etc.
<b>**</b>	HB 560	Representative Burke Day, no other co-signers noted.	<b>Restrictions placed on Photographic Speed Detection Devices</b>	Not yet assigned to a committee	If passed, any company wishing to sell such devices must pay a large annual fee to be registered. Additionally, no photos taken by photographic speed detection devices could be admissible in any civil or criminal proceedings against a violator.

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**	SB 1	Senators  Eric Johnson of 1 <sup>st</sup> , Tommie Williams of 19 <sup>th</sup> , William Hambrick of 30 <sup>th</sup> , and John Wiles of 37 <sup>th</sup> .	<b>Sexual Offenders; unlawful to photograph minors</b>  This bill makes it unlawful for persons required to register as sexual offenders to photograph a minor	Assigned to House Judiciary Committee	The intent was to prevent sex offenders from using concealed cameras or zoom lenses to take photographs of children.  Bill was changed to allow photos with the consent of parent.
	SB 15	Senators  John Wiles of 37 <sup>th</sup> , Chip Rogers of 21 <sup>st</sup> , Jeff Mullis of 53 <sup>rd</sup> and Judson Hill of 32 <sup>nd</sup> .	<b>Drivers' Licenses; suspended/revoke; change certain provisions</b>  This bill requires agencies to determine the nationality of certain persons detained in detention facilities for any felony or DUI.	Assigned to House Judiciary Committee	A burden on law enforcement agencies but may be needed.  This Bill is moving quickly.
	SB16	Senators  Rogers of 21 <sup>st</sup> , Pearson of 51 <sup>st</sup> , Goggans of 7 <sup>th</sup> and others.	<b>Animal Fighting Act</b>  This bill changes certain provisions relating to dog fighting; to prohibit fighting or baiting and related conduct.	Assigned to Senate Committee on Agriculture and Consumer Affairs  1/22/07 Senate Recommended	
	SB 20	Senators  Jim Judson of 32 <sup>nd</sup> and Steve Thompson of 33 <sup>rd</sup> .	<b>Sexual Offenses; carnal knowledge with disabled person incapable of granting consent</b>  This bill makes it unlawful for any person to have carnal knowledge with a disabled person of the age of majority whom he or she knows or reasonably should know is incapable of giving consent to such activity.	Assigned to Senate Judiciary Committee	This concept should have been in code years ago.
	SB 21	Senators  John Douglas of 17 <sup>th</sup> , Jim Whitehead of 24 <sup>th</sup> , Jack Murphy of 27 <sup>th</sup> , Greg Goggans of 7 <sup>th</sup> , Cecil Staton of 18 <sup>th</sup> , Ross Tolleson of 20 <sup>th</sup> and others	<b>Murder of Peace Officer</b>  This bill relates to murder and felony murder, so as to change the punishment when the victim is a peace officer, corrections employee, or firefighter while engaged in the performance of his or her official duties.  This bill would prevent anyone convicted of murdering a peace officer from being parole.	Assigned to Senate Judiciary Committee  2/1/07 Stalled in Committee because of legal issues.	What professional law enforcement officer or reasonable person could argue with this one?

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	SB 43	Senators Chip Rogers of 21 <sup>st</sup> , Jim Whitehead, Sr. 24 <sup>th</sup> , Tommie Williams of 19 <sup>th</sup> , Eric Johnson of 1 <sup>st</sup> , Bill Heath of 31 <sup>st</sup> and Jeff Mullis of 53 <sup>rd</sup> .	<b>Firearms; prohibit certain employers from prohibiting employees from lawfully carrying in locked motor vehicles</b>  This bill allows an employee to transport or store a firearm in a locked motor vehicle in any parking lot, parking garage, or other employee parking area.	Senate Committee on Judiciary	Cross referenced to HB 143.
	SB 62	Senators Mullis of 53 <sup>rd</sup> , Whitehead of 24 <sup>th</sup> , Seay of 34 <sup>th</sup> , Carter of 13 <sup>th</sup> , and Staton of 18 <sup>th</sup> .	<b>Georgia Crime Information Center; provide certain conditions for requesting criminal history records</b>  Allows public agencies to receive criminal history information based on electronic imaging of person's fingerprints.	Assigned to the House Judiciary Committee	Moving Quickly
	SB 86	Senators Thomas of 54 <sup>th</sup> , Whitehead of 24, Stoner of 6 <sup>th</sup> and others	<b>Safety Belts; passenger vehicles; eliminate certain exceptions to the required use</b>  This bill will remove the seat belt exemption for pickup trucks, vans and SUVs.	Senate Rules Committee	Cross referenced to HB 200. This is a good bill and should have been implemented in law years ago.
**	SB 91	Senators Pearson of 51 <sup>st</sup> , Wiles of 37 <sup>th</sup> , Adelman of 42 <sup>nd</sup> , and others.	<b>Traffic Offenses; fleeing/attempting to elude a pursuing police vehicle</b>  This bill will increase the penalties for fleeing or attempting to elude a police officer.	Passed out of the Senate Public Safety and Homeland Security Committee with a substitute bill	Cross referenced to HB 75.  Makes it a felony (1-5 years confinement or fine up to \$5,000). <b>As passed by Substitute, the felony kicks-in only upon a second conviction.</b>
**	SB 125	Senators Chance of 16th	<b>Super Speeders</b>  This bill will increase speeding fines (85 mph or more anywhere in Georgia and 75 mph or more on a two lane road will be classified as a "super speeding" offense, adding an additional fine of \$200). The additional fees, after administrative costs, will go to the State's general treasury with the intent that the money will be used to fund a trauma care system.	Passed out of the Senate Public Safety and Homeland Security Committee by substitute	Local governments <b>would not be responsible</b> for collecting additional money as an add-on. Most who care about public safety like this bill for it acts as a control to cut down on "excessive speeding".