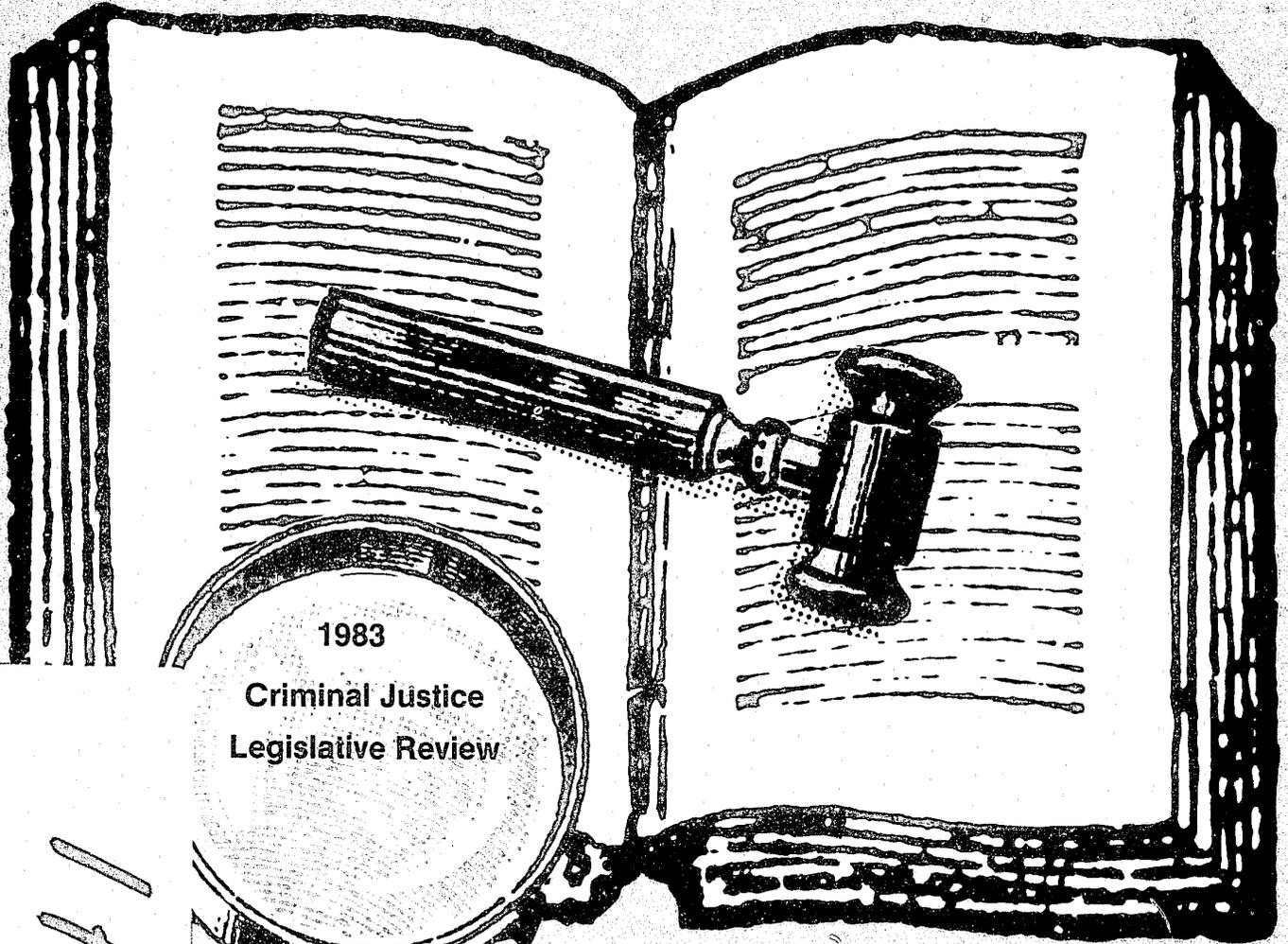


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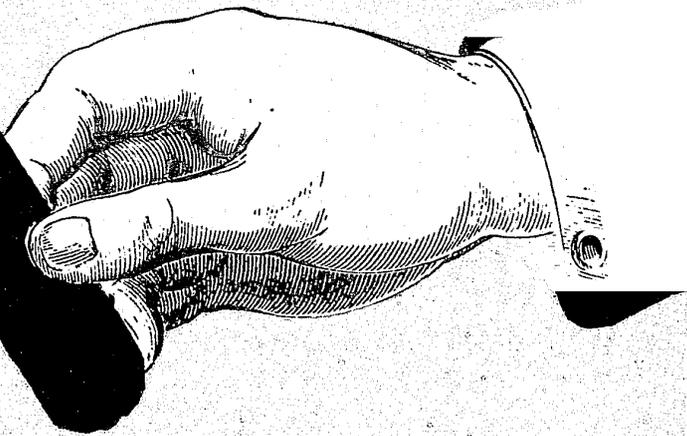
# State of Georgia 1983 General Assembly



1983  
Criminal Justice  
Legislative Review

98341

by the  
Justice  
ating Council



July 1983

## CRIMINAL JUSTICE LEGISLATION REVIEW

STATE OF GEORGIA  
1983 GENERAL ASSEMBLY

98341

U.S. Department of Justice  
National Institute of Justice

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ACQUISITIONS

## FOREWORD

The Criminal Justice Legislation Review contains analyses of the legislation enacted by the 1983 Georgia General Assembly which impacts the foundation and operation of our criminal justice system. That system is evolutionary and significant changes are made each year by legislative action. The purpose of this publication is to afford criminal justice practitioners, state and local government officials, and interested members of the general public an opportunity to review the content of such legislation. This analysis is the fourth annual review of criminal justice legislation, and is a continuation of an effort commenced in 1980 by the then State Crime Commission.

As was done in the previous publications, each major piece of legislation is analyzed in a similar manner. The first paragraph outlines the provisions of the legislation and "what the law says." The second paragraph provides insights as to what the law is expected to do, or how it affects a particular facet of the criminal justice system. The third paragraph explains the background of the legislation, or "where it comes from." The analyses are presented in the following order: House Bills, Senate Bills, House Resolutions, and Senate Resolutions. References to OCGA pertain to the new Official Code of Georgia Annotated.

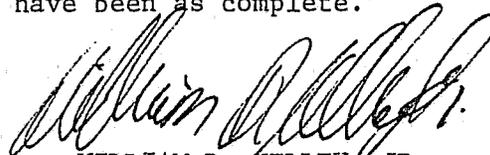
In addition to the synoptic review of the major legislation passed and signed into law by the Governor, legislation of local interest is listed in numerical order, by the originating Chamber, along with the title of the Act. Because of the local, rather than statewide impact of this legislation, no analysis is included.

Also not synoptically reviewed and analyzed are the various bills which passed the General Assembly pertaining to retirement funds. Because each bill may affect different individuals in different ways, it was determined that a brief review might be misleading in the applicability of its provisions. However, each bill having general impact on the various retirement funds within the criminal justice system are listed in a separate section entitled: "Criminal Justice System Retirement Legislation."

It is hoped that this publication, by continuing to inform the public officials and citizens of Georgia, will help to bring

about a greater understanding and belief in the laws of our State and thus insure their successful implementation and use. The highly favorable comments received concerning the 1982 publication, indicate that such understanding is being achieved.

Special acknowledgement is made to several interns from the Governor's Intern Program who provided significant assistance during the initial legislation review process, and during the preparation of this review. Without the assistance of Warren Turner and Terry Galloway, preparation of the Review would have been much more difficult. Also acknowledged is the assistance of many criminal justice organizations and agencies throughout the State which were responsive to staff inquiries concerning the impact of many pieces of legislation. Without their expertise and insight, our analyses could not have been as complete.

A handwritten signature in cursive script, appearing to read "William D. Kelley, Jr.", is written over the typed name and title.

WILLIAM D. KELLEY, JR.  
DIRECTOR

## INTRODUCTION

The 1983 Georgia General Assembly considered only new legislation, as there was no legislation held over from the 1982 Session. Laws and Resolutions resulting from this legislation which has an impact on a statewide basis upon the criminal justice system are reviewed in this publication. Acts and Resolutions of a localized nature, as well as system-wide retirement legislation, are also listed for the convenience of interested persons.

The House considered a total of 888 bills. Of these, 457 were passed, 452 were signed into law by the Governor, and 51 are reviewed in this publication. Additionally, 98 Local Bills are listed. The House also introduced 434 Resolutions, of which 385 were adopted, and nine of these are reviewed. Also listed are 12 Resolutions of a local nature.

The Senate introduced 311 bills, of which 126 were passed, and 119 were signed into law by the Governor. Twenty-eight of these new laws are reviewed herein, and 17 Local Bills are listed. Additionally, 261 Resolutions were introduced into the Senate with 243 of them passing. Ten of these Resolutions are reviewed and three of a local nature are listed.

In addition to the above, a total of one House Bill and three Senate Bills which impact upon system-wide retirement funds and procedures are listed.

Users of this publication can readily see the impact of the statewide criminal justice legislation which was enacted into law. This legislation, affecting all of the citizens of the State, again occupied a considerable amount of the General Assembly's deliberative time and effort. The real impact of this new legislation will be felt throughout the State as the various components of the criminal justice system become aware of them, and they are implemented. This publication is in furtherance of the effort to contribute to that awareness.

HOUSE BILLS

HOUSE BILLS

H.B. 6 - ALCOHOLISM TREATMENT: EFFECTIVE DATE - ACT 292

H.B. 6 amends OCGA, Code Section 37-8-53. It provides that the date on which the Uniform Alcoholism and Intoxication Treatment Act becomes effective shall be extended to July 1, 1985. Effective March 16, 1983.

H.B. 6 will delay by an additional two years, the date for the implementation of comprehensive treatment designed to approach alcoholism and intoxication as symptoms of a disease rather than as criminal offenses. It may hence contribute to or increase jail overcrowding by delaying diversion of inebriants from incarceration into treatment programs. It will perpetuate fragmentation of treatment of publicly undesirable alcohol-related behavior as localities enact their own ordinances or continue to enforce previously enacted ordinances pertaining to these behaviors, in lieu of such statewide policy. It may lead to a higher incidence of individuals displaying inebriated, disruptive behavior in public, increase police functions necessary to deal with these disruptions, and, consequently, further impact jail populations.

H.B. 6 is the ninth annual extension of the effective date of the Uniform Alcoholism and Intoxication Treatment Act. It is a response to the current lack of sufficient funding, facilities, programs, and other resources necessary to implement fully the Act and decriminalize alcoholism or behavior associated with the disease of alcoholism. It further responds to a continued debate over the appropriate approach to public, habitual inebriated behavior - as a criminal offense or as a symptom of the disease of alcoholism.

\*\*\*\*

H.B. 7 - AGGRAVATED ASSAULT: BAIL PROCEDURE - ACT 7

H.B. 7 amends OCGA, Code Section 17-6-1. It provides that aggravated assault is no longer an offense which is bailable only before a judge of the superior court. It essentially returns the authority to grant bail, in cases of aggravated assault, to all courts of inquiry, as had been the case prior to November 1, 1982. Effective February 21, 1983.

H.B. 7 will allow cases of aggravated assault to be brought before a court of inquiry for the purpose of granting bail. It should reduce the appearance of these cases before superior courts for the purpose of setting bail. It should contribute toward increased ease in acquiring bail for one charged with that offense through access to courts other than superior courts, and should serve to reduce the length of time one accused of aggravated assault remains in a local jail or detention facility awaiting bail.

H.B. 7 was introduced at the request of the Fulton County District Attorney's Office. It responds to workload and backlog problems resulting from a 1982 amendment to Georgia's Bond and Recognizance laws designed to restrict grants of bail to felony offenders. More specifically, with respect to the offense of aggravated assault, it recognizes that in metropolitan areas of the state, there are large volumes of aggravated assault cases (frequently related to domestic disturbances) and that mandates to make these casesailable only before superior courts, ultimately creating backlogs in local detention facilities due to the crowded schedules of superior courts and the related inability of these courts to hold bail hearings for aggravated assault cases in a timely manner.

\*\*\*\*

H.B. 8 - CAPITAL FELONY: COUNTY EXPENSES - ACT 23

H.B. 8 amends OCGA, Code Sections 17-11-21, 17-11-22, 17-11-23 and 17-11-24, known as the "Capital Felony Expense Act." It clarifies the definition of capital felony expenses by specifying the various segments of capital felony cases at which expenses apply. It provides that capital felony expenses incurred by counties will accumulate from the date of arrest over a period of years (they are not confined to one single year, but cumulative). It provides that payments to reimburse counties for capital felony expenses will be made at any time during the state's fiscal year, rather than only during the first quarter of the state's fiscal year. Effective March 4, 1983.

H.B. 8 should assure that the Capital Felony Expense Act is more capable of providing state financial assistance to help smaller counties defray the relatively high costs of capital felony cases tried in those counties. NOTE - Prior to amendment, the Act provided state reimbursement for capital felony expenses exceeding 5% (in single cases) or 10% (in two or more cases) of county revenue. However, it did not allow expenses to accumulate for a period exceeding

one year. Consequently, smaller counties were unable to defray costs sufficiently, because such costs usually did not accumulate to equal the 5 or 10% threshold level over a period of a year's time. It should also simplify reimbursement procedures for counties. It will result in some increase in the expenditure of state funds, while lifting a portion of the financial burden of lengthy, prolonged capital felony litigation from smaller counties.

H.B. 8 was initiated and supported by the Department of Community Affairs, which administers the Capital Felony Fund. It responds to complaints from the elected officials of smaller counties which maintained that the Act was not functioning to help adequately to defray the cost burden placed on smaller counties by capital cases tried in their jurisdictions. It also acknowledges the state's recognition of the validity of these complaints and the state's willingness to accept the responsibility for sharing in the payment of capital felony expenses.

\*\*\*\*

H.B. 11 - FISHING BOATS: POWER DRAWN NETS: OFFENSES - ACT 215

H.B. 11 amends OCGA, Code Section 27-4-138. It provides for increased penalties for persons in command of commercial fishing boats, violating Code Sections 27-4-133 and 27-4-171 relative to commercial fishing with power-drawn nets. It increases the penalties as follows: first offense - fine is increased from \$250 to \$500 and mandatory suspension from commercial fishing is increased from 30 to 60 fishing days; second offense - fine is increased from \$500 to \$1500 and mandatory suspension from commercial fishing is increased from 60 to 120 fishing days; third offense - fine is increased from \$500 to \$5,000. It also increases and strengthens penalties for persons who operate commercial fishing boats and engage in illegal fishing with power-drawn nets when the boat has not been licensed or has had its license suspended and not reinstated. It increases fines for these violations as follows: first offense - fine is increased from \$1,000 to \$2,500; second offense - fine is increased from \$3,000 to \$5,000. It further provides that adjudication of guilt or imposition of sentence (relative to violations of Code Section 27-4-138) shall not be suspended, probated, deferred or withheld. Effective July 1, 1983.

H.B. 11 should serve as an increased deterrent to commercial shrimp fishermen engaging in illegal fishing with power-drawn nets. It may contribute to better regulated and controlled fishing in the State's commercial fishing areas. It should not have a major impact upon the criminal justice system of this State.

H.B. 11 responds to the concerns over the preservation of Georgia's natural resources, and the rapid depletion of shrimp in commercial fishing areas through the use of power-drawn nets which results in larger removal of shrimp from the waters.

\*\*\*\*

H.B. 22 - PARDONS AND PAROLES: CREATION OF BOARD - ACT 221

H.B. 22 amends OCGA, Code Sections 42-9-2, 42-9-6, 42-9-14, 42-9-19, 42-9-20 and 42-9-56. Its intent is to implement certain changes required by Article IV, Section II of the new Constitution of the State of Georgia. In so doing, it specifies the following new statutory law provisions relative to the State Board of Pardons and Paroles: (a) it requires the Board to elect one of its members annually to serve as chairman; (b) it requires the Board to submit a detailed report of its actions to the General Assembly annually; and (c) it totally eliminates the Governor's power to suspend the execution of death sentences and vests this power in the Board - this, in fact, results in the Governor having no power whatever over the granting of pardons or paroles. Effective July 1, 1983.

H.B. 22 will have the obvious general impact of making statutory and constitutional law in Georgia relative to the Parole Board, more consistent. It may cause some increased workload for the Board's staff relative to preparing detailed annual reports for the General Assembly. It effectively removes the Governor from participating in any pardon or parole decision (most notably death penalty cases) and thereby should further isolate such decisions from the external pressures of the political process.

H.B. 22 responds to the requirement to modify existing state statutory law to comply with the requirements of the new State Constitution. No opposition to the provisions of the bill were identified and it had the tacit support of the State Board of Pardons and Paroles.

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H.B. 23 - CRIMINAL PROCEDURE: COPIES OF INDICTMENT FOR ACCUSED - ACT 222

H.B. 23 amends OCGA, Code Section 17-7-110. Its intent is to implement certain changes required by Article I, Section I, Paragraph XIV of the new Constitution of the State of Georgia. In so doing, it mandates that

every person charged with a criminal offense shall be furnished with a copy of the indictment or accusation, prior to his arraignment. It further provides that, on demand only, the accused shall be provided a list of witnesses on whose testimony the charge against him is founded. Previous law required that both indictments/accusations and list of witnesses were to be provided on demand only. Effective July 1, 1983.

H.B. 23 will have the obvious general impact of making statutory and constitutional law in Georgia relative to criminal procedure more consistent. It will result in all defendants receiving copies of indictments/accusations prior to arraignment, whether they do or do not request them. It may provide some minor assistance to defendants who do not have counsel prior to arraignment in terms of being fully knowledgeable of the charges against them in preparing their defense. It will create some minor workload additions for prosecutors and their staffs.

H.B. 23 responds to the requirement to modify existing state statutory law to comply with the requirements of the new State Constitution. It is also an apparent response to the defense bar's interest in assuring provision of more information to accused offenders at earlier stages of the criminal process.

\*\*\*\*

H.B. 34 - OFFENDER REHABILITATION BOARD: CHANGE PROVISIONS - ACT 225

H.B. 34 amends OCGA, Code Section 42-2-2 and 42-2-11. Its intent is to implement certain changes required by Article XI, Section I, Paragraph I of the new Constitution of the State of Georgia. It provides that on and after July 1, 1983, the Board of Offender Rehabilitation shall consist of 15 members - one from each Congressional District in the State and five additional members from the State at large. It provides that all members shall be appointed by the Governor, subject to confirmation by the Senate. It provides for staggered terms of appointment for initial members of the new Board and that, thereafter, all members shall be appointed for terms of five years. It provides that members serving on the Board on April 1, 1983, shall remain in office until their successors are appointed and qualified. It also provides that the Board shall have the duties, powers, authority and jurisdiction provided for in OCGA 42-2 or as otherwise provided by law. Effective March 15, 1983.

H.B. 34 will have the general impact of making statutory law relative to the Board, consistent with the new State Constitution, under which the

Board becomes a statutory board. It will increase the number of members on the Board from nine to 15. It should have the effect of creating more statewide representation on the Board and should serve to make the Board more responsive to the policies of the Governor.

H.B. 34 has the intent of implementing changes required by the new Constitution; however, the legislation incorrectly states that it implements changes required by Article III, Section VI, Paragraph IV, subparagraph (b) of the Constitution, while in reality it should implement changes required by Article XI, Section I, Paragraph I, subparagraph (b). This legislative error will probably require amendment of this code section during the next General Assembly. H.B. 34 responds to the desire of the Administration to standardize size and composition to achieve uniformity within and among the various Executive Branch boards in the State, as well as to expand their representative nature.

\*\*\*\*

H.B. 50 - STATE BOXING COMMISSION: CREATE - ACT 436

H.B. 50 creates a new law, Chapter 31 of Title 31 of the OCGA. It creates the State Boxing Commission and provides the Commission with concurrent jurisdiction with local governments to license the promotion/holding of each professional boxing match in Georgia. It provides that the Commission shall be composed of three members appointed by the Governor for two-year terms initially, and subsequently, for four-year terms. It provides for the election of a chairman and vice chairman and allows the chairman to succeed himself in office. It provides for reimbursement of the travel and expenses of Commission members. It provides that before any entity shall promote/hold a boxing match in Georgia, it must obtain a state license from the Commission (in addition to any local license required). It provides that application for a license must be accompanied by a minimum fee of \$150, a performance bond in an amount determined by the Commission. It authorizes the Commission to inquire into the financial backing of any professional boxing match. It provides that the Commission shall not issue a license unless: (a) any required local license has been issued and remains valid; and (b) the Commission determines that no harm to the health, welfare, morals or safety of citizens will result from the match. It provides for revocation of the state license by majority vote of the Commission, subsequent to prior notice to the holder and opportunity for the holder to be heard. It provides that any entity promoting/holding any professional boxing match without the valid

license(s) required will be punished as for a misdemeanor. It authorizes the Commission to adopt rules and regulations for enforcing the law and assigns the Commission to the Department of Human Resources (DHR) for administrative purposes only. It provides a sunset clause which terminates the Commission on June 30, 1986. Effective July 1, 1983, for administrative purposes. Effective January 1, 1984, for all purposes.

H.B. 50 will provide for regulation of the sport of professional boxing in Georgia where none has existed previously. It should result in ensuring that boxing cards provide for opponents of relatively equal skills, rather than pitting severely unequal talents against each other, as has occurred in the past in this state. It should ensure the financial soundness of the promoters, guaranteeing that "fly-by-night" fight promoters cannot organize bouts in this state. Its provisions pertain to professional boxing matches, not to amateur Golden Glove matches.

H.B. 50 is primarily a consumer bill, providing for protection of the public from unscrupulous fight promoters. It responds directly to a specific scheduled bout in a major metropolitan area, where a fight card was advertised, and one of the major events did not take place, as one of the boxers failed to appear. While it does not relate directly to the criminal justice system, it does provide for criminal sanctions against those who violate its provisions. Further, it provides some potential safeguard via a licensing/regulatory mechanism against the entry of organized crime operatives with commercial gambling interests, into the fight promotion business in Georgia.

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H.B. 58 - JUVENILE DELINQUENT: DISPOSITION - ACT 417

H.B. 58 amends OCGA, Code Section 15-11-16. It provides that if an adjudicating court (juvenile courts which make a finding that a child has committed an unruly or delinquent act) finds a non-resident child (child who resides in a Georgia county other than the one in which adjudicating court sits) to be unruly or delinquent and the court has jurisdiction over one or more resident children who also participated in the same unruliness or delinquency, then the adjudicating court has the option of retaining jurisdiction over the disposition of the non-resident child. [NOTE - previous law did not provide this option. It mandated transfer of the non-resident child back to the court in his county of residence for disposition.] It provides that in order to retain this jurisdiction, the court must notify the court of the county of the child's residence and request information or non-binding recommendations relevant to the child's disposition. It retains the requirement that, if the adjudicating court does not exercise jurisdiction

relative to the disposition of the child and transfers such jurisdiction to the court of child's county of residence, all relevant records must accompany such transfer. Effective July 1, 1983.

H.B. 58 will provide the potential for equalized disposition of juveniles who were together engaged in unruly or delinquent acts, rather than a separate, and perhaps distinctly different disposition which might be imposed if the child were transferred to the court of the county of his residence where another judge would adjudicate the case. It should tend to equalize dispositions in juvenile gang activities which take place in adjoining counties, but may involve youths from several jurisdictions.

H.B. 58 is an apparent response to the perceived inequities which could potentially, or actually do, take place involving transfer of unruly or delinquent children from the jurisdiction in which they committed the act, to the court of the county of residence. It may reduce some criticism regarding disparity of treatment between juvenile courts concerning resident vs. non-resident youth. It was supported by the Council of Juvenile Court Judges and other youth advocacy groups.

\*\*\*\*

H.B. 68 - FIREARMS: POSSESSION BY FELONS - ACT 437

H.B. 68 amends OCGA, Code Section 16-11-131. It provides that a person who has been convicted under federal or state law of a felony pertaining to antitrust violations, unfair trade practices, or restraint of trading, may be granted permission to receive, possess or transport firearms by the Board of Public Safety. It provides that said permission shall be granted if the person submits proof to the satisfaction of the Board that circumstances regarding his conviction, record and reputation are such that his acquisition, receipt, transfer, shipment or possession of firearm(s) would not present a threat to the safety of citizens and would not be contrary to the public interest. Effective March 18, 1983.

H.B. 68 will allow ex-felons who were convicted of offenses related to the regulation of business practices, to acquire, receive, transfer, ship or possess firearms if they submit the above-referenced proof to the satisfaction of the Board of Public Safety. It may create some additional workload for the Department of Public Safety. It will "track" existing federal law, allowing "ex-white collar criminals" to "possess" firearms.

H.B. 68 responds to concern that Georgia law may have been too restrictive in denying certain ex-white collar criminals access to firearms. More generally, it responds to a belief that this class of ex-felons traditionally has not used firearms to commit criminal acts and is not prone to pose any threat to public safety by "possessing" a firearm.

\*\*\*\*

H.B. 72 - BAD CHECKS: ISSUANCE FOR CHILD SUPPORT - ACT 211

H.B. 72 amends OCGA, Code Section 16-9-20. It expands the definition of "present consideration" in Georgia statutes related to the issuance of bad checks, to include an obligation or debt which is past due or presently due for child support, when made to the custodian of a minor child for the support of such minor child and given pursuant to an order of court or written agreement signed by the person making the payment. Effective March 15, 1983.

H.B. 72, in specifically defining the criminal offense of issuing a bad check for child support payments, should provide for increased ease in the prosecution of that offense. It should result in more convictions for issuance of bad checks for support payments, while it may provide additional deterrence for such acts in the future. It may result in some increase in local jail population upon conviction of the offense and a subsequent sentence to confinement.

H.B. 72 responds to an apparent increase in the number of instances of bad checks being issued for support payments by those responsible for support of minor children. Easier prosecution, and the implied deterrent impact of this legislation, indicates the support of child advocacy groups throughout the State.

\*\*\*\*

H.B. 77 - VEHICLE EQUIPMENT SAFETY COMPACT: MEMBERSHIP - ACT 297

H.B. 77 repeals OCGA, Code Sections 40-8-280 through 40-8-291. It provides for withdrawal of the State of Georgia as a party state to the Vehicle Equipment Safety Compact. It provides for such withdrawal effective one year after the Governor gives notice of withdrawal as specified in Article IX of the Compact. Effective March 16, 1983.

H.B. 77 will eliminate any responsibilities the State of Georgia has in being a party to the Vehicle Equipment Safety Compact, primarily those of honoring other states' vehicle safety inspection stickers. It will eliminate all costs incurred by Georgia if membership in the Compact were retained, such costs currently approximating \$6,700 to \$7,000 a year.

H.B. 77 is an apparent response to the passage of H.B. 1156 during the 1982 General Assembly, which repealed the requirement for safety inspections and display of inspection stickers on motor vehicles registered and operated in Georgia. Due to the elimination of this requirement, Georgia no longer has a requirement to be concerned with honoring vehicle safety inspections/stickers issued by other states.

\*\*\*\*

H.B. 81 - EMERGENCY VEHICLES: PERMITS - ACT 187

H.B. 81 amends OCGA, Code Section 40-8-92. It provides that permits issued by the Board of Public Safety to operate emergency vehicles (vehicles with flashing or revolving emergency lights of the appropriate color) belonging to federal, state, county or municipal government agencies shall be valid for five years from the date of issuance. It retains the provision that permits issued for all other emergency vehicles shall be valid for a period of only one year from the date of issuance. Effective March 15, 1983.

H.B. 81 should benefit local governments which operate emergency vehicles by eliminating administrative burdens associated with annual renewal of permits for such vehicles. It simultaneously will create an additional administrative burden on the Department of Public Safety to maintain accurate emergency vehicle permit records for a longer period of time. It will not impact revenues generated by permit fees, since government agencies are exempt from such fees.

H.B. 81 is an apparent response to efforts of local governments and local government interest groups to reduce administrative inconveniences associated with the requirement to renew emergency vehicle permits annually. It was supported by the Georgia Municipal Association.

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H.B. 83 - ANTITERRORISM TASK FORCE - ACT 21

H.B. 83 creates a new law, known as the Antiterrorism Act. It enacts OCGA, Code Sections 35-3-60 through 35-3-65. It establishes a special Antiterrorism Task Force within the Georgia Bureau of Investigation (GBI) to operate independently of any other investigative operations within the GBI. It provides that the Task Force shall devote itself to the identification, investigation, arrest and prosecution of individuals or groups who perform terroristic acts against a person or his residence on the basis of such person's race, national origin or

religious persuasion. It provides that all efforts shall be made to maintain the confidentiality of investigations and the identity of undercover agents. It provides, however, that information may be shared with other law enforcement agencies and that their assistance may be sought, if, in the sole discretion of the GBI's Director of Investigation or Director of the Task Force, such sharing and assistance would be deemed not to compromise the successful completion of an investigation. It defines terroristic acts as acts which constitute crimes against a person or his residence and are committed with the specific intent/reasonable expectation of instilling fear into such person, or are committed for the purpose of restraining that person from exercising his rights under the Constitution and statutes of Georgia and the federal government; and any illegal acts directed at other persons or their property because of that person's political beliefs or affiliation. Effective March 3, 1983.

H.B. 83 should enhance the capability of the GBI and other law enforcement agencies in Georgia to identify, investigate, arrest and prosecute individual(s) who illegally threaten, harass, terrorize, or otherwise injure or damage people and their property on the basis of their race, national origin, or religious persuasion. It will allow the State a specialized, dedicated effort to combat and, hopefully, to prevent terroristic acts by organized groups who specifically utilize terrorism as a form of political expression or communication.

H.B. 83 responds generally to a reactivation of terroristic acts against citizens in Georgia and requests of local communities for state assistance in countering such acts. It also generally responds to the recent international and national use of terrorism by organized groups to force their views and practices on others. It more specifically responds to an increase in demonstrative activities by the Ku Klux Klan in Georgia and a desire to prevent these activities from erupting into terroristic acts on a widespread, frequent basis.

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H.B. 96 - FIREARMS: DISCHARGE ON SUNDAY: PUBLIC HUNTING - ACT 188

H.B. 96 amends OCGA, Code Section 16-11-105. It adds to the list of those exempt from prohibitions against discharging firearms on Sundays, by providing that "any person hunting on publicly owned land when the administering agency has opened such land to public hunting," may discharge a firearm on Sunday. Effective March 15, 1983.

H.B. 96 will allow licensed hunters to discharge firearms while hunting on public land opened for hunting on Sundays. It may lessen workloads somewhat for enforcement officers, by minimizing the acreage of illegal hunting land which is patrolled.

H.B. 96 is an apparent response to a need to remove an archaic prohibition from Georgia law. It is consistent with a 1969 Opinion of the Georgia Attorney General which held that under previous law, while a person could hunt on Sunday, he could not discharge a firearm except as specified in what is now OCGA, Code Section 16-11-105.

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H.B. 104 - CONTROLLED SUBSTANCES: EXCLUSION - ACT 6

H.B. 104 amends OCGA, Code Sections 16-13-29, 16-13-41 and 16-13-71. It excludes 40 various nonnarcotic substances which may, under the Federal Food, Drug and Cosmetic Act, be lawfully sold over the counter without a prescription, from all schedules of controlled substances. It provides that when a registered practitioner is required to write a prescription to dispense a Schedule III, IV or V controlled substance, he shall include specified information on said prescription (the same as that required on Schedule II prescriptions). It deletes Clortermine, Subsalyclate bismuth and Triprolidine from the codified list of dangerous drugs and adds 21 various drugs to the codified list of dangerous drugs. It adjusts the dosage level threshold which qualifies three drugs as dangerous. It grants the State Board of Pharmacy power to delete drugs from the dangerous drug list set forth in OCGA, Code Section 16-13-71, provided that in making such deletion, the Board considers for each drug: the actual or relative potential for abuse; the scientific evidence of its pharmacological effect; the state of current scientific knowledge regarding the drug; its history and current pattern of abuse, if any; the scope, duration and significance of abuse; the potential of the drug to produce psychic or physiological dependence liability; and whether such drug is included under the Federal Food, Drug and Cosmetic Act. Effective February 17, 1983.

H.B. 104 should assure that the list of substances and drugs (and dosage levels of same, where appropriate) subject to control, is current and updated, inclusive of all substances and drugs subject to substantial abuse, and void of substances and drugs which do not present a substantial potential for abuse or danger. It should also contribute to tighter controls on the dispensing of Schedule III, IV and V controlled substances. It also will provide the Board of Pharmacy with authority previously reserved for the General Assembly - the authority to delete dangerous drugs from the list of dangerous drugs codified in OCGA, Code Section 16-13-71. Such changes would be made by Rules and Regulations, however, which are subject to review by standing committees of the General Assembly.

H.B. 104 is a continuation of past efforts to update and keep current lists of controlled substances and dangerous drugs. It is part of a

comprehensive effort to control the sale and use of such substances in Georgia and to regulate dispensing pharmacists effectively. It also reflects increased medical knowledge concerning harmful effects of new drugs which continue to become available and may be subject to abuse in use or dispensing. It responds to continuing efforts to control the prescription and dispensing of dangerous drugs by physicians and pharmacists. It also apparently responds to the need to expedite the updating of the dangerous drug list via deletions, by granting authority to do so to the Board of Pharmacy, which could presumably update/delete the list on a more frequent basis than could the General Assembly.

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H.B. 116 - MUNICIPAL COURTS: MARIJUANA POSSESSION - ACT 415

H.B. 116 creates a new law. It enacts OCGA, Code Section 36-32-6. It authorizes courts of municipalities (police, recorder's or mayor's courts) to try and dispose of cases where a person is charged with the possession of one ounce or less of marijuana, if the offense occurred within the corporate limits of such municipality. It provides that the jurisdiction of such courts is concurrent with the jurisdiction of any other courts within the county that have jurisdiction to try such cases. It further provides that the defendant in such cases shall be entitled, on request, to have his case transferred to the court which has general misdemeanor jurisdiction in the county wherein the alleged offense occurred. It provides that fines and forfeitures arising from the prosecution of such cases in municipal courts shall be retained by the municipality and essentially prohibits municipal courts from imposing fines or confinement terms in excess of those set forth in the municipality's charter. Effective March 18, 1983.

H.B. 116 will provide statutory authority for a practice already in existence. It will serve to assure to some degree that municipalities continue to receive fine and forfeiture revenues associated with "misdemeanor marijuana cases." The enactment of statutory authority was made necessary by the new State Constitution, which provides for jurisdiction of courts as prescribed by the General Assembly. The procedures authorized by this legislation are already in existence and they cause no material alteration in any judicial function currently being carried out.

H.B. 116 responds to a request of the Georgia Municipal Association. It continues the jurisdictional basis of municipal courts via statute, which was formerly authorized by language contained in the previous State Constitution.

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H.B. 118 - POST-MORTEM EXAM ACT: TIME LIMITATIONS - ACT 315

H.B. 118 amends OCGA, Code Section 45-16-25. It provides that a dead body (other than skeletal remains) taken into custody by a coroner, due to suspicious or unusual circumstances surrounding the death, shall be released to the deceased's next of kin or the next of kin's agent within 24 hours after the demand for release, unless the peace officer, medical examiner or coroner has made a written finding that foul play may have been involved in the death. Effective March 16, 1983.

H.B. 118 establishes a time limitation wherein dead bodies must be released to the next of kin subsequent to a demand for release. Establishment of the 24-hour period to comply with the demand should serve to expedite investigation into the death of the deceased and a timely determination as to whether or not foul play was involved. It should also provide for more timely conduct of funerals in cases where death is accompanied by unusual or specific circumstances. It may enhance cooperation between law enforcement, coroners, and medical examiners to ensure that their necessary investigations are completed in a timely manner, although it could detract from the thoroughness of such investigations.

H.B. 118 responds to apparent difficulties which have been encountered in having bodies released in a timely manner in order to prepare for and conduct the funeral. It responds to the interests of funeral directors in being able to schedule and conduct funeral services for deceased persons within established time-frames. Under previous law, the body did not have to be released until the post-mortem examination and inquest were completed. Also, according to a 1962 opinion of the Georgia Attorney General, the removal of the body to a funeral home, without the direction of the peace officer, coroner or medical examiner, constituted a misdemeanor violation.

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H.B. 121 - COUNTIES: MAGISTRATES COURTS - ACT 429

H.B. 121 strikes Chapter 10 of Title 15 of the OCGA in its entirety, and replaces it with a new Chapter 10. It repeals Chapter 22 of Title 15 of the OCGA, the "Courts of Limited Jurisdiction Compensation Act of 1982," in its entirety. It also amends some 83 separate OCGA Code Sections and repeals 11 other OCGA Code Sections. Its intent is to implement certain changes required by Article VI of the new Constitution of the State of Georgia. It essentially abolishes several courts of limited jurisdiction (justice of the peace courts, small claims courts, notary public ex-officio justices of the peace, county courts) and replaces them with one magistrate court in each county of the State.

It provides for the composition, terms, powers, jurisdiction, fees, rules, procedures and officers of magistrate courts. It provides for the appointment, election, qualifications, compensation and training of magistrates. It deletes references to courts of limited jurisdiction and changes other references to these courts, so that they refer to magistrates and magistrate courts. Effective July 1, 1983, except for the repeal of the "Courts of Limited Jurisdiction Compensation Act of 1982," which is effective March 18, 1983.

H.B. 121 will have the general impact of making statutory and constitutional law in Georgia relative to certain courts of limited jurisdiction consistent. In so doing, it will create uniform composition, procedures, jurisdiction, etc., of magistrate courts in all counties of the state, and should terminate the proliferation and fragmentation of courts of limited jurisdiction and of the various officers of those courts. It will contribute considerably toward the unification of Georgia's system of courts.

H.B. 121 responds to the requirements of the new State Constitution to create magistrate courts in all counties of Georgia, and replace many fragmented courts of limited jurisdiction. It amounts to a significant accomplishment after many years of effort, to reform, unify and streamline Georgia's lower courts.

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H.B. 130 - DRIVER'S LICENSE: DUI: PROCEDURES - ACT 445

H.B. 130 enacts OCGA, Code Sections 40-5-67 through 40-5-73. It amends OCGA, Code Sections 15-11-49, 40-5-54, 40-5-55, 40-5-56, 40-5-58, 40-5-63, 40-5-64, 40-5-84, 40-5-85, 40-5-121, 40-6-3, 40-6-391, 40-6-392, 40-6-393 and 40-13-53. It provides that when a person is charged with "Driving Under the Influence" (DUI) the arresting law enforcement officer shall take the person's license and attach it to the court's copy of the uniform citation and complaint form and forward it to the court having jurisdiction of the offense. It provides that copies of the form shall be forwarded, within 15 days of issue, to the Department of Public Safety (DPS). It provides that the officer's taking of the driver's license at the time of arrest shall not prohibit any officer or agency from requiring a cash bond, pursuant to Article 1 of Chapter 6 of Title 17 of the OCGA. It provides that at the time the officer takes the license, he shall issue a temporary driving permit to the charged person, which shall be valid for 180 days or until the person's driving privilege is suspended or revoked. It provides that the DPS may delay the expiration of the temporary permit, at its sole discretion, as long as the delay does not extend beyond suspension or revocation of the driving privilege. It provides that, within 15 days

of a court convicting a person for DUI, the court shall forward his license, record of the disposition of the case and any temporary driving permit to the DPS. It provides that convictions for DUI shall be punished as follows:

1. First conviction with no conviction of and no plea of nolo contendere accepted to a charge of DUI within the previous five years -
  - a. license suspension - shall be for one year, although person may apply 120 days after conviction to the DPS for reinstatement of his license, and license shall be reinstated if the person submits proof of completion of a certified and approved basic alcohol or drug course from an approved driver improvement clinic (CABADC) and pays a restoration fee of \$25;
  - b. fine - \$300 to \$1,000 - may not be subject to suspension, stay or probation - may be paid in installments if it imposes an economic hardship - up to judge's discretion;
  - c. imprisonment - 10 days to one year - may be suspended, stayed or probated at the sole discretion of the judge;
  - d. nolo plea - an accepted plea of nolo contendere with no conviction of or nolo plea to DUI within the previous five years shall not be, for the purpose of license suspension, considered a conviction; however, it is considered a conviction for the purpose of fine and imprisonment penalties and when subsequent DUI convictions occur within a five-year period.
2. Second conviction within five years -
  - a. license suspension - shall be for three years, although person may apply 120 days after conviction to the DPS for reinstatement of his license, and license shall be reinstated if the person submits proof of completion of a CABADC and pays a restoration fee of \$25;
  - b. fine - \$600 to \$1,000 - may not be subject to suspension, stay or probation - may be paid in installments if it imposes an economic hardship - up to judge's discretion;

- c. imprisonment - 90 days to one year - judge, at his sole discretion, may suspend, stay or probate all but 48 hours and may suspend, stay or probate the 48-hour period of confinement, if the defendant performs not less than 80 hours of community service.

3. Third conviction within five years -

- a. license suspension - for an indefinite period, pending revocation;
- b. fine - \$1,000 - may not be subject to suspension, stay or probation - may be paid in installments if it imposes an economic hardship - up to judge's discretion;
- c. imprisonment - 120 days to one year - judge, at his sole discretion, may suspend, stay or probate all but 10 days and may suspend, stay or probate the 10-day period of confinement if the defendant performs not less than 30 days of community service.

It provides that, before returning a license to a person prior to the full period of suspension being terminated, DPS may require tests of driving skill and knowledge and require proof of present and future minimum motor vehicle insurance coverage per OCGA, Code Section 40-5-1 for a period not exceeding the full period of suspension. It provides that persons convicted of DUI, who have not been convicted of DUI violations within the previous five years, and have not had a license suspended under OCGA, Code Section 40-5-55 or 40-5-72, may apply to the DPS for a limited driving permit. It provides that limited driving permits issued under these circumstances, shall be non-renewable and become invalid 120 days after the DUI conviction. It provides that when conditions of a limited driving permit are violated, it may be revoked and that persons violating such conditions are guilty of a misdemeanor. It provides that a person whose limited driving permit has been revoked, shall not be eligible for reinstatement of his driver's license until six months following such revocation. It provides that any person convicted of homicide by vehicle due to reckless driving or DUI, shall have his license suspended for three years and not be eligible for early reinstatement of his license or a limited driving permit. It also increases the penalty for first degree homicide by vehicle from imprisonment from one to 10 years, to imprisonment from two to 15 years. It provides that the decision to accept a plea of nolo contendere to a DUI charge shall be at the sole discretion of the judge, but that if the plea is accepted, the prescribed fine and imprisonment penalties shall still be imposed. It provides that if a person has not been convicted of or had a plea of nolo accepted to a DUI charge within five years previous, a nolo plea shall not be accepted unless: (1) the defendant files a verified petition setting forth facts and special circumstances, making acceptance

of the plea in the best interest of justice; (2) the judge reviews the defendant's DPS driving file. It provides then that the judge must: (1) as part of the record of the case, set forth under seal of court his reasons for accepting the nolo plea; (2) send a copy of the order justifying acceptance of the plea to DPS with the conviction report; and (3) return driver's license to the defendant (if it has not been suspended for some other violation) with notice that failure to complete a CABADC within 120 days will result in license suspension by operation of law. It provides that when a person is found to have .12 percent or more of weight of alcohol in his blood while operating a motor vehicle, he is automatically in violation of the statutory prohibition against DUI. Effective September 1, 1983.

H.B. 130 should result in greater deterrence of and corresponding reduction of DUI violations and related accidents and deaths on Georgia's highways. Its primary thrust and intent is to increase the severity of penalties for DUI violations and the certainty that those penalties will be applied. It may cause some difficulties in terms of workload for law enforcement, courts and local jails and result in some complaints by citizens who habitually drink and drive. However, these difficulties should be far outweighed by the increase in public safety via accident and death reductions related to DUI violations.

H.B. 130 is an Administration Bill. It is a product of considerable compromises negotiated during the 1983 General Assembly. It responds to national, state and local alarm communicated by the media, elected officials, public safety officials, citizen groups and individual citizens over the rapid, widespread increase in the incidence and acceptance of drinking and driving and related increases in accidents and deaths. It responds to Governor Harris' campaign platform, which assured more severe and certain penalties for violators of DUI laws. It also responds to the deliberations, research and recommendations of the General Assembly's Joint Hazardous Drivers Study Committee, created by the 1982 General Assembly. It was supported by numerous public safety agencies, associations and interest groups, including the Criminal Justice Coordinating Council.

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H.B. 133 - CRIMINAL JUSTICE COORDINATING COUNCIL: ADD MEMBERS - ACT 231

H.B. 133 amends OCGA, Code Section 35-6A-3 and repeals OCGA, Code Section 35-6A-10. It adds three new ex-officio members to the Criminal Justice

Coordinating Council (CJCC), thereby increasing the Council membership to a total of 19. It adds the following ex-officio members to the Council: the Commissioner of the Department of Offender Rehabilitation, the President of the Council of Juvenile Court Judges and the Director of the Division of Youth Services of the Department of Human Resources. It also removes the sunset clause which was attached to the Council's enabling legislation, which prevents termination of the Council on July 1, 1983, and allows for its continued functioning beyond that time. Effective March 15, 1983.

H.B. 133 underscores a firm State commitment to continue the provision of the necessary leadership to coordinate and unify the major components of Georgia's criminal justice system. It should contribute a more widely-based representation of the criminal justice community by the Council. It should, due to the addition of two juvenile justice members, insure better liaison on major justice issues between Georgia's adult criminal justice system and the juvenile justice system.

H.B. 133 is an Administration Bill. It responds to recommendations of the 1982 Governor's Conference on Criminal Justice to continue the CJCC and add certain members to the CJCC. It responds to resolutions to continue the CJCC sponsored by several associations and organizations in the Georgia criminal justice community. It responds to Governor Harris' campaign platform which assured greater coordination of the efforts of all components of the criminal justice system in Georgia.

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H.B. 135 - CRIMINAL CASES: PROHIBIT BAIL: CERTAIN OFFENSES - ACT 190

H.B. 135 amends OCGA, Code Sections 17-6-1, 17-6-13 and 17-7-171. It essentially provides that any person who is charged with trafficking in controlled substances listed on Schedule I of OCGA, Code Section 16-13-25 or Schedule II of OCGA, Code Section 16-13-26 and has previously been convicted of murder, rape, armed robbery, kidnapping, arson, burglary, aircraft hijacking, aggravated assault or drug trafficking, as described above, or is charged with committing one of these felony crimes while on bail or recognizance release for one of these felony crimes, shall not be entitled to bail. It also removes the legal requirement that a defendant who makes a demand for trial in a capital case (and is not tried at the term of court at which the indictment is found) shall be entitled to bail. Effective July 1, 1983.

H.B. 135 should have some reductive impact on the incidence and volume of illegal drug trafficking. It should because it essentially denies release on bail to repeat illegal drug traffickers and because it is well established that, given the large amounts of capital involved in drug trafficking, repeat traffickers often "skip" bail and continue to commit crimes. It should also prevent the possibility of a person accused of a capital crime from being released on bail, if his trial is not held during the term of court in which the indictment was returned. Since capital cases often are considerably involved and often could not reasonably be tried during the initial term of court, this will ensure that those so accused may be held in jail until trial at a subsequent term of court. These provisions may impact upon local jail populations as offenders will be held in county jails pending disposition of the cases.

H.B. 135 is an Administration Bill. It responds to a continued recognition that repeat drug traffickers pose a very significant threat to society, that illegal drug trafficking generates large sums of money, that illegal drug trafficking is often correlated with other criminal acts and enterprises and that drug traffickers are likely to carry on illicit activities while released on bail, or are likely not to return to court if released on bail. It responds to Governor Harris' campaign platform assurance that drug traffickers would be denied access to release on bail. It further responds to the need identified by prosecutors, to "cure" a quirk in previous law which would have allowed serious capital offenders to be released on bail while their case was being prepared for court at a term subsequent to the term of indictment, such release posing an additional threat to society.

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H.B. 136 - CRIMINAL CASES: EXTRADITION: ISSUANCE OF DOCUMENTS - ACT 272

H.B. 136 amends OCGA, Code Sections 17-13-2, 17-13-27, 17-13-42 and 17-13-43. It deletes references to the State seal and replaces them with references to the seal of the Office of the Governor, as regards the seal to be affixed to extradition documents. It changes the office where (extradition) documents relating to applications for issuance of demand shall be filed from that of the Secretary of State, to the Office of the Governor. Effective March 16, 1983.

H.B. 136 provides that the Governor's Office shall be the central, sole office of issuance and record pertaining to documents involved in the

extradition of accused criminal offenders. It eliminates the step of having documents which are prepared in the Office of the Governor pass through the Office of the Secretary of State for affixing of the State seal, centralizing that activity in the Governor's Office, where the Governor's Seal will be affixed, as well as establishing the Governor's Office as the office in which extradition files are maintained. It should serve to minimize errors relative to the process of extraditing accused criminal offenders/fugitives from the justice of this state.

H.B. 136 is an Administration Bill. It responds to the desire to simplify and centralize activities concerning the issuance, and follow-up, of documents pertaining to extradition, and creates a central repository for the filing of those documents in the office from which these documents are issued.

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H.B. 145 - STATE COURTS OF COUNTIES: UNIFORMITY - ACT 529

H.B. 145 strikes Chapter 7 of Title 15 of the OCGA in its entirety and substitutes a new Chapter 7 of Title 15 which enacts OCGA, Code Sections 15-7-1 through 15-7-4, 15-7-20 through 15-7-25, 15-7-40 through 15-7-48 and 15-7-60 and 15-7-61. Its intent is to implement certain changes required by Article VI of the new State Constitution. It provides for creation of State Courts in counties by local act of the General Assembly, and that all such courts created, or continued in existence, be uniform as to jurisdiction, qualification of judges and solicitors. It provides for jurisdiction of criminal cases below the grade of felony, trial of civil actions without regard to the amount in controversy (except those actions in which exclusive jurisdiction is vested in the Superior Courts), hearing of applications for and the issuance of arrest and search warrants, holding courts of inquiry, punishment of contempts, and review of other courts' decisions as provided by law. It establishes qualifications for judges and solicitors, their election, compensation, and methods for removal or filling vacancies. It outlines procedures for conduct of the court, for the availability of court reporters, and provides for an array of detail pertaining to standardization of State Courts. It provides that it is not the intent to repeal any local law creating a State Court, and, to the extent any such local law does not conflict with its provisions, such local law shall remain in full force and effect. Effective July 1, 1983.

H.B. 145 will have the general impact of making statutory law and constitutional law in Georgia, relative to State Courts, consistent. In so doing,

it will create greater uniformity among State Courts in Georgia and thereby contribute toward unification of Georgia's system of courts.

H.B. 145 responds to the requirement of the new State Constitution to provide for uniform jurisdiction of State Courts by law. It amounts to a significant accomplishment after many years of effort to reform, unify and streamline Georgia's lower courts.

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H.B. 153 - INDEMNIFICATION: DEFINE FIREMAN - ACT 512

H.B. 153 amends OCGA, Code Section 45-9-81. It expands the types of public safety employees eligible for indemnification as a result of death or permanent disability occurring in the line of duty, by adding "contract firemen" to the list of those eligible. It does so by expanding the definition of "fireman" to include any individual employed as a contract fireman with a municipal corporation or county, who serves on a full-time basis of 40 hours per week, and has the responsibility of preventing and suppressing fires, protecting life and property, and enforcing municipal or county fire prevention codes, as well as enforcing any municipal or county ordinances pertaining to the prevention and control of fires. Effective March 29, 1983.

H.B. 153 should have a positive impact upon the morale of contract firemen and their families and the recruitment and retention of qualified contract firemen. It may result in some increased workload, administrative duties and needs for additional state funds for the Georgia State Indemnification Commission. It should also result in benefits for contract firemen becoming more commensurate with the dangers of their duties.

H.B. 153 responds to the desire of contract firemen, and firefighters and local government interest groups to provide the protection of indemnification benefits to contract firemen because of the significant potential for loss of life and disability associated with the duties of contract firemen.

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H.B. 173 - INDEMNIFICATION: DEFINE PRISON GUARD - ACT 544

H.B. 173 amends OCGA, Code Section 45-9-81. It expands the types of public safety employees eligible for indemnification as a result of death or permanent disability, occurring in the line of duty, by adding probation supervisors and parole officers to the list of those eligible. It does so by expanding the definition of "prison guard" to include any probation supervisor or parole officer required to be certified under the Georgia Peace Officer Standards and Training Act, and whose principal duties directly relate to the supervision of adult probationers or adult parolees. Effective July 1, 1983.

H.B. 173 should have a positive impact upon the morale of probation officers, parole officers, their families and the recruitment and retention of competent, career personnel in the probation and parole area. It may result in some increased workload, administrative duties and needs for additional state funds for the Georgia State Indemnification Commission. It should also result in benefits for probation officers and parole officers becoming more commensurate with the dangers of their duties.

H.B. 173 responds primarily to the desire of the Georgia Probation Association to provide the protection of indemnification benefits to probation officers, because of the significant potential for loss of life and disability associated with the duties of probation officers. It further responds to a desire to clarify a "debate" as to whether probation officers and/or parole officers were covered under OCGA, Section 45-9-81's existing definitions of law enforcement officer and/or prison guard. However, some debate still continues as to whether H.B. 173's definition of prison guard is consistent with the intent of the constitutional amendment which led to enactment of Article 5 of Chapter 9 of Title 45 of the OCGA.

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H.B. 179 - INSURANCE: ARREST BOND SURETIES: TRUCKING CLUBS - ACT 300

H.B. 179 amends OCGA, Code Section 33-24-50. It raises the maximum amount of a surety from \$200 to \$250. It adds trucking clubs or associations to those authorized to issue guaranteed arrest bond certificates. It provides for issuance of such bonds for violations regarding the size, weight, or height of vehicles, improperly licensed vehicles, improper identification devices, safety infractions, and faulty equipment or pollution control devices, in addition to those violations for which surety bonds previously were authorized. Effective September 1, 1983.

H.B. 179 will allow truckers the same privileges as those who belong to automobile clubs and associations which pay arrest bonds for offenders regarding relatively minor motor vehicle violations, in order that they may continue to travel without major delay or inconvenience.

H.B. 179 is an apparent response to the problem of out-of-state truckers being arrested for motor vehicle violations on Georgia highways, creating a severe delay in the schedule of the trucker. It will minimize such delays by authorizing trucking clubs and associations, in which many drivers are members, to guarantee the arrest bond. (The trucker is later assessed by the association for that service.)

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H.B. 185 - APPALACHIAN JUDICIAL CIRCUIT: CREATE - ACT 364

H.B. 185 amends OCGA, Code Sections 15-6-1, 15-6-2 and 15-6-3. It creates a new judicial circuit to be known as the Appalachian Judicial Circuit, composed of Fannin, Gilmer, and Pickens Counties. It provides for the offices of judge of the superior court and district attorney of the Circuit, appointed by the Governor for a term beginning on July 1, 1983, and continuing through December 31, 1984, and until a successor is elected and qualified. It provides for transfer of proceedings to the new circuit and for terms of the court. It is effective for the purposes of appointment of the judge and the district attorney, on March 16, 1983. It is effective for all purposes on July 1, 1983.

H.B. 185 increases the number of judicial circuits from 44 to 45. It removes Fannin, Gilmer and Pickens Counties from the Blue Ridge Circuit, creating the new Appalachian Judicial Circuit comprised of those counties. It should ensure greater efficiency in the handling of superior court cases in the counties comprising the Blue Ridge Circuit and the new Appalachian Circuit. It will require an additional judge and a district attorney and staff. It will impact upon the state budget in excess of \$200,000 initially, to create the circuit, and for salaries of the judge and prosecutor. It will create additional budgetary impact upon the counties involved for expenses relative to salary supplements, fringe benefits, office space and supplies.

H.B. 185 is in response to recommendations of the Judicial Council of Georgia's Annual Report Regarding the Need for Additional Superior

Court Judgeships in Georgia. This report recommended adding a judge to the Blue Ridge Circuit, and recommended against splitting that Circuit. This legislation, originally introduced in 1982, apparently reflects the legislative determination that splitting counties out of the Blue Ridge Circuit and creating a new circuit was a better alternative.

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H.B. 220 - DEKALB COUNTY: PROBATION SYSTEM: PART OF STATEWIDE SYSTEM -  
ACT 148

H.B. 220 enacts a new law of local application. It specifically declares that DeKalb County approves its county probation system becoming a part of the statewide probation system in accordance with the terms of OCGA, Code Section 42-8-43.1 enacted by the 1982 General Assembly. Effective April 1, 1983.

H.B. 220 complies with the requirement of Code Section 42-8-43.1 that local legislation be enacted by counties with independent probation system, expressing approval for joining the statewide system. It is the implementation mechanism for DeKalb County. It will ultimately mean that as of July 1, 1984, all felony adult probationers in the state will be under the full supervision and control of the Georgia Department of Offender Rehabilitation (DOR). It will create a new, additional recurring expenditure to the state for full financial support of the DeKalb adult probation system as of July 1, 1984. It creates a commitment for partial funding of that system immediately upon its effect. It will allow the standardization of adult probation services statewide and should consequently maximize the impact of those services. It will also serve to cease "double taxation" in DeKalb County in that no county revenues will have to be used to fund adult probation services after July 1, 1984.

H.B. 220 responds to the DeKalb County delegation's desire to express approval of the DeKalb County independent probation system becoming part of the statewide probation system under the administration of the Georgia Department of Offender Rehabilitation. It will allow full implementation of OCGA, Code Section 42-8-43.1. Such implementation (which amounts to all felony adult probation services in the state being administered by DOR) was dependent on local legislation being passed by the Fulton and DeKalb legislative delegations, approving the transfer of their respective adult probation departments to DOR. Both delegations were required to enact legislation by April 1, 1983. The Fulton delegation approved legislation during 1982.

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H.B. 231 - MOTOR VEHICLE: FLEEING POLICE OFFICER: PENALTY - ACT 420

H.B. 231 amends OCGA, Code Section 40-6-395. It provides that any person who flees or attempts to elude a police officer shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor. Previous law provided punishment by imprisonment from 30 days to six months, or a fine of \$100 to \$500, or both fine and imprisonment. Effective July 1, 1983.

H.B. 231 will increase the maximum possible penalty for the crime of fleeing a police officer. It will allow a maximum period of imprisonment of 12 months, or a maximum fine of \$1,000, or both fine and imprisonment. It may have some deterrent impact upon the occurrence of the offense of fleeing or attempting to elude a police officer and may have some impact on local jail populations.

H.B. 231 is an apparent response to the realization that the offense of fleeing or attempting to elude a police officer is a relatively serious offense for which more severe penalties should be available. It was originally intended to settle a dispute as to whether a police officer could shoot at someone attempting to elude him, i.e., it is assumed that if such offense was a felony, he could - if it was less than a felony, he could not, unless he was already charged with or had been convicted of another felony.

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H.B. 245 - BAD CHECKS: PENALTIES - ACT 496

H.B. 245 amends OCGA, Code Section 16-9-20. It provides that upon conviction of a bad check offense, that in addition to any other punishment, the defendant shall be required to make restitution in the amount of the check, and provides that such restitution may be made while the defendant is serving a probated or suspended sentence. It further provides that the extender of credit is entitled to a bad check charge of not more than the greater of either \$10.00 or an amount equal to the actual charge made to the creditor by the depository institution for the return of the unpaid or dishonored check. It further provides that such charge shall not be deemed interest or a finance charge and shall not be included in determining the limit on which charges may be made in connection with the loan or extension of credit. Effective July 1, 1983.

H.B. 245 should facilitate and increase the potential for recovery of some portion of funds lost to holders of bad checks, and thereby serve to minimize the financial loss to such holder(s).

H.B. 245 responds to an apparent need to clarify previous law concerning bad checks, and was a compromise between several versions which would have increased penalties for bad check offenses. It recognizes that restitution to the holder of the bad check can be an effective sentencing alternative in that it serves to minimize financial loss to the holder of a dishonored check.

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H.B. 299 - SHOPLIFTING: LIMIT LIABILITY OF MERCHANT - ACT 194

H.B. 299 amends OCGA, Code Section 16-8-14. It provides that the offense of theft by shoplifting can be committed alone or in concert with another person. It expands the definition of theft by shoplifting to include the act of "wrongfully causing the amount paid to be less than the merchant's stated price for the merchandise." Effective March 15, 1983.

H.B. 299 will clarify previous law to specify that shoplifting can be accomplished individually or in concert with another, whether that "other individual" may be an employee of the merchandise outlet or not. It will also mean that by whatever means one pays less than the stated price for merchandise, he will have committed the offense of theft by shoplifting if the element wrongful intent is present. It should ease the apprehension, prosecution and conviction of shoplifters - particularly those who act in concert with employees of retail outlets. It should therefore, deter and reduce such acts of shoplifting.

H.B. 299 responds generally to the increasing threat of shoplifting and related economic losses to Georgia's retail merchants and consumers. It more specifically responds to acts of collusion between retail employees and others to commit theft by shoplifting, which were not specifically prohibited under previous law. It represents a compromise from the original version of the bill which contained more detailed provisions relative to liability of merchants and shoplifters.

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H.B. 313 - DEATH PENALTY: DATE OF EXECUTION - NOTIFICATION - ACT 279

H.B. 313 amends OCGA, Code Sections 17-10-33 and 17-10-40. It specifically provides that upon a judgement of death made by a judge, the clerk of the court in which the sentence is pronounced shall send a certified copy of the sentence to the defendant's attorney of record and the State Attorney General. It further provides that where the date for execution of any convicted person is changed, a certified copy of the order fixing a new date shall be sent immediately to the convicted person's attorney of record and to the State Attorney General. Effective March 16, 1983.

H.B. 313 will ensure that the attorney for the defendant, as well as the chief legal officer of the state, the Attorney General, are informed of the scheduled date of execution, as well as any change of that date. It will require the sentencing court to provide at least two more copies of the appropriate orders where they, in fact, may not have been making the mandated notifications previously.

H.B. 313 is an apparent response to a discrepancy in previous law that did not prescribe that the attorney for the defendant and the Attorney General be informed concerning dates on which the death penalty was to be carried out. While changing little in practice, it does place a legal mandate upon sentencing courts, where such mandate by law has previously been absent.

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H.B. 314 - JUDICIAL CANDIDATES: NON-PARTISAN ELECTIONS - ACT 497

H.B. 314 amends OCGA, Code Sections 21-2-130, 21-2-131, 21-2-132, 21-2-135, 21-2-138, 21-2-150, 21-2-151, 21-2-155 and 21-2-325. It enacts OCGA, Code Sections 21-2-139, 21-2-284.1 and 21-2-285.1. Its intent is to implement the provisions of Article VI, Section VII, Paragraph I of the new State Constitution, which requires that all judges of state courts, judges of superior courts, judges of the Court of Appeals, and Justices of the Supreme Court shall be elected on a non-partisan basis. It establishes uniform and exclusive procedures for the nonpartisan selection of nominees for such offices in a nonpartisan primary to be held at the same time as general political party primaries and for the election of the judges and Justices in a nonpartisan

election to be held at the same time as the general election. It provides for other technical corrections throughout Chapter 2 of Title 21 of the OCGA to implement the requirements of the new State Constitution, including provision of methods for qualifying candidates, for qualifying fees, for filing notice of candidacy and for constructing ballots. It also authorizes the General Assembly to provide, by local act, for nonpartisan elections to fill county offices of local school boards and school superintendents. Effective July 1, 1983.

H.B. 314 will have the general impact of making statutory and constitutional law in Georgia, relative to the election of judges of state courts, superior courts and the Court of Appeals and Justices of the Supreme Court, consistent. Additionally, it should serve, to some degree, to depoliticize the elected officials it covers and the operation of the courts those officials serve, by reducing the influence of partisan politics on them.

H.B. 314 responds to the requirements of the new State Constitution that various judges shall be elected on a nonpartisan basis. It amounts to a significant accomplishment following years of effort toward reform of Georgia's courts.

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H.B. 326 - BONDS OR RECOGNIZANCES: FORFEITURE PROCEEDINGS - ACT 498

H.B. 326 repeals OCGA, Code Section 17-6-70.1. It amends OCGA, Code Sections 17-6-71 and 17-6-72. It deletes from previous law the requirement that a prosecuting attorney shall proceed to forfeit a bond or recognizance, upon the failure of any principal in any bond or recognizance given by a person charged with a penal offense, to appear. It provides that notice of a hearing on the execution of a bond forfeiture shall be by first class mail, instead of certified mail. It provides that no judgement decreeing the forfeiture of an appearance bond may be enforced against the surety on the bond, if the prosecution fails to try the charges against the defendant within three years after the date of posting bond, unless such failure is due to the fault of the defendant. Effective March 29, 1983.

H.B. 326 will prevent prosecutors from being held responsible for, or being a party to, bond forfeitures. It will allow the forfeiture of appearance bonds for an indefinite period of time in cases where the defendant is at fault in the delay of trial of charges against him. It may, therefore, have some reductive impact on bail jumping by defendants.

H.B. 326 is basically a procedural change to clarify language, and delete a conflicting code section involving prosecutor's interests in surety bonds. It further recognizes that there exists situations in which the defendant, through his own actions, causes delay in commencement of a trial and allows for the enforceability of bond forfeitures in such cases, regardless of the time elapsed.

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H.B. 381 - PRISONERS: FAILURE TO RETURN AFTER LEAVE: ESCAPE - ACT 269

H.B. 381 amends OCGA, Code Section 16-10-52. It expands the definition of the crime of escape to include a person who intentionally fails to return as instructed to lawful custody or confinement, after having been released on the condition that he will so return. It provides, however, that such person shall be allowed a grace period of eight hours from the exact time specified for return if such person can prove he did not intentionally fail to return. Effective March 16, 1983.

H.B. 381 allows criminal sanctions, as well as already existing administrative remedies, to be imposed against prisoners who do not return from passes or furloughs. It should serve to deter prisoners from returning later than the specified time on their release forms, because additional sentences to confinement can now be imposed upon conviction.

H.B. 381 responds to the concerns of prison officials who have had no specific legal remedy to bring criminal sanctions against prisoners who did not return from furlough or pass. While that number is usually quite small, particularly in mass furlough programs during holiday periods, prison officials had only administrative remedies that could be imposed since failure to return was not specifically classified as a criminal act.

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H.B. 385 - FIREARMS LICENSES: SEARCH OF RECORD - ACT 533

H.B. 385 amends OCGA, Code Section 16-11-129. It increases the period of validity for licenses to carry a pistol or revolver from three years to five years. It provides that the judge of the probate court may require an applicant for a license to sign a waiver authorizing the superintendent of a mental hospital or alcohol and drug treatment center, to verify hospitalization of the applicant and to make a recommendation

whether or not a previously hospitalized applicant should receive a license. It provides that the judge shall direct the law enforcement agency to send fingerprint cards for first-time applicants to the Federal Bureau of Investigation for a records check and an appropriate report. The applicant shall pay a fee of \$12.00 to cover costs for such search. It further provides that the judge of the probate court shall keep all medical information made available to him confidential. Effective March 31, 1983.

H.B. 385 should serve to reduce the time expended by probate judges issuing licenses for revolvers or pistols, by extending the license period by two years. It should also serve to aid in preventing individuals whose medical history, either as a result of mental illness, or alcohol and drug abuse, indicates they present a risk to the public too great to allow them to carry a weapon, from obtaining a license to do so, thus serving to increase public protection. The provision for an FBI records check may reveal information concerning an applicant which would make him ineligible for licensing, again increasing public protection. It may place a slight additional burden upon law enforcement agencies to process the fingerprint application; however, the fee charged for that service should cover costs incurred sufficiently. It may also increase delays in the issuance of licenses.

H.B. 385 is an apparent response to concern that some individuals, whose past criminal or medical history is questionable, receive licenses to carry pistols or revolvers. This is especially true with the continual rise in alcohol and drug abuse cases requiring hospitalization for treatment. Some ex-patients could have a tendency toward anti-social or dangerous behavior, and their legal possession of the regulated weapons could pose a significant threat to others. The check of FBI records required for first-time applicants is essentially in addition to the fingerprint and record check already required of all applicants. However, these checks are limited to state and local records. Checks of federal records may possibly provide more exhaustive, thorough information on which to make the decision to issue or not issue.

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H.B. 391 - ALCOHOL/DRUG COURSE: PUBLIC SCHOOLS - ACT 323

H.B. 391 amends OCGA, Code Section 40-5-22 and enacts OCGA, Code Sections 20-2-285.1, 40-5-83.1 and 43-13-6.1. It provides that the State Board of Education and the Commissioner of Public Safety shall establish, jointly, an alcohol and drug course for the purpose of informing the young people of this state of the dangers involved in consuming alcohol or certain drugs in connection with the operation of a motor vehicle. It provides that those agencies

shall, by rules and regulations, determine the content of the course and its duration, and that the Department of Public Safety (DPS) shall provide officers or employees to teach the alcohol and drug course. It provides that the course shall be offered periodically in public schools to persons over 13 years of age, and shall be made available to secondary and private schools, as well as offered periodically at various locations in the state. It provides that youths completing the course shall be issued a certificate of completion, which, however, shall not serve as an additional method for the restoration of licenses which have been suspended or revoked. It further provides that after January 1, 1985, no person under the age of 18 years shall be issued any driver's license unless they have completed the prescribed alcohol and drug course. This provision exempts out-of-state licensees, who become residents of Georgia possessing a valid license, from complying with its provisions. It authorizes a special license to be issued by the Commissioner of Public Safety to instructors in any driver improvement clinic or any driver training school who is qualified to teach the course, and provides that any courses offered in such clinics or schools shall not cost more than \$25.00. Effective July 1, 1983.

H.B. 391 should serve to make teenagers, who are of driving age, more aware of the problems and severity of the consequences linked to the use of alcohol and drugs. It may serve to alter behavioral patterns materially and, in time, lead to a reduction in vehicle accidents caused through alcohol and drug use. It will require the DPS to secure additional funds for instructors and for administrative costs. It will require some adjustments in scheduling and curricula in public schools.

H.B. 391 responds to the perception that it is not sufficient to punish or penalize those who drive under the influence of alcohol or drugs, but that prevention aspects of the DUI controversy must also be addressed. It is part of the overall legislative thrust of the 1983 Session of the General Assembly to attack the problems of DUI from both its preventative and its punitive aspects. It responds to increased public outcry concerning drunk driving, as well as to information gathered by the Legislative Joint Hazardous Drivers Study Committee, created by the 1982 General Assembly.

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H.B. 397 - INDEMNIFICATION: PERMANENT DISABILITY: DEFINE - ACT 273

H.B. 397 amends OCGA, Code Section 45-9-81. It expands the definition of permanent disability to include permanent disability due to organic

brain damage resulting from direct physical trauma incurred after January 1, 1979, which so affects the mental capacity as to preclude ability to function productively in any employment. It provides that application for indemnification as a result of such organic brain damage subsequent to January 1, 1979, and prior to January 1, 1983, must be made prior to January 1, 1984. Effective March 16, 1983.

H.B. 397 should have minimal impact on the indemnification fund as there is currently only one case known which falls within the categorical definition of organic brain damage which has occurred within the delineated time frame. It will authorize that individual to apply for permanent disability indemnification benefits.

H.B. 397 responds to a single instance in Fulton County, in which one fireman was permanently disabled due to a fall from a ladder, which caused organic brain damage. Under previous law, he was ineligible for indemnification benefits. It had the support of the Indemnification Commission, the Department of Administrative Services, and law enforcement, fire, and other criminal justice interest groups.

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H.B. 407 - OFFENDER REHABILITATION: CANINE HANDLERS: POWERS - ACT 283

H.B. 407 amends OCGA, Code Section 42-5-35. It provides canine handlers employed by the Department of Offender Rehabilitation (DOR) with all of the powers of a police officer of this state, when engaged in their official duties or in the apprehension of any person, known or unknown, regardless of whether that person has been convicted previously of, or only suspected of, committing a crime. It further authorizes the Department to assist local and state law enforcement officers in the apprehension of such persons by making canine handlers and canines trained in such apprehension, available to such law enforcement officers. Effective March 16, 1983.

H.B. 407 will facilitate the use of DOR canines and canine handlers in searches for all fugitives from justice in Georgia, by providing specific legal authority for searches and powers necessary to be exercised when fugitives are apprehended. Canines and handlers were previously utilized in searches; however, the handlers, having no power of arrest, were required to wait for a police officer to make an arrest in an appropriate situation. In providing legal authority to assist state and local agencies, assistance which has previously been rendered informally will now be legally authorized.

H.B. 407 was introduced at the request of, and supported by, the Department of Offender Rehabilitation. It responds to the need to have legal authority to carry out activities that routinely have been carried out in the past without specific authority.

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H.B. 429 - SEXUAL EXPLOITATION OF CHILDREN: DEFINITION OF MINOR -  
ACT 534

H.B. 429 amends OCGA Code Sections 16-12-100 through 16-12-105. It provides that relative to the offense of sexual exploitation of children, a minor shall mean any person under the age of 18 and relative to this offense, defines "performance" as any play, dance or exhibit to be shown to or viewed by an audience. It provides that it is illegal for any person knowingly to employ, use, persuade, induce, entice or coerce any minor to engage in any sexually explicit conduct for the purpose of any performance. It provides that it is illegal for any parent, legal guardian or person having custody or control of a minor, knowingly to permit the minor to engage in or to assist any other person to engage in the above conduct. It increases the penalty for sexual exploitation of children from one to 10 years confinement or a maximum fine of \$10,000, or both, to three to 20 years confinement or a maximum fine of \$20,000, or both. It sets forth legislative findings that the sale, loan, and exhibition of harmful materials to minors has become a matter of increasingly grave concern to the people of Georgia, and the elimination of such acts and consequent protection of minors is in the best interest of the morals and general welfare of the state. It defines the term "harmful to minors" to include a variety of sexual acts or conduct, and other terms. It provides that relative to sale, etc. of harmful materials to minors, a minor is one under the age of 16 years. It makes it illegal for anyone knowingly to sell or loan for monetary consideration to any minor, a picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts sexually explicit nudity, sexual conduct, or sadomasochistic abuse, and which taken as a whole, is harmful to minors. It further provides that it is unlawful for anyone to provide a book, pamphlet, magazine, printed matter, or sound recording containing any matter enumerated above, or having explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse, which taken as a whole, is harmful to minors. It further makes it unlawful

for anyone to sell a ticket, or exhibit to a person under the age of 18, or allow entrance to premises, whereon there is exhibited a motion picture show which taken as a whole is harmful to minors. It provides that anyone who sells, distributes, etc., harmful materials to minors shall be guilty of a misdemeanor of a high and aggravated nature. Effective July 1, 1983.

H.B. 429 should serve to ease the prosecution and conviction of individuals who engage in various facets of the child pornography business. It should also serve to deter individuals from engaging in such business and afford greater protection from child pornography entrepreneurs, to youths between the ages of 14 and 18. Its provisions, however, may invite constitutional attacks by defense attorneys in appellate court.

H.B. 429 is a reflection of the continuing efforts to preclude youth from being exposed to sexually explicit material, and from being exploited sexually. It responds to increased incidence of "kiddy porn" and the proliferation of sex-oriented books, magazines, films, and materials. Its intent is to make it increasingly more difficult for children to see/be involved with the prohibited materials/acts, and make prosecution for violations simpler and more certain. It was supported by child advocacy groups, while there was some disagreement concerning the legality/constitutionality of its provisions.

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H.B. 436 - SUPERIOR COURT CLERKS: ANNUAL TRAINING - ACT 514

H.B. 436 amends OCGA, Code Section 15-6-50. It provides that, effective July 1, 1983, after the initial training (40 hours) currently required by law, each clerk of the superior court shall complete 20 additional hours of training each year and file a certificate of same with the probate court of his county. It further provides that each year the clerk fails to complete this newly required training, the clerk will not receive credit for that year of service toward retirement under the Superior Court Clerks' Retirement Fund. However, provisions for making up missed training authorize the filing of said certificate in arrears to receive retirement credit. Effective March 29, 1983.

H.B. 450 will require an additional twenty hours of training for each superior court clerk each year. It should enhance the ability of the clerks to perform their duties through increased knowledge and professionalism. It may place a burden upon some clerks to have a replacement

act for them while absent during the training period. It will place a burden on the probate court to maintain records of required certificates. The provision prohibiting retirement credit if training is not completed, should strongly encourage clerks to comply with the provisions of the Act.

H.B. 450 is in furtherance of the continuing efforts over recent years by the Clerks of the Superior Courts to enhance their professionalism through training. The Clerks of the Superior Courts have established an initial 40-hour training program, and H.B. 450 is in recognition that continuing education concerning the complex duties of clerks of the courts is essential.

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H.B. 458 - PRISONERS: USE OF CERTAIN RESTRAINTS - ACT 560

H.B. 458 amends OCGA, Code Section 42-5-58 and enacts OCGA, Code Section 42-5-85. It provides that handcuffs, leg chains, waist chains and waist belts may be used when: (1) transferring violent or potentially dangerous inmates within an institution or between facilities, and (2) securing such inmates within an institution and in public and private areas such as hospitals, clinics, and if the prisoner becomes violent, in courtrooms. It further provides that in no event may such restraints be used as punishment. It further provides that no special, emergency or limited leave privileges shall be granted to any inmate who is serving a murder sentence unless the Commissioner (of the Department of Offender Rehabilitation) has approved in writing a written finding by the Department that the murder did not involve any aggravating circumstance. It sets forth ten aggravating circumstances, paralleling those set forth in OCGA, Code Section 17-10-30, as aggravating circumstances considered by a jury in determining whether or not to impose the death penalty in capital cases. It provides that the Department shall make a finding that the act of murder did not involve any aggravating circumstance, only after an independent review of the record of trial resulting in the conviction, or of the facts upon which the conviction was based. Effective April 5, 1983.

H.B. 458 should result in increased security of correctional institutions and increased protection of prison personnel, by providing for restraint devices to be used on certain inmates when they are moved about the inside of or between institutions or into public areas. It should also reduce substantially the number of "special leaves" granted to inmates serving murder sentence(s).

H.B. 458 partially responds to the request of the Department of Offender Rehabilitation to clarify existing law and grant specific authority for the use of specified restraint devices, such devices being necessary for safe and secure movement of violent or potentially dangerous inmates, and was supported by the Department. The restrictions placed upon special leave situations for convicted murderers is an apparent response to public concern that release authority was discretionary with the Department, and that the limited number of prisoners serving a sentence for murder, with aggravating circumstances, did pose a significant threat to the public when they were granted special release privileges.

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H.B. 476 - MUNICIPALITIES: HOME RULE: ACTION DEFINING CRIMINAL OFFENSE  
- ACT 202

H.B. 476 amends OCGA, Code Section 36-35-6. It clarifies the powers granted to municipal corporations relative to actions defining criminal offenses and to actions affecting courts and court jurisdiction. It provides that municipal corporations shall have no power to engage in actions defining any offense, which is an offense under the criminal laws of Georgia, actions providing for confinement in excess of six months or providing for fines and forfeitures in excess of \$1,000, or actions affecting the jurisdiction of any court. Effective March 15, 1983.

H.B. 476 is a technical bill which incorporates language required by the new Constitution regarding types of courts and their jurisdiction. It has the effect of limiting the jurisdiction of any existing municipal court to enforcing local ordinances.

H.B. 476 responds to the necessity to amend numerous OCGA code sections to comply with the requirements of the new State Constitution. It responds to the constitutional requirement for the General Assembly to define, by law, the jurisdiction of municipal, as well as other courts.

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H.B. 478 - CRIMINAL CASES: CONTINUANCE: ATTORNEY IS GENERAL ASSEMBLY  
MEMBER - ACT 285

H.B. 478 amends OCGA, Code Section 17-8-26. It provides that when a criminal case is called and is subject to continuance because the party's

attorney is a member of the General Assembly, the party shall not be required to be present at the call of the case. Effective March 16, 1983.

H.B. 478 provides authority to excuse the party in a criminal case from appearing in the court to receive a continuance, when his attorney, a member of the General Assembly, cannot be present because of his duties in the General Assembly. It should, therefore, minimize any current unnecessary inconvenience to said party(ies) and expedite the handling of other cases.

H.B. 478 is in apparent response to those limited situations where a party to a case appears in court, although a continuance of his case is automatic if his attorney is a member of the General Assembly and does not appear because the General Assembly is in session. This provides a convenient means not to appear in court without suffering penalty for such non-appearance.

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H.B. 497 - LICENSE PLATES: REPORTING STOLEN PLATES - ACT 286

H.B. 497 enacts OCGA, Code Section 40-2-42. It requires the owner of a motor vehicle to immediately report the theft of a license plate or revalidation decal to the appropriate law enforcement agency or official. It further provides that, in order to obtain a duplicate license plate or decal, the owner shall obtain a copy of the police report of the theft and submit that report to the local tag agent with a fee of \$2.00. Effective July 1, 1983.

H.B. 497 should enhance local law enforcement agencies' awareness of license plate/decal thefts and facilitate efforts to counter and control such thefts.

H.B. 497 is an apparent response to the increased incidence of tag and revalidation decal thefts and the lack of reporting of such thefts, coupled with the lack of an effective and efficient method to counter and control such thefts.

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H.B. 505 - PRISONERS: EARNED TIME ALLOWANCE - ACT 522

A. PROVISIONS

H.B. 505 amends OCGA, Code Sections 42-4-7, 42-5-100 and 42-5-101.

County Inmates

It essentially retains the provisions of previous law providing that county inmates, as defined in OCGA, Code Section 17-10-3(a), confined in county jails shall be awarded "time off" of their sentences, based on institutional behavior, not to exceed one-half of the period of confinement imposed. It, in so doing, requires the custodian of the county jail to compute "time off" allowances and provides that county inmates shall be released at the expiration of their sentence, less the time deducted for good time allowances. It further provides that the sheriff or custodian shall convert computation of sentences of county inmates in confinement on December 31, 1983, from earned time governed sentences to good time governed sentences.

State Inmates

It abolishes the current system of reducing the length of court-imposed criminal sentences by the award of earned time based on institutional behavior for all persons who commit crimes on or after January 1, 1984, and are subsequently convicted and sentenced to the custody of the Board of Offender Rehabilitation. It retains this system of reducing sentence length for the following persons: (1) persons who commit a crime prior to January 1, 1984, but are not convicted and sentenced as of December 31, 1983, and are subsequently sentenced to the custody of the Board of Offender Rehabilitation, including those whose sentences have been probated or suspended, on or after January 1, 1984; and (2) persons previously sentenced to the custody of the Board of Offender Rehabilitation, including those whose sentences have been probated or suspended, as of December 31, 1983.

It provides that all portions of its parts shall be severable, in the event any part should be declared or adjudged invalid or unconstitutional. Effective January 1, 1984.

B. IMPACT

County Inmates

H.B. 505 will result in continuation of the current system of "time off" allowances to reduce the criminal sentence lengths of county inmates.

It will change the terminology assigned to these allowances from "earned time" to "good time." It should, by itself, result in neither an increase nor a decrease in county jail populations.

#### State Inmates

H.B. 505 will result ultimately in the elimination of the earned time system of reducing criminal sentence lengths for virtually all convicted adult offenders who are sentenced to the custody of the state. It would, singularly (absent any replacement of this system of sentence reduction) lead toward very substantial increases in the numbers of offenders incarcerated in state correctional facilities and in the numbers of offenders under state probation supervision. Both of these increases would be accompanied by astronomical and exhaustive increases in the appropriation and expenditure of state funds. It would, singularly (absent any replacement of the system of sentence reduction) lead toward additional difficulty in managing confined inmates, in that no system (related to time served) of reward or punishment would be available to control inmate behavior. It will, however, facilitate and lead to the gradual replacement of this system of sentence reduction with the parole rating guidelines system, which will be used to reduce criminal sentence lengths. This will, in turn, result in a definite capability to control the size of the population confined in state correctional facilities while simultaneously assuring that the most dangerous convicted offenders are confined for longer periods of time. That is, prison bedspaces will be used selectively - to house the offenders who present the greatest danger to the public according to the empirically based parole rating guidelines system. It will result in an increased number of "least dangerous" offenders being supervised on parole and will lead to virtually all offenders who are released from prison, being subject to parole supervision. It will lead to increased expenditures of state funds for additional parole personnel.

#### C. BACKGROUND

H.B. 505 responds to the desire and intent of Executive Branch criminal justice agencies to control the size of the state prison population, while simultaneously guaranteeing long term confinement of dangerous offenders, and parole supervision of virtually all offenders released from prison. It further responds to the belief that implementation of the parole rating guidelines system as a primary determinant of "time served" is the only way to assure achievement of all of these goals while protecting the integrity

of the entire criminal justice system. It further responds to a full realization that the size of the prison population must be controlled by the state, if the state desires to continue to operate a prison system with a minimum of outside intervention. It further responds to a realization that the earned time system of sentence reduction never functioned to achieve its stated goals, in that inmates were awarded or "earned" time off of their sentences whether or not they engaged in constructive tasks while incarcerated.

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H.B. 548 - OFFENDER REHABILITATION: CERTAIN INFORMATION PRIVILEGED -  
ACT 289

H.B. 548 amends OCGA, Code Section 42-5-36. It provides that investigation reports and intelligence data prepared by the Internal Investigations Unit of the Department of Offender Rehabilitation (DOR) shall be classified as confidential state secrets and privileged under law, unless declassified in writing by the Commissioner. Effective July 1, 1983.

H.B. 548 should facilitate development of informational sources beneficial to departmental investigations in DOR. It should ensure an increased degree of protection for informants who reveal information which could be derogatory information in cases where such information may be erroneous, or where disclosure would disrupt or terminate an ongoing investigation.

H.B. 548 responds to the need to provide a significant degree of protection to those who provide intelligence information on others, i.e., inmate/inmate/guard/inmate, and to ensure, for a variety of reasons, that such information is not readily accessible.

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H.B. 568 - USED CAR DEALERS: REGULATIONS - ACT 248

H.B. 568 amends OCGA, Code Sections 43-47-2, 43-47-7, 43-47-8, 43-47-10 and 43-47-12, which are several of the various sections of the "Used Car Dealers' Registration Act." It changes and expands the definition of motor vehicle or car to include every vehicle which is self-propelled and required to be registered under the laws of this state, except trackless trolleys

(which are classified as streetcars), motorcycles, motor driven cycles, or go-carts. It excludes from the definition of used car, any motor vehicle which has never been the subject of a retail sale by a dealer to another licensed dealer. It clarifies the definition of used motor vehicle dealer or used car dealer and includes all retail and wholesale dealers in that definition. It provides that the sale of seven or more used motor vehicles in any one calendar year shall be prima-facie evidence that a person is engaged in the business of selling used motor vehicles. It provides that persons, firms or corporations engaged in a business of conducting automobile auctions shall be considered to be used motor vehicle dealers or used car dealers. It provides that all applicants to the State Board of Registration of Used Car Dealers shall, after July 1, 1983, show that within the preceding year that the applicant has attended a training and information seminar conducted by the Board. It provides that each application for a license shall show that the dealer maintains an automobile dealer's public liability and property damage insurance with minimum liability limits of \$50,000 per person and \$100,000 per accident, personal insurance liability coverage and \$25,000 property damage liability coverage. It provides that the Board may, in its discretion, permit self-insurance in lieu of a bond or bond of insurance and issue a certificate of self-insurance under certain conditions. It provides for cancellation of such self-insurance under certain conditions. It provides that applications for new licenses shall be acted on by the Board at their next regular meeting. It provides, relative to investigations of used car dealers by the Board, that the failure to provide appropriate odometer disclosure forms, required by law, is or constitutes fraudulent practice. It provides for other amendments to assure consistency with new definitions of terms in the law. Effective July 1, 1983.

H.B. 568 will generally assure tighter control and regulation by the State Board of Registration of Used Car Dealers of entities who deal in used cars in Georgia. In so doing, it will increase protection to Georgia consumers who purchase used cars. It should reduce the number of marginal used car dealers who remain in business, by placing greater burdens on them. It should also contribute somewhat to a decrease in motor vehicle thefts by providing tighter regulation of a potential market for stolen motor vehicles. It will also increase the workload and administrative duties of the Board.

H.B. 568 is a continuation of recent efforts begun during the 1980 General Assembly to enact legislation which impacted upon used automobile dealers and dismantlers, to legitimize their operations, and to prohibit certain

conduct adverse to established standards of conduct and business ethics. As more experience is gained with these new laws, areas of weakness are discovered which require legislative action to correct. H.B. 568 essentially responds to the perceived weaknesses in certain used car activities which could be corrected through tightening the laws pertaining to them. It was supported by the Office of the Secretary of State.

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H.B. 580 - SUPREME COURT: AMEND PROVISIONS - ACT 441

H.B. 580 amends OCGA, Code Sections 15-2-4, 15-2-16, 15-2-17, 15-2-43 and 15-5-20. It deletes OCGA, Code Sections 15-2-10 through 15-2-15 in their entirety. It provides that the Georgia Supreme Court may extend its terms of court by rule or order. It deletes provisions from previous law which provided for the Court to sit or act in two separate divisions. It increases the minimum number of justices essential to the rendition of a judgement from three to four. It removes the requirement that the Clerk of the Supreme Court shall keep records of the Court in "well bound books," thus authorizing alternative methods of maintaining the Court's records. It deletes previous law relative to the creation, composition, appointment, meetings, etc. of the Judicial Council of Georgia and provides that the Supreme Court shall create a Judicial Council of Georgia which will have such powers, duties and responsibilities as may be provided by law or as may be provided by rule of the Supreme Court. It establishes that members of the Council and their terms shall be as provided by the Supreme Court. Effective July 1, 1983.

H.B. 580 will assure that statutory law provisions comply with Article VI, Section VI, Paragraph 1 of the new State Constitution, which requires that a majority of the justices shall be necessary to hear and determine cases, in that it makes several technical changes in statutory law to accomplish that end. It should also increase flexibility for the Court relative to when it sits and how the Clerk maintains records. It will clearly and visibly establish that the Judicial Council of Georgia is an arm of the Supreme Court. It will result in changes in the leadership and membership of the Council and should lead to the Council becoming a more representative and unified voice for Georgia's major courts. This, in turn, may accelerate judicial reform efforts.

H.B. 580 responds to the necessity to update statutory law to comply with requirements of the new State Constitution. It also apparently responds to a desire to unify efforts of the judicial branch of government in Georgia by providing for more direct guidance and control of the Judicial Council of Georgia and its staff arm, the Administrative Office of the Courts by the Supreme Court of Georgia.

H.B. 581 - COURTS: JUDGES SERVING IN OTHER COURTS - ACT 442

H.B. 581 enacts OCGA, Code Section 15-1-9.1. It prescribes the circumstances and procedures for the exercise of judicial powers by judges outside their own court, upon the disqualification, disability, illness, or absence of a resident judge of a court, or upon a request for temporary assistance. It provides that a written request for assistance shall be made from the chief judge of a court to the chief judge of any other court, a senior judge of superior court, a retired judge, or a judge emeritus. It prescribes the format and content for such request, and methods for instituting the request should the chief judge be unable to act to make such request. It provides that a chief judge, receiving a request for assistance, shall designate a judge to preside as requested and that residency qualifications shall not apply to a designated judge. It provides that a copy of the request, designation, and acceptance or refusal of assistance shall be filed and recorded on the minutes of the clerk of the court requesting the assistance. It provides that expenses shall be borne by the governing authority responsible for funding the requesting court. It provides that senior judges of the superior courts shall receive the amount of compensation and payment of expenses as prescribed by law. It provides that all other judges rendering assistance shall be entitled to actual travel and lodging expenses only. Effective July 1, 1983.

H.B. 581 prescribes the precise method whereby a request is made from a chief judge, or other authorized judge, for the assistance of another judge. It ensures that such requests, and responses thereto, are made in writing and are maintained as a matter of record. Its provisions provide a means of acquiring judicial assistance, absent constitutional authority for judges pro tempore, who are no longer authorized in the new State Constitution. While the end result does not change the practice of judges sitting for each other under certain circumstances, it does formalize in statutory law the procedures that courts and judges must follow to accomplish this.

H.B. 581 responds to the provisions of the new State Constitution which deleted authorization for judges pro tempore, necessitating a procedure for obtaining judicial assistance, when a sitting judge is unable, for a variety of reasons, to preside over his court. This legislation was drafted with the assistance of the Administrative Office of the Courts, and was supported by that Office and the Judicial Council of Georgia.

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SENATE BILLS

SENATE BILLS

S.B. 2 - MOTOR VEHICLES: CERTAIN WINDOWS - ACT 511

S.B. 2 enacts OCGA, Code Section 40-8-73.1. It provides that it shall be illegal for any resident person, firm or corporation to affix any material to the front windshield or right or left front door windows of a motor vehicle which will obstruct vision into the vehicle. It provides that it shall be illegal for any resident person to operate a motor vehicle with such vision obstructing materials affixed to the front windshield or right or left front door windows. It exempts from these prohibitions the following: certain motor common carriers or motor contract carriers; certain ambulances or other medical service vehicles; certain funeral coaches or hearses; certain motor vehicles participating in organized parades; and certain licensed limousines for hire. It provides further that it shall not apply to manufacturer's tinting or to certificates or identification decals, or other papers required by law to be displayed on windshields or windows. It further provides that it shall not apply to transparent sun-screening material installed, affixed or applied to the topmost portion of the front windshield or right or left front window, if the bottom edge of the material on the front windshield is at least 29 inches above the undepressed driver's seat when measured from a point five inches in front of the bottom of the backrest with the driver's seat in its rearmost and lowermost position with the vehicle on a level surface; the material is not red or amber; there is no opaque lettering on the material; and the material does not reflect sunlight or headlight glare. It provides that violations of these provisions constitute a misdemeanor, and upon conviction thereof, are punishable by a fine of not more than \$1,000 or by imprisonment for not more than 12 months or both. Effective July 1, 1983.

S.B. 2, through the restrictions it places upon the types of materials which may be affixed to the front windshield and left and right side windows, should ultimately curb the proliferation of reflective coverings on such windows which has taken place recently, most specifically on recreation vehicles. Its restrictions will increase the safety of law enforcement personnel who maintain that opaque coverings on windows create additional risk to them when they approach vehicles which have been stopped for violations or other legitimate purposes. However, during early periods of enforcing the provisions of S.B. 2, law enforcement officers will presumably be stopping vehicles which have opaque coverings on all windows

in order to enforce S.B. 2 - this may create an initial increased hazard for law enforcement officers. It will have an adverse financial impact upon those dealers who apply opaque materials to vehicle windows. It continues to authorize sun-shield materials, however, limiting the level on the windows below which it cannot be applied. Strict enforcement of these provisions may increase the workload of all law enforcement agencies, and may increase the number of related court cases.

S.B. 2 is a culmination of efforts of law enforcement agencies, supported by the Georgia Municipal Association, to reduce the proliferation of vehicle window coverings and their subsequent threat to law enforcement officials. Its provisions survived several compromise versions, commencing during the 1981 General Assembly, and this version was the best possible compromise between the various interested parties which both favored and opposed its passage. Similar legislation was supported by the Criminal Justice Coordinating Council.

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S.B. 5 - PARDON OR PAROLE: LIMITATIONS - ACT 234

S.B. 5 enacts OCGA, Code Section 42-9-39. It limits the authority of the State Board of Pardons and Paroles to grant pardons or paroles to certain persons. It provides that when a person is convicted of murder and sentenced to life imprisonment and such person has been incarcerated previously, under a life sentence, such person shall serve at least 25 years in confinement before being granted a pardon and before becoming eligible for parole. It further provides that when a person receives consecutive life sentences as the result of offenses occurring in the same series of acts and any one of the life sentences is imposed for the crime of murder, such person shall serve consecutive 10-year periods for each such sentence, up to a maximum of 30 years, before being eligible for parole consideration. It further provides that the Board shall have authority to pardon any person convicted of a crime who is subsequently determined to be innocent of said crime. Effective July 1, 1983.

S.B. 5 will essentially insure more lengthy periods of confinement for offenders who receive multiple life sentences related to a murder conviction and for offenders who receive life sentences for murder, after having already served some portion of a life sentence for a separate, prior murder conviction. It will do so by increasing the minimum time

these offenders must serve before being eligible for consideration for parole from seven years to 25 years or 30 years. It could have a significant symbolic impact to reduce public fear of crime and will have some undeterminable deterrent impact on crimes of homicide. It may have some considerable long-term impact on the Department of Offender Rehabilitation's budget - requiring additional funds to confine certain lifers for longer periods of time. It will, however, impact a relatively small number of offenders.

S.B. 5 responds to the sentiment of elected officials, criminal justice system personnel and citizens against parole of dangerous offenders. It is somewhat related to efforts during the 1982 and 1983 General Assembly to secure passage of "life without parole" bills. It additionally is related to Article IV, Section II, Paragraph II of the new State Constitution, which allows for certain legislative limitations (those contained in S.B. 5) on the powers of the State Board of Pardons and Paroles.

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S.B. 8 - DRIVERS' LICENSES: DUPLICATE/RENEWAL - ACT 412

S.B. 8 amends OCGA, Code Sections 40-5-25, 40-5-26 and 40-5-31. It provides that the Department of Public Safety shall, by rule and regulation, provide that all licenses issued to applicants under 19 years of age, rather than under 18 years of age, shall be readily distinguishable from all other licenses issued. It provides that after attainment of the age of 19, the holder of such distinctive license may obtain a new, non-distinctive license, in the same manner and conditions as provided for in OCGA, Code Section 40-5-32, relating to renewals of licenses. It provides that if an instruction permit or driver's license is lost or destroyed, a new permit may be obtained as prescribed in OCGA, Code Section 40-5-24, upon proof of loss or destruction, and a new license may be obtained under the provisions of Code Section 40-5-32 of OCGA, relating to renewals of licenses. It provides that the Department of Public Safety will issue a temporary permit or license to each individual who has lost by misplacement, and not by revocation or suspension, his license or permit, and who has made application under oath. It provides that such permit or license shall be issued for 15 days, renewable in the event the new permit or license has not been received within such time. It further provides that anyone who falsely swears or falsely makes the oath required to obtain the new license or permit, shall be guilty of a misdemeanor. Effective July 1, 1983.

S.B. 8 provides for the issuance of new learners' permits or drivers' licenses upon proof of loss or destruction, rather than for issuance of a duplicate permit, whose expiration date may have been just shortly into the future. It should generate time and monetary savings for the Department of Public Safety, and eliminate duplicative paper work. Increasing the age from 18 to 19 for issuance of a non-distinctive license should further contribute to a reduction in workload, and a financial savings.

S.B. 8 responds to the desires of the Department of Public Safety to streamline its license and permit operations to effect time and money savings. It provides a more cost effective method of providing for replacement licenses and permits, while not increasing the applicant response workload.

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S.B. 13 - POLICE DOG: PENALTY FOR INJURING - ACT 237

S.B. 13 enacts OCGA, Code Section 16-11-107. It defines a bomb detection dog, firearms detection dog, narcotic detection dog, patrol dog, and tracking dog, and stipulates that all such dogs shall be known as "police dogs" under terms of this Act. It further provides that anyone who knowingly and intentionally destroys or causes serious or debilitating physical injury to a police dog, knowing the dog to be a police dog, is guilty of a felony and upon conviction, shall be punished for not less than one nor more than five years imprisonment, or a fine not to exceed \$10,000, or both. Effective March 15, 1983.

S.B. 13 creates the new felony offense of intentionally injuring or causing the death of a police dog. It should provide deterrence against any such acts in the future. It requires that to be charged, one must have knowingly and intentionally inflicted injury to the police dog.

S.B. 13 recognizes the increased use of police dogs in various law enforcement efforts, and that such dogs may be exposed to intentional injury or death. It further recognizes the high cost of training such dogs, and that the replacement when injured or upon their death, is expensive. It is also a direct response to a publicized threat against a police dog in which apparently a "contract" to eliminate or injure a police dog was offered in order to prevent the use of the dog in narcotics cases.

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S.B. 31 - PROBATE COURTS: COSTS - ACT 426

S.B. 31 amends OCGA, Code Section 15-9-60. It provides for increases in court costs for a wide range of specific, general and miscellaneous services and filings in Georgia's probate courts. Effective March 18, 1983.

S.B. 31, through increased costs for most of the services provided by the probate courts, will increase the revenues for the courts. Conversely, it will cost citizens who must use the services of those courts additional funds for almost all services provided.

S.B. 31 is part of a continuing general trend to increase fees for services provided by the courts in Georgia, consistent with inflation. It was supported by the Probate Judges of Georgia and will generate funds to assist in defraying costs associated with increased probate judge salaries contemplated by S.B. 32.

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S.B. 32 - PROBATE COURT JUDGES: MINIMUM SALARY - ACT 210

S.B. 32 amends OCGA, Code Sections 15-9-63 and 15-9-64. It increases minimum annual salaries of the judges of probate courts, based upon county population brackets, as determined by the 1970 census, or the 1980 census, provided the population has not decreased. It provides for the payment of probate court judges' salaries from county funds in a range from \$9,085 for a county below 6,000 to \$42,500 for a county with 295,000 or more (these increases in salary ranging from nine to 13 percent). It provides that in a county where more than 70% of the population resides on property of the United States which is exempt from taxation by Georgia, the population of the county in determining the judge's salary shall exclude that number residing on the U. S. property. (This applies to Muscogee County.) It provides that the monthly salary supplement paid to judges of the probate court who conduct elections, shall be increased from \$100 to \$150. It provides that the monthly salary supplement paid to judges of the probate court who are responsible for traffic cases, shall be increased from \$150 to \$200. Effective April 1, 1983.

S.B. 32 will have a budgetary impact upon counties in that the salary of the probate court judge is paid from county funds. It should contribute to increased court efficiency by attracting capable, dedicated candidates for the office of probate judge due to increased compensation.

S.B. 32 is in continued response to past efforts to increase judicial salaries in most courts of this state. It further responds to inflationary pressures and the desire to compensate judges at a level commensurate with their duties, functions, responsibilities, experience and number of clients the court serves. Funds to aid in defraying increased costs to counties should be generated by increased court costs prescribed in Senate Bill 31.

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S.B. 40 - SEXUAL ASSAULT: DEFINE CRIME - ACT 310

S.B. 40 enacts OCGA, Code Section 16-6-5.1. It creates and defines the criminal offense of sexual assault. It defines sexual contact as any contact for the purpose of sexual gratification of the actor with the intimate parts (genital area, groin, inner thighs, buttocks, breasts) of a person not married to the actor. It provides that a person commits sexual assault when he engages in sexual contact with another person who is in the custody of law or who is detained in or is a patient in a hospital or other institution and the person accused of sexual assault had supervisory or disciplinary authority over the other person. It provides that a person convicted of sexual assault shall be punished by imprisonment for not less than one nor more than three years. Effective March 16, 1983.

S.B. 40 creates a new felony offense with applicability to those in supervisory or disciplinary positions over institutionalized persons. It relates to activities undertaken against another, under the guise of supervisory or disciplinary authority, which have been difficult to prove or to prosecute in the past. It should provide an increased measure of protection against such acts for persons who are, for reasons of discipline or health, incarcerated in an institution or medical facility. It should deter employees of such facilities from engaging in acts which are now defined as criminal offenses.

S.B. 40 is in apparent response to complaints of sexual misconduct on the part of supervisory personnel in youth facilities, jails, and medical facilities. Such acts have often gone uninvestigated and unpunished because of prior difficulty in establishing that a chargeable offense actually occurred. Acts defined by this new law as sexual assault have been complained of in youth detention facilities, by the media, in the

recent past. S.B. 40 was supported by child advocacy groups and others interested in the protection of incarcerated persons.

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S.B. 41 - CORRECTIONAL INDUSTRIES: PROHIBIT COMPENSATION - ACT 557

S.B. 41 amends OCGA, Code Section 42-10-4. It prohibits the Georgia Correctional Industries Administration from paying or compensating inmates employed in any industry. It prohibits the Department of Offender Rehabilitation (DOR) from paying or compensating inmates for performing service in any correctional institution. Effective April 5, 1983.

S.B. 41 will have marginal impact upon the current practices and procedures of DOR, or on its budget, since no monies have ever been appropriated or made available for the purpose of compensating inmates for any work performed despite the previous statutory authorization to do so. It will preclude any future payment of state inmates for labor performed absent future amendment. It removes a potential rehabilitative "tool" from DOR.

S.B. 41 is similar to S.B. 584 which was passed during the 1982 General Assembly and vetoed by the Governor. It responds generally to the principle of less eligibility - that convicted, confined criminals should be no "better off" than the most destitute law-abiding citizen on the streets. It also apparently acknowledges and responds to current free world unemployment rates and current public sentiment toward confined, convicted criminals.

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S.B. 45 - BAD CHECKS: PENALTIES - ACT 212

S.B. 45 amends OCGA, Code Section 16-9-20, and enacts OCGA, Code Section 16-9-58. It essentially increases potential imprisonment penalties for persons convicted of criminal issuance of a bad check. It, more specifically: (1) adds to the potential penalty for first offense of criminal issuance of a bad check for less than \$100, the possibility of a maximum term of 30 days confinement or both confinement and the fine of \$50 to \$100 prescribed in previous law; (2) provides that for the second offense of criminal issuance of a bad check for less than \$100, the potential penalty shall be increased from a fine of \$100 to \$200 or confinement for a maximum of

30 days or both, to a fine of \$100 to \$200 or confinement for a maximum period of 60 days, or both; (3) provides that for the third or subsequent offense of criminal issuance of a bad check for less than \$100, the potential penalty shall be increased from a fine of \$200 to \$400 or confinement for a maximum of three months or both, to a fine of \$200 to \$400 or confinement for a maximum of 12 months or both; and (4) adds to the potential penalty for first offense of criminal issuance of a bad check for \$100 to \$500, the possibility of a maximum term of 60 days confinement or both confinement and the fine of \$100 to \$200 prescribed in previous law. It also provides that failure to pay for certain agriculture products and other chattels shall be a felony punishable by imprisonment for one to five years. Effective July 1, 1983.

S.B. 45 should have some deterrent impact on the practice of criminal issuance of bad checks by providing for or increasing imprisonment penalties for such crimes. It should also have some deterrent impact on the practice of failure to pay for agriculture products by specifically defining such practice as a felony crime punishable by imprisonment.

S.B. 45 is an apparent response to the increasing problem merchants experience with the issuance of bad checks to pay for merchandise. It reflects the concern of the General Assembly over such practices, and a belief that imprisonment penalties should have a greater deterrent on issuers of bad checks. The creation of the felony offense of failure to pay for agricultural products responds to the increasing incidence of such activities, particularly in the southern part of the state, by marginal wholesale purchasers who operate under the color of legitimacy in purchasing farmer's products and disposing of them to other markets or consumers without ever paying for their original acquisition of the products.

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S.B. 59 - CHILD RESTRAINT DEVICES: MOTOR VEHICLE: RESPONSIBILITY -  
ACT 541

S.B. 59 amends OCGA, Code Section 40-8-76. It provides that on and after July 1, 1984, every driver who regularly and customarily transports a child under the age of four years in a passenger automobile, van, or pickup truck, other than one operated for hire, shall provide for the protection of the child in a child passenger restraining system approved

by the United States Department of Transportation under Federal Motor Vehicle Safety Standard 213 in effect on January 1, 1983. It provides, however, seat belts may be substituted if the child is between the age of three and four. It provides that these requirements shall not apply to non-residents transporting a child and when the child's personal needs are being attended. It provides that violations shall be cited, with the original citation being retained by the issuing agency for a period of 14 days. It provides that if, during that period, the person to whom the citation was issued proves the acquisition by purchase, rental, loan, or gift of a child passenger restraining system, the agency shall void the citation. It provides that if convicted of the offense of failing to utilize the restraining device, the defendant shall be punished by a fine of not more than \$25.00. It further requires the Governor's Office of Highway Safety, by January 1, 1984, to carry out an information program for parents and other citizens concerning this requirement, and such office will solicit the cooperation of appropriate organizations in educating the public. Further, it establishes that violation of the Code Section shall not constitute negligence per se, nor contributory negligence per se, and exempts from its provisions drivers of a car pool carrying children under four years old to a church or public or private school. Effective July 1, 1983.

S.B. 59 should create a climate of increased protection for those infants under the age of four who now ride in automobiles without the restraint devices. It may reduce significantly injuries and death to such youth via the protection afforded them through use of the devices. It may create a financial hardship upon lower income families to acquire such devices, which may encourage local governments and local service organizations to provide loaner devices as a public service. It will increase the administrative workload for the Office of Highway Safety in implementing the program of informing the public concerning these devices.

S.B. 59 is an apparent response to the fact that the leading killer of infants is automobile accidents. It is reflective of the Georgia Medical Association and the Office of Highway Safety efforts to provide protection for infants as passengers in vehicles. The objective is not to punish those who cannot afford the restraining devices, but to aid in the reduction of debilitating injury or death of infants in vehicle accidents. The final passed version is a compromise between several other versions which had called for stricter enforcement and stiffer penalties; however, this version accomplishes the "encouragement" features desired by the sponsoring and supporting agencies.

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S.B. 69 - APPEAL AND ERROR: GROUNDS FOR NEW TRIALS - ACT 304

S.B. 69 amends OCGA, Code Section 5-5-42. It statutorily provides a specific form for motion for new trials in criminal cases, separate from the form for motion for new trials in civil cases. It provides that this form is declared to be sufficient, but that any other form substantially similar shall also be sufficient. It provides in this form, that the grounds for a motion for new trial as: (1) the defendant should be acquitted and discharged due to the state's failure to prove guilt beyond a reasonable doubt; (2) although the state proved the defendant's guilt beyond a reasonable doubt, the evidence was sufficiently close to warrant the trial judge to exercise his discretion to grant the defendant a retrial; or (3) the court committed an error of law warranting a new trial. Effective July 1, 1983.

S.B. 69 should have a modest impact on defense lawyers who may change their form of motion for filing based upon the language incorporated in this code section, or may continue to use language previously acceptable. It should have minimal impact upon courts in that it is primarily a procedural bill serving to clarify and confirm statutory law to existing case law, providing for separate filing motions for criminal and civil trials.

S.B. 69, in its original format, was an Administration Bill, directed toward expediting and streamlining the appellate processing of criminal cases. The final version, however, did little but prescribe a formal motion format without excluding the use of other motion formats.

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S.B. 70 - PEACE OFFICER/PROSECUTOR TRAINING FUND ACT - ACT 451

S.B. 70 enacts OCGA, Code Sections 15-21-70 through 15-21-77, the "Peace Officer and Prosecutor Training Fund Act of 1983." It provides statutory implementation of Article III, Section IX, Paragraph VI, subparagraph (d) of the State Constitution, which authorizes additional penalty assessments in criminal and traffic cases and provides that the proceeds derived therefrom may be used for the purpose of providing training to law enforcement officers and prosecuting officials. It provides that in every case in which any state court, probate court, municipal court or superior court shall impose a fine for any offense against a criminal or traffic law, there shall be imposed as an additional penalty a sum equal to the lesser of \$50 or 10 percent of the original fine. It provides that at the time of posting bail or bond in any case involving a

violation of a criminal or traffic law, an additional sum equal to the lesser of \$50 or 10 percent of the original amount bail or bond shall be posted. It provides that in every case in which any of the above courts order the forfeiture of bail or bond, that that sum, as well as such sums collected pursuant to criminal and traffic fines, shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and forfeited bonds and be paid over to the Department of Revenue by the last day of the month there following and then be deposited into the general treasury. It specifically provides that such sums shall be in addition to that amount required by OCGA, Code Sections 47-17-60 and 47-11-51, to be paid into the Peace Officers' Annuity and Benefit Fund or the Probate Judge Retirement Fund. It requires the Department of Revenue, on a quarterly basis, to report and account for all funds collected and submit the report and account to the Office of Planning and Budget and the Legislative Budget Office no later than 30 days after the last day of the preceding quarter. It provides that if one responsible for collecting and paying over these funds fails to do so, an additional penalty in the amount of 5%, not to exceed 25% of the principal amount, shall be assessed for each month during which payment of the money is delinquent. It also provides for punishment as for a misdemeanor for failure to collect and remit the funds. It stipulates that an amount equal to all funds remitted in the immediately preceding year shall be appropriated to fund law enforcement or prosecutorial officers' training, or both, and activities incident thereto, including but not limited to payment or repayment to the state treasury for capital outlay, general obligation bond debt service, administrative expenses and any other expense or fund application which the General Assembly may deem appropriate, while not precluding appropriation of a greater amount for this purpose. Effective July 1, 1983.

S.B. 70 will provide a significant amount of funds to the general treasury for appropriation by the General Assembly for peace officer and prosecutorial training purposes. It is expected that annual income to the treasury from the add-on penalties provided shall exceed several million dollars a year. It should greatly enhance the educational opportunities for the affected officials, provide for better quality educational environment, instructors, facilities, additional course availability, and general significant improvement in all aspects of peace officer and prosecutor training. It should enhance recruitment, development and retention of highly competent, professional law enforcement officers, correctional officers and prosecutorial officials in Georgia. It places an additional burden upon court personnel who collect fines, bonds and bail, to ensure that the additional funds are collected and transmitted to the Department of Revenue, and accounted for.

It places an additional burden upon the Department of Revenue to collect and account for such funds. It also essentially will cause law violators to fund the costs associated with training peace officers and prosecutors.

S.B. 70 is an Administration Bill. It responds to a constitutional amendment ratified by Georgia voters in 1978, which authorized assessment of add-on penalties to criminal and traffic fines and bond forfeitures and the use of such assessments to fund peace officer and prosecutor training. It acknowledges that similar funding mechanisms have been operational in other states for a considerable period of time. It culminates several years of intensive effort by many law enforcement related agencies and associations, local government interest groups, and prosecutors to establish a means of financing increasing training costs incurred as training programs, facilities and opportunities have expanded in Georgia, as well as to provide a funding base for additional expansion and improvement of training programs, facilities and opportunities. In previous years, these efforts have been unsuccessful due to arguments regarding threats to the stability of retirement funds financed by "add-ons," the advisability of establishing a dedicated or semi-dedicated revenue, the proper agency to collect and/or receive funds generated by "add-ons" and whether funds generated by add-ons should be spent only for the delivery of training or for training facilities as well. S.B. 70 was supported by a wide array of criminal justice associations and agencies, including the Criminal Justice Coordinating Council.

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S.B. 84 - COURTS: DOCUMENTS: LETTER-SIZED PAPER - ACT 239

S.B. 84 enacts OCGA, Code Section 15-5-40. It provides that any pleadings or other documents filed in any court of record may be prepared on letter-sized paper, and that no clerk of any court shall refuse to accept for filing any such filing or pleading for the reason that it is on letter-sized paper. Effective July 1, 1983.

S.B.84 requires clerks of courts of record to accept documents on letter-sized paper, rather than only on legal-sized paper as is currently the general practice, in many courts of record, as prescribed by court rule. There has been a recent trend, particularly in federal courts, to accept letter-sized paper and Georgia may now accept such documents, following that trend.

S.B. 84 reflects the desire of the General Assembly statutorily to authorize use of letter-sized paper and to mandate acceptance of court documents thereon in all courts of record of the state.

S.B. 96 - DISTRICT ATTORNEYS EMERITUS: PRACTICING LAW - ACT 559

S.B. 96 amends OCGA, Code Sections 47-12-81 and 47-12-83. It enacts OCGA Code Section 47-12-101. It removes a prohibition against district attorneys emeritus representing defendants in criminal or quasi-criminal cases in any of the courts of the United States or in any other court. It retains the prohibition against practicing law in any cases against the State of Georgia in any courts of the State or the United States. It removes the requirement that district attorneys emeritus must maintain residence in this state. It provides that the right to a retirement benefit, district attorney emeritus salary, the return of contributions or other rights accruing to district attorneys emeritus under the retirement fund established by OCGA, Article 5, Chapter 12 of Title 47, are exempt from state, county or municipal tax, from levy and sale, from garnishment, attachment, or any other process and shall not be assignable except as otherwise provided by law. Effective July 1, 1983.

S.B. 96 generally liberalizes those things district attorneys may do in retirement (emeritus) status. It will authorize district attorneys emeritus to practice law provided they do not practice law in any case against the State of Georgia. It will allow them to leave the state and retain eligibility for their retirement benefits. It relieves district attorneys emeritus from paying state tax on their retirement benefits, and provides other exemptions for such benefits. These provisions should ultimately contribute toward enhanced recruitment and retention of highly competent, "career" district attorneys.

S.B. 96 responds to the request of the Fulton County District Attorney's Office, and others, to remove unnecessarily restrictive language and prohibitions from the District Attorney Emeritus Law. The provisions concerning taxation and retirement benefits incorporate language contained in the enabling legislation of other retirement funds which exempt state taxes.

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S.B. 169 - PRIVATE DETECTIVES/SECURITY AGENCIES: LICENSE SUSPENSION -  
ACT 214

S.B. 169 enacts OCGA, Code Section 43-38-11.1. It authorizes the Georgia Board of Private Detective and Security Agencies to suspend the license, registration, or weapon's permit of any licensee, without a prior hearing,

if the licensee, registrant, or weapon's permit holder is determined by the Board to present a clear and present danger to the public safety on grounds outlined in OCGA, Code Section 43-38-11. That Code Section provides an extensive list of reasons for which the Board may deny or sanction licenses and registrations, after notice and hearing under the "Georgia Administrative Procedure Act." Effective July 1, 1983.

S.B. 169 will provide the Georgia Board of Private Detective and Security Agencies with an expeditious means of suspending licenses or permits if it is demonstrated that one of its licensees has violated any of a wide range of prohibitions, and it is evidenced to the Board that such individual presents a clear and present danger to public safety. It should provide increased protection to the public by prohibiting such individuals from exercising any official authority while future eligibility is being determined by the Board.

S.B. 169 responds to the need and desire of the Georgia Board of Private Detective and Security Agency to take expeditious action under circumstances which could present a threat to the safety of the public and the integrity of their profession, rather than complying with the relatively longer and sometimes cumbersome procedures previously required. It was supported by the Georgia Board of Private Detectives and Security Agencies.

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S.B. 176 - EVIDENCE: HEARING IMPAIRED: INTERPRETERS - ACT 423

S.B. 176 amends OCGA, Code Sections 24-1-5 and 24-9-100 through 24-9-105. In so doing, it enacts OCGA, Code Sections 24-9-106 through 24-9-108. It requires law enforcement officers who arrest hearing impaired persons for alleged violation(s) of criminal law, to comply with new OCGA, Code Sections 24-9-100 through 24-9-108. It sets forth that it is the policy of the State of Georgia to secure the rights of hearing impaired persons in various official proceedings in which they become involved. It defines terms and stipulates that a hearing impaired person is one whose hearing is totally impaired or is so seriously impaired as to prohibit the person from understanding oral communications when spoken in a normal conversational tone of voice. It requires that such person is to be provided a qualified interpreter when such person is a party to a proceeding or a witness before the proceeding, or if such person is under the age of 18 and his/her parents are hearing impaired. It sets forth procedures for the hearing impaired to request an interpreter, and for the Department of Human Resources to maintain a roster of qualified interpreters and to furnish them for interpretive duties upon request. It prohibits an arresting law enforcement officer/agency from questioning

a hearing impaired accused unless an interpreter is present, or in the event one hour passes after a request for said interpreter, it provides that such questioning then shall be in written form only, with responses in written form, and that said writings shall be preserved. It sets forth request and waiver procedures, provides that all privileges are to be retained, and that the interpreter must be in full view of the impaired person when such person is being questioned and responding. It provides that the procedures may be taped or filmed for use in court or other proceedings. It provides for fees for the interpreters, and for the agency requesting their use to pay the fees, except in civil court proceedings. Effective July 1, 1983.

S.B. 176 will increase protection of the rights of hearing impaired persons, during proceedings in which their liberty or welfare is at stake. It should ensure extension of protective rights guaranteed to and granted to the unimpaired to those who are impaired, by increasing the accessibility of interpreters and making the requirement for their utilization more forceful. While it may cause some delays and create a degree of inefficiency in various hearings and proceedings, this should be outweighed by the guarantee of rights provided. It should systematize and standardize investigations and proceedings involving the use of interpreters for the hearing impaired and provide more precise guidance for their utilization.

S.B. 176 is an apparent response to the need to clarify and expand the statutory rights of the hearing impaired and to provide them a significant degree of civil rights protection in various official proceedings. It responds to requests, complaints and efforts of hearing impaired individuals and interest groups. Its greatest applicability will be in metropolitan areas where there are larger numbers of hearing impaired, and in those locales where schools for the deaf are located. Its language provided a compromise for law enforcement officials who found problems with what could be a long wait for a qualified interpreter, by providing an alternative means of questioning relatively shortly after a suspected criminal act occurred.

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S.B. 178 - HUMAN RESOURCES: DELINQUENT CHILDREN: APPREHENSTION - ACT 242

S.B. 178 amends OCGA, Code Section 49-5-10. It provides that the Youth Services Division Program Director for a particular region, may delegate responsibility to a designee to determine whether children who have been committed to the Department or otherwise taken into custody and who have violated conditions of supervision, should be apprehended. Effective March 15, 1983.

S.B. 178 is a procedural bill authorizing designees to perform functions currently required to be performed by Regional Youth Services Division Program Directors. It enhances the ability of the Youth Services personnel to notify law enforcement agencies to apprehend a youth who has violated conditions of supervision and it is essentially housekeeping in nature.

S.B. 178 responds to the need to clarify previous law concerning who may request youth to be apprehended. It further responds to the request of the Department of Human Resources to provide an alternative in the notification process.

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S.B. 180 - JUVENILES: DELINQUENT BEHAVIOR: RESTITUTION - ACT 243

S.B. 180 amends OCGA, Code Sections 15-11-35 and 49-5-10. It retains all previous provisions of OCGA, Code Section 15-11-35 which were enacted into law by parts of Senate Bill 4 during the 1982 General Assembly and were to be effective on July 1, 1983. It adds provisions to this code section concerning restitution to be paid by certain children who are adjudicated delinquent. It authorizes juvenile courts to order restitution to be paid by the delinquent child simultaneously with any other order of the court. It provides that while such order is in effect, enforcement may be transferred to the Division of Youth Services. It further provides that such order may be forwarded to the juvenile court of the county to which a child changes residency. It also provides that restitution orders shall remain in force and effect with respect to children committed to the Division of Youth Services, and that the Division is empowered to enforce said restitution requirement and to direct that payment of funds or notification of service completed be made to the clerk of the juvenile court or another employee of that court designated by the judge. Effective March 15, 1983.

S.B. 180 will provide for another alternative treatment, that of restitution, at the conclusion of an adjudicatory hearing where a child has been found to have committed a delinquent act. Since it allows for restitution to be ordered in addition to any other authorized treatment which may be imposed by the court, it will provide juvenile courts with a wider range of treatment options. It may contribute to assisting victims in recovering loss or damage incurred as a result of juvenile delinquent acts, in that restitution may be either monetary or via performance of services. It may

contribute toward increased confidence in the ability of juvenile courts to deal more effectively with juvenile delinquents and to be responsive to victims with their "sentencing" decisions.

S.B. 180 is an apparent response to the requests of practitioners, interest groups and citizens to provide a wider range of treatment options for delinquent youths that are responsive to victims needs and the best interests of the public. It was supported by the Council of Juvenile Court Judges and other youth advocates. Restitution has been demonstrated to be an effective treatment option, both in juvenile and adult proceedings, and S.B. 180's statutory authorization of it may contribute toward a greater use of that option by juvenile judges.

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S.B. 182 - SUPERIOR COURT CLERKS: MINIMUM SALARY - ACT 253

S.B. 182 amends OCGA, Code Section 15-6-88. It establishes new annual minimum salaries for clerks of the superior courts based upon population of the county in which the clerk serves, as determined by the U. S. decennial census of 1980 or any future such census. It provides for three new population brackets between 200,000 to 249,999, between 250,000 to 299,000, and a bracket of 300,000 and up, and provides for increased salaries in those new brackets. It also eliminates the previous bracket of counties between 6,000 and 7,999, and includes counties in this bracket in a new 6,000 to 11,999 bracket. It provides for salaries for clerks of the court ranging from \$12,528 at the lowest population level, to \$42,500 at the highest. Effective March 15, 1983.

S.B. 182 provides for salary increases for clerks of superior courts ranging from \$1,728 to \$18,500, with the largest increases for clerks being in the most heavily populated counties. Such increases will require additional expenditures from county funds, as clerks of the court are reimbursed by the counties. It may serve to attract highly qualified individuals to stand for election to the office of clerk of the court.

S.B. 182 responds to inflationary trends and efforts to achieve a degree of compatibility with salary increases for other court officials and government personnel. It reflects the continuing efforts of the clerks of the superior courts to improve their compensation level.

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S.B. 193 - FORFEITURE OF PROPERTY: SALES: USE OF FUNDS - ACT 203

S.B. 193 amends OCGA, Code Section 16-13-49. It provides that money and currency which is forfeited or realized from the sale or disposition of forfeited property shall, after payment of all court costs, vest as follows: (1) if seized by a municipal law enforcement agency, it vests in that municipality; (2) if seized by a county law enforcement agency, it vests in that county; (3) if seized by joint action of a county law enforcement agency and a municipal law enforcement agency, it shall vest in that county and that municipality and shall be divided equally between them; and (4) if seized by a state law enforcement agency, it vests in the county where the condemnation proceedings are filed. It further provides that local governments shall expend such funds, after payment of all court costs, to defray the cost of complex investigations, to purchase equipment, to provide matching funds to obtain federal grants, and for such other law enforcement purposes as the governing authority of the county or municipality deems appropriate. It, however, prohibits their use to pay salaries of law enforcement personnel. It further provides that the governing authority may, in its discretion, limit the amount of all such money and currency expended for law enforcement purposes during any calendar year to \$20,000, and that the remainder may be expended for any other public purpose. It further provides that any law enforcement agency receiving money and currency which is forfeited or realized from the sale or disposition of forfeited property, shall submit a report to the governing authority of the county or municipality on or before the 10th day of the following month of each calendar quarter, itemizing the money, currency, and proceeds of forfeited property received and the expenditure of the funds. Effective July 1, 1983.

S.B. 193 will assure a new source of funds for some counties and municipalities to expend on law enforcement purposes. It makes it mandatory for each governing authority to expend up to \$20,000 of such forfeited or realized monies, if collections are to that level, rather than permissively authorizing such expenditure. It should assist local governing authorities in the conduct of complex investigations, in acquiring modern equipment, and in supporting the general upgrading of law enforcement efforts as a result of the availability of these funds. It will continue the effect of depriving state agencies the use of some forfeited or realized monies as state agency support/involvement generating such funds requires them to be turned over to the county in which condemnation proceedings occur.

S.B. 193 reflects a continuing effort on the part of the Georgia Municipal Association and local governing authorities to acquire use of forfeited

monies or funds generated as the result of sale or disposition of forfeited property. The 1982 General Assembly enacted legislation making it permissible for counties to do so, and this legislation makes it mandatory and expands its application to municipalities as well.

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S.B. 194 - DRUG TRAFFICKING: METHAQUALONE PROVISIONS - ACT 257

S.B. 194 amends OCGA, Code Section 16-13-31, relating to trafficking in illegal drugs. It substantially reduces the amount of methaqualone that qualifies for a "trafficking" violation (from 4,000 to 75,000 grams or more to 200 to 400 grams or more). It also deletes actual possession of methaqualone in these amounts as a trafficking offense. It retains the previous mandatory imprisonment and monetary penalties attached to violations of methaqualone trafficking statutes. It, however, allows an exception to mandatory penalties for all drug trafficking behavior prohibited by OCGA, Code Section 16-13-31, by providing that the district attorney may move the sentencing court to reduce or suspend the sentence of any person convicted who provides substantial assistance leading to the identification, arrest or conviction of any of his accomplices, accessories, co-conspirators, or principals. It provides that the judge may reduce or suspend such sentence if he finds the defendant did render such assistance. Effective July 1, 1983.

S.B. 194 will allow significant punitive action for trafficking in greatly reduced amounts of methaqualone (qualudes). It should lead to some reduction in such trafficking crimes through deterrence associated with increased potential penalties for lesser amounts. It may decrease the certainty of severe punishment for persons convicted of trafficking in cocaine, morphine and morphine derivatives, marijuana or methaqualone. It, however, conversely should lead to more convictions for these offenses by specifically providing the possibility of leniency or reduced penalties for informants.

S.B. 194 responds to the knowledge that relatively small quantities of methaqualone are now used in some compounds for certain limited medical purposes and that, in that form and those quantities, methaqualone is diverted and smuggled into channels of illegal trafficking. It also responds to the knowledge that actual possession of reduced amounts of methaqualone should not constitute trafficking in that such amounts might be used for limited medical purposes. It further responds to the realization that the use of informants in securing identification, arrest and conviction of illegal drug traffickers is necessary to reducing illegal drug trafficking and that recruitment of informants depends on being able to "plea bargain" effectively with potential informants, i.e., to offer them reduced penalties in exchange for information.

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S.B. 206 - PROBATIONERS: COMMUNITY SERVICE: ATTENDANT FOR DISABLED  
PERSON - ACT 554

S.B. 206 amends OCGA, Code Sections 42-8-70, 42-8-72 and 42-8-74. It provides that uncompensated services as a live-in attendant for a disabled person shall constitute community service for probationers in community service programs. It provides that a qualified agency may recommend, and the court may approve, live-in community service as a condition of probation, but for no longer than two years, and that the judge shall confer with the prosecutor, defense attorney, probation supervisor, community service officer, and others, in reaching a decision. It provides that the recommending agency shall be responsible for providing for cost of food and other necessities for the offender which the disabled person is not able to provide, and that the agency, in consultation with the court, shall provide the offender with certain free hours each week. It further provides that the live-in arrangement shall be terminated by the court upon the request of either party, and that upon termination, the court shall determine whether the offender has met the conditions of probation. It further provides that any offender who performs live-in community service, but who is later incarcerated for breaking the conditions of probation or for any other cause, shall be awarded earned-time for each day of live-in community service, the same as if such offender was in prison for such number of days. Effective July 1, 1983.

S.B. 206 provides for another potential form of community service for probationers which has the potential of providing material assistance to disabled individuals unable to care for themselves. If the court, in consultation with others, determines live-in community service is a viable alternative for the offender and beneficial to the disabled individual, such service could be of considerable mutual benefit. It provisions for agency supervision, food and financial support, under certain conditions, and other necessities, should avail these live-in services to those who could not otherwise afford to pay for them.

S.B. 206 is an apparent response to the increasing awareness of the benefits of community service as a condition of probation, and that there exists a number of individuals who may be unable to completely care for themselves or afford to hire someone to care for them, who could benefit from such service.

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S.B. 207 - DISTRICT ATTORNEYS AND STAFF: PRIOR EMPLOYMENT AS STATE ASSISTANT  
DISTRICT ATTORNEY - ACT 258

S.B. 207 amends OCGA, Code Section 15-18-14. It provides that in computing the maximum salary authorized for each assistant district attorney, there shall be added to his period of service as an assistant district attorney a period of time equal to any period during which he was previously an employee of the Department of Law, the Prosecuting Attorneys' Council, and was a member of the State Bar during such period of prior employment. Effective April 1, 1983.

S.B. 207 will result in increased annual salaries for assistant district attorneys in Georgia, who were previously employed by the Georgia Department of Law or the Prosecuting Attorneys' Council of Georgia, and were members of the State Bar while so employed. It should assist in the recruitment of more highly qualified, experienced attorneys for the position of assistant district attorney. It may divert some former employees of the two above state agencies from private law practice into public law/prosecution careers.

S.B. 207 responds to the efforts of the Prosecuting Attorneys' Council and prosecutors throughout the state, to better compensate certain assistant district attorneys and thus be able to attract more experienced lawyers to that position. It was supported by the Criminal Justice Coordinating Council.

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S.B. 215 - USED MOTOR VEHICLE DISMANTLERS ETC.: DEFINITION - ACT 306

S.B. 215 amends OCGA, Code Sections 43-48-2, 43-48-3, 43-48-8, 43-48-9, 43-48-13 and 43-48-21. It enacts OCGA, Code Section 43-48-17.1. All of these code sections are parts of "The Used Motor Vehicle Dismantlers, Rebuilders, and Salvage Dealers Registration Act." It adds the term "salvage pool dealer" to the definition of "dealer." It adds frame or frame section and complete side (fenders, door, and quarter) to the definition of major component parts, and deletes bumpers from that definition. It changes the definition of "Salvage Vehicle" to exclude recovered total theft vehicles which do not require replacement of two or more major component parts for restoration. It adds to the membership of the State Board of Registration for Used Motor Vehicle Dismantlers, Rebuilders, and Salvage Dealers, the Director of the Motor Vehicles Division of the Department of Revenue, or his official designee. It reduces the maximum number of appointed members of the Board who must be from certain business activities from three to two. It changes the

insurance coverage required for a dealer to ordinary automobile public liability and property damage insurance coverage rather than a special dealers' coverage. It provides that applicants may be denied licenses if they have been convicted of a felony or any crime involving a dangerous weapon or moral turpitude, or the person has been arrested, charged, and sentenced for the commission of the same and: (1) pleaded nolo contendere; (2) was given first offender treatment; or (3) sentencing was withheld or not entered. It further provides that any first offender treatment shall be conclusive evidence of arrest and sentencing for the crime which was charged. It deletes the requirement for certain monthly reports to the Board by licensed dealers. It provides that salvage dealers from another state may be issued an out-of-state buyer's card, and provides that any licensed dealer in Georgia may sell salvage motor vehicles and parts only to those out-of-state buyers who possess that card. It provides that the State Board of Registration for Used Motor Vehicle Dismantlers, Rebuilders, and Salvage Dealers shall terminate ("sunset") on July 1, 1989, rather than July 1, 1983. Effective March 16, 1983.

S.B. 215 is primarily a procedural and "clean up" bill to correct deficiencies in a major re-creation of the Board passed by the 1981 General Assembly (Ga. L. 1981, p. 900) which have become evident during the past several years of operation of the reconstituted Board. It should assist in ensuring strict compliance with the intent of the provisions of the Used Motor Vehicle Dismantlers Registration Act, and provide increased enforcement powers to the Board. It also should, by considerably expanding the Board's powers to deny licenses to certain individuals, contribute to the reduction of organized motor vehicle thefts in Georgia.

S.B. 215 responds to the desires of the Secretary of State's Office and the State Board of Registration for Used Motor Vehicle Dismantlers, Rebuilders, and Salvage Dealers to update language, correct errors of omission and commission, and to remove an early sunset provision for the Board.

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S.B. 237 - PROBATION: CERTAIN EVALUATIONS OF CONVICTED PERSONS - ACT 301

S.B. 237 enacts OCGA, Code Section 42-8-29.1. It provides that when a convicted person is committed to an institution, under the jurisdiction of the Department of Offender Rehabilitation (DOR), any presentence or

postsentence investigation, or psychological evaluation compiled by a probation official shall be forwarded to a division or office designated by the Commissioner of DOR. It provides that case history forms and the criminal history sheets from the Federal Bureau of Investigation or the Georgia Crime Information Center, shall accompany such documents unless previously provided. It provides that copies of all these documents shall be made available to the State Board of Pardons and Paroles, and may be made available to another institution to which the defendant shall be committed. It further provides for the confidentiality of the furnished documents and the information contained in them. Effective March 16, 1983.

S.B. 237 will assure that presentence investigation and diagnostic documentation developed by the probation staff will be shared with the institution to which the defendant is assigned and the Board of Pardons and Paroles. It should halt the practice of both the Board of Pardons and Paroles and DOR staff "working up" these documents which was required when the documents were not shared. It should reduce the workload of DOR staff, as well as staff of the Board of Pardons and Paroles, and through shared information, should contribute to more sound correctional and/or parole decisions being made by both agencies which will now share this material.

S.B. 237 was requested, and supported by DOR to eliminate duplication in the "work up" of diagnostic documents which had already been prepared by the probation staff for the judge, for presentence or postsentence use by the sentencing court. It responds to a practice of some courts, where such documents were viewed as property of the court and were presumably never released to correctional and paroling authorities. While this practice was usually circumvented, S.B. 237 provides clear statutory authority to prevent any possible continuation of such practice. It also recognizes the importance of such documents to correctional and parole decisions.

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S.B. 241 - USED MOTOR VEHICLE PARTS: ETC.: CERTAIN SALES: DECEPTIVE PRACTICE - ACT 302

S.B. 241 amends OCGA, Code Section 33-6-5. It provides that no insurance company, when selling salvage motor vehicles, major component parts, or parts, shall sell to a used motor vehicle parts dealer, motor vehicle dismantler, motor vehicle rebuilder, salvage pool dealer, or salvage dealer who is not licensed under OCGA, Chapter 48, Title 43. Effective January 1, 1984.

S.B. 241 places an affirmative requirement on insurance companies to determine that those dealers to whom they dispose of certain automobiles or automobile

components, are licensed to do business as such dealers in the State of Georgia. It should prevent vehicles and vehicle components from falling into the hands of disreputable and illegal motor vehicle parts dealers, and should reduce the number of illegally reassembled motor vehicles in Georgia.

S.B. 241 is in furtherance of efforts on the part of legitimate used and dismantled motor vehicle dealers to ensure that laws regulating these activities are enforced, and that illegal dealers in used motor vehicle parts do not further their enterprise through the naive compliance of legitimate businesses or individuals.

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S.B. 249 - PROBATE JUDGE: UNABLE TO ACT: ATTORNEY TO REPLACE - ACT 244

S.B. 249 amends OCGA, Code Sections 15-9-2 and 15-9-13. It provides that in all counties with a population of 550,000 or more, a certain chief deputy clerk of the probate court shall be eligible to fill a certain vacancy in the office of the probate judge and shall be exempt from certain prior residency requirements until he/she takes office or wishes to be eligible to succeed himself or herself. This provision constitutes local legislation which is effective July 1, 1983. It also provides that when any judge of a probate court is unable to act in any case, he may appoint an attorney at law who is a member of the State Bar of Georgia, to exercise the jurisdiction of the probate court. It further provides that if the judge of the probate court does not appoint a qualified attorney, the judge of the city, state, or county court shall exercise all the jurisdiction of the probate court. It further prohibits a judge whose inability to act arises from any unlawful act or accusation of an unlawful act on the part of said judge, from appointing an attorney to act for him and provides that in such circumstances, only another judge shall exercise the jurisdiction of the probate court. Effective March 15, 1983.

S.B. 249 provides for a procedure for the probate judge to appoint a qualified attorney to act in his stead, should he be unable to act, provided his inability to act does not arise out of suspicion of or an unlawful act. It codifies those procedures, making them uniform throughout the state. It should serve to ensure that the functions of the probate court are carried out at all times.

S.B. 249 was in specific response to the requirement of probate court judges to have a simple, standardized procedure to have a qualified

attorney sit for him during absences, this being prompted most specifically by the requirement for the probate judge to attend annual training. It was requested by, and supported by the Probate Court Judges Association and the Administrative Office of the Courts.

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S.B. 268 - DRIVER'S LICENSE/TAG REGISTRATION: RESTORATION FEE: CHANGE -  
ACT 213

S.B. 268 amends OCGA, Code Sections 40-5-62, 40-5-63 and 40-9-9. It essentially provides that when a suspended or revoked driver's license or vehicle registration is restored, the restoration fee shall be increased from \$10 to \$25. Effective March 15, 1983.

S.B. 268 will result in increased revenue for the Department of Public Safety which will be used to cover the increased administrative costs incurred in restoring driver's licenses. It will adversely impact upon those who must request restoration by significantly increasing the cost to do so.

S.B. 268 responds to increased administrative costs involved in restoration of driver's licenses. It was supported by the Department of Public Safety.

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HOUSE RESOLUTIONS

## HOUSE RESOLUTIONS

### H.R. 17 - CHILDREN AND YOUTH STUDY COMMITTEE: CREATE

H.R. 17 creates the House Children and Youth Study Committee. It expresses concern regarding acts of crime and violence by juveniles, and the effect such violence and disruption is having on the youth, particularly in the school system of this state. It indicates that physical and sexual abuse trends show an increase in cases and that the present juvenile justice system needs to be studied to determine where improvements need to be made and to determine if alternative procedures and programs are needed. It provides that the Committee is to be composed of four members of the House, appointed by the Speaker of the House, and two citizens at large also appointed by the Speaker. It authorizes the Committee to study and make recommendations regarding the entire juvenile justice system of this state, regarding troubled children and child abuse and neglect, and regarding behavioral problems of students from elementary through high school. It provides that the Department of Education and other state agencies shall assist and support the Committee in its study. It provides that the Committee shall work closely with the standing Senate Children and Youth Committee. It authorizes the Committee to hire a staff person to serve at the Committee's direction. It provides that funds to carry out the provisions of the Resolution shall come from the funds appropriated to or available to the Legislative Branch, and that the Committee shall stand abolished on December 31, 1983.

H.R. 17 will continue in effect some of the study effort of the Joint Children and Youth Study Committee created by S.R. 171 during the 1982 General Assembly, which committee stood abolished on December 31, 1982. It will provide a study forum in the Georgia House to continue to study the entire juvenile justice system of Georgia, and may result in recommendations for legislative action for improvement in the system. It may develop recommendations to provide a means to deter juvenile crime, reduce incidence of child abuse, and improve school conditions. It should also result in a forum for exchange of information between juvenile justice and child advocacy practitioners and members of the General Assembly.

H.R. 17 is in partial response to a continuing request from juvenile justice advocates in Georgia to create in the Georgia House a permanent standing committee or subcommittee on juvenile justice. This Resolution simply creates a study committee of one year duration in lieu of such a standing body. It additionally responds in a more general sense to national, state and local alarm regarding juvenile crime and delinquency and the apparent inability of the juvenile justice system to prevent and effectively counter criminal and delinquent acts of juveniles.

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H.R. 191 - PRIVATE DETECTIVE AND SECURITY AGENCIES STUDY COMMITTEE:  
CREATE

H.R. 191 creates the House Private Detectives and Security Agencies Study Committee. It recognizes that members of the General Assembly have received many suggestions regarding improvements needed in the law regulating private detectives and security agencies, and further recognizes that the law should be reviewed to identify necessary changes. It creates the Study Committee consisting of five members of the House, appointed by the Speaker. It charges the Committee with studying the law regulating private detectives and security agencies, and identifying and making recommendations relative to changes needed to improve the effectiveness and administration of the law. It provides that members of the Committee shall receive expenses and allowances provided by law for attending meetings of the Committee, but not for more than ten days. It provides that the Committee shall make a report of its findings and recommendations to the Governor and the General Assembly by not later than the first day of the 1984 General Assembly, on which date the Committee shall stand abolished.

H.R. 191 should provide a forum for a thorough examination of the provisions of the current law regulating private detectives and security agencies. It should provide a forum for input from all interested parties, particularly those individuals and agencies most directly affected by the regulatory provisions of the law. It may result in changes improving the operation of the law and consequently improve the methods and practices of regulated agencies.

H.R. 191 is an apparent response to efforts on the part of private detective agencies and security agencies to further increase professionalism and public support. It is apparently supportive of regulatory legislation passed by the General Assembly over the past several years, including the re-establishment of the Georgia Board of Private Detective and Securities after its "sunset" in 1981.

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H.R. 194 - AGE OF MAJORITY HOUSE STUDY COMMITTEE: CREATE

H.R. 194 creates the House Study Committee on the Age of Majority to be composed of seven members of the House, appointed by the Speaker of the House, who shall also appoint one of the members as its chairman. It

expresses concern about state laws which confer certain majority rights on minors which have altered the status of young people in Georgia. It points out that there is a great diversity of the substance of age of majority legislation and that such legislation is scattered throughout the statutes with new laws being adopted without sufficient consideration to reconciling them with existing ones. It states that Georgia's statutes granting certain rights and withholding others, should be reviewed for the purpose of removing uncertainties, ambiguities, and unintended inconsistencies of age of majority laws. It provides that the Committee shall conduct a study of such laws and determine what actions can be taken to remove the areas which justify statutory changes. It authorizes meetings and reimbursement, but not for more than six days. It provides that the funds to carry out its provisions shall come from those appropriated to or available to the Legislative Branch, and that the Committee shall make a report of its findings and recommendations, with suggestions for proposed legislation, no later than December 31, 1983, at which time it shall stand abolished.

H.R. 194 should cause a review of existing laws which grant rights and withhold others to citizens of Georgia, according to the age of majority. Since there are numerous referrals to the age of majority throughout Georgia statutes, and there is little correlation between the age defined and those things granted or withheld, some of the confusion which currently exists may be clarified and some changes and uniformity relative to existing age of majority laws may result. It should provide a specific forum for both minors, and the majority, to provide input into the decision-making process and may result in legislation altering some existing practices and procedures.

H.R. 194 is in apparent response to confusion concerning what young persons may or may not do, and the differences between voting age, drinking age, age of consent, and other authorizations/prohibitions which depend upon age. It may also respond more specifically to efforts to raise the drinking age from the current 19 to 21, which surfaced during the 1983 General Assembly and may be debated during the 1984 General Assembly.

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#### H.R. 207 NONSTRIKING TRUCKERS - RECENT ACTS OF VIOLENCE

H.R. 207 expresses the concern of the Georgia House of Representatives concerning the strike of the Independent Truckers Association and the incidents of violence against truckers not taking part in the strike. It recognizes

the right to engage in lawful protest, but deplors the use of violence to coerce others to support the cause of the Independent Truckers Association. It affirms that the House supports the actions of the Commissioner of Public Safety in promising assistance to truckers choosing not to strike. It further supports the actions of the Georgia Motor Trucking Association in offering a reward for the apprehension of persons directing violent acts against nonstriking truckers, and endorses and supports the vigorous enforcement of the criminal laws of this state and the United States against all persons who abandon lawful methods of seeking redress for their grievances in favor of violence.

H.R. 207 expresses the concern and outrage of the members of the Georgia House of Representatives concerning events surrounding the strike of the Independent Truckers Association in February 1983. Its effect is generally symbolic and the strike was ended within several days after passage of the Resolution. It did focus attention upon the acts of violence which surrounded the strike and commended those agencies which attempted to avert violence and apprehend those who were engaged in violent acts during the strike.

H.R. 207 responded to the desire of members of the Georgia House of Representatives to go on record publicly against the strike of the Independent Truckers Association, the violence which occurred during the strike, and the economic dislocation which resulted. It is identical to S.R. 90.

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H.R. 208 - STOP DRUGS AT SOURCE PETITION AND TREATY CAMPAIGNS

H.R. 208, identical to S.R. 88, recognizes that the Stop Drug at the Source Petition and Treaty Campaign contributes toward education of citizens of the entire community. It further recognizes that Max Cleland, Secretary of State, has agreed to serve as the Chairman of the Ben Fortson Bicentennial Secretaries of State Committee to implement the campaign in other states and nations, and that the Governor has proclaimed 1983 as the Year of Stop Drugs at the Source. Whereas state officials have co-signed with federal officials the legislative treaty, it calls upon the Secretary of State to transmit the petition and treaty campaigns to the Secretaries of State of our sister states and to other nations, and urge that they join with Georgia in this effort to keep harmful and illicit drugs away from our children.

H.R. 208 is a continuation of the annual recognition of the Stop Drugs at the Source campaign which began in Georgia in 1972, and has been

expanding to other states and nations. It calls upon the Secretary of State to continue that expansion by formal transmission of the petition and treaty which are the keystones of the campaign. It may have some impact upon the use of drugs in this country through its educational efforts, and may contribute toward the expansion of the Stop Drugs at the Source campaign in other states.

H.R. 208 is an apparent response to efforts of the founders and the staff of the Stop Drugs at the Source, to continue the momentum of the campaign and encourage the involvement of other states, and nations, in its educational efforts. The campaign effort has met with reasonable success in Georgia and elsewhere, and is an ongoing effort by its staff supporters.

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H.R. 303 - MOTOR VEHICLE CERTIFICATE OF TITLE SECURITY STUDY COMMITTEE:  
CREATE

H.R. 303 creates the House Motor Vehicle Certificate of Title Security Study Committee. It provides that the Committee shall be composed of five members of the House, appointed by the Speaker, who shall appoint a chairman from among its membership. It provides that the Committee shall undertake a comprehensive study of measures that need to be taken to ensure the security of certificate of title documents in order to prevent alteration or forgery, as such acts facilitate fraudulent transfer of stolen vehicles. It provides that the members shall receive allowances authorized for legislative members of interim committees, but for no more than 10 days. It provides that funds to carry out its work shall come from funds appropriated to the legislative branch of government. It provides that the Committee shall make a report of its findings and recommendations with suggestions for proposed legislation, if any, no later than December 15, 1983, at which time the Committee shall stand abolished.

H.R. 303 should provide a means for examining the whole range of issues concerning security of motor vehicle title documents, including the need to use security paper or security films. It should lead toward identification and implementation of effective methods to prevent forgery or alteration of those documents. It may result in recommendations for legislation mandating certain security requirements for those documents.

H.R. 303 is an apparent response to the large volume of motor vehicles stolen in Georgia each year, and inadequacies in the security of title

documents which result in stolen vehicles being easily transferred. It also responds to the concerns of vehicle owners who maintain insurance coverage against theft of their vehicle, for which the rates of coverage are continually rising due to increases in motor vehicle thefts.

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H.R. 399 -

H.R. 403 - STOP DRUGS AT THE SOURCE: RESPONSE TO THE PEOPLE EXECUTIVE

H.R. 404 - TREATY

H.R. 399, H.R. 403 and H.R. 404 are almost identical House Resolutions. They express the gratitude of the Georgia House of Representatives to Vice President George Bush, Speaker of the U. S. House of Representatives Thomas P. "Tip" O'Neill, and President Ronald Reagan, respectively, for having signed the Response to the People Executive Treaty to Stop Drugs at the Source, an international treaty which is a fundamental part of the Stop Drugs at the Source Campaign, and for their pledge to keep harmful and illicit drugs away from our children. H.R. 404 contains an additional phrase calling upon the President to sign the International Treaty, calling upon the nations of the world to stop drugs at the source. The Resolutions recognize that the availability of harmful and illicit drugs to our children is a violation of human rights, and that Georgia, in 1972, recognized this threat and initiated the Stop Drugs at the Source Campaign Petition through a Resolution of the General Assembly, signed by all of Georgia's 56 Senators and 180 Representatives. These Resolutions recognize that Governor Harris has signed the Executive Treaty, as have the other state counterparts of the federal officials recognized in the Resolutions, namely the Lieutenant Governor and the Speaker of the House. The Resolutions further recognize that the Georgia Secretary of State, Max Cleland, has agreed to serve as the Chairman of the Ben Fortson Bicentennial Secretaries of State Committee to implement the treaty campaign in other states. They direct transmission of copies of the individual Resolutions to the appropriate officials honored by them.

H.R. 399, H.R. 403 and H.R. 404 are a continuation of the symbolic expressions of support for the Stop Drugs at the Source campaign. They are a part of a continuing effort to expand the petition campaign and obtain the largest possible number of signatures, both of citizens and of leaders of the world. These Resolutions may contribute to an enhanced public relations campaign to foster increased anti-drug sentiment, and may provide impetus to the treaty campaign.

H.R.399, H.R. 403 and H.R. 404 are in response to the continuing efforts of the Georgia General Assembly to support the Stop Drugs at the Source campaign, and to call attention to the problems inherent in our society caused by the availability and use of harmful and illicit drugs. H.R. 399 is identical to S.R. 196. H.R. 403 is identical to S.R. 198. H.R. 404 is identical to S.R. 195.

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SENATE RESOLUTIONS

## SENATE RESOLUTIONS

### S.R. 69 - FEDERAL COURT MONITORS: APPOINTMENT

S.R. 69 expresses the concern of the Georgia Senate regarding the fees and expenses received by the Federal Monitor appointed by a federal court judge to oversee operations of the Georgia State Prison. It sets forth that such fees and expenses collected by said Federal Monitor exceed the compensation received by the Governor of Georgia, and that since June 1979, have exceeded \$600,000. It outlines that these unusually high fees and expenses are a disincentive for the Monitor to complete his work and that the unreasonable costs constitute an almost criminal disregard for the economic realities of our nation and especially the State of Georgia. It calls upon the Congress of the United States to take necessary action to ensure that the acts of any federal judge or Federal Monitor do not allow for charging of fees and expenses which are so clearly irresponsible as to border on being criminal in disregard for economic conditions and realities of any state, and which appear to be punitive in their intent and are certainly punitive in their effect. It further provides that a copy of the Resolution be transmitted to each member of the Georgia Congressional Delegation.

S.R. 69 clearly expresses the outrage of the Georgia Senate concerning fees charged and expenses received, by the Federal Monitor at the Georgia State Prison at Reidsville, who was appointed relative to the settlement of prisoners' rights litigation impacting the Georgia State Prison at Reidsville (Guthrie v. Ault). It is largely a symbolic expression of its disapproval, providing a forum to publicize costs associated with the appointment of the Monitor.

S.R. 69 is a symbolic expression of the sentiments of the Georgia Senate. It responds to the concerns that the State has expended an exorbitant amount of money to defray the expenses of the monitorship, which appears to have been unduly prolonged and has resulted in considerable remuneration to the Monitor.

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### S.R. 86 - DEATH PENALTY: FEDERAL/APPEALS PROCESS: RELATIVE TO

S.R. 86 resolves that the Senate of Georgia urges the United States Congress to enact appropriate federal legislation establishing in the federal judiciary

an efficient and expeditious unified appeals process regarding all challenges to the imposition of the death penalty so that in all death penalty cases the people of Georgia may be assured that there will be swift and sure punishment for those convicted of horrible and violent crimes in this state, for which the death penalty may be imposed. It further resolves that copies of the Resolution be sent by the Secretary of the Senate to the President and Vice President of the United States, the Speaker of the House of Representatives, the Chairman of the U. S. Senate and House Judiciary Committees, and to members of the Georgia Congressional Delegation, as well as to each appellate and district court judge in the 11th U. S. Judicial Circuit.

S.R. 86 expresses that in 1973, Georgia provided for the imposition of the death sentence for specific crimes, and that far in excess of 100 persons have been convicted and sentenced to death since then. It further reflects the adoption, in 1980, of a unified appeals process for capital cases in Georgia. By calling upon the U. S. Congress to adopt a similar process, the Georgia Senate expresses its concern, and that of the people of Georgia, regarding the inability to carry out death sentences because of the interminable appeals processes available to those sentenced to death. It should serve to call attention to this critical problem by those in receipt of the Resolution and may serve to provide some stimulus to resolve this problem.

S.R. 86 is a symbolic expression of concern of Georgians over the interminable appellate processes legally sanctioned, which have served to inhibit, over extensive periods of time, carrying out approved sentences of Georgia courts concerning imposition of the death penalty. It responds to Georgia's frustration with and lack of confidence in the judicial and criminal justice system. It is a continuation of similar efforts, by Resolution, evidenced over the past several years, to stimulate some kind of action/reaction at the federal level to resolve this issue and allow the death penalty to be imposed upon those so sentenced.

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S.R. 88 - STOP DRUGS AT SOURCE PETITION AND TREATY CAMPAIGN

S.R. 88, identical to H.R. 208, recognizes that the Stop Drug at the Source Petition and Treaty Campaign contributes toward education of citizens of the entire community. It further recognizes that Max Cleland, Secretary of

State, has agreed to serve as the Chairman of the Ben Fortson Bicentennial Secretaries of State Committee to implement the campaign in other states and nations, and that the Governor has proclaimed 1983 as the Year of Stop Drugs at the Source. Whereas state officials have cosigned with federal officials the legislative treaty, it calls upon the Secretary of State to transmit the petition and treaty campaigns to the Secretaries of State of our sister states and to other nations and urge that they join with Georgia in this effort to keep harmful and illicit drugs away from our children.

S.R. 88 is a continuation of the annual recognition of the Stop Drugs at the Source campaign which began in Georgia in 1972, and has been expanding to other states and nations. It calls upon the Secretary of State to continue that expansion by formal transmission of the petition and treaty, which are the keystones of the campaign. It may have some impact upon the use of drugs in this country through its educational efforts, and may contribute toward the expansion of the Stop Drugs at the Source campaign in other states.

S.R. 88 is an apparent response to efforts of the founders, and the staff, of the Stop Drugs at the Source campaign, to continue the momentum of the campaign and encourage the involvement of other states, and nations, in its educational efforts. The campaign effort has met with reasonable success in Georgia, and elsewhere, and is an ongoing effort by its staff supporters.

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#### S.R. 90 - NONSTRIKING TRUCKERS - ACTS OF VIOLENCE

S.R. 90 expresses the concern of the Georgia Senate concerning the strike of the Independent Truckers Association and the incidents of violence against truckers not taking part in the strike. It recognizes the right to engage in lawful protest, but deplores the use of violence to coerce others to support the cause of the Independent Truckers Association. It affirms that the Senate supports the actions of the Commissioner of Public Safety in promising assistance to truckers choosing not to strike. It further supports the actions of the Georgia Motor Trucking Association in offering a reward for the apprehension of persons directing violent acts against nonstriking truckers, and endorses and supports the vigorous enforcement of the criminal laws of this state and the United States against all persons who abandon lawful methods of seeking redress for their grievances in favor of violence.

S.R. 90 expresses the concern and outrage of the members of the Georgia Senate concerning events surrounding the strike of the Independent Truckers

Association in February 1983. Its effect is generally symbolic and the strike was ended within several days after passage of the Resolution. It did focus attention upon the acts of violence which surrounded the strike and commended those agencies which attempted to avert violence and apprehend those who were engaged in violent acts during the strike.

S.R. 90 responded to the desire of members of the Georgia Senate to publicly go on record against the strike of the Independent Truckers Association, the violence which occurred during the strike, and the economic dislocation which resulted. It is identical to H.R. 207.

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S.R. 125 - COMPENSATION TO VICTIMS OF CRIME STUDY COMMITTEE: CREATE

S.R. 125 creates the Senate Compensation to Victims of Crime Study Committee to be composed of five members of the Senate, appointed by the President of the Senate, with its Chairman elected by the Committee members. It recognizes that as crime increases, so does the number of its victims, and that victims suffer considerable injury to both life and limb, as well as to property. It further recognizes that the costs of crime prevention and the prosecution of criminals is extremely high, while victims of crimes do not receive compensation for their losses. It authorizes the Committee to meet for not more than ten days, to be compensated as members of interim legislative committees, with funds provided by the Legislative Branch of government. It requires the Committee to report its findings and recommendations not later than December 1, 1983, when it shall stand abolished.

S.R. 125 creates a special study committee to study the issues and problems related to the feasibility of compensating victims of crime. The Committee may hear evidence concerning the extent of the problem and depth of feeling regarding victim compensation and other forms of victim assistance. It may find it desirable to improve and expand Georgia's current victims' compensation efforts. It may produce recommendations including possible legislation which could result in such expansion improvement. It should serve to focus public and legislative attention on the problems of victims of crime through exposure of their plight.

S.R. 125 is an apparent response to the need to develop background information and data concerning the crime victim problem in Georgia, with a view toward improving state efforts to assist victims of crime. It further responds to the recent growth in victim assistance programs throughout

the United States and the "victim advocacy" movement's increasing status as evidenced by President Reagan's Task Force on Victims of Crime. Victim assistance programs are in existence in many other states while Georgia has been hesitant to address the plight of victims or establish a viable compensation program.

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S.R. 132 - PEACE OFFICERS' ANNUITY/BENEFIT FUND STUDY COMMITTEE: CREATE

S.R. 132 creates the Senate Peace Officers' Annuity and Benefit Fund Study Committee. It provides that the Committee shall be composed of five members of the Senate, appointed by the President, who shall also designate its Chairman. It provides that the Committee shall conduct a comprehensive study of the Peace Officers' Annuity and Benefit Fund and report its findings to the General Assembly not later than January 1, 1984, at which time it shall stand abolished. It authorizes the Committee to conduct meetings at times and places it deems necessary and provides that the members shall receive allowances authorized for legislative members of interim legislative committees, but for not longer than ten days unless an extension is obtained.

S.R. 132 responds to Article III, Section X, Paragraph V of the new State Constitution, which requires the General Assembly to enact legislation which will assure the actuarial soundness of retirement systems supported wholly or in part from public funds. It recognizes that members of the Fund have questioned the eligibility requirements for disability benefits, the fairness of the amounts paid to members who withdraw from the fund, and, therefore, it is considered proper that the Fund be studied to determine if changes are necessary in its administration. It may produce recommendations which could change eligibility requirements for membership in the Fund, its benefits, and other activities involving the management of the Fund. It should serve as a forum to air grievances which Fund members have expressed, and should serve as a vehicle to correct any inequities which may exist.

S.R. 132, in addition to responding to a constitutional mandate, further responds to increasing concerns regarding membership eligibility in the Fund, its liquidity, actuarial soundness, benefits, and other ramifications. It also responds to the concerns of city officials, as expressed by the Georgia Municipal Association, about the diversion of municipal court revenues into the Fund from cities that have no police officer participants in the Fund.

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S.R. 195

S.R. 196 - STOP DRUGS AT SOURCE: RESPONSE TO PEOPLE EXECUTIVE TREATY

S.R. 198

S.R. 195, S.R. 196 and S.R. 198 are almost identical Senate Resolutions. They express the gratitude of the Georgia Senate to President Ronald Reagan, Vice President George Bush, and Speaker of the U. S. House of Representatives, Thomas P. "Tip" O'Neill, respectively, for having signed the Response to the People Executive Treaty to Stop Drugs at the Source, an international treaty which is a fundamental part of the Stop Drugs at the Source Campaign, and for their pledge to keep harmful and illicit drugs away from our children. S.R. 195 contains an additional phrase calling upon the President to sign the International Treaty, calling upon the nations of the world to stop drugs at the source. The Resolutions recognize that the availability of harmful and illicit drugs to our children is a violation of human rights, and that Georgia, in 1972, recognized this threat and initiated the Stop Drugs at the Source Campaign Petition through a Resolution of the General Assembly signed by all of Georgia's 56 Senators and 180 Representatives. These Resolutions recognize that Governor Harris has signed the Executive Treaty, as have the other state counterparts of the federal officials recognized in the Resolutions, namely the Lieutenant Governor and the Speaker of the House. The Resolutions further recognize that the Georgia Secretary of State, Max Cleland, has agreed to serve as the Chairman of the Ben Fortson Bicentennial Secretaries of State Committee to implement the treaty campaign in other states. They direct transmission of copies of the individual Resolutions to the appropriate officials honored by them.

S.R. 195, S.R. 196 and S.R. 198 are a continuation of the symbolic expressions of support for the Stop Drugs at the Source campaign. They are part of a continuing effort to expand the petition campaign and obtain the largest possible number of signatures, both of citizens, and of leaders of the world. These Resolutions may contribute to an enhanced public relations campaign to foster increased anti-drug sentiment, and may provide impetus to the treaty campaign.

S.R. 195, S.R. 196 and S.R. 198 are in response to the continuing efforts of the Georgia General Assembly to support the Stop Drugs at the Source campaign, and to call attention to the problems inherent in our society, caused by the availability, and use of, harmful and illicit drugs. S.R. 195 is identical to H.R. 404. S.R. 196 is identical to H.R. 399. S.R. 198 is identical to H.R. 403.

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S.R. 197 - MILLEDGEVILLE YOUTH DEVELOPMENT CENTER STUDY COMMITTEE: CREATE

S.R. 197 creates the Senate Milledgeville Youth Development Center Study Committee, composed of six members of the Senate appointed by the President from the membership of the Senate Committees on Governmental Operations and Human Resources. It provides that the President shall also designate the Committee Chairman. It provides that the Committee shall conduct a thorough investigation of the escape from the Milledgeville Youth Development Center on December 28, 1982, in order to determine if proper security actions were taken by officials and a general investigation of the operations of such youth development center to determine what security measures are necessary to prevent such occurrences in the future. It authorizes the Committee to meet as necessary, but for no longer than ten days unless an extension is obtained, and to be reimbursed as provided for interim legislative committees. It provides that the Committee may publish its findings in a report and shall submit any such report to the General Assembly not later than January 1, 1984, when it shall stand abolished.

S.R. 197 responds to an escape of four youth, residents of the Milledgeville Youth Development Center, which occurred on December 28, 1982. Subsequently, these youth were allegedly involved in the shooting death of Mr. Dennis Cox, a former Baldwin County Sheriff, at his nearby residence. These youth have been charged with the murder of Mr. Cox, and reports have surfaced that the youth development Center's officials had been tipped about an impending escape, but did not stop it. The Committee investigation should lead to development of the facts surrounding the escape from the facility, and may result in additional recommendations for improvement in the physical plant, physical security, personnel and management procedures, and other aspects of the operation of the facility.

S.R. 197 responds to the concern of the members of the Georgia Senate regarding the escape of the youth from the Milledgeville Youth Development facility and a subsequent murder of a prominent individual. It should complement a Governor's inquiry conducted concerning the same series of events and activities directed by then Governor-elect Joe Frank Harris, and conducted by the Criminal Justice Coordinating Council and the Department of Human Resources, which investigation has been completed and its results made known to the Governor.

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LOCAL LEGISLATION  
HOUSE BILLS

LOCAL LEGISLATION

HOUSE BILLS

- H.B. 82 - Alapaha Judicial Circuit - Change Terms of Court
- H.B. 84 - Pickens County Small Claims Court - Create
- H.B. 191 - Sumter County Sheriff - Change Salary
- H.B. 194 - Greene County - Ocmulgee Judicial Circuit - Change Terms of Court
- H.B. 195 - Ocmulgee Judicial Circuit - Drawing of Grand Juries in Each County
- H.B. 215 - Wilcox County Small Claims Court - Create
- H.B. 261 - Heard County Superior Court Clerk - Compensation
- H.B. 262 - Heard County Sheriff - Compensation
- H.B. 264 - Heard County Probate Court Judge - Compensation
- H.B. 289 - Cherokee, Forsyth Counties Judge and Solicitor - Salaries
- H.B. 328 - Lincoln County Superior Court Grand Jury - Terms May Be Convened
- H.B. 332 - Superior Court Clerks - Minimum Annual Salaries
- H.B. 430 - Tallapoosa Judicial Circuit Superior Courts - Change Terms
- H.B. 443 - Decatur County State Court - Compensation of Judge
- H.B. 449 - Richmond County Sheriff's Employees - Merit System
- H.B. 452 - Worth County Small Claims Court - Change Jurisdictional Amount
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- H.B. 491 - Clayton County Sheriff and Clerk of Superior Court - Compensation
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- H.B. 498 - Clayton County State Court Judges and Solicitor - Compensation
- H.B. 500 - Griffin Judicial Circuit District Attorneys - Change County Supplement
- H.B. 517 - Ft. Valley Municipal Court - Change Provisions on Penalties Imposed
- H.B. 526 - Gainesville Municipal Court - Change Jurisdiction
- H.B. 527 - Oakwood Recorder's Court - Change Jurisdiction
- H.B. 550 - Fulton County State Court - Terms of Court
- H.B. 564 - Winterville Police Court - Change Certain Provisions
- H.B. 570 - Bibb County State Court - Provide for Warrant Officers
- H.B. 574 - DeKalb County State Court - Remove Certain County Residency Requirements
- H.B. 595 - Rabun County Superior Court Clerk - Change Compensation
- H.B. 596 - Cobb County State Court - Change Jurisdiction
- H.B. 601 - Liberty County Probate Court Judge - Annual Salary
- H.B. 609 - Fulton County Magistrate Court - Appointment of Magistrates
- H.B. 612 - Terrell County Small Claims Court - Costs in Certain Garnishment Cases
- H.B. 613 - Newton County Small Claims Court - Additional Fees
- H.B. 615 - Hart County Probate Judge - Compensation
- H.B. 627 - Airports Owned, Operated by City County - License for Sale of Alcoholic Beverages
- H.B. 642 - Towns County Probate Court Judge - Annual Salary
- H.B. 653 - Laurens County Probate Court Judge - Compensation
- H.B. 660 - Walton County Sheriff's Personnel - Change Certain Provisions

- H.B. 676 - Oconee Mayor, Recorder's Court - Fines Which May Be Imposed
- H.B. 677 - Walker County Probate Judge's Office Personnel - Compensation
- H.B. 679 - Walker County Superior Court Clerk's Office - Compensation of Personnel
- H.B. 687 - Cobb County Juvenile Court Judge - Compensation
- H.B. 690 - Certain Cobb County Officials - Compensation
- H.B. 692 - Cobb County State Court - Compensation of Clerk
- H.B. 693 - Cobb County Probate Court Clerk - Compensation
- H.B. 694 - Cobb County Superior Court Clerk and Deputy - Compensation
- H.B. 695 - Cobb Judicial Circuit Superior Court Judges - Supplement Paid
- H.B. 697 - Cobb County Probate Court Judge - Compensation
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- H.B. 713 - Carroll County Probate Court Judge - Compensation
- H.B. 714 - Carroll County Superior Court Clerk - Compensation
- H.B. 719 - Clay County Probate Court Judge - Annual Salary
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LOCAL LEGISLATION  
SENATE BILLS

LOCAL LEGISLATION

SENATE BILLS

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- S.B. 111 - Union Point - Misdemeanor Fines
- S.B. 132 - Fulton County - Abolish Office of Justice of Peace and Notary Public, Ex Officio Justice of Peace and Constable
- S.B. 155 - Fulton County Court Calendar - Publication Subsidy Payment to Certain Newspapers
- S.B. 160 - Jones County Probate Court Judge - Compensation
- S.B. 183 - Rockmart - Maximum Fine by Recorder for Law Violation
- S.B. 189 - Superior Court Clerks' Minimum Salaries - Population Provision for Determining
- S.B. 210 - Chattahoochee County - Repeal Jurisdiction of Clerk of Superior Court over Misdemeanors
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HOUSE AND SENATE

LOCAL RESOLUTIONS

HOUSE AND SENATE

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- H.R. 125 - Deputy Robert L. Gaylor of Floyd County Sheriff's Department - Commend
- H.R. 126 - Trooper William E. DeHart II, Georgia State Patrol - Commend
- H.R. 127 - Assistant Warden Glenn A. Baker - Commend
- H.R. 128 - Sgt. Kenneth Kines - Commend
- H.R. 129 - Sgt. Bradley Veach - Commend
- H.R. 138 - Walter Earl Boles, Sr. - Regrets at Passing
- H.R. 176 - Department of Public Safety Aviation Section - Recognize
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- H.R. 268 - Captain Steward A. McGlaun - Commend and Congratulate
- H.R. 328 - Judge William Thomas Dean - Commend
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RETIREMENT AND PENSION LEGISLATION  
HOUSE AND SENATE

RETIREMENT AND PENSION LEGISLATION

HOUSE AND SENATE

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INDEX OF BILLS BY TYPE

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