

LEGISLATIVE ALERT #9 – April 5, 2007

These bills have made it past the crossover date. Therefore, if they continue to move, these bills may become laws.

Bill#	Author	Title and/or Summary	Status	GACP Comments
HB 48	Representatives Jim Chambers of 81 st , Timothy Bearden of 68 th and Harry Geisiner of 48 th .	Georgia State Indemnification Fund 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.	Passed the House on 3/19/07. Moves to the Senate.	House Committee favorably reported on 2/27/07.
HB 77	Representatives Bobby Franklin of 43 rd , Martin Scott of 2 nd , Barry Loudermilk of 14 th , John Lunsford of 110 th , Robert Mumford of 95 th and Charlice Byrd of 20 th .	Repeal of Red Light Camera Enforcement This bill repeals the statutory authority of cities to utilize red light camera enforcement technology to improve safety at intersections. At the 2-18-07 GACP Executive Board meeting, the Board voted to oppose this bill as currently written. On 2-27-07 a major substitute was offered on this bill.	Amended bill passed the House on 3/20/07. It now moves to the Senate.	NOTE: GMA, ACCG and GACP are opposed to this legislation. The revised bill requires cities and counties to turn over a portion of the fines they raise with the cameras to the State for the network of trauma care hospitals. Local governments would also have to do traffic engineering studies at intersections before installing the cameras so they could potentially find alternatives.
HB 89	Representatives Timothy Bearden of 68 th , Billy Horne of 71 st and Mark Hatfield of 177 th .	Firearms possession This bill reduces some of the requirements for transporting a firearm in a private passenger motor vehicle. 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 Rules Committee. Please read the Bill and call your State Senator opposing this dangerous piece of legislation. If your Senator is on the Rules Committee, please call ASAP. To read the complete bill, click on the link below. http://www.legis.ga.gov/legis/2007_08/sum/hb89.htm	Passed the House. Passed the Senate Judiciary Committee. Now moves to the Senate Rules 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. GACP continues to strongly oppose this legislation.

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*	HB 106	Representatives Ben Bridges of the 10 th and Howell Maxwell of the 17 th	Peace Officers' Annuity Benefit Fund 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.	Senate passed on 3/28/07.	Passed the House on 2/13/07.
	HB 185	Representatives Fleming of 117 th , Talton of 145 th , Everson of 106 th , Bearden of 68 th , Kenn of 179 th and Burkhalter of 50 th .	Death penalty; jury findings; aggravating circumstance; 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 ten jurors (instead of 12) are required with this bill.	Passed the House on 3/20/07. It now moves to the Senate.	This bill still give judges discretion to impose life, with or without parole, instead of death on an 11-1 or 10-2 verdict. A unanimous jury verdict would automatically lead to a death sentence. The bill only addresses the sentencing stage of a trial and does not change the guilt or innocence phase of a verdict. Unanimity is still required for a judgment of guilt.
*	HB 314	Representatives Neal of 1 st , Ralston of 7 th , Day of 163 rd , and others	Persons Convicted of Murder; Imposing Life without Parole This Bill would add lawful authority to impose Life in Jail without the possibility of parole.	Passed the House on 3/27/07.	This bill speaks for itself. House Committee reported favorably on 3/19/07.
	SB 1	Senators Eric Johnson of 1st, Tommie Williams of 19th, William Hambrick of 30th, and John Wiles of 37th.	Sexual Offenders; unlawful to photograph minors This bill makes it unlawful for persons required to register as sexual offenders to photograph a minor	Passed Senate to 2/12/07. Moves to the House. 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. Substitute bill passed the Senate on 2/12/07. The bill has now been sent to the House Judiciary Non-Civil Committee.

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SB 15	Senators John Wiles of 37 th , Chip Rogers of 21 st , Jeff Mullis of 53 rd and Judson Hill of 32 nd .	Drivers' Licenses; suspended/revoke; change certain provisions This bill requires agencies to determine the nationality of certain persons detained in detention facilities for any felony or DUI.	Passed the Senate on 1/26/07. Moves to the House. Assigned to House Judiciary Committee.	A burden on law enforcement agencies but may be needed. This Bill is moving quickly. The amended bill passed the Senate and is now assigned to the House Judiciary Committee.
SB16	Senators Rogers of 21 st , Pearson of 51 st , Goggans of 7 th and others.	Animal Fighting Act This bill changes certain provisions relating to dog fighting; to prohibit fighting or baiting and related conduct.	Passed Senate. Moves to the House.	A very needed bill for which GACP endorses. Substitute bill passed the Senate on 3/1/07.
SB 62	Senators Mullis of 53 rd , Whitehead of 24 th , Seay of 34 th , Carter of 13 th , and Staton of 18 th .	Georgia Crime Information Center; provide certain conditions for requesting criminal history records Allows public agencies to receive criminal history information based on electronic imaging of person's fingerprints.	Assigned to the House Judiciary Committee	Passed the Senate on 2/24/07. The bill now moves to the House.
SB 86	Senators Thomas of 54 th , Whitehead of 24, Stoner of 6 th and others	Safety Belts; passenger vehicles; eliminate certain exceptions to the required use This bill will remove the seat belt exemption for pickup trucks, vans and SUVs.	Passed Senate on 3/1/07. Moves to the House. Assigned to the House Committee on Agriculture and Consumer Affairs.	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 st , Wiles of 37 th , Adelman of 42 nd , and others.	Traffic Offenses; fleeing/attempting to elude a pursuing police vehicle This bill will increase the penalties for fleeing or attempting to elude a police officer.	Passed Senate. Moves to House. Assigned to the House Judiciary Non Civil Committee.	Makes it a felony (1-5 years confinement or fine up to \$5,000). As passed by substitute, the felony kicks-in only upon a second conviction. Substitute bill passed the Senate on 3/1/07.

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*	SB 125	Senators Chance of 16th	Super Speeders 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.	Substitute bill passed Senate on 3/27/07.	Local governments would not be responsible 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”.
*	SB 238	Senator Michael Meyer von Bremen	Tampering with Evidence, change in penalties	Passed Senate on 3/27/07.	Sets minimum punishments for tampering with evidence with respect to a felony, a serious felony and misdemeanors.

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Bill#	Author	Title and/or Summary	Status	GACP Comments
HB 5	Representatives Mary Oliver of 83rd, Stan Watson of 91st, Billy Mitchell of 88th, Karla Drenner of 86th, others	Points Penalty for Using Cell Phones 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 43rd and Bobby Reese of 98th	Carrying and possession of firearms during certain emergencies 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. 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.	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. Provides for personal liability "against" law enforcement officers.
HB 52	Representatives Ronald Forster of the 3rd, David Ralston of the 7th, Mary Oliver of the 83rd, Judy Manning of the 32nd, and others.	Juvenile Detention 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.
HB 72	Representatives Burke Day of 163rd, Billy Horne of 71st, and Jay Neal of 1st.	Georgia Homeland Security Act of 2007 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.

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HB 74	Representatives Burke Day of 163rd, Billy Horne of 71st, and Jay Neal of 1st.	Extraterritorial Law Enforcement Jurisdiction 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 163rd, Billy Horne of 71st, and Jay Neal of 1st.	Serious traffic offenses; felony fleeing; attempt to elude police; provisions 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. Movement on the above Senate bill with changes from the original offering.
HB 143	Representatives Tom Graves of 12th, Burke Day of 163rd, Earl Ehrhart of 36th, Willie Talton of 145th, Rob Teihet of 40th and Martin Scott of 2nd.	Firearms; certain employers; locked vehicles; provisions 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 63rd, Williams of the 165th, and others	Prohibiting Racial Profiling 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 200	Representatives Geisinger of 48th, Lindsey of 54th, Hill of 21st, Rice of 51st, Millar of 79th and Willard of 49.	Safety belts; required use 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 283	Representatives Hatfield of 177th, Tumlin of 38th and Lane of 167th.	Open Records – public records inspection This bill relates to inspection of public records, so as to provide that certain requests may be required to be in writing.	Now in the House Rules Committee.	Passed on a 5-4 vote out of House Civil Judiciary Committee on 3/19/07. Now the bill moves to the House Rules Committee.
HB 308	Representatives Benfield of 85th, Stephenson of 92nd, Mangham of 94th and others.	Eyewitness Identification Accuracy Enhancement Act This bill will require a procedure for enhancing eyewitness identification accuracy and provides for general guidelines relating to the development of eyewitness identification protocol. 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.	Assigned to House Judiciary Non-Civil 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. This bill has been replaced by a Resolution calling for a Study Committee.
HB 336	Representatives Bearden of 68th, Talton of the 145th, Bridges of the 10th, Chambers of the 81st and others	DUI-Alcohol, Drugs, etc. to increase Penalties	Assigned to House Judiciary Committee	This bill speaks for itself. House Committee reported favorably on 3/19/07.
HB 525	Representative Tim Bearden of the 63rd. no others co- signers noted	Electronically Recording of Custodial Interviews of Accused persons under the age of 17.	Assigned to the House Judiciary NC Committee	Recording must be done with Miranda Warnings. There are provisions in this bill which would allow admissibility for faulty equipment, etc.

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HB 560	Representative Burke Day, no other co-signers noted.	Restrictions placed on Photographic Speed Detection Devices	Assigned to the House Judiciary NC 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. This may be a message bill to help foster the passage of HB 77
SB 20	Senators Jim Judson of 32 nd and Steve Thompson of 33 rd .	Sexual Offenses; carnal knowledge with disabled person incapable of granting consent 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 th , Jim Whitehead of 24 th , Jack Murphy of 27 th , Greg Goggans of 7 th , Cecil Staton of 18 th , Ross Tolleson of 20 th and others	Murder of Peace Officer 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?
SB 43	Senators Chip Rogers of 21st, Jim Whitehead, Sr. 24th, Tommie Williams of 19th, Eric Johnson of 1st, Bill Heath of 31st and Jeff Mullis of 53rd.	Firearms; prohibit certain employers from prohibiting employees from lawfully carrying in locked motor vehicles 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 Rules Committee	Cross referenced to HB 143.

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SB 211	Senator Fort 39th, Brown 26th, Reed 35th, Orrock 36, Thomas 2nd and others	Additional Sentencing added when a Hate Crime If a defendant is found guilty of a crime involving race, religion, gender, etc. additional sentencing may be imposed.	Senate Judiciary Committee	This bill speaks for itself.
SB 259	Senator Fort of the 39th and Mullis of the 53rd	No-Knock Warrants-Restrictions Warrants of this nature could only be issued if there is clear and convincing evidence of imminent danger to human life. Additionally, all warrants of this type must have affidavits supporting the warrant. There is no mention of evidence destruction in this bill. NOTE: The original bill was extremely restrictive, almost eliminating the basics for no-knock warrants. However, the substitute bill that passed was modified because of GACP's efforts. In the original version of this bill, clear and convincing evidence was needed for a no-knock warrant. The substitute bill only requires probable cause. Nevertheless, GACP is still concerned about this legislation because we do not think it is necessary.	Senate Judiciary Committee	This bill was introduced because of a recent issue that took place in Atlanta which resulted in the death of an elderly woman. Senate Judiciary Committee unanimously approved changes that require police officers to meet a stiffer standard (probable cause) to get the special warrants, which are intended to prevent suspects from getting rid of evidence and to protect officers from potentially violent suspects.
SB 274	Senator Carter of the 13th and Chance of the 16th	Georgia Crime Information Center; publication of statistics This bill would allow publication of statistics by the GCIC and remove a prohibition against identifying the agency.	Senate Public Safety and Homeland Security Committee	