



## 2014 LEGISLATIVE ALERT #3 FINAL

BILL #	*/**	STATUS - ASSIGNED TO	AUTHOR(S)	TITLE AND/OR SUMMARY	GACP COMMENTS
HB 1		<b>Did Not Pass</b>	Willard - 51 <sup>st</sup> ; Abrams - 89 <sup>th</sup> ; Ehrhart - 36 <sup>th</sup> ; Others	A BILL to be entitled an Act to amend Title 9 of the O.C.G.A., relating to civil practice, to amend Title 16 of the O.C.G.A., relating to crimes and offenses, so as to conform provisions to the new Chapter 16 of Title 9, correct cross-references, and remove obsolete or improper references to forfeiture; to amend the O.C.G.A., so as to conform provisions to the new Chapter 16 of Title 9, correct cross-references, and remove obsolete or improper references to forfeiture; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.	Did not pass out of the House by crossover day; therefore, the bill is dead. All indications are that a similar bill will be introduced within the next few years.
HB 60	*	Passed 03/20/14 By Substitute <b>Awaiting Governor's signature.</b>	Holt - 112 <sup>th</sup>	This became the " <b>Major Firearm Bill</b> " in lieu of HB 875.  <a href="http://www.legis.ga.gov/Legislation/en-US/display/20132014/HB/60">http://www.legis.ga.gov/Legislation/en-US/display/20132014/HB/60</a>	If you look at the title of HB 60, you will see it was a simple gun bill dealing with retired judges. However, all of the concepts in HB 875 were added to so that HB 60 would be the major gun bill that passed.  <b>***See Addendum 1 &amp; 2 for clarification on the components of this bill.</b>
HB 89		<b>Did Not Pass</b>	T. Benton - 31 <sup>st</sup> ; Dutton - 157 <sup>th</sup> ; Others	<b>Exempts Certain Firearms From Federal Regulations -</b> Certain firearms, ammunition, etc., manufactured and remaining in Georgia's borders shall not be subject to federal laws or regulations.	Probably will not go anywhere; however, if it does, it would have to change a lot to be acceptable.
HB 449		Passed 03/18/14	Gravley 67 <sup>th</sup> ; Jacobs 80 <sup>th</sup> ; Hightower 68 <sup>th</sup> ; and others.	Eliminates public disclosure of some recordings of victim.  <a href="http://www.legis.ga.gov/legislation/en-US/Display/20132014/HB/449">http://www.legis.ga.gov/legislation/en-US/Display/20132014/HB/449</a>	Very good bill which would eliminate the release of a serious distress call in which a person dies (modifies the Open Records Act).
HB 539		<b>Did Not Pass</b>	Sims 169 <sup>th</sup> ; Carson 46 <sup>th</sup>	Relating to definitions relative to campus police officers based upon population.	GACP supported and the law is needed based upon a change in law last year. Extends private university law enforcement jurisdiction to 500 feet off campus.



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HB 720		Did Not Pass	Lumsdem 12 <sup>th</sup> ; Powell 32 <sup>nd</sup> ; Willard 51 <sup>st</sup> ; and Others.	Provides for the collection of fees associated with citation.	Good law enforcement bill which would allow courts to add \$5.00 per ticket for E-ticketing. It does have a sunset cap.
HB 749		Passed 03/20/14	Duncan - 26 <sup>th</sup> ; Tanner - 9 <sup>th</sup> ; Martin - 49 <sup>th</sup> ; Others	<b>Defines Cargo Theft &amp; Sets Penalties</b>  <a href="http://www.legis.ga.gov/legislation/en-US/Display/20132014/HB/749">http://www.legis.ga.gov/legislation/en-US/Display/20132014/HB/749</a>	Also allows for GBI to have concurrent jurisdiction. Good overall bill. Endorsed by GACP.
HB 803		Did Not Pass	T. Benton 31 <sup>st</sup> ; Kaiser - 59 <sup>th</sup> ; Drenner - 85 <sup>th</sup> ; Wilkinson - 52 <sup>nd</sup>	Requires Law Enforcement to have a written policy to deal with encounters involving domesticated animals; requires Law Enforcement training and sanctions officers who do not obtain training by suspending their POST certification	This bill is earmarked at curtailing the shooting of dogs. Major changes occurred in this bill and now it only requires policy be implemented by the departments. Mandated training for officers is no longer required.
HB 837	**	Passed 03/20/14	Hamilton - 24 <sup>th</sup> ; Powell - 32 <sup>nd</sup> ; Golicy 40 <sup>th</sup> ; and Others	Probation modification bill dealing with cities and counties probation services.  <a href="http://www.legis.ga.gov/legislation/en-US/Display/20132014/HB/837">http://www.legis.ga.gov/legislation/en-US/Display/20132014/HB/837</a>	This includes private probation companies and the collection of fines and the tolling of sentences under circumstances by county and city courts. Complex bill, if interested please read the entire bill.
HB 845	**	Passed 03/18/14 By Substitute*	Strickland - 111 <sup>th</sup> ; Powell - 171 <sup>st</sup> ; and Others	Ban of mug shots unless the arrested person is convicted.  <a href="http://www.legis.ga.gov/Legislation/en-US/display/20132014/HB/845">http://www.legis.ga.gov/Legislation/en-US/display/20132014/HB/845</a>	Title speaks for itself. Remember, once a photo is on a website, etc. it is never gone. This is to protect the innocent.  *Applies to posting where you pay a fee to remove photo from on-line (affidavit required).
HB 869		Did Not Pass	Yates - 73 <sup>rd</sup> ; Powell - 32 <sup>nd</sup> ; Roberts - 155 <sup>th</sup> ; and Others	Traffic control devices and light-weight motorcycles and other light-weight motor vehicles	Would allow the operator of such vehicles to go through red lights if the weight of the vehicle does not activate the trip plate; however, the vehicle operator must wait 60 seconds. Did not pass the House; therefore, probably will not move (dead).



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BILL #	**	STATUS - ASSIGNED TO	AUTHOR(S)	TITLE AND/OR SUMMARY	GACP COMMENTS
HB 875	**	<b>Did Not Pass; However, Cross Reference with HB 60 - All</b>	Jaspere - 11 <sup>th</sup> ; Meadows 5 <sup>th</sup> ; Powell - 32 <sup>nd</sup> ; and Others	<b>**Please see HB 60 Information**</b>	The substance of this bill was placed into HB 60, which passed on 3/20/2014, and was sent to the Governor for signature.
HB 885	**	<b>Did Not Pass</b>	Peake - 141 <sup>st</sup> ; Watson - 166 <sup>th</sup> ; Channell - 120 <sup>th</sup> ; and Others	Medical marijuana relating to illnesses such as cancer, glaucoma, etc.	Most believe this is the precursor to legalizing marijuana. GACP, at their February 9, 2014, board meeting, voted to oppose the bill but embraced further study on the topic. The IACP has called for the repeal of state legislation allowing for the distribution of medical marijuana. If this bill passes, it will be in conflict with Federal law. Time will tell.  *The main reason the bill did not pass is because of the addition in the bill requiring insurance companies to pay for autism
HB 911		Passed both the House and Senate unanimously. <b>Awaiting Governor's signature.</b>	Ballinger - 23 <sup>rd</sup> ; Golicy - 40 <sup>th</sup> ; Oliver - 82 <sup>nd</sup> ; and Others	Know as Domestic Violence Anti-Strangulation Bill.  <a href="http://www.legis.ga.gov/legislation/en-US/Display/20132014/HB/911">http://www.legis.ga.gov/legislation/en-US/Display/20132014/HB/911</a>	Good bill that has been endorsed by many including GACP. Add provisions to the assault and battery area of the OCGA.
HB 965	**	Passed 03/18/14 By Substitute <b>Awaiting Governor's signature.</b>	Cooper - 43 <sup>rd</sup> ; Oliver - 82 <sup>nd</sup> ; and Rutledge - 109 <sup>th</sup>	Immunity from certain arrest for controlled substances in medical emergencies  <a href="http://www.legis.ga.gov/Legislation/en-US/display/20132014/HB/965">http://www.legis.ga.gov/Legislation/en-US/display/20132014/HB/965</a>	Very good bill vetted by many including GACP and PAC. It is a life and death issue for some. On 03.06.14 two amendments were added 1) administration of naloxone (counters effects of opiates) 2) allows out of State pharmacies to work in the State of Georgia without obtaining a Georgia license.



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SB 350	*	<b>Signed by Governor</b>	Peake - 141 <sup>st</sup> , Hitchens - 161 <sup>st</sup> , and Others	Group Care Facility Operators & Other Persons in such Facilities  <a href="http://www.legis.ga.gov/Legislation/en-US/display/20132014/HB/350">http://www.legis.ga.gov/Legislation/en-US/display/20132014/HB/350</a>	Very good bill which allows for a reasonable background check on person employed by group care facilities; i.e., criminal backgrounds, etc.
SB 355		<b>Did Not Pass</b>	Cowsert - 46 <sup>th</sup> , McKoon - 29 <sup>th</sup> , and Stone - 23 <sup>rd</sup>	Eyewitness identification mandating policy and videos	This is a Defense Attorney bill in that if the mandated policy is NOT strictly followed regarding line-ups, show-ups and photo arrays, then there is a rebuttable presumption of prejudice and bad faith by law enforcement prohibiting the evidence from being introduced. Currently, GACP and the Prosecuting Attorneys Council (PAC) have grave concerns with the bill. This bill is dead mostly because of the opposition of your GACP, GACP and PAC.
SB 382	**	Passed 03/20/14 By Substitute <b>Awaiting Governor's signature.</b>	Mullis 53 <sup>rd</sup> , Chance 16 <sup>th</sup> , and Jones 25 <sup>th</sup>	Provides additional crimes to retail thefts.  <a href="http://www.legis.ga.gov/legislation/en-US/Display/20132014/SB/382">http://www.legis.ga.gov/legislation/en-US/Display/20132014/SB/382</a>	Good overall bill.
SR 756		<b>Did Not Pass</b>	McKoon - 29 <sup>th</sup>	Request for a medical marijuana study committee	GACP supports this resolution and opposes HB 885, which would legalize medical marijuana in the State of Georgia. Has not moved.

## **Addendum 1**

Below is a listing of some of the changes that **HB 60** (the comprehensive firearms bill) will bring if signed or allowed to become law by the Governor.

- (1) The legislation would expand Georgia's "stand your ground laws" to include claims of stand your ground by the following persons
  - a. Someone who *illegally* brings a gun into a courthouse, government building, jail or prison, mental health facility, a nuclear power plant, in a polling place, a school safety zone, a school function, or on school property
  - b. Someone who *illegally* is carrying a pistol without a license
  - c. A convicted felon who is not permitted to have a firearm but *illegally* possesses a firearm
  - d. A person who is high on drugs or under the influence of alcohol
- (2) Allow firearms into bars, unless the bar prohibits firearms
- (3) Allow license holders to bring firearms into government if there is not a peace officer screening the entrances; Non-license holders would be prohibited at all times
- (4) Prevent peace officers from asking persons to see their license; therefore, prohibiting peace officers from determining who is a license holder and who is a non-license holder
- (5) Allows a person *convicted of the crime* of pointing a firearm at another person to get a license
- (6) Although people can already sue a local government, the legislation would grant persons that sue a local government on weapons laws attorney's fees, expenses of litigation and damages.
- (7) Prevents fingerprinting for renewal firearms licenses

There are obviously many other changes in the bill, but those are some of the big ones.

*Prepared by GMA's Associate Legal Counsel, Rusi Patel*

## Addendum 2

### Analysis of HB 60 as Passed by Senate and Agreed to by the House

March 20, 2014

The final version of the Omnibus Gun Bill is House Bill 60 as amended by the House (AM 41 0040), then further amended by the Senate, and finally agreed to by the House at 11:30 PM, on the last day of the 2014 Legislative Session on March 20, 2014.

Called the “Safe Carry Protection Act,” changed Georgia gun policy on carrying of concealed weapons **across five code sections**:

1. Removes any restriction or prohibition against lawful possession of a firearm for tenants in **public housing**;
2. Authorizes the use of **suppressors** for hunting on private property and on public lands as allowed by DNR;
3. Expands use of deadly force – Stand Your Ground—and **provides immunity from prosecution even for convicted felons**;
4. Removes **BARS (including taverns, nightclubs, cocktail lounges and cabarets)** from the list of unauthorized locations for carrying concealed firearms;
5. Requires the governing authority of **houses of worship** to decide whether they will allow firearms;
6. Authorizes carrying concealed weapons in **any government building** that does not have screening by security personnel if at least one member of such security personnel is a peace officer;
7. Makes **adjudication of guilt on a “dangerous drug” charge** the ONLY restriction to receiving a concealed carry license;
8. Allows concealed carry of a firearm by **18-21 year olds** who are currently or have been honorably discharged from the military;
9. Removes **pointing a gun or a pistol** at another from the criminal code;
10. Restricts discretion of the probate Judge to issue a carry license to a person who has been hospitalized as a **mental hospital inpatient** or in an alcohol or drug treatment center within five years immediately preceding the application;
11. Removes the requirement for **fingerprinting** for renewing a concealed carry license;
12. Prohibits the creation of a **multijurisdictional database** of persons issued concealed carry licenses;
13. Restricts the sharing of any information by a Probate Court **Judge even with a subpoena or court order** or for public safety purposes;
14. Authorizes local boards of education to allow certain **school personnel to carry concealed weapons** within a school safety zone at a school function or on a school bus;
15. Creates the violation of entering a screening area of an **airport**, but only allows for arrest if there is intent to commit a felony or if the person is not a concealed carry permit holder;
16. Makes any **airport** “ordinance, resolution, regulation, or policy of any county, municipality or other political subdivision of this state which is in conflict with this code section null and void;”
17. Requires every concealed carry permit holder to have his/her permit in their possession but **prohibits detaining a subject** for the sole purpose of investigating whether such person has such a license;
18. Restates that defense of self or others –Stand Your Ground – is an **absolute defense** to any violation under this **airport** section;

19. Allows no other government entity except the General Assembly **to regulate gun shows, and firearms dealers;**
20. Transfers authority for regulating firearms of employees of local governments from the governing body to the **Chief of Police;**
21. Provides for **absolute right of action** by any government employee aggrieved by a violation of this section;
22. Authorizes defense of self or others – Stand Your Ground – as an absolute **defense on passenger transportation;**
23. Requires the Clerk of Court to forward mentally incompetent adjudications to the **NICS** no later than 10 days after such adjudication;
24. Prevents any temporary or permanent seizure of a firearm by any law enforcement officer or other employee of a political subdivision including the National Guard during **a declared state of emergency;**
25. Removes the **Governor’s emergency powers** over any limitations to firearms possession during a declared state of emergency.

**NOTE: In every circumstance where a firearm is not permitted, the “Safe Carry Protection Act” prevents ANY action against a person claiming to possess a concealed weapons carry permit if they agree to leave the area. Law enforcement officers currently are prohibited from asking to see the permit, and this legislation prevents any detaining to verify if the concealed firearm possessor is actually a licensed concealed carry permit holder.**

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3/23/14