Representative Hall, Atlanta, Georgia

Wednesday, March 11, 2015

Twenty-Ninth Legislative Day

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abrams
Alexander
Allison
Atwood
Ballinger
Barr
Battles
E Beasley-Teague
E Bell
Belton
Bennett
E Bentley
Benton
Beskin
Broadrick
Brockway
Brooks
Bruce
Bryant
Buckner
Burns
Caldwell, J
Caldwell, M
Cantrell
Carson
Carter
E Casas
Chandler
Cheokas
Clark, D
Clark, H
Clark, V
Coleman
Cooke
Coomer
Cooper
Corbett
E Dawkins-Haigler
Deffenbaugh
Dempsey
Dickerson
Dickey
Dickson
Dollar
Douglas
Drenner
Dudgeon
Dukes
Dunahoo
Duncan
Ealum
Efstration
Ehrhart
England
Epps
Evans
Fleming
Fludd
Frazier
Frye
Gardner
Gasaway
E Glanton
Golick
Gordon
Gravley
Greene
Hamilton
Harbin
Harden
Harrell
Hatchett
Hawkins
E Henson
Hightower
Hitchens
Holcomb
Holmes
Houston
Howard
Jackson
Jasperse
Jones, J
Jones, L
Jones, S
E Jordan
Kaiser
Kelley
Kendrick
Kidd
Kirby
Knight
LaRiccia
Lumsden
Mabra
Marin
Martin
Maxwell
Mayo
McCall
McClain
Meadows
E Mitchell
Morris
Nimmer
Nix
O'Neal
E Pak
Parrish
Parsons
Peake
Petrea
Pezold
Powell, A
Powell, J
Prince
Pruett
Quick
Raffensperger
Rakestraw
Ramsey
Randall
Reeves
Rhodes
Rice
Roberts
Rogers, C
Rogers, T
Rutledge
Rynders
Scott
Setzler
Sharper
Shaw
Sims
Smith, E
Smith, L
Smith, R
Spencer
Stephens, M
Stephens, R
E Stephenson
Stovall
Stover
Strickland
Tankersley
Tanner
Tarvin
Taylor, D
Taylor, T
Teasley
Thomas, A.M.
Thomas, E
Trammell
Turner
Waites
Watson
Werkheiser
Wilkerson
E Wilkinson
Willard
Williams, A
Williams, C
Williams, E
Williamson
Yates
Ralston, Speaker

Due to a mechanical malfunction, Representative Jones of the 167th was not recorded on the attendance roll call. He wished to be recorded as present.

The following members were off the floor of the House when the roll was called:

Representatives Anderson of the 92nd, Beverly of the 143rd, Floyd of the 99th, Geisinger of the 48th, Hugley of the 136th, Jacobs of the 80th, Oliver of the 82nd, and Weldon of the 3rd.

They wished to be recorded as present.

Prayer was offered by Lieutenant Colonel Elise Whitworth, Georgia Wing Chaplain, Civil Air Patrol.

The members pledged allegiance to the flag.

Representative Cheokas of the 138th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.

2. First reading and reference of House Bills and Resolutions.

3. Second reading of Bills and Resolutions.

4. Reports of Standing Committees.

5. Third reading and passage of Local uncontested Bills.

6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 570. By Representatives Jones of the 47th and Cantrell of the 22nd:

A BILL to be entitled an Act to amend an Act to incorporate the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3554), as amended, particularly by an Act approved May 7, 2013 (Ga. L.

2013, p. 4401), so as to change the description of the election districts; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 571. By Representatives Willard of the 51st, Wilkinson of the 52nd, Jacobs of the 80th and Dollar of the 45th:

A BILL to be entitled an Act to authorize the governing authority of the City of Sandy Springs to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to provide for a conditional effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 572. By Representative Jones of the 53rd:

A BILL to be entitled an Act to amend Article 7 of Chapter 6 of Title 10 of the Official Code of Georgia Annotated, relating to financial power of attorney, so as to revise the statutory form for financial power of attorney to provide additional protection for principals by allowing for the termination of the power of attorney upon the occurrence of specified disability, incapacity, or mental incompetence; to provide for additional duties of the agent in the event a court appoints a guardian for the principal or declares the principal to be mentally incompetent; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 573. By Representative Epps of the 144th:

A BILL to be entitled an Act to amend an Act creating a Board of Commissioners of Twiggs County, approved July 27, 1923 (Ga. L. 1923, p. 324), as amended, so as to change the provisions regarding the compensation and expenses of the members of the board; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 574. By Representative Epps of the 144th:

A BILL to be entitled an Act to amend an Act providing an annual salary for the Sheriff of Twiggs County in lieu of the fee system of compensation, approved February 28, 1966 (Ga. L. 1966, p. 2546), as amended, particularly by an Act approved March 31, 1992 (Ga. L. 1992, p. 5140), so as to change the manner of fixing the compensation of employees of the sheriff's office; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 575. By Representatives Beverly of the 143rd, Epps of the 144th, Dickey of the 140th, Randall of the 142nd and Peake of the 141st:

A BILL to be entitled an Act to repeal an Act creating a new charter for Payne City, approved May 16, 2007 (Ga. L. 2007, p. 3555), as amended, so as to abolish Payne City; to provide for the disposition of the assets, property, and legal rights and obligations of the city and the winding up of city affairs; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 576. By Representatives LaRiccia of the 169th and Roberts of the 155th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Broxton, Georgia, in the County of Coffee," approved April 6, 1981 (Ga. L. 1981, p. 3597), as amended, particularly by an Act approved April 6, 1992 (Ga. L. 1992, p. 5320), so as to provide for four-year terms for the mayor and members of the city council; to provide for elections; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 577. By Representatives Dickerson of the 113th, Anderson of the 92nd, Stephenson of the 90th, Dawkins-Haigler of the 91st, Rutledge of the 109th and others:

A BILL to be entitled an Act to authorize Rockdale County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide for effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 579. By Representatives McCall of the 33rd, Dickey of the 140th, Taylor of the 173rd, England of the 116th, Roberts of the 155th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions regarding uniform rules of the road, so as to provide for the operation of certain vehicles upon the highways when used in connection with agricultural pursuits; to provide for conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

HB 580. By Representatives Smyre of the 135th, Smith of the 134th, Buckner of the 137th, Hugley of the 136th and Pezold of the 133rd:

A BILL to be entitled an Act to amend an Act authorizing the Recorder's Court of Columbus, Georgia, to impose and collect a technology fee for each fine imposed, approved May 7, 2013 (Ga. L. 2013, p. 4414), so as to increase the amount of such fee; to repeal an automatic repeal of such Act; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 581. By Representatives Hightower of the 68th, Cooke of the 18th and Roberts of the 155th:

A BILL to be entitled an Act to amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Community Affairs, so as to provide for the formation of a metropolitan planning process for the Atlanta Urbanized Area and Atlanta Air Quality region; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 582. By Representatives Smith of the 70th, Stover of the 71st, Ramsey of the 72nd and Trammell of the 132nd:

A BILL to be entitled an Act to amend an Act creating the Coweta County Water and Sewerage Authority, approved March 20, 2001 (Ga. L. 2001, p. 3539), as amended, particularly by an Act approved May 16, 2007 (Ga. L.

2007, p. 3668), so as to change the terms of members of the authority; to change the quorum; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 583. By Representatives Carson of the 46th, Reeves of the 34th, Setzler of the 35th, Jones of the 53rd, Evans of the 42nd and others:

A BILL to be entitled an Act to amend an Act consolidating the offices of tax collector and tax receiver into the office of tax commissioner of Cobb County, approved February 17, 1949 (Ga. L. 1949, p. 790), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3725), so as to change the compensation of certain employees of such office; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 584. By Representatives Carson of the 46th, Reeves of the 34th, Setzler of the 35th, Jones of the 53rd, Evans of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3691), so as to change the provisions relating to the compensation of the chairperson and the other commissioners of the board; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 585. By Representatives Powell of the 171st, Harbin of the 122nd, Harrell of the 106th, Kelley of the 16th, Houston of the 170th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to provide a sunset on a certain exemption from such taxes; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 586. By Representative Gardner of the 57th:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Atlanta, approved April 15, 1996 (Ga. L. 1996, p. 4469), as

amended, so as to change the corporate limits of such municipality; to provide for related matters; to provide for a referendum and contingent effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 587. By Representative Gardner of the 57th:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Atlanta, approved April 15, 1996 (Ga. L. 1996, p. 4469), as amended, so as to change the corporate limits of such municipality; to provide for related matters; to provide for a referendum and contingent effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 588. By Representatives Clark of the 101st, Cooper of the 43rd, Broadrick of the 4th, Kidd of the 145th, Rynders of the 152nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, so as to change provisions relating to possession of substances containing ephedrine, pseudoephedrine, and phenylpropanolamine and restrictions on sales of products containing pseudoephedrine; to provide for real-time tracking of sales of products containing ephedrine, norpseudoephedrine, pseudoephedrine, and phenylpropanolamine; to provide for definitions; to revise provisions relating to exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HR 599. By Representative Battles of the 15th:

A RESOLUTION honoring the life of Mr. Hoyt D. "Slick" Tatum and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 600. By Representatives Kelley of the 16th, Ramsey of the 72nd, Martin of the 49th, Williamson of the 115th, Clark of the 98th and others:

A RESOLUTION encouraging the United States Congress to enact much needed tax reforms; and for other purposes.

Referred to the Committee on Ways & Means.

HR 601. By Representatives Smith of the 70th, Stephens of the 164th, Petrea of the 166th and Bryant of the 162nd:

A RESOLUTION creating the House Study Committee on Saltwater Intrusion into Coastal Aquifers; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HR 612. By Representatives Cooper of the 43rd, Randall of the 142nd, Clark of the 101st, Bennett of the 94th, Stephenson of the 90th and others:

A RESOLUTION creating the House Study Committee on Fibroids Education and Awareness; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 613. By Representatives Martin of the 49th, Smith of the 70th, Parsons of the 44th, Williamson of the 115th, McClain of the 100th and others:

A RESOLUTION encouraging the United States Environmental Protection Agency (EPA) to withdraw the proposed Clean Power Plan; supporting the comments submitted to EPA by the Georgia Environmental Protection Division (EPD), the Georgia Public Service Commission (PSC), and the Attorney General of Georgia (Attorney General) on the Clean Power Plan; encouraging Congress and the President to enact legislation delaying implementation of the final Clean Power Plan until certain criteria are met; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HR 618. By Representatives Clark of the 101st, Benton of the 31st, Petrea of the 166th, Dempsey of the 13th, Chandler of the 105th and others:

A RESOLUTION creating the House Study Committee on Adult Day Services; and for other purposes.

Referred to the Committee on Human Relations & Aging.

By unanimous consent, the rules were suspended in order that the following Bills of the House could be introduced, read the first time and referred to the Committees:

HB 595. By Representatives Jones of the 47th, Geisinger of the 48th, Wilkinson of the 52nd, Golick of the 40th, Beskin of the 54th and others:

A BILL to be entitled an Act to amend an Act providing for the establishment of a county-wide library system in Fulton County, approved April 12, 1982 (Ga. L. 1982, p. 4174), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p. 4347), so as to specify a name for the county-wide library system; to change membership, the number of members, and the selection of members of the library board of trustees; to provide for vacancies; to provide for the selection of the executive director of the library system and to whom the executive director shall report; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 596. By Representatives Jacobs of the 80th, Taylor of the 79th, Kendrick of the 93rd, Holcomb of the 81st, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend an Act providing for a homestead exemption from certain DeKalb County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead, approved May 5, 2006 (Ga. L. 2006, p. 4636), as amended, so as to modify the time limitation on such exemption; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 558	HB 559
HB 560	HB 561
HB 562	HB 563
HB 578	HR 565
HR 566	SB 103
SB 129	SB 133
SR 287	

Representative Burns of the 159th District, Chairman of the Committee on Game, Fish and Parks, submitted the following report:

Mr. Speaker:

Your Committee on Game, Fish and Parks has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 475 Do Pass, by Substitute
HB 483 Do Pass

Respectfully submitted,
/s/ Burns of the 159th
Chairman

Representative Cooper of the 43rd District, Chairman of the Committee on Health and Human Services, submitted the following report:

Mr. Speaker:

Your Committee on Health and Human Services has had under consideration the following Bills of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HB 537 Do Pass
HB 564 Do Pass, by Substitute
SB 51 Do Pass, by Substitute

Respectfully submitted,
/s/ Cooper of the 43rd
Chairman

Representative Rogers of the 29th District, Chairman of the Committee on Higher Education, submitted the following report:

Mr. Speaker:

Your Committee on Higher Education has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 54 Do Pass, by Substitute

Respectfully submitted,
/s/ Rogers of the 29th
Chairman

Representative Smith of the 134th District, Chairman of the Committee on Insurance, submitted the following report:

Mr. Speaker:

Your Committee on Insurance has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 84	Do Pass, by Substitute	HB 409	Do Pass, by Substitute
HB 429	Do Pass	HB 470	Do Pass, by Substitute
HB 552	Do Pass, by Substitute		

Respectfully submitted,
/s/ Smith of the 134th
Chairman

Representative Tankersley of the 160th District, Chairman of the Committee on Intragovernmental Coordination, submitted the following report:

Mr. Speaker:

Your Committee on Intragovernmental Coordination - Local Legislation has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 523	Do Pass	HB 532	Do Pass
HB 533	Do Pass	HB 545	Do Pass
HB 546	Do Pass	HB 550	Do Pass
HB 553	Do Pass	HB 554	Do Pass

Respectfully submitted,
/s/ Tankersley of the 160th
Chairman

Representative Willard of the 51st District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 381	Do Pass, by Substitute	HB 418	Do Pass, by Substitute
HB 452	Do Pass	HB 531	Do Pass
HB 547	Do Pass, by Substitute	HB 567	Do Pass, by Substitute

Respectfully submitted,
/s/ Willard of the 51st
Chairman

Representative Golick of the 40th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 230 Do Pass, by Substitute

Respectfully submitted,
/s/ Pak of the 108th
Vice-Chairman

Representative Weldon of the 3rd District, Chairman of the Committee on Juvenile Justice, submitted the following report:

Mr. Speaker:

Your Committee on Juvenile Justice has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 568 Do Pass, by Substitute

Respectfully submitted,
/s/ Weldon of the 3rd
Chairman

Representative Maxwell of the 17th District, Chairman of the Committee on Regulated Industries, submitted the following report:

Mr. Speaker:

Your Committee on Regulated Industries has had under consideration the following Bills of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HB 152 Do Pass, by Substitute
HB 153 Do Pass, by Substitute
SB 103 Do Pass

Respectfully submitted,
/s/ Maxwell of the 17th
Chairman

Representative Pruett of the 149th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 219 Do Pass, by Substitute

Respectfully submitted,
/s/ Pruett of the 149th
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
WEDNESDAY, MARCH 11, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 29th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HB 259 Georgia Business Act; enact (SProp-Rogers-10th)
HB 278 Public Employee Hazardous Chemical Protection and Rights to Know Act of 1988; transfer responsibility to Safety Fire Commissioner; provisions (Substitute)(PS&HS-Clark-98th)
HB 304 Criminal procedure; fixing of sentence; clarify service of consecutive sentences (JudyNC-Hightower-68th)
HB 341 Buildings and housing; certain qualified inspectors may be certified by Building Officials' Association of Georgia; provide (SProp-Maxwell-17th)
HB 347 Interest and usury; interest on certain domestic relations cases; clarify provisions (Substitute)(Judy-Hightower-68th)
HB 352 Criminal procedure; change provisions relating to discovery in misdemeanor cases; provisions (Substitute)(JudyNC-Strickland-111th)
HB 439 Georgia New Markets Jobs Act; enact (Substitute)(Ins-Shaw-176th)

Modified Structured Rule

HB 72 Crimes and offenses; protection of disabled adults and elder persons; expand and clarify (JudyNC-Willard-51st)
HB 103 Kelsey's Law; enact (Substitute)(JudyNC-Belton-112th)
HB 114 Drivers' licenses; provide for use of paper eye charts for testing of noncommercial driver's vision; provisions (Substitute)(PS&HS-Tanner-9th)
HB 123 Motor vehicles; use of safety chain or cable when operating a motor vehicle drawing a trailer; provide (Substitute)(PS&HS-Yates-73rd)
HB 204 Civil Practice Act; opposing affidavits shall be served in motions for summary judgment; change provisions (Substitute)(Judy-Beskin-54th)
HB 237 State income tax; angel investor tax credit; extend (Substitute)(W&M-Williamson-115th)

Structured Rule

HB 396 Revenue and taxation; clarify penalty for failure to file return or pay revenue held in trust for the state; provisions (Substitute)(W&M-Knight-130th)

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

The Speaker Pro Tem assumed the Chair.

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

HB 523. By Representative Nimmer of the 178th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Waycross, approved August 17, 1909 (Ga. L. 1909, p. 1456), as amended, so as to change the corporate limits of such city; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 532. By Representatives Reeves of the 34th, Carson of the 46th, Cooper of the 43rd, Wilkerson of the 38th, Parsons of the 44th and others:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts in Cobb County and each municipality therein, approved March 20, 1985 (Ga. L. 1985, p. 4009), as amended, so as to add a certain provision relating to the powers of such districts; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 533. By Representative Greene of the 151st:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Randolph County, approved February 13, 1935 (Ga. L. 1935, p. 778), as amended, particularly by an Act approved April 9, 1999 (Ga. L. 1999, p. 3630), so as to change the compensation of the chairperson and other members of the board; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 545. By Representative Rynders of the 152nd:

A BILL to be entitled an Act to amend an Act entitled "An Act to incorporate the town of Sumner," approved August 9, 1883 (Ga. L. 1882-83, p. 291), as

amended, particularly by an Act approved April 5, 1995 (Ga. L. 1995, p. 4331), so as to provide for four-year terms for the mayor and councilmembers; to provide for serving officers; to provide for elections; to provide for the filling of vacancies; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 546. By Representative Jones of the 167th:

A BILL to be entitled an Act to amend an Act entitled "An Act to create a board of elections and registration for McIntosh County," approved May 4, 2006 (Ga. L. 2006, p. 4171), so as to provide that the board shall consist of five members; to provide for appointment; to provide for terms; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 550. By Representatives Frazier of the 126th, Fleming of the 121st, Jackson of the 128th and Prince of the 127th:

A BILL to be entitled an Act to repeal an Act creating the Burke County Economic Development Authority, approved February 13, 1991 (Ga. L. 1991, p. 4120); to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 553. By Representatives Dickey of the 140th, Peake of the 141st and Holmes of the 129th:

A BILL to be entitled an Act to provide a new charter for the City of Forsyth; to provide for incorporation, boundaries, and property of the city; service charges, and assessments; to provide for other matters relative to the foregoing; to provide an effective date; to provide a specific repealer; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 554. By Representatives Rutledge of the 109th, Stephenson of the 90th, Welch of the 110th, Yates of the 73rd, Strickland of the 111th and others:

A BILL to be entitled an Act to amend an Act entitled "An Act to amend an Act providing for a new Board of Commissioners of Henry County," approved March 24, 1974 (Ga. L. 1974, p. 3680), as amended, particularly by an Act approved April 4, 1990 (Ga. L. 1990, p. 5232), so as to further define the authority, roles, and responsibilities of the chairperson, the board of commissioners, and the county manager; to provide for compensation; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abrams
Y Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Meadows
E Mitchell
Morris
Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
E Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Smith, E
Y Smith, L
Smith, M
Y Smith, R
Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
E Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard

Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bills, the ayes were 165, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate and House:

SB 69. By Senators Hill of the 32nd, Thompson of the 14th, Beach of the 21st, Hill of the 6th and Harper of the 7th:

A BILL to be entitled an Act to amend Part 3 of Article 1 of Chapter 2 of Title 38 of the Official Code of Georgia Annotated, relating to the State Defense Force, so as to remove restrictions regarding the rights of public officers and employees to be absent for service on the State Defense Force and regarding reemployment rights of persons after service on the State Defense Force; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 132. By Senators Dugan of the 30th, Tippins of the 37th, Millar of the 40th, Tate of the 38th, Sims of the 12th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to revise provisions relating to the program for high school students to attend postsecondary institutions; to provide for a short title; to provide a program for eligible students to take dual credit courses; to repeal a statute relating to dual credit courses; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 134. By Senators Stone of the 23rd, Beach of the 21st, Jones II of the 22nd, Thompson of the 5th, Miller of the 49th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices, so as to provide for a rebuttable presumption for law enforcement agencies' use of speed detection devices when fines are less than a certain percent of the agencies' operating budgets; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 156. By Senators Tippins of the 37th, Wilkinson of the 50th, Millar of the 40th, Shafer of the 48th, Stone of the 23rd and others:

A BILL to be entitled an Act to amend Article 31A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to state charter schools, so as to authorize the State Charter Schools Commission to establish a nonprofit foundation; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 168. By Senators Jones of the 25th and Harper of the 7th:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to designate the Old Governor's Mansion as the official state historic house; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 175. By Senators Black of the 8th, Wilkinson of the 50th and Ginn of the 47th:

A BILL to be entitled an Act to amend Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to general provisions relative to animal protection, so as to require inspection of certain animals entering into the state; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 182. By Senators Jeffares of the 17th and Ramsey, Sr. of the 43rd:

A BILL to be entitled an Act to provide for the creation of one or more community improvement districts in Newton County and in each municipality therein; to provide for a short title; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 90. By Representative Willard of the 51st:

A BILL to be entitled an Act to amend the Official Code of Georgia Annotated, so as to revise, modernize, correct errors or omissions in, and reenact the statutory portion of said Code, as amended, in furtherance of the

work of the Code Revision Commission; to repeal portions of said Code, or Acts in amendment thereof, which have become obsolete, have been declared to be unconstitutional, or have been preempted or superseded by subsequent laws; to provide for other matters relating to revision, reenactment, and publication of said Code; to provide for effect in event of conflicts; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 251. By Representative Cheokas of the 138th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Americus, approved April 13, 1992 (Ga. L. 1992, p. 5985), as amended, so as to provide for a city manager; to provide for appointment, qualifications, terms, removal, and vacancies; to provide for duties, powers, and responsibilities; to provide for appointment of a city clerk and finance director; to provide for related matters; to provide for applicability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 490. By Representatives Ballinger of the 23rd, Carson of the 46th, Caldwell of the 20th, Cantrell of the 22nd and Turner of the 21st:

A BILL to be entitled an Act to provide for the appointment of district attorney investigators in the Blue Ridge Judicial Circuit; to provide for qualifications; to provide for powers; to provide for a chief investigator; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 296. By Senators Henson of the 41st, Shafer of the 48th, Davenport of the 44th, Hill of the 4th, Butler of the 55th and others:

A RESOLUTION recognizing Senator Lawrence (Bud) Stumbaugh and dedicating a bridge in his honor; and for other purposes.

By unanimous consent, the following Bills and Resolution of the Senate were read the first time and referred to the Committees:

SB 69. By Senators Hill of the 32nd, Thompson of the 14th, Beach of the 21st, Hill of the 6th and Harper of the 7th:

A BILL to be entitled an Act to amend Part 3 of Article 1 of Chapter 2 of Title 38 of the Official Code of Georgia Annotated, relating to the State Defense Force, so as to remove restrictions regarding the rights of public

officers and employees to be absent for service on the State Defense Force and regarding reemployment rights of persons after service on the State Defense Force; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Defense & Veterans Affairs.

SB 132. By Senators Dugan of the 30th, Tippins of the 37th, Millar of the 40th, Tate of the 38th, Sims of the 12th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to revise provisions relating to the program for high school students to attend postsecondary institutions; to provide for a short title; to provide a program for eligible students to take dual credit courses; to repeal a statute relating to dual credit courses; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 134. By Senators Stone of the 23rd, Beach of the 21st, Jones II of the 22nd, Thompson of the 5th, Miller of the 49th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices, so as to provide for a rebuttable presumption for law enforcement agencies' use of speed detection devices when fines are less than a certain percent of the agencies' operating budgets; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 156. By Senators Tippins of the 37th, Wilkinson of the 50th, Millar of the 40th, Shafer of the 48th, Stone of the 23rd and others:

A BILL to be entitled an Act to amend Article 31A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to state charter schools, so as to authorize the State Charter Schools Commission to establish a nonprofit foundation; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 168. By Senators Jones of the 25th and Harper of the 7th:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to designate the Old Governor's Mansion as the official state historic house; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 175. By Senators Black of the 8th, Wilkinson of the 50th and Ginn of the 47th:

A BILL to be entitled an Act to amend Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to general provisions relative to animal protection, so as to require inspection of certain animals entering into the state; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

SB 182. By Senators Jeffares of the 17th and Ramsey, Sr. of the 43rd:

A BILL to be entitled an Act to provide for the creation of one or more community improvement districts in Newton County and in each municipality therein; to provide for a short title; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SR 296. By Senators Henson of the 41st, Shafer of the 48th, Davenport of the 44th, Hill of the 4th, Butler of the 55th and others:

A RESOLUTION recognizing Senator Lawrence (Bud) Stumbaugh and dedicating a bridge in his honor; and for other purposes.

Referred to the Committee on Transportation.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Rogers of the 10th, Hugley of the 136th, Martin of the 49th, and Harbin of the 122nd.

The Speaker assumed the Chair.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Powell of the 32nd, Dawkins-Haigler of the 91st, Anderson of the 92nd, Holcomb of the 81st, Kendrick of the 93rd, Strickland of the 111th, Welch of the 110th et al., and Shaw of the 176th.

Pursuant to HR 607, the House recognized and commended the Consulate General of Canada in Atlanta, members of the Legislative Assembly from the Province of Saskatchewan, SaskPower, the Petroleum Technology Research Centre, and the Southern States Energy Board.

Pursuant to HR 283, the House commended Georgia Tech Football Head Coach Paul Johnson on being named 2014 Atlantic Coast Conference Coach of the Year and invited him to be recognized by the House of Representatives.

Pursuant to HR 292, the House recognized and commended Joseph Fitzgerald Hamilton and invited him to be recognized by the House of Representatives.

Under the general order of business, established by the Committee on Rules, the following Bill of the House, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

HB 520. By Representatives Taylor of the 79th, Holcomb of the 81st, Fleming of the 121st and Rynders of the 152nd:

A BILL to be entitled an Act to incorporate the City of LaVista Hills in DeKalb County; and for other purposes.

The following amendment was read and adopted:

Representative Powell of the 171st offers the following amendment:

Amend HB 520 (LC 28 7534ER) by striking lines 1411 through 1846 and inserting in lieu thereof the following:
The corporate limits of the City of LaVista Hills shall include the areas specified as follows:

Plan: LaVista Hills-p1(corp)-2015
Plan Type: Local
Administrator: :LaVista Hills
User: bak

District: LaVista Hills
DeKalb County
VTD: 089BC - BRIAR VISTA ELEMENTARY
021502:
2004 2007 2008 2009 2010 2011 2012 2013 2014
VTD: 089BD - BRIARLAKE ELEMENTARY
VTD: 089BG - BRIARCLIFF
VTD: 089CJ - CLAIRMONT HILLS
021602:
2026 2028
VTD: 089CW - CORALWOOD
VTD: 089EC - EMBRY HILLS
021808:
2000 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012
2027
021812:
2012 2013 2014 2015 2016 2017 2018 2019
VTD: 089EF - EVANSDALE ELEM
VTD: 089HB - HAWTHORNE ELEM
021705:
3006 3010 3011
021706:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000
2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012 2013
2014 2015 2016 4008 4009
VTD: 089HC - HENDERSON MILL
VTD: 089HD - HERITAGE ED
VTD: 089LA - LAKESIDE HIGH
VTD: 089LB - LAVISTA ROAD
021602:
2021
021603:
1008 1010 1011 1012 1014
021604:
2021 2023 2024
VTD: 089LC - LAVISTA
VTD: 089MJ - MONTCLAIR ELEM
021603:
2001 2002 2003 2004 2006
VTD: 089MP - MARGARET HARRIS
VTD: 089MW - MIDVALE ROAD
021808:
1009 1010 1014 1015 1020 1024 1025 1026 1027

021809:
5021
021810:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010
VTD: 089ND - NORTHLAKE
VTD: 089OA - OAK GROVE ELEM
VTD: 089PF - PLEASANTDALE ELEM
021812:
1000 1001 1002 1003 1004 1007 2001 2002 2003 2004 2005 2006
2007 2008 2009 2010 2011
021813:
1009 1012
021814:
2001 2002 2003 2004 2005 2006 2007 2008
VTD: 089PK - PLEASANTDALE ROAD
021813:
1001 1002 1003 1004 1005 1006 1008 1011 1013 1014 1015 1016
1017 1018 1019
021814:
1000 1001 1002 1003 1004 1005 1006 1008 1009 2000 2009 3000
3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 4000 4001
4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013
VTD: 089RD - REHOBOTH
021704:
1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
022001:
2000 2001 2002 2003 2004 2007 2008 2009 2010 2011 2012 2013
2022
VTD: 089SA - SAGAMORE HILLS
VTD: 089SN - SHAMROCK MIDDLE
VTD: 089VB - VALLEY BROOK
022204:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018
VTD: 089WI - WARREN TECH
021705:
1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
2012 2013 2015 2016 2017 2018 2019 2027 2028 2029 2030 2031
2032 2033 2034
021808:
2024

For the purposes of this description, the term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in the description which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

APPENDIX B

LEGAL DESCRIPTION
COUNCIL DISTRICTS
CITY OF LAVISTA HILLS, DEKALB COUNTY, GEORGIA

Plan: LaVista Hills-p1-2015
Plan Type: Local
Administrator: LaVista Hills
User: bak

District 001
DeKalb County
VTD: 089BC - BRIAR VISTA ELEMENTARY
021502:
2004 2007 2008 2009 2010 2011 2012 2013 2014
VTD: 089BG - BRIARCLIFF
021503:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009
021603:
1000 1001 1002 1003 1004 1005 1009
VTD: 089LC - LAVISTA
VTD: 089MJ - MONTCLAIR ELEM
021603:
2001 2002 2003 2004 2006
VTD: 089MP - MARGARET HARRIS

District 002
DeKalb County
VTD: 089BG - BRIARCLIFF
021603:
1006 1007 1013
VTD: 089CJ - CLAIRMONT HILLS
021602:
2026 2028
VTD: 089CW - CORALWOOD

VTD: 089LB - LAVISTA ROAD
021602:
2021
021603:
1008 1010 1011 1012 1014
021604:
2021 2023 2024
VTD: 089ND - NORTHLAKE
021704:
3024 3025 3026 3028 3029 3030
VTD: 089RD - REHOBOTH
021704:
1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
022001:
2000 2001 2002 2003 2004 2007 2008 2009 2010 2011 2012 2013
2022
VTD: 089SA - SAGAMORE HILLS
021604:
2007 2008 2009 2011 2012 2013 2014 2015 2016 2017 2018 2019
2020 2022
VTD: 089SN - SHAMROCK MIDDLE
VTD: 089VB - VALLEY BROOK
022204:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018

District 003
DeKalb County
VTD: 089BD - BRIARLAKE ELEMENTARY
021703:
1001 1008 1009 1010 1011 1012 1013 1014 1023 1024 1025 1026
1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038
1039 1040 2009 2010 2011 2012 2023 2028 2029 2030 2031 2032
VTD: 089LA - LAKESIDE HIGH
021703:
1005 1006 1007 1015 1016 1017 1018 1019 1020 1021 1022 2000
2001 2002 2003 2004 2005 2006 2007 2008 2013 2014 2015 2016
2017 2018 2019 2020 2021 2022 2025 2026 2027
VTD: 089ND - NORTHLAKE
021704:
2015 2016 2017 2018 2019 2020 2021 2022 2023 3000 3012 3013
3014 3015 3016 3021 3022 3023 3027
VTD: 089OA - OAK GROVE ELEM

021604:
1000 1001 1002 1003 1004 1005 1012
021605:
2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014
2015 2016 3007 3008 3012 3013 3014 3015
021703:
2024
VTD: 089SA - SAGAMORE HILLS
021604:
1006 1007 1008 1009 1010 1011 1013 1014 1015 1016 1017 1018
1019 1020 1021 2000 2001 2002 2003 2004 2005 2006 2010
021704:
3001 3002 3003 3004 3005 3006 3007 3008 3009

District 004
DeKalb County
VTD: 089BD - BRIARLAKE ELEMENTARY
021703:
1000 1002 1003
VTD: 089HB - HAWTHORNE ELEM
021705:
3006 3010 3011
021706:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000
2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012 2013
2014 2015 2016 4008 4009
VTD: 089HC - HENDERSON MILL
021706:
3001 3002 3003 3004 3005 3006 3007 3009 3010 3011 3012 3013
3014 3015 4010 4011 4012
VTD: 089HD - HERITAGE ED
VTD: 089LA - LAKESIDE HIGH
021703:
1004
VTD: 089MW - MIDVALE ROAD
021809:
5021
021810:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010
VTD: 089OA - OAK GROVE ELEM
021605:
1015 1016 2000 2001 2002 2017

District 005
DeKalb County
VTD: 089EC - EMBRY HILLS
021812:
2012 2013 2014 2015 2016 2017 2018 2019
VTD: 089EF - EVANSDALE ELEM
021705:
1000 1001 1002 1003 2001 2002 2003 2004 2005 2006 2008 2009
2020 2021 2022 2023 2024 2025 2026
021808:
1012 1013 2023
VTD: 089HC - HENDERSON MILL
021705:
3000 3001 3002 3003 3004 3005 3008 3009
021706:
3000 3008 4000 4001 4002 4003 4004 4005 4006 4007 4013 4014
VTD: 089MW - MIDVALE ROAD
021808:
1014 1015
VTD: 089PF - PLEASANTDALE ELEM
021812:
2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
021813:
1009 1012
021814:
2001 2002 2003 2004 2005 2006 2007
VTD: 089PK - PLEASANTDALE ROAD
021813:
1001 1002 1003 1004 1005 1006 1008 1013 1014 1015 1016 1017
1018 1019
VTD: 089WI - WARREN TECH
021705:
1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
2012 2013 2015 2016 2017 2018 2019 2027 2028 2029 2030 2031
2032 2033 2034
021808:
2024

District 006
DeKalb County
VTD: 089EC - EMBRY HILLS
021808:
2000 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012

2027
VTD: 089EF - EVANSDALE ELEM
021808:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1011 1016 1017
1018 1019 1021 1022 1023 1028 1029 2005 2015 2016 2017 2018
2019 2020 2021 2022 2025 2026 2028
VTD: 089MW - MIDVALE ROAD
021808:
1009 1010 1020 1024 1025 1026 1027
VTD: 089PF - PLEASANTDALE ELEM
021812:
1000 1001 1002 1003 1004 1007
021814:
2008
VTD: 089PK - PLEASANTDALE ROAD
021813:
1011
021814:
1000 1001 1002 1003 1004 1005 1006 1008 1009 2000 2009 3000
3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 4000 4001
4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013

For the purposes of this plan (LaVista Hills-p1-2015):

(1) The term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia;

(2) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia;

(3) Any part of the City of LaVista Hills which is not included in any district described in this plan (LaVista Hills-p1-2015) shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia; and

(4) Any part of the City of LaVista Hills which is described in this plan (LaVista Hills-p1-2015) as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to, as amended.

On the passage of the Bill, as amended, the roll call was ordered and the vote was as follows:

N Abrams
N Alexander
Y Allison
E Anderson
N Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
N Bell
Y Belton
N Bennett
E Bentley
Y Benton
Y Beskin
N Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
N Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
N Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
N Dickerson
Y Dickey
Y Dickson
Y Dollar
N Douglas
N Drenner
Y Dudgeon
Dukes
Y Dunahoo
Y Duncan
Ealum
Y Efstration
N Ehrhart
Y England
Y Epps
N Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
Y Golick
N Gordon
Y Gravley
Y Greene
Y Hamilton
Y Harbin
Y Harden
N Harrell
Y Hatchett
Y Hawkins
Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
N Howard
N Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
N Jordan
Y Kaiser
Y Kelley
N Kendrick
N Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
N Marin
Y Martin
N Maxwell
N Mayo
Y McCall
Y McClain
Y Meadows
E Mitchell
Y Morris
N Mosby
Y Nimmer
Y Nix
N Oliver
Y O'Neal
E Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
N Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
N Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
N Smith, E
Y Smith, L
N Smith, M
Y Smith, R
N Smyre
N Spencer
N Stephens, M
Y Stephens, R
N Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Taylor, D
Y Taylor, T
Teasley
Thomas, A.M.
N Thomas, E
N Trammell
N Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
N Wilkerson
Y Wilkinson
Y Willard
Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, as amended, the ayes were 129, nays 37.

The Bill, having received the requisite constitutional majority, was passed, as amended.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 259. By Representatives Rogers of the 10th, Dickey of the 140th, Coomer of the 14th, Nimmer of the 178th, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to state purchasing, so as to provide an exemption from competitive bidding procedures; to increase the exemption threshold for competitive bidding procedures; to change a short title; to change a definition relative to small business assistance; to revise legislative intent; to provide for a short title; to provide for applicability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
N Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
E Anderson	Y Dawkins-Haigler	Y Hatchett	Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Nix	Y Spencer
N Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
N Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	N Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	N Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	N Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	N Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	N Kendrick	Y Reeves	Y Watson
N Caldwell, M	Fludd	Y Kidd	Y Rhodes	Y Welch
N Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	N Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	N Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	N Gravley	N Mayo	Y Sharper	Williamson

Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 153, nays 15.

The Bill, having received the requisite constitutional majority, was passed.

HB 278. By Representatives Clark of the 98th, Pruett of the 149th, Barr of the 103rd, Jones of the 167th, Cantrell of the 22nd and others:

A BILL to be entitled an Act to amend Chapter 22 of Title 45 of the Official Code of Georgia Annotated, the "Public Employee Hazardous Chemical Protection and Right to Know Act of 1988," so as to transfer responsibility under such chapter to the Safety Fire Commissioner; to define certain terms; to provide for rules and regulations; to provide for the provision of certain information relative to hazardous materials to the commissioner; to provide for grievances and judicial review; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 22 of Title 45 of the Official Code of Georgia Annotated, the "Public Employee Hazardous Chemical Protection and Right to Know Act of 1988," so as to transfer responsibility under such chapter to the Safety Fire Commissioner; to define certain terms; to provide for rules and regulations; to provide for the provision of certain information relative to hazardous materials to the commissioner; to provide for grievances and judicial review; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 22 of Title 45 of the Official Code of Georgia Annotated, the "Public Employee Hazardous Chemical Protection and Right to Know Act of 1988," is amended by revising Code Section 45-22-2, relating to definitions, as follows:

"45-22-2.

As used in this chapter, the term:

(1) 'Appointing authority' means a person or group of persons authorized by law or delegated authority to make appointments to fill employee positions in the legislative, judicial, or executive branch of state government.

~~(1)~~(2) 'Article' means a finished product or manufactured item:

(A) Which is formed to a specific shape or design during manufacture;

(B) Which has end use functions dependent in whole or in part upon its shape or design during end use; and

(C) Which has either no change of chemical composition during end use or only those changes of composition which have no commercial purpose separate from that of the article.

~~(2)~~(3) 'Chemical name' means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the system developed by the Chemical Abstracts Service.

~~(3) 'Commissioner' means the Commissioner of Labor or his designee.~~

(4) 'Common name' means any designation or identification such as a code name, code number, trade name, or brand name used to identify a chemical other than by its chemical name.

(5) 'Contractor,' 'independent contractor,' or 'public contractor' means any person under a contract or agreement to provide labor or services to a public employer.

(6) 'Department' means the ~~Department of Labor~~ office of the Safety Fire Commissioner.

(7) 'Distributor' means an individual or employer, other than the manufacturer or importer, who supplies hazardous chemicals directly to users or to other distributors.

(8) 'Employee' or 'public employee' means any person who is employed by any branch, department, board, bureau, commission, authority, or other agency of the state and any inmate under the jurisdiction of the Department of Corrections performing a work assignment which requires the handling of any hazardous chemicals. Such term shall not include those employees of the Environmental Protection Division of the Department of Natural Resources who are responsible for on-site response and assistance in the case of environmental emergencies while such employees are engaged in responding to such emergencies.

(9) 'Employer' or 'public employer' means any branch, department, board, bureau, commission, authority, or other agency of the state which employs or appoints an employee or employees. An independent contractor or subcontractor shall be deemed the sole employer of its employees, even when such employees are performing work at the workplace of another employer.

(10) 'Exposed' or 'exposure' means that an employee is required by a public employer to be subjected to a hazardous chemical in the course of employment through any route of entry, including but not limited to, inhalation, ingestion, skin contact, or absorption and includes potential or accidental exposure.

(11) 'Hazardous chemical' means any chemical which is a physical hazard or a health hazard.

~~(11.1)~~(12) 'Health hazard' means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees and shall include all examples of hazardous chemicals to which reference

is made in the definition of 'health hazard' under the Occupational Safety and Health Administration standard, 29 CFR Section 1910.1200 (1987).

~~(12)~~(13) 'Importer' means the first individual or employer within the Customs Territory of the United States who receives hazardous chemicals produced in other countries for the purpose of supplying them to distributors or users within the United States.

~~(13) 'Impurity' means a hazardous chemical which is unintentionally present with another chemical or mixture.~~

~~(14) Reserved.~~

~~(15)~~(14) 'Manufacturer' means a person who produces, synthesizes, extracts, or otherwise makes hazardous chemicals.

~~(16)~~(15) 'Material safety data sheet' means the document prepared by manufacturers in accordance with the requirements of the Occupational Safety and Health Administration standard, 29 CFR Sections 1910.0000 through 1910.1500 (1987) and containing the following information:

(A) The chemical name and the common name of the hazardous chemical;

(B) The hazards or other risks in the use of the hazardous chemical, including:

(i) The potential for fire, explosion, corrosivity, and reactivity;

(ii) The known acute and chronic health effects of risks from exposure, including the medical conditions which are generally recognized as being aggravated by exposure to the hazardous chemical; and

(iii) The primary routes of entry and the symptoms of overexposure;

(C) The proper precautions, handling practices, necessary personal protective equipment, and other safety precautions in the use of or exposure to the hazardous chemicals, including appropriate emergency treatment in case of overexposure;

(D) The emergency procedures for spills, fire, disposal, and first aid;

(E) A description in lay terms of the known specific potential health risks posed by the hazardous chemical intended to alert any person reading this information; and

(F) The year and month, if available, that the information was compiled and the name, address, and emergency telephone number of the manufacturer responsible for preparing the information.

~~(17) 'Medical emergency' means a medical condition which poses an imminent threat to a person's health, caused or suspected to have been caused by exposure to a hazardous chemical, and which requires immediate treatment by a physician.~~

~~(18)~~(16) 'Mixture' means any combination of two or more chemicals, if the combination is not, in whole or in part, the result of a chemical reaction.

~~(19)~~(17) 'Occupational Safety and Health Administration standard' means the Hazard Communication Standard issued by the Occupational Safety and Health Administration, 29 CFR Sections 1910.0000 through 1910.1500 (1987).

~~(20)~~(18) 'Person' means any individual, natural person, public or private corporation, incorporated association, government, government agency, partnership, or unincorporated association.

~~(20.1)~~(19) 'Physical hazard' means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water reactive.

~~(21)~~(20) 'Produce' means to manufacture, process, formulate, or repackage.

~~(22) 'Specific chemical identity' means the chemical name, the Chemical Abstracts Service Registry Number, or any other specific information which reveals the precise chemical designation.~~

~~(23)~~(21) 'Work area' means a room inside a building or structure, an outside area, or other defined space in a workplace where hazardous chemicals are produced, stored, or used and where employees are present in the course of their employment.

~~(24)~~(22) 'Workplace' means an establishment or business at one geographic location at which work is performed by a state employee and which contains one or more work areas. In the case of an independent contractor or subcontractor, the workplace shall be defined as all work areas wholly owned or controlled by such independent contractor or subcontractor."

SECTION 2.

Said chapter is further amended in Code Section 45-22-5, relating to exclusions from chapter, exclusions from labeling requirements, and dissemination of information, by revising subsection (c) as follows:

"~~(c) The department shall be responsible for the dissemination of appropriate information available on the nature and hazards of hazardous chemicals. The department shall promptly assist employers and employees with inquiries concerning the hazardous nature of such chemicals.~~"

SECTION 3.

Said chapter is further amended by revising Code Section 45-22-6, relating to assistance of the Governor's Employment and Training Council in reviewing and preparing rules and regulations, as follows:

"45-22-6.

(a) The ~~Governor's Employment and Training Council shall assist the department in reviewing and preparing~~ department shall promulgate such rules and regulations as may be necessary to administer this chapter. ~~For the purposes of this chapter, the council shall meet at the call of the Commissioner. When the council is meeting for the purposes of this chapter, it shall make a report of each meeting, which shall include a record of its discussions and recommendations. The department shall make such reports available to any interested person or group.~~

(b) The ~~Governor's Employment and Training Council or the Commissioner~~ department shall ~~be authorized to~~ consult with persons knowledgeable in the field of hazardous chemicals ~~and to create committees composed of such consultants and members of the council~~ to assist the ~~council and Commissioner~~ department in carrying out ~~their~~ its duties under this chapter.

~~(c) The department shall consider the advice and recommendations of the council in promulgating rules and regulations and their amendments. If the department rejects the advice and recommendations of the council, the department must provide written reasons for such rejection.~~"

SECTION 4.

Said chapter is further amended by revising Code Section 45-22-7, relating to material safety data sheets, notice to employees, and rights of employees, as follows:

"45-22-7.

(a) The manufacturer, importer, or distributor of any hazardous chemical shall prepare ~~and provide the direct purchasers of such hazardous chemicals and, upon request, the department, with~~ a material safety data sheet which, to the best knowledge of the manufacturer, importer, or distributor, is current, accurate, and complete, based on information then reasonably available to the manufacturer, importer, or distributor, and provide a copy of the material safety data sheet to employers who purchase such hazardous chemicals and an electronic copy to the department annually.

(b) Any person who produces a mixture may, for the purposes of this Code section, prepare and use a mixture material safety data sheet, subject to the provisions of subsection (j) of this Code section.

(c) A manufacturer, importer, distributor, or employer may provide the information required by this Code section on an entire mixture, instead of on each hazardous chemical in it, when all of the following conditions exist:

(1) Toxicity test information exists on the mixture itself or adequate information exists to form a valid judgment of the hazardous properties of the mixture itself and the material safety data sheet indicates that the information presented and the conclusions drawn are from some source other than direct test data on the mixture itself, and that a material safety data sheet on each constituent hazardous chemical identified on the material safety data sheet is available upon request;

(2) Provision of information on the mixture will be as effective in protecting employee health as information on the ingredients;

(3) The hazardous chemicals in the mixture are identified on the material safety data sheet unless it is unfeasible to describe all the ingredients in the mixture, provided that the reason why the hazardous chemicals in the mixture are not identified shall be stated on the material safety data sheet; and

(4) A single mixture material safety data sheet may be provided for more than one formulation of a product mixture if the information provided does not vary for the formulation.

(d) A manufacturer, importer, or distributor who is responsible for preparing and transmitting a material safety data sheet under the provisions of this Code section shall revise such material safety data sheet on a timely basis, as appropriate to the importance of any new information which would affect the contents of the existing material safety data sheet, and in any event within three months of such information becoming available to the manufacturer, importer, or distributor. Each such manufacturer,

importer, or distributor shall provide a copy of the material safety data sheet to employers who have purchased such hazardous chemicals and an electronic copy to the department.

(e) Any person subject to the provisions of this Code section shall be relieved of the obligation to provide a direct purchaser of a hazardous chemical with a material safety data sheet if:

(1) ~~If he~~ He or she has a record of having provided the direct purchaser with the most recent version of the material safety data sheet;

(2) ~~If the~~ The chemical is labeled pursuant to:

(A) The federal Atomic Energy Act; or

(B) The federal Resource Conservation Recovery Act; or

(3) ~~If the~~ The article is one sold at retail and is incidentally sold to an employer or the employer's employees in the same form, approximate amount, concentration, and manner as it is sold to consumers, and, to the seller's knowledge, employee exposure to the article is not significantly greater than the consumer exposure occurring during the principal consumer use of the article.

(f) If an employer is not supplied with a material safety data sheet by a manufacturer, importer, or distributor for a hazardous chemical subject to this Code section, such employer shall, within a reasonable amount of time after discovering that a material safety data sheet has not been supplied, use diligent efforts to obtain such material safety data sheet from the manufacturer, importer, or distributor. For purposes of this subsection, 'diligent efforts' shall mean a prompt inquiry by the employer to the manufacturer, importer, or distributor of the hazardous chemicals; provided, however, that an independent contractor or subcontractor shall be responsible for obtaining the material safety data sheet for his employees in the workplace of another.

(g) If after having used diligent efforts, an employer still fails to obtain a material safety data sheet, ~~he~~ such employer shall ~~request~~ notify the department of the employer's inability to obtain such material safety data sheet ~~on his behalf~~.

(h) An employer who has used diligent efforts and who has made a documented ~~request~~ notification to the department pursuant to this Code section shall not be found in violation of this Code section with respect to the material safety data sheet which was not supplied by the manufacturer, importer, or distributor as required by this Code section.

(i) Every employer who manufactures, produces, uses, applies, or stores hazardous chemicals in the workplace shall post a notice as prescribed by rule or regulation promulgated by the department in a place where notices are normally posted, informing employees of their rights under this chapter.

(j) Every employer who manufactures, produces, uses, applies, or stores hazardous chemicals in the workplace shall maintain a material safety data sheet for each hazardous chemical which is present in such workplace. All material safety data sheets shall be readily available in the workplace; provided, however, that employers who maintain one or more work areas which are not fixed at specific geographic locations

shall be authorized to maintain material safety data sheets for each hazardous chemical used in such work area at a central location.

(k)(1) A material safety data sheet may be kept in any form, including operations procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be appropriate to address the hazards of a process rather than individual hazardous chemicals. The employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each workshift to employees when they are in their work area; provided, however, that employers who maintain one or more work areas which are not fixed at specific geographic locations shall be authorized to maintain material safety data sheets for each hazardous chemical used in such work area at a central location.

(2) Any employee may request in writing and shall have the right to examine and obtain the material safety data sheets for the hazardous chemicals to which he is, has been, or may be exposed. The employer shall provide any material safety data sheet within its possession within five of the requesting employee's working days, subject to the provisions of subsection (g) of this Code section. The employer may adopt reasonable procedures for acting upon such requests to avoid interruption of normal work operations.

(3) An independent contractor or subcontractor working in the workplace of another employer may request in writing and shall have the right to examine the material safety data sheets for the hazardous chemicals to which he or his employees are, have been, or may be exposed. The employer shall provide any material safety data sheet within its possession within five of the requesting independent contractor's or subcontractor's working days, subject to the provisions of subsection (g) of this Code section. The employer may adopt reasonable procedures for acting upon such requests to avoid interruption of normal work operations.

(4) If an employee who has requested a material safety data sheet pursuant to this chapter has not received such material safety data sheet within five of the requesting employee's working days, subject to the provisions of subsection (g) of this Code section, that employee may refuse to work with the chemical for which he has requested the material safety data sheet until such material safety data sheet is provided by the employer; provided, however, that nothing contained in this paragraph shall be construed to permit any employee to refuse to perform essential services, as such term is defined by rule or regulation; provided, further, that nothing in this paragraph shall be construed to interfere with the right of the employer to transfer an employee who so refuses to work to other duties until such material safety data sheet is provided, such a transfer not to be considered as a discriminatory act under Code Section 45-22-10. No pay, position, seniority, or other benefits shall be lost for exercise of any right provided by this chapter as a result of such a transfer.

(l) No employer shall discharge or otherwise discriminate against an employee for the employee's assertion of the employee's rights under this chapter.

(m) For the purposes of this Code section, an employer, independent contractor, or subcontractor shall maintain material safety data sheets for their own workplaces only; provided, however, that employees of such independent contractor or subcontractor, insofar as they are exposed in the course of their employment to hazardous chemicals in other workplaces, shall have the right to examine material safety data sheets for those chemicals to which they are exposed from the workplace employer through a written request to their own employer as provided in paragraph (2) of subsection (k) of this Code section. ~~Employers must advise employees that they can obtain further information from the department.~~ Nothing contained in this chapter shall be construed to require an employer to conduct studies to develop new information."

SECTION 5.

Said chapter is further amended in Code Section 45-22-8, relating to information and training standards, by revising subsection (c) as follows:

"(c) The department shall by rule ~~and~~ or regulation establish minimum information and training standards for compliance with this Code section. ~~The Governor's Employment and Training Council shall be authorized to make recommendations to the department regarding the development and implementation of such standards.~~"

SECTION 6.

Said chapter is further amended by revising Code Section 45-22-11, relating to filing of employee grievances, termination of contract by employer for violation of Code Section 45-22-4, ability of employers to dismiss or discipline employees, and judicial review of grievances, as follows:

"45-22-11.

(a) In order to enforce the provisions of this chapter, any employee adversely affected by a violation of this chapter by that employee's employer may file a grievance in accordance with the employer's established grievance procedures. Appointing authorities shall pursue all complaints concerning occupational exposure to hazardous chemicals. ~~Employees dissatisfied with a final decision of an appointing authority may file a grievance with the Commissioner.~~

(b) Upon any violation of Code Section 45-22-4 by a contractor, the employer under agreement with such contractor shall have the right to terminate the contract without liability.

(c) Nothing in this chapter shall change or modify the right or ability of employers to dismiss or discipline employees in accordance with the laws of this state.

(d) Any employee ~~adversely affected by~~ dissatisfied with a final decision of ~~the Commissioner~~ an appointing authority with regard to a grievance filed pursuant to subsection (a) of this Code section shall be entitled to judicial review in the same manner as provided for judicial review of contested cases in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

SECTION 7.

This Act shall become effective on January 1, 2016.

SECTION 8.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams
Y Alexander
Y Allison
E Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Bell
Y Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
E Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
E Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 170, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 304. By Representatives Hightower of the 68th, Strickland of the 111th, Efstration of the 104th, Reeves of the 34th, Tanner of the 9th and others:

A BILL to be entitled an Act to amend Code Section 17-10-1 of the Official Code of Georgia Annotated, relating to fixing of sentence, so as to clarify service of consecutive sentences; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
E Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Mayo	Y Sharper	Y Williamson
Y Coleman	Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 169, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 396. By Representatives Knight of the 130th, Harrell of the 106th, Battles of the 15th, Williamson of the 115th and Stephens of the 164th:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to clarify the penalty for failure to file return or pay revenue held in trust for the state; to prevent the obstruction of officials levying tax executions; to clarify the definition of prescription; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to clarify the penalty for failure to file return or pay revenue held in trust for the state; to prevent the obstruction of officials levying tax executions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising Code Section 48-2-44, relating to the penalty for failure to file a return or pay revenue held in trust for the state, as follows:

"48-2-44.

(a) In any instance in which any person willfully fails to file a report, return, or other information required by law or willfully fails to pay the commissioner any revenue held in trust for the state, ~~he~~ <u>such person</u> shall pay, in the absence of a specific statutory civil penalty for the failure, a penalty of 10 percent of the amount of revenue held in trust and not paid on or before the time prescribed by law, together with interest on the principal amount at the rate specified in Code Section 48-2-40 from the date the return should have been filed or the revenue held in trust should have been remitted until it is paid.

(b)(1) In any instance in which any person willfully fails, on or after July 1, 1981, to pay, within 90 days of the date when due, any ad valorem tax owed the state or any local government, ~~he~~ <u>such person</u> shall pay, in the absence of a specific statutory civil

penalty for the failure, a penalty of 10 percent of the amount of tax due and not paid ~~on or before the time prescribed by law~~ at the time such penalty is assessed, together with interest as specified by law. This 10 percent penalty shall not, however, apply in the case of:

(A) Ad valorem taxes of $500.00 or less on homestead property as defined in Part 1 of Article 2 of Chapter 5 of this title; or

(B) With respect to tax year 1986 and future tax years, ad valorem taxes of any amount on homestead property as defined in Part 1 of Article 2 of Chapter 5 of this title, if the homestead property was during the tax year acquired by a new owner who did not receive a tax bill for the tax year and who immediately before acquiring the homestead property resided outside the State of Georgia and if the taxes are paid within one year following the due date.

(2) Any city or county authorized as of April 22, 1981, by statute or constitutional amendment to receive a penalty of greater than 10 percent for failure to pay an ad valorem tax is authorized to continue to receive that amount.

(3) With respect to all penalties and interest received by the tax commissioner on or after July 1, 1998, unless otherwise specifically provided for by general law, the tax commissioner shall distribute penalties collected and interest collected or earned as follows:

(A) Penalties collected for failure to return property for ad valorem taxation or for failure to pay ad valorem taxes, and interest earned by the tax commissioner on taxes collected but not yet disbursed, shall be paid into the county treasury in the same manner and at the same time the tax is collected and distributed to the county, and they shall remain the property of the county; and

(B) Interest collected on delinquent ad valorem taxes shall be distributed pro rata based on each taxing jurisdiction's share of the total tax on which the interest was computed."

SECTION 2.

Said title is further amended by revising Code Section 48-3-27, relating to the penalty for obstructing levying officers, as follows:

"48-3-27.

(a) It is unlawful for any person knowingly and willfully to obstruct or hinder:

(1) The ~~the~~ commissioner or his or her authorized representatives in the levy of a state tax execution~~.~~; or

(2) Any sheriff, ex officio sheriff, tax commissioner, or municipal levy officer in the levy of a state, county, or municipal tax execution.

(b) Any person who violates this Code section shall be guilty of a misdemeanor."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
E Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 169, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 72. By Representatives Willard of the 51st, Jones of the 47th, Abrams of the 89th, Cooper of the 43rd, Hugley of the 136th and others:

A BILL to be entitled an Act to amend Title 16, Article 1 of Chapter 8 of Title 17, Chapter 5 of Title 30, and Title 31 of the O.C.G.A., relating to crimes and offenses, general provisions for trial, protection of disabled adults and elder persons, and health, respectively, so as to expand and clarify protection of disabled adults and elder persons; to provide for and revise definitions; to repeal provisions relating to exclusion of evidence obtained during the execution of an inspection warrant; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
E Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson

Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 169, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 439. By Representatives Shaw of the 176th, Abrams of the 89th, England of the 116th, Hatchett of the 150th, Knight of the 130th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, so as to establish qualified low-income community investment; to provide for a short title; to provide for definitions; to provide that certain entities may earn credit against state premium tax liability; to provide for certification of qualified equity investments; to provide for recapture of credit claimed under certain circumstances; to provide for certain refundable fees; to provide for a retaliatory tax; to provide for decertification; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, so as to establish qualified low-income community investment; to provide for a short title; to provide for definitions; to provide that certain entities may earn credit against state premium tax liability; to provide for certification of qualified equity investments; to provide for recapture of credit claimed under certain circumstances; to provide for certain refundable fees; to provide for a retaliatory tax; to provide for decertification; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, is amended by adding a new Code section to read as follows:

"33-1-24.

(a) This Code section shall be known and may be cited as the 'Georgia New Markets Jobs Act.'

(b) As used in this Code section, the term:

(1) 'Affiliate' means an entity that directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with the entity specified.

(2) 'Applicable percentage' means 0 percent for the first two credit allowance dates, 12 percent for the next three credit allowance dates, and 11 percent for the next two credit allowance dates.

(3) 'Credit allowance date' means with respect to any qualified equity investment:

(A) The date on which such investment is initially made; and

(B) Each of the six anniversary dates of such date thereafter.

(4) 'Department' means the Department of Community Affairs.

(5) 'Letter ruling' means a written interpretation of law to a specific set of facts provided by the applicant requesting a letter ruling.

(6) 'Long-term debt security' means any debt instrument issued by a qualified community development entity, at par value or a premium, with an original maturity date of at least seven years from the date of its issuance, with no acceleration of repayment, amortization, or prepayment features prior to its original maturity date. The qualified community development entity that issues the debt instrument may not make cash interest payments on the debt instrument during the period beginning on the date of issuance and ending on the final credit allowance date in an amount that exceeds the cumulative operating income, as defined by regulations adopted under Section 45D of the Internal Revenue Code of 1986, as amended, of the qualified community development entity for that period prior to giving effect to the expense of such cash interest payments. The foregoing shall in no way limit the holder's ability to accelerate payments on the debt instrument in situations where the qualified community development entity has defaulted on covenants designed to ensure compliance with this Code section or Section 45D of the Internal Revenue Code of 1986, as amended.

(7) 'Purchase price' means the amount paid to the qualified community development entity that issues the qualified equity investment for such qualified equity investment.

(8) 'Qualified active low-income community business' shall have the same meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended, and 26 C.F.R. Section 1.45D-1 but is limited to those businesses, including affiliates of such businesses, that have fewer than 250 employees and not more than $10 million in net income in the previous year at the time the qualified low-income community investment is made, provided that the employees and net income of affiliates of the business shall not be aggregated for purposes of satisfying this requirement if the affiliate business is classified under a different North American Industry Classification system code. A business shall be considered a qualified active low-income community business for the duration of the qualified community

development entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low-income community business, other than the size and net income standards, throughout the entire period of the investment or loan. Such term excludes any business that derives or projects to derive 15 percent or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by, or under common control with, another business if the second business: (A) does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate and (B) is the primary tenant of the real estate leased from the first business.

(9) 'Qualified community development entity' shall have the same meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended, provided that such entity has entered into, for the current year or any prior year, an allocation agreement with the Community Development Financial Institutions Fund of the United States Treasury Department with respect to credits authorized by Section 45D of the Internal Revenue Code of 1986, as amended, which includes the State of Georgia within the service area set forth in such allocation agreement. Such term shall include subsidiary community development entities of any such qualified community development entity.

(10) 'Qualified equity investment' means any equity investment in, or long-term debt security issued by, a qualified community development entity that:

(A) Is acquired after the effective date of this Code section at its original issuance solely in exchange for cash;

(B) Has at least 85 percent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments in qualified active low-income community businesses located in this state by the first anniversary of the initial credit allowance date; and

(C) Is designated by the qualified community development entity as a qualified equity investment under this paragraph and is certified by the department as not exceeding the limitation contained in paragraph (6) of subsection (e) of this Code section.

Such term shall include any qualified equity investment that does not meet the provisions of subparagraph (A) of this paragraph if such investment was a qualified equity investment in the hands of a prior holder.

(11) 'Qualified low-income community investment' means any capital or equity investment in, or loan to, any qualified active low-income community business; but, with respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments made in such business, on a collective basis with all of the businesses' affiliates, with the proceeds of qualified equity investments certified pursuant to subsection (e) of this Code section is $4 million, exclusive of qualified low-income community investments made with repaid or redeemed qualified low-income community investments or interest or profits realized thereon.

(12) 'State premium tax liability' means any liability incurred by any entity under Code Sections 33-3-26 and 33-8-4, or, if the tax liability under Code Sections 33-3-26 and 33-8-4 is eliminated or reduced, the term shall also mean any tax liability imposed on an insurance company or other person that had premium tax liability under the laws of this state.

(c) Any entity that makes a qualified equity investment earns a vested right to credit against the entity's state premium tax liability on a premium tax report filed under this Code section that may be utilized as follows:

(1) On each credit allowance date of such qualified equity investment, the entity, or subsequent holder of the qualified equity investment, shall be entitled to utilize a portion of such credit during the taxable year, including such credit allowance date;

(2) The credit amount shall be equal to the applicable percentage for such credit allowance date multiplied by the purchase price paid to the qualified community development entity; and

(3) The amount of the credit claimed by an entity shall not exceed the amount of such entity's state premium tax liability for the tax year for which the credit is claimed. Any amount of tax credit that the entity is prohibited from claiming in a taxable year as a result of this Code section may be carried forward for use in any subsequent taxable year.

(d) No tax credit claimed under this Code section shall be refundable or saleable on the open market. Tax credits earned by or allocated to a partnership, limited liability company, or S-corporation may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders. Such allocation shall be not considered a sale for purposes of this Code section.

(e)(1) A qualified community development entity that seeks to have an equity investment or long-term debt security designated as a qualified equity investment and that is eligible for tax credits under this Code section shall apply to the department. The department shall begin accepting applications on August 1, 2015. The qualified community development entity shall include the following:

(A) Evidence of the applicant's certification as a qualified community development entity, including evidence of the service area of the entity that includes this state;

(B) A copy of an allocation agreement executed by the applicant, or its controlling entity, and the Community Development Financial Institutions Fund;

(C) A certificate executed by an executive officer of the applicant: (i) attesting that the allocation agreement remains in effect and has not been revoked or cancelled by the Community Development Financial Institutions Fund and (ii) stating the cumulative amount of allocations awarded to the applicant by the Community Development Financial Institutions Fund and by other state or states under their New Markets programs;

(D) A description of the proposed amount, structure, and purchaser of the qualified equity investment;

(E) Examples of the types of qualified active low-income businesses in which the applicant, its controlling entity, or affiliates of its controlling entity have invested under the federal New Markets Tax Credit Program. Applicants are not required to identify qualified active low-income community businesses in which they will invest when submitting an application;

(F) A nonrefundable application fee of $5,000.00. This fee shall be paid to the department and shall be required of each application submitted; and

(G) The refundable performance fee required by paragraph (1) of subsection (h) of this Code section.

(2) A qualified community development entity, on an aggregate basis with all of its subsidiary qualified community development entities, may not apply to have equity investments or long-term debt instruments designated as qualified equity investments under this subsection in excess of the total amount of allocations awarded to such applicant and its subsidiary qualified community development entities by the Community Development Financial Institutions Fund under Section 45D of the Internal Revenue Code of 1986, as amended, and by any other state or states under their New Markets programs.

(3) Within 30 days after receipt of a completed application containing the information set forth in paragraph (1) of this subsection, including the payment of the application fee and the refundable performance fee, the department shall grant or deny the application in full or in part. If the department denies any part of the application, it shall inform the qualified community development entity of the grounds for the denial. If the qualified community development entity provides any additional information required by the department or otherwise completes its application within 15 business days of the notice of denial, the application shall be considered completed as of the original date of submission. If the qualified community development entity fails to provide the information or complete its application within the 15 business day period, the application shall remain denied and must be resubmitted in full with a new submission date.

(4) If the application is complete, the department shall certify the proposed equity investment or long-term debt security as a qualified equity investment that is eligible for tax credits under this Code section, subject to the limitations contained in paragraph (5) of this subsection. The department shall provide written notice of the certification to the qualified community development entity. The notice shall include the names of those entities who will earn the credits which may be further allocated pursuant to subsection (d) of this Code section and their respective credit amounts. If the names of the entities that are eligible to utilize the credits change due to a transfer of a qualified equity investment authority under paragraph (7) of this subsection or an allocation pursuant to subsection (d) of this Code section, the qualified community development entity shall notify the department of such change.

(5) The department shall certify qualified equity investments in the order applications are received by the department. Applications received on the same day shall be deemed to have been received simultaneously. For applications that are complete and

received on the same day, the department shall certify, consistent with remaining qualified equity investment capacity, the qualified equity investments in proportionate percentages based upon the ratio of the amount of qualified equity investment requested in an application to the total amount of qualified equity investments requested in all applications received on the same day.

(6) The department shall certify $240 million in qualified equity investments. If a pending request cannot be fully certified due to this limit, the department shall certify the portion that may be certified unless the qualified community development entity elects to withdraw its request rather than receive partial certification.

(7) An approved applicant may transfer all or a portion of its certified qualified equity investment authority to its controlling entity or any subsidiary qualified community development entity of the controlling entity, provided that the applicant provides the information required in the application with respect to such transferee and the applicant notifies the department of such transfer within 30 days of the transfer. The department shall acknowledge such transfer if requested by the approved applicant.

(8) Within 30 days of the applicant receiving notice of certification, the qualified community development entity or any transferee under paragraph (7) of this subsection shall issue the qualified equity investment and receive cash in the certified amount. The qualified community development entity or transferee under paragraph (7) of this subsection must provide the department with evidence of the receipt of the cash investment within ten business days after receipt. If the qualified community development entity or any transferee under paragraph (7) of this subsection does not receive the cash investment and does not issue the qualified equity investment within 30 days following receipt of the certification notice, the certification shall lapse and the entity may not issue the qualified equity investment without reapplying to the department for certification. Lapsed certifications revert back to the department and shall be reissued, first, pro rata to other applicants whose qualified equity investment allocations were reduced under paragraph (5) of this subsection and, thereafter, in accordance with application process.

(9) A qualified community development entity that issues qualified equity investments must notify the department of the names of the entities that are eligible to utilize tax credits pursuant to subsection (d) of this Code section.

(f)(1) The department shall recapture from the entity that claimed the credit on a return the tax credit allowed under this Code section if:

(A) Any amount of a federal tax credit available with respect to a qualified equity investment that is eligible for a credit under this Code section is recaptured under Section 45D of the Internal Revenue Code of 1986, as amended. In such case, the department's recapture shall be proportionate to the federal recapture with respect to such qualified equity investment;

(B) The qualified community development entity redeems or makes principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of such qualified equity investment. In such case, the

department's recapture shall be proportionate to the amount of the redemption or repayment with respect to such qualified equity investment;

(C) The qualified community development entity fails to invest an amount equal to 85 percent of the purchase price of the qualified equity investment in qualified low-income community investments in Georgia within 12 months of the issuance of the qualified equity investment and maintain at least 85 percent of such level of investment in qualified low-income community investments in Georgia until the last credit allowance date for the qualified equity investment. For purposes of this Code section, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid if the qualified community development entity reinvests an amount equal to the capital returned to or recovered by the qualified community development entity from the original investment, exclusive of any profits realized, in another qualified low-income community investment within 12 months of the receipt of such capital. Periodic amounts received as repayment of principal pursuant to regularly scheduled amortization payments on a loan that is a qualified low-income community investment shall be treated as continuously invested in a qualified low-income community investment if the amounts are reinvested in one or more qualified low-income community investments by the end of the following calendar year. A qualified community development entity shall not be required to reinvest capital returned from qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income investment community shall be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance;

(D) Any distribution or debt payment in violation of paragraph (1) of subsection (k) of this Code section; or

(E) Any violation of subsection (l), (m), or (n) of this Code section.

(2) Recaptured or returned tax credits and the related qualified equity investment authority revert back to the department and shall be reissued, first, pro rata to other applicants whose qualified equity investment allocations were reduced under paragraph (5) of subsection (e) of this Code section and, thereafter, in accordance with the application process.

(g) Enforcement of each of the recapture provisions in subsection (f) of this Code section shall be subject to a six-month cure period. No recapture shall occur until the qualified community development entity shall have been given notice of noncompliance and afforded six months from the date of such notice to cure the noncompliance.

(h)(1) A qualified community development entity that seeks to have an equity investment or long-term debt security designated as a qualified equity investment and eligible for tax credits under this subsection shall pay a fee in the amount one-half of 1 percent of the amount of the equity investment or long-term debt security requested

to be designated as a qualified equity investment to the department for deposit in the New Markets Performance Guarantee Account, which is hereby established. The entity shall forfeit the fee in its entirety without the benefit of subsection (g) of this Code section if:

(A) The qualified community development entity and its subsidiary qualified community development entities fail to issue the total amount of qualified equity investments certified by the administrator and receive cash in the total amount certified under paragraph (5) of subsection (e) of this Code section; or

(B) The qualified community development entity or any subsidiary qualified community development entity that issues a qualified equity investment certified under this subsection fails to make qualified low-income community investments in qualified active low-income community businesses in this state equal to at least 85 percent of the purchase price of the qualified equity investment in compliance with subsection (l) of this Code section by the second credit allowance date of such qualified equity investment.

(2) The fee required under paragraph (1) of this subsection shall be paid to the department and held in the New Markets Performance Guarantee Account until such time as compliance with the provisions of this subsection shall have been established. The qualified community development entity may request a refund of the fee from the department no sooner than 30 days after the qualified community development entity and all transferees under paragraph (7) of subsection (e) of this Code section have invested 85 percent of the purchase price of qualified equity investments issued by the qualified community development entity and such transferees by the second credit allowance date in compliance with subsection (l) of this Code section. The state treasurer shall have 30 days to comply with such request or give notice of noncompliance.

(i)(1) The department shall issue letter rulings regarding the tax credit program authorized under this Code section, subject to the terms and conditions set forth in this Code section.

(2) The department shall respond to a request for a letter ruling within 60 days of receipt of such request. The applicant may provide a draft letter ruling for the department's consideration. The applicant may withdraw the request for a letter ruling, in writing, prior to the issuance of the letter ruling. The department may refuse to issue a letter ruling for good cause but must list the specific reasons for refusing to issue the letter ruling. Good cause includes, but is not limited to:

(A) The applicant requests the department to determine whether a statute is constitutional or a regulation is lawful;

(B) The request involves a hypothetical situation or alternative plans;

(C) The facts or issues presented in the request are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a letter ruling; and

(D) The issue is currently being considered in a rule-making procedure, contested case, or other agency or judicial proceeding that may resolve the issue.

(3) Letter rulings shall bind the department and the department's agents and their successors until such time as the entity or its shareholders, members, or partners, as applicable, claim all of such credits on a Georgia tax return or report, subject to the terms and conditions set forth in properly published regulations. The letter ruling shall apply only to the applicant.

(4) In rendering letter rulings and making other determinations under this Code section, to the extent applicable, the department and the Department of Revenue shall look for guidance to Section 45D of the Internal Revenue Code of 1986, as amended, and the rules and regulations issued thereunder.

(j)(1) An entity claiming a credit under this Code section is not required to pay any additional retaliatory tax levied under Code Section 33-3-26 as a result of claiming that credit.

(2) In addition to the exclusion in paragraph (1) of this subsection, an entity claiming a credit under this Code section shall not be required to pay any additional tax that may arise as a result of claiming that credit.

(k)(1) Once certified under paragraph (4) of subsection (e) of this Code section, a qualified equity investment shall not be decertified unless all of the requirements of paragraph (2) of this subsection have been met. Until all qualified equity investments issued by a qualified community development entity are decertified under this subsection, the qualified community development entity shall not be entitled to distribute to its equity holders or make cash payments on long-term debt securities that have been designated as qualified equity investments in an amount that exceeds the sum of: (i) the cumulative operating income, as defined by regulations adopted under Section 45D of the Internal Revenue Code of 1986, as amended, earned by the qualified community development entity since issuance of the qualified equity investment, prior to giving effect to any expense from the payment of interest on long-term debt securities designated as qualified equity investments, and (ii) 50 percent of the purchase price of the qualified equity investments issued by the qualified community development entity.

(2) To be decertified, a qualified equity investment shall:

(A) Be beyond its seventh credit allowance date;

(B) Have been in compliance with subsection (f) of this Code section up through its seventh credit allowance date, including any cures under subsection (g) of this Code section; and

(C) Have had its proceeds invested in qualified low-income community investments such that the total qualified low-income community investments made, cumulatively including reinvestments, exceeds 150 percent of its qualified equity investment.

(3) A community development entity that seeks to have a qualified equity investment decertified under this subsection shall send notice to the department of its request for decertification along with evidence supporting the request. The provisions of subparagraph (B) of paragraph (2) of this subsection shall be deemed to be met if no recapture action has been commenced by the department as of the seventh credit

allowance date. Such request shall not be unreasonably denied and shall be responded to within 30 days of receiving the request. If the request is denied for any reason, the burden of proof shall be on the department in any administrative or legal proceeding that follows.

(l) No qualified community development entity shall be entitled to pay to any affiliate of such qualified community development entity any fees in connection with any activity under this subsection prior to the decertification under subsection (k) of this Code section of all qualified equity investments issued by such qualified community development entity and all transferees under paragraph (7) of subsection (e) of this Code section. The foregoing shall not prohibit a qualified community development entity from allocating or distributing income earned by it to such affiliates or from paying reasonable interest on amounts loaned to the qualified community development entity by such affiliates.

(m) A qualified active low-income community business that receives a qualified low-income community investment from a qualified community development entity that issues qualified equity investments pursuant to this chapter, or any affiliates of such a qualified active low-income community business, may not directly or indirectly:

(1) Own or have the right to acquire an ownership interest in a qualified community development entity or member or affiliate of a qualified community development entity, including, but not limited to, a holder of a qualified equity investment issued by the qualified community development entity; or

(2) Lend to or invest in a qualified community development entity or member or affiliate of a qualified community development entity, including, but not limited to, a holder of a qualified equity investment issued by a qualified community development entity where the proceeds of the loan or investment are directly or indirectly used to fund or refinance the purchase of a qualified equity investment hereunder.

For purposes of this subsection, a qualified community development entity is not considered an affiliate of a qualified active low-income community business solely as a result of its qualified low-income community investment in the business.

(n) For purposes of satisfying subparagraph (f)(1)(C) of this Code section, a qualified community development entity, together with all transferees under paragraph (7) of subsection (e) of this Code section, shall:

(1) Invest an amount equal to at least 25 percent of the purchase price of all qualified equity investments issued by the qualified community development entity and such transferees in qualified active low-income community businesses located in nonmetropolitan counties in this state as identified by the Community Development Financial Institutions Fund in connection with Section 45D of the Internal Revenue Code of 1986, as amended; and

(2) Maintain such level of investment set forth in paragraph (1) of this subsection in accordance with subparagraph (f)(1)(C) of this Code section.

(o)(1) Qualified community development entities issuing qualified equity investments shall submit a report to the department within the first five business days after the first anniversary of the initial credit allowance date that provides

documentation as to the investment of 85 percent of the purchase price in qualified low-income community investments in qualified active low-income community businesses located in this state. The report shall include:

(A) A bank statement of the qualified community development entity evidencing each qualified low-income community investment;

(B) Evidence that the business was a qualified active low-income community business at the time of the qualified low-income community investment; and

(C) Evidence of the qualified community development entity's compliance with subsection (l) of this Code section.

(2) After submitting the annual report required pursuant to subparagraph (A) of paragraph (1) of this subsection, the qualified community development entity shall submit an annual report to the department within 60 days of the beginning of the calendar year during the compliance period. An annual report is not due before the first anniversary of the initial credit allowance date. The report shall include, but not be limited to, the following:

(A) Number of employment positions created and retained as a result of qualified low-income community investments; and

(B) Average annual salary of positions described in subparagraph (A) of this paragraph."

SECTION 2.

This Act shall become effective on July 1, 2015, and shall be applicable to all taxable years beginning on or after January 1, 2016.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
N Allison	Y Corbett	N Harrell	Y Morris	Y Smith, M
E Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Dickerson	Y Hightower	Y Oliver	Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	N Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	N Dudgeon	Y Hugley	Y Petrea	Y Tankersley

Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	N Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	N Teasley
Y Brooks	Ehrhart	Y Jones, L	N Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	N Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	N Turner
Y Burns	Y Fleming	N Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Kendrick	Y Reeves	Y Watson
N Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	N Welch
N Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	N Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	N Gravley	Y Mayo	Y Sharper	N Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 151, nays 18.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 341. By Representatives Maxwell of the 17th, Taylor of the 79th, Gravley of the 67th and Frye of the 118th:

A BILL to be entitled an Act to amend Code Section 8-2-26.1 of the Official Code of Georgia Annotated, relating to definitions and requirements regarding state building, plumbing, and electrical codes, so as to provide that certain qualified inspectors may be certified by the Building Officials' Association of Georgia; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
E Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer

Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 172, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 123. By Representative Yates of the 73rd:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to equipment and inspection of motor vehicles, so as to provide for the use of a safety chain or cable when operating a motor vehicle drawing a trailer; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 40-6-254 of the Official Code of Georgia Annotated, relating to operation of a vehicle without adequately securing a load, so as to provide that the provisions relating to loads shall include certain trailers; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 40-6-254 of the Official Code of Georgia Annotated, relating to operation of a vehicle without adequately securing a load, is amended as follows:

"40-6-254.

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of such load onto the roadway in such a manner as to create a safety hazard. For purposes of this Code section, a load shall include, but not be limited to, a trailer required to be registered under Chapter 2 of this title. Any person who operates a vehicle in violation of this Code section shall be guilty of a misdemeanor."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
E Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell

Y Buckner	Y Evans	Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 167, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

House of Representatives
Coverdell Legislative Office Building
Room 411
Atlanta, GA 30334

March 11, 2015

Bill Reilly, Clerk
Office of the Clerk
309 State Capitol
Atlanta, GA 30334

Dear Mr. Reilly:

I am writing to notify you that I was on the House floor on Wednesday, March 11, 2015 during the vote on House Bill 123. I was unable to return to my seat in time to cast my vote.

I would like to have my vote recorded in favor of HB 123. Thank you for your consideration with this matter.

Sincerely,

/s/ Jeff Jones
House District, 167

HB 352. By Representatives Strickland of the 111th, Reeves of the 34th, Pak of the 108th, Trammell of the 132nd, Gravley of the 67th and others:

A BILL To be entitled an Act to amend Chapter 16 of Title 17 of the Official Code of Georgia Annotated, relating to discovery, so as to change provisions relating to discovery in misdemeanor cases; to provide for a defendant to opt into reciprocal discovery similar to provisions in felony cases; to require the defendant to provide the prosecuting attorney with a list of witness and alibi information; to provide for procedure; to provide for sanctions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 16 of Title 17 of the Official Code of Georgia Annotated, relating to discovery, so as to change provisions relating to discovery in misdemeanor cases; to provide for a defendant to opt into reciprocal discovery similar to provisions in felony cases; to require the defendant to provide the prosecuting attorney with a list of witness and alibi information; to provide for procedure; to provide for sanctions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 16 of Title 17 of the Official Code of Georgia Annotated, relating to discovery, is amended by revising Article 2, relating to discovery in misdemeanor cases, as follows:

"ARTICLE 2

17-16-20.

(a) The provisions of this article shall apply ~~only~~ to misdemeanor cases ~~or to felony cases docketed, indicted, or in which an accusation was returned prior to January 1, 1995, if the prosecuting attorney and the defendant do not agree in writing that the provisions of Article 1 of this chapter shall apply~~ when at or prior to arraignment, or at such time the court permits, the defendant provides written notice to the prosecuting attorney that such defendant elects to have this article apply to the defendant's case. When one defendant in a multidefendant case demands discovery under this article, the provisions of this article shall apply to all defendants in the case, unless a severance is granted.

(b) Except as provided in subsection (c) of this Code section, this article shall not apply to juvenile court proceedings.

(c) This article shall be deemed to have been automatically invoked, without the written notice provided for in subsection (a) of this Code section, when a defendant has sought discovery pursuant to Chapter 11 of Title 9, the 'Georgia Civil Practice Act,' pursuant to Part 8 of Article 6 of Chapter 11 of Title 15, or pursuant to the Uniform Rules for the Juvenile Courts of Georgia when such discovery material is the same as the discovery material that may be provided under this article when a written notice is filed pursuant to subsection (a) of this Code section.
(d) This article is not intended to authorize discovery or inspection of attorney work product.

17-16-21.
(a) Prior to or at arraignment, ~~every person charged with a criminal offense~~ the defendant shall be furnished with a copy of the indictment or accusation ~~and, on demand, with a list of the witnesses on whose testimony the charge against such person is founded. Without the consent of the defendant, no witness shall be permitted to testify for the state whose name does not appear on the list of witnesses as furnished to the defendant unless the prosecuting attorney shall state that the evidence sought to be presented is newly discovered evidence which the state was not aware of at the time of its furnishing the defendant with a list of the witnesses~~.
(b) If a defendant elects to have this article apply, the prosecuting attorney, not later than ten days before trial, or as otherwise ordered by the court, shall provide the defendant with a list of witnesses that the state intends to call as witnesses at trial. Such list shall include the names, address and current locations, dates of birth, and telephone numbers of the state's witnesses, unless for good cause the court allows an exception to this requirement, in which event the defendant shall be afforded an opportunity to interview such witnesses prior to the witnesses being called to testify. If the witness is a law enforcement officer, the prosecuting attorney shall furnish to the defendant such officer's current work location and work phone number.
(c) Within ten days after the prosecuting attorney provides a list of witnesses, but no later than five days prior to trial, or as otherwise ordered by the court, the defendant shall furnish the prosecuting attorney a list of witnesses that the defendant intends to call at trial. Such list shall include the names, address and current locations, dates of birth, and telephone numbers of the defendant's witnesses, unless for good cause the court allows an exception to this requirement, in which event the prosecuting attorney shall be afforded an opportunity to interview such witnesses prior to the witnesses being called to testify.
(d) If prior to or during trial the prosecuting attorney or defendant learns of additional witnesses whose identity, if known, should have been included in the information furnished pursuant to this Code section, the discovering party shall notify the other party of the existence and identity of such additional witnesses.
(e) The prosecuting attorney or defendant may call as a witness any individual listed on either witness list.

17-16-22.
(a) ~~At~~ If the defendant elects to have this article apply, the prosecuting attorney shall, at least ten days prior to the trial of the case, disclose to the defendant ~~shall be entitled to have~~ a copy of any statement given by the defendant while in police custody. ~~The defendant may make such request for a copy of any such statement, in writing, within any reasonable period of time prior to trial.~~
(b) If the defendant's statement is oral or partially oral, the prosecution shall furnish, in writing, all relevant and material portions of the defendant's statement.
(c) ~~Failure of the prosecution to comply with a defendant's timely written request for a copy of such defendant's statement, whether written or oral, shall result in such statement being excluded and suppressed from the prosecution's use in its case-in-chief or in rebuttal.~~ If the defendant elects to have this article apply, the prosecuting attorney shall, at least ten days prior to the trial of the case, make available for inspection or copying by the defendant copies of the police incident report and all supplemental police reports, if any, regarding the occurrence which forms the basis of the charges.
~~(d) If the defendant's statement is oral, no relevant and material, incriminating or inculpatory, portion of the statement of the defendant may be used against the defendant unless it has been previously furnished to the defendant, if a timely written request for a copy of the statement has been made by the defendant.~~
~~(e)~~(d) This Code section shall ~~not~~ apply to ~~evidence~~ information subject to disclosure pursuant to this Code section which is discovered after a request has been filed. If a request has been filed, such ~~evidence~~ information shall be produced as soon as possible after it has been discovered.

17-16-23.
(a) As used in this Code section, the term 'written scientific reports' includes, but is not limited to, reports from the Division of Forensic Sciences of the Georgia Bureau of Investigation; an autopsy report by the coroner of a county or by a private pathologist; blood alcohol test results done by a law enforcement agency or a private physician; and similar types of reports that would be used as scientific evidence by the prosecution in its case-in-chief or in rebuttal against the defendant.
(b) ~~In all criminal trials the defendant shall be entitled to have~~ If the defendant elects to have this article apply, the prosecuting attorney shall, at least ten days prior to trial of the case, disclose to the defendant a complete copy of any written scientific reports in the possession of the prosecution which will be introduced in whole or in part against the defendant by the prosecution in its case-in-chief or in rebuttal. ~~The request for a copy of any written scientific reports shall be made by the defendant in writing at arraignment or within any reasonable time prior to trial. If such written request is not made at arraignment, it shall be within the sound discretion of the trial judge to determine in each case what constitutes a reasonable time prior to trial. If the scientific report is in the possession of or available to the prosecuting attorney, the prosecuting attorney must comply with this Code section at least ten days prior to the trial of the case.~~

~~(c) Failure by the prosecution to furnish the defendant with a copy of any written scientific report, when a proper and timely written demand has been made by the defendant, shall result in such report being excluded and suppressed from evidence in the prosecution's case-in-chief or in rebuttal.~~

17-16-24.
If the defendant elects to have this article apply, the prosecuting attorney shall permit the defendant at a time agreed to by the parties or ordered by the court to inspect and copy or photograph books, papers, documents, photographs, tangible objects, or copies or portions thereof and to inspect audio and visual tapes or copies or portions thereof that are within the possession, custody, or control of the state or prosecution and are intended for use by the prosecuting attorney as evidence in the prosecution's case-in-chief or rebuttal at the trial.

17-16-25.
(a) If the defendant elects to have this article apply, when the prosecuting attorney provides a discovery response that includes the time, date, and place at which the alleged offense was committed, the defendant shall serve upon the prosecuting attorney a written notice of the defendant's intention to offer a defense of alibi. Such notice by the defendant shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names, addresses, dates of birth, and telephone numbers of the witnesses, if known to the defendant, upon whom the defendant intends to rely to establish such alibi unless previously supplied.
(b) The prosecuting attorney shall serve upon the defendant within five days of the defendant's written notice but no later than five days before trial, whichever is later, a written notice stating the names, addresses, dates of birth, and telephone numbers of the witnesses, if known to the state, upon whom the state intends to rely to rebut the defendant's evidence of alibi unless previously supplied.
(c) If prior to or during trial a party learns of an additional witness whose identity, if known, should have been included in the information furnished under subsection (a) or (b) of this Code section, the party shall promptly notify the other party of the existence and identity of such additional witness.
(d) Upon a showing that a disclosure required by this Code section would create a substantial threat of physical or economic harm to a witness, the court may grant an exception to any of the requirements of subsections (a) through (c) of this Code section.
(e) If the defendant withdraws the notice of intention to rely upon an alibi defense, the notice and intention to rely upon an alibi defense are not admissible. However, the prosecuting attorney may offer any other evidence regarding alibi.

17-16-26.
If at any time during the course of the proceedings it is brought to the attention of the court that the state has failed to comply with the requirements of this article, the court may order the state to permit the discovery or inspection, grant a continuance, or, upon

a showing of prejudice and bad faith, prohibit the state from introducing the evidence not disclosed or presenting the witness not disclosed, or may enter such other order as it deems just under the circumstances. If at any time during the course of the proceedings it is brought to the attention of the court that the defendant has failed to comply with the requirements of this article, the court may order the defendant to permit the discovery or inspection, interview of the witness, grant a continuance, or, upon a showing of prejudice and bad faith, prohibit the defendant from introducing the evidence not disclosed or presenting the witness not disclosed, or may enter such other order as it deems just under the circumstances. The court may specify the time, place, and manner of making the discovery, inspection, and interview and may prescribe such terms and conditions as are just.

17-16-27.
Nothing in this article shall supersede the prosecuting attorney's duty to disclose all evidence, known or that may become known to him or her, favorable to the defendant and material either to guilt or punishment."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
E Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	N Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner

Y Burns	Y Fleming	Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 168, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 347. By Representatives Hightower of the 68th, Meadows of the 5th, Quick of the 117th, Kelley of the 16th, Efstration of the 104th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 7 of the Official Code of Georgia Annotated, relating to interest and usury, so as to clarify provisions relating to interest on certain domestic relations cases; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 4 of Title 7 of the Official Code of Georgia Annotated, relating to interest and usury, so as to clarify provisions relating to interest on certain domestic relations cases; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 7 of the Official Code of Georgia Annotated, relating to interest and usury, is amended by revising Code Section 7-4-12.1, relating to interest on arrearage on child support, as follows:

"7-4-12.1.

(a) All awards ~~of child support~~, court orders, decrees, or judgments rendered pursuant to Title 19 expressed in monetary amounts shall accrue interest at the rate of 7 percent per annum commencing 30 days from the ~~day~~ date such award, court order, decree, or judgment is entered or an installment payment is due, as applicable. The court may modify the date on which interest shall begin to accrue. ~~This Code section shall apply to all awards, court orders, decrees, and judgments rendered pursuant to Title 19.~~ It shall not be necessary for the party to whom the child support is due to reduce any such award to judgment in order to recover such interest. The court shall have discretion in applying or waiving past due interest. In determining whether to apply, waive, or reduce the amount of interest owed, the court shall consider whether:

(1) Good cause existed for the nonpayment of the child support;

(2) Payment of the interest would result in substantial and unreasonable hardship for the parent owing the interest;

(3) Applying, waiving, or reducing the interest would enhance or detract from the parent's current ability to pay child support, including the consideration of the regularity of payments made for current child support of those dependents for whom support is owed; and

(4) The waiver or reduction of interest would result in substantial and unreasonable hardship to the parent to whom interest is owed.

(b) Subsection (a) of this ~~This~~ Code section shall not be construed to abrogate the authority of a IV-D agency to waive, reduce, or negotiate a settlement of unreimbursed public assistance in accordance with subsection (b) of Code Section 19-11-5.

(c) Notwithstanding Code Section 7-4-12, 7-4-15, 9-12-10, or 13-6-13, when an award, court order, decree, or judgment for alimony or equitable division of assets and liabilities is payable in installments, interest on such award, court order, decree, or judgment shall not begin to accrue until an installment is 30 days past due unless otherwise ordered by the court."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to all civil actions pending on or after such effective date.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams
Y Alexander
Y Allison
E Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
E Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
E Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Stephens, M
Y Stephens, R
Y Stephenson
N Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 170, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The Speaker announced the House in recess until 1:45 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

Representative Rynders of the 152nd District, Chairman of the Committee on Governmental Affairs, submitted the following report:

Mr. Speaker:

Your Committee on Governmental Affairs has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 370 Do Pass, by Substitute
HB 432 Do Pass
HB 551 Do Pass, by Substitute

Respectfully submitted,
/s/ Rynders of the 152nd
Chairman

Representative Cheokas of the 138th District, Chairman of the Committee on Information and Audits, submitted the following report:

Mr. Speaker:

Your Committee on Information and Audits has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 565 Do Pass

Respectfully submitted,
/s/ Cheokas of the 138th
Chairman

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 476 Do Pass
HR 602 Do Pass
HR 603 Do Pass

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 476. By Representatives Gardner of the 57th, Smyre of the 135th, Abrams of the 89th, Hugley of the 136th, Thomas of the 56th and others:

A RESOLUTION commending Dr. Valerie Montgomery Rice and inviting her to be recognized by the House of Representatives; and for other purposes.

HR 602. By Representatives Coleman of the 97th, Nix of the 69th, Holmes of the 129th, Ralston of the 7th, Burns of the 159th and others:

A RESOLUTION honoring the life and memory of C. Glenn Hartley and inviting his wife and children to be recognized by the House of Representatives; and for other purposes

HR 603. By Representatives Harden of the 148th, McCall of the 33rd, Epps of the 144th, Dickey of the 140th, Jasperse of the 11th and others:

A RESOLUTION congratulating Christopher and Ginger Martin upon being honored with the 2015 National Outstanding Young Farmer award and inviting them, their two children, Grantson and Wellsley, and Mark Freeman to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 621. By Representatives Henson of the 86th, Mosby of the 83rd, Oliver of the 82nd, Mitchell of the 88th, Holcomb of the 81st and others:

A RESOLUTION honoring the life and memory of Linda Womack; and for other purposes.

HR 622. By Representatives Kaiser of the 59th, Roberts of the 155th, Shaw of the 176th, Burns of the 159th, McCall of the 33rd and others:

A RESOLUTION honoring the life and memory of Spencer Pass; and for other purposes.

HR 623. By Representative Powell of the 32nd:

A RESOLUTION commending Franklin County Middle School Technology Student Association; and for other purposes.

HR 624. By Representatives Henson of the 86th, Drenner of the 85th, Abrams of the 89th, Holcomb of the 81st, Bennett of the 94th and others:

A RESOLUTION commending the DeKalb School of the Arts upon being named an Advanced Placement Honors School; and for other purposes.

HR 625. By Representatives Henson of the 86th, Drenner of the 85th, Abrams of the 89th, Holcomb of the 81st, Bennett of the 94th and others:

A RESOLUTION congratulating the Clarkston High School cross country team for their victorious performance in the 2014 Cross Country State Championship; and for other purposes.

HR 626. By Representatives Scott of the 76th, Stovall of the 74th, Waites of the 60th, Douglas of the 78th, Jordan of the 77th and others:

A RESOLUTION commending Lydia Holden, Roberta T. Smith Elementary School's 2015 Teacher of the Year; and for other purposes.

HR 627. By Representatives Fludd of the 64th and Mabra of the 63rd:

A RESOLUTION commending Robert L. Crutchfield for his dedicated service; and for other purposes.

HR 628. By Representatives Burns of the 159th, Tankersley of the 160th and Parrish of the 158th:

A RESOLUTION recognizing and commending the Bulloch Academy girls basketball team on winning their second consecutive GISA Class AAA State Championship; and for other purposes.

HR 629. By Representatives Benton of the 31st and Quick of the 117th:

A RESOLUTION commending the Jefferson High School AFJROTC cadets for winning the state championship; and for other purposes.

HR 630. By Representatives Fludd of the 64th, Mabra of the 63rd, Yates of the 73rd and Stover of the 71st:

A RESOLUTION commending Carter Ries upon being named a State Honoree in the Prudential Spirit of Community Awards; and for other purposes.

HR 631. By Representatives LaRiccia of the 169th, Roberts of the 155th, Corbett of the 174th, Nimmer of the 178th, Spencer of the 180th and others:

A RESOLUTION commending the Annual FNB South Community Golf Classic Tournament; and for other purposes.

HR 632. By Representatives Smith of the 70th and Nix of the 69th:

A RESOLUTION recognizing and commending Ms. April Blizzard, Heard County Elementary School's Teacher of the Year; and for other purposes.

HR 633. By Representatives Smyre of the 135th and Wilkinson of the 52nd:

A RESOLUTION honoring the life and memory of Don Keough; and for other purposes.

HR 634. By Representatives Wilkerson of the 38th, Sharper of the 177th, Kidd of the 145th, Evans of the 42nd and Ealum of the 153rd:

A RESOLUTION commending Kiwanis International for its dedicated service to the citizens of the State of Georgia and congratulating it upon the grand occasion of its centennial anniversary; and for other purposes.

HR 635. By Representatives Powell of the 32nd, Jasperse of the 11th, Rogers of the 10th, O`Neal of the 146th, Dickson of the 6th and others:

A RESOLUTION recognizing March 18, 2015, as Law Enforcement Appreciation Day at the capitol and commending law enforcement officers in Georgia; and for other purposes.

HR 636. By Representatives Hawkins of the 27th, Rogers of the 29th, Dunahoo of the 30th and Barr of the 103rd:

A RESOLUTION commending Katie Dionne upon being named a Distinguished Finalist in the Prudential Spirit of Community Awards; and for other purposes.

HR 637. By Representatives Cooper of the 43rd, Clark of the 101st, Hatchett of the 150th, Jasperse of the 11th, Ramsey of the 72nd and others:

A RESOLUTION recognizing March 18, 2015, as Resurgens Orthopaedics Advocacy Day; and for other purposes.

HR 638. By Representative Brooks of the 55th:

A RESOLUTION honoring the life and memory of Ralph George Ivey, Sr.; and for other purposes.

HR 639. By Representatives Brooks of the 55th and Beasley-Teague of the 65th:

A RESOLUTION honoring the life and memory of Earnest Jack Ingram; and for other purposes.

Representative Clark of the 101st moved that the following Bill of the House be withdrawn from the Committee on Judiciary Non-Civil and recommitted to the Committee on Health & Human Services:

HB 588. By Representatives Clark of the 101st, Cooper of the 43rd, Broadrick of the 4th, Kidd of the 145th, Rynders of the 152nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, so as to change provisions relating to possession of substances containing ephedrine, pseudoephedrine, and phenylpropanolamine and restrictions on sales of products containing pseudoephedrine; to provide for real-time tracking of sales of products containing ephedrine, norpseudoephedrine, pseudoephedrine, and phenylpropanolamine; to provide for definitions; to revise provisions relating to exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 114. By Representatives Tanner of the 9th, Powell of the 32nd, Lumsden of the 12th and Hitchens of the 161st:

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for the use of paper eye charts for the testing of noncommercial driver's vision; to provide for notice of certain information from the department to be sent by first-class mail; to provide for the issuance of limited driving permits to noncommercial drivers in certain instances; to provide for a waiver of the application fee for instruction permits in certain instances; to allow photographs on drivers' licenses and identification cards to be in black and

white; to provide for the conditions under which limited driving permits shall be issued; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for the use of paper eye charts for the testing of noncommercial driver's vision; to provide for notice of certain information from the department to be sent by first-class mail; to provide for the issuance of limited driving permits to noncommercial drivers in certain instances; to provide for a waiver of the application fee for instruction permits in certain instances; to allow photographs on drivers' licenses and identification cards to be in black and white; to provide for the conditions under which limited driving permits shall be issued; to clarify requirements for notices of suspension of drivers' licenses; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended in Code Section 40-5-21, relating to persons exempt from driver's license requirements, by revising paragraph (11) of subsection (a) as follows:

"(11) Any resident who is 15 years of age or over while taking actual in-car training in a training vehicle other than a commercial motor vehicle under the direct personal supervision of a driving instructor when such driving instructor and training vehicle are licensed by the department in accordance with the provisions of Chapter 13 of Title 43, 'The Driver Training School License Act.' As used in the previous sentence, the term 'commercial motor vehicle' shall have the meaning specified in Code Section 40-5-142. All vehicles utilized for the in-car training authorized under this paragraph shall be equipped with dual controlled brakes and shall be marked with signs in accordance with the rules of the department clearly identifying such vehicles as training cars belonging to a licensed driving school. A driving instructor shall test the eyesight of any unlicensed person who will be receiving actual in-car training prior to commencement of such training, and no unlicensed driver shall receive in-car training unless such person has at least the visual acuity and horizontal field of vision as is required for issuance of a driver's license in subsection (c) of Code Section 40-5-27; and"

SECTION 2.

Said chapter is further amended in Code Section 40-5-22, relating to school attendance requirements for the issuance, renewal, and expiration of instruction permits and drivers' licenses, by revising subsection (c) and adding a new subsection to read as follows:

"(c) Notwithstanding the provisions of subsection (d) of this Code section, the ~~The~~ department shall not issue any driver's license to nor renew the driver's license of any person:

(1) Whose license has been suspended during such suspension, or whose license has been revoked, except as otherwise provided in this chapter;

(2) Whose license is currently under suspension or revocation in any other jurisdiction upon grounds which would authorize the suspension or revocation of a license under this chapter;

(3) Who is a habitual user of alcohol or any drug to a degree rendering him or her incapable of safely driving a motor vehicle;

(4) Who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

(5) Who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(6) Who the commissioner has good cause to believe would not, by reason of physical or mental disability, be able to operate a motor vehicle with safety upon the highway; or

(7) Whose license issued by any other jurisdiction is suspended or revoked by such other jurisdiction during the period such license is suspended or revoked by such other jurisdiction.

(d) The department is authorized to issue a limited driving permit to an applicant whose license is currently under suspension or revocation in any other jurisdiction upon grounds which would authorize the suspension or revocation of a license under this chapter, provided that the applicant is otherwise eligible for such limited driving permit in accordance with paragraph (1) of subsection (a) of Code Section 40-5-64."

SECTION 3.

Said chapter is further amended in Code Section 40-5-25, relating to application fees for drivers' licenses, by revising subsection (b) as follows:

"(b)(1) Each person applying for a Class P commercial or noncommercial instruction permit for a Class A, B, C, E, F, or M driver's license shall pay the applicable license fee prior to attempting the knowledge test for the instruction permit sought when the knowledge test is to be administered by the department. If said person fails to achieve a passing score on the knowledge test, the license fee paid shall be considered a testing fee and retained by the department. Any person failing to achieve a passing score on the knowledge test for an instructional permit shall pay the applicable license fee on each subsequent attempt until successful, at which time said fee shall be his or her license fee.

(2) The department shall waive the license fee for each person applying for a Class P noncommercial instruction permit for a Class C driver's license when the noncommercial knowledge test is to be administered by a licensed driver training school or public or private high school authorized to administer such tests as provided for in subsection (d) of Code Section 40-5-27.

(3) Each person applying for a Class A, B, or C commercial driver's license shall pay the applicable license fee at the time that he or she schedules his or her appointment for said skills test. If said person fails to appear for his or her scheduled skills test appointment or fails to achieve a passing score on the skills test, the license fee paid shall be considered a testing fee and retained by the department. The person shall pay the applicable license fee on each subsequent attempt until successful, at which time said fee shall be his or her license fee. All fees retained by the department pursuant to this Code section shall be remitted to the general fund."

SECTION 4.

Said chapter is further amended in Code Section 40-5-27, relating to examination of driver's license applicants, by revising paragraph (1) of subsection (c) as follows:

"(c)(1) Except as provided in paragraphs (2), (3), and (4) of this subsection, no noncommercial driver's license shall be issued to any person who does not have a visual acuity of 20/60, corrected or uncorrected, in at least one eye or better and a horizontal field of vision with both eyes open of at least 140 degrees or, in the event that one eye only has usable vision, horizontal field of vision must be at least 70 degrees temporally and 50 degrees nasally."

SECTION 5.

Said chapter is further amended in Code Section 40-5-28, relating to contents of drivers' licenses, by revising subsection (a) as follows:

"(a) Except as provided in subsection (c) of this Code section, the department shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver's license indicating the type or general class of vehicles the licensee may drive, which license shall be upon a form prescribed by the department and which shall bear thereon a distinguishing number assigned to the licensee, a ~~color~~ photograph of the licensee, the licensee's full legal name, either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with a pen and ink immediately upon receipt of the license, and such other information or identification as is required by the department. No license shall be valid until it has been so signed by the licensee. The department shall not require applicants to submit or otherwise obtain from applicants any fingerprints or any other biological characteristic or information which uniquely identifies an individual, including without limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not including a photograph, by any means upon application."

SECTION 6.

Said chapter is further amended in Code Section 40-5-54.1, relating to denial or suspension of a driver's license for noncompliance with a child support order, by revising subsection (b) as follows:

"(b) The department shall suspend, as provided in Code Sections 19-6-28.1 and 19-11-9.3, the license of any driver upon receiving a record from the agency or a court of competent jurisdiction stating that such driver is not in compliance with an order for child support. The department shall send notice of any suspension imposed pursuant to this Code section. Such notice shall be sent via ~~certified~~ first-class mail to the address reflected on its records as the driver's mailing address. ~~The mailing of such notice by the department shall be deemed conclusively to be notice to such driver of the suspension of his or her driver's license and shall be deemed to satisfy all notice requirements of law, and no further notice to the driver shall be required for the suspensions provided for in this Code section.~~"

SECTION 7.

Said chapter is further amended in Code Section 40-5-56, relating to suspension of driving privileges for failure to respond to a citation, by revising subsection (a) as follows:

"(a) Notwithstanding any other provisions of this chapter or any other law to the contrary, the department shall suspend the driver's license or privilege to operate a motor vehicle in this state of any person who has failed to respond to a citation to appear before a court of competent jurisdiction in this state or in any other state for a traffic violation other than a parking violation. Such suspension shall be effective on the twenty-ninth calendar day following notice to the department from the court of such person's failure to appear. The department shall include language in the uniform traffic citation stating that failure to appear and respond to such citation shall result in the suspension of the violator's driver's license or nonresident driving privilege on the twenty-ninth calendar day following notice to the department from the court of his or her failure to appear. The language reflected on a uniform traffic citation issued in this state shall be ~~sufficient notice of said suspension~~ deemed conclusively to be legal notice to such driver of the suspension of his or her driver's license and shall be deemed to satisfy all notice requirements of law, and no further notice to the driver shall be required for the suspension provided for in this Code section. Such notice shall be sufficient to support a conviction for a violation of Code Section 40-5-121 if such person drives subsequent to the imposition of such a suspension following his or her failure to appear and before complying with the reinstatement provisions in subsection (b) of this Code section. Notwithstanding the foregoing, the department shall send notice of any suspension imposed pursuant to this Code section~~. Such notice shall be sent via certified~~ via first-class mail to the address reflected on its records as the person's mailing address. ~~Proof of receipt of said notice shall be admissible to support a conviction for a violation of Code Section 40-5-121 if such person drives subsequent to the imposition of such a suspension following his or her failure to appear.~~"

SECTION 8.

Said chapter is further amended by revising Code Section 40-5-57.1, relating to suspension and reinstatement of drivers' licenses for persons under a certain age, as follows:

"(a) Notwithstanding any other provision of this chapter, the driver's license of any person under 21 years of age convicted of hit and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer, reckless driving, any offense for which four or more points are assessable under subsection (c) of Code Section 40-5-57, purchasing an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23, or violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23, or violation of Code Section 40-6-391 shall be suspended by ~~the department~~ operation of law as provided by this Code section~~; and the~~. A plea of nolo contendere shall be considered a conviction for the purposes of this subsection. The court in which such conviction is had shall require the surrender to it of the driver's license then held by the person so convicted, and the court shall thereupon forward such license and a copy of the disposition to the department within ten days after the conviction. The department shall send notice of any suspension imposed pursuant to this subsection via first-class mail to the address reflected on its records as the person's mailing address.

(b) The driver's license of any person under 18 years of age who has accumulated a violation point count of four or more points under Code Section 40-5-57 in any consecutive 12 month period shall be suspended by the department as provided by subsection (c) of this Code section. A plea of nolo contendere shall be considered a conviction for purposes of this subsection. Notice of suspension shall be given by certified first-class mail or statutory overnight delivery, return receipt requested~~;~~, to the address reflected in the department's records as the driver's mailing address or, in lieu thereof, notice may be given by personal service upon such person. ~~Such license shall be surrendered within ten days of notification of such suspension.~~ Notice given by certified mail or statutory overnight delivery, return receipt requested, mailed to the person's last known address shall be prima-facie evidence that such person received the required notice.

~~(b)~~(c) A person whose driver's license has been suspended under subsection (a) or (b) of this Code section shall:

(1) Subject to the requirements of subsection ~~(c)~~(d) of this Code section and except as otherwise provided by paragraph (2) of this subsection:

(A) Upon a first such suspension, be eligible to apply for license reinstatement and, subject to payment of required fees, have his or her driver's license reinstated after six months; and

(B) Upon a second or subsequent such suspension, be eligible to apply for license reinstatement and, subject to payment of required fees, have his or her driver's license reinstated after 12 months; or

(2)(A) Upon the first conviction of a violation of Code Section 40-6-391, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, have his or her license suspended for a period of six months unless the driver's blood alcohol concentration at the time of the offense was 0.08 grams or more or the person has previously been subject to a suspension pursuant to paragraph (1) of this subsection, in which case the period of suspension shall be for 12 months.

(B) Upon the second conviction of a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, have his or her license suspended for a period of 18 months.

(C) Upon the third conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, be considered a habitual violator, and such person's license shall be revoked as provided for in Code Section 40-5-58.

~~(b.1)~~(c.1) In any case where a person's driver's license was administratively suspended as a result of a violation of Code Section 40-6-391 for which the person's driver's license has been suspended pursuant to subsection (c) of this Code section, the administrative license suspension period and the license suspension period provided by this Code section may run concurrently, and any completed portion of such administrative license suspension period shall apply toward completion of the license suspension period provided by this Code section.

~~(c)~~(d)(1) Any driver's license suspended under subsection (a) or (b) of this Code section for commission of any offense other than violation of Code Section 40-6-391 shall not become valid and shall remain suspended until such person submits proof of completion of a defensive driving course approved by the commissioner pursuant to Code Section 40-5-83 and pays the applicable reinstatement fee. Any driver's license suspended under subsection (a) of this Code section for commission of a violation of Code Section 40-6-391 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the applicable reinstatement fee.

(2) The reinstatement fee for a first such suspension shall be $210.00 or $200.00 if paid by mail. The reinstatement fee for a second or subsequent such suspension shall be $310.00 or $300.00 if paid by mail.

~~(d)~~(e) A suspension provided for in subsection (a) of this Code section shall be imposed based on the person's age on the date of the conviction giving rise to the suspension."

SECTION 9.

Said chapter is further amended in Code Section 40-5-64, relating to limited driving permits for certain offenders, by revising subsections (c) and (c.1) as follows:

"(c) **Standards for approval.** The department shall issue a limited driving permit if the application indicates that refusal to issue such permit would cause extreme hardship to the applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the purposes of this Code section, 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and therefore the applicant would be prohibited from:

(1) Going to his or her place of employment <u>or performing the normal duties of his or her occupation</u>;

(2) Receiving scheduled medical care or obtaining prescription drugs;

(3) Attending a college or school at which he or she is regularly enrolled as a student;

(4) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner;

(5) Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by the commissioner;

(6) Attending court, reporting to a probation office or officer, or performing community service; or

(7) Transporting an immediate family member who does not hold a valid driver's license for work, medical care, or prescriptions or to school.

(c.1) **Exception to standards for approval.**

(1) The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code section shall not apply and shall not be considered for purposes of granting a limited driving permit or imposing conditions thereon under this Code section in the case of a driver's license suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22.

(2) An ignition interlock device limited driving permit shall be restricted to allow the holder thereof to drive solely for the following purposes:

(A) Going to his or her place of employment <u>or performing the normal duties of his or her occupation</u>;

(B) Attending a college or school at which he or she is regularly enrolled as a student;

(C) Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; and

(D) Going for monthly monitoring visits with the permit holder's ignition interlock device service provider."

SECTION 10.

Said chapter is further amended in Code Section 40-5-100, relating to contents of personal identification cards, by revising subsection (a) as follows:

"(a) The department shall issue personal identification cards to all residents as defined in Code Section 40-5-1 who make application to the department in accordance with rules and regulations prescribed by the commissioner. Cards issued to applicants under 21 years of age shall contain the distinctive characteristics of drivers' licenses issued pursuant to Code Section 40-5-26. The identification card shall be similar in form but distinguishable in color from motor vehicle drivers' licenses and may contain a recent ~~color~~ photograph of the applicant and include the following information:

(1) Full legal name;
(2) Address of residence;
(3) Birth date;
(4) Date identification card was issued;
(5) Sex;
(6) Height;
(7) Weight;
(8) Eye color;
(9) Signature of person identified or facsimile thereof; and
(10) Such other information or identification as required by the department; provided, however, that the department shall not require an applicant to submit or otherwise obtain from an applicant any fingerprints or any other biological characteristic or information which uniquely identifies an individual, including without limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not including a photograph, by any means upon application."

SECTION 11.

Said chapter is further amended in Code Section 40-5-150, relating to contents of commercial drivers' licenses, by revising subsection (a) as follows:

"(a) The commercial driver's license shall be marked 'Commercial Driver's License' or 'CDL' and shall be, to the maximum extent practicable, tamperproof, and shall include, but not be limited to, the following information:

(1) The full legal name and residential address of the person;
(2) The person's ~~color~~ photograph;
(3) A physical description of the person, including sex, height, weight, and eye color;
(4) Full date of birth;
(5) The license number or identifier assigned by the department;
(6) The person's signature;
(7) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive, together with any endorsements or restrictions;
(8) The name of this state; and
(9) The dates between which the license is valid."

SECTION 12.

Said chapter is further amended in Code Section 40-5-171, relating to contents of personal identification cards for persons with disabilities, by revising subsection (a) as follows:

"(a) The department shall issue personal identification cards to persons with disabilities who make application to the department in accordance with rules and regulations prescribed by the commissioner. The identification card for persons with disabilities shall contain a recent ~~color~~ photograph of the applicant and the following information:

(1) Full legal name;
(2) Address of residence;
(3) Birth date;
(4) Date identification card was issued;
(5) Date identification card expires;
(6) Sex;
(7) Height;
(8) Weight;
(9) Eye color;
(10) Signature of person identified or facsimile thereof; and
(11) Such other information as required by the department; provided, however, that the department shall not require an applicant to submit or otherwise obtain from an applicant any fingerprints or any other biological characteristic or information which uniquely identifies an individual, including without limitation deoxyribonucleic acid (DNA) and retinal scan identification characteristics but not including a photograph, by any means upon application."

SECTION 13.

Said chapter is further amended in Code Section 40-5-121, relating to driving while license is suspended or revoked, by adding a new subsection to read as follows:

"(e) When a license or nonresident driving privilege has been suspended pursuant to Code Section 40-5-56, proof that a driver acknowledged service and receipt of a copy of a uniform traffic citation at the time it was issued shall be deemed conclusively to be legal notice to such driver of the suspension of his or her driver's license or nonresident driving privilege on the twenty-ninth calendar day following notice to the department from the court of his or her failure to appear and shall be deemed to satisfy all notice requirements of law. Such proof shall be sufficient to support a conviction for a violation of this Code section if such person drives subsequent to the imposition of a suspension under Code Section 40-5-56 and before complying with the reinstatement provisions in subsection (b) of Code Section 40-5-56."

SECTION 14.

Code Section 42-8-112 of the Official Code of Georgia Annotated, relating to timing for issuance of ignition interlock device limited driving permits, is amended by revising paragraph (1) of subsection (a) as follows:

"(a)(1) In any case where the court grants a certificate of eligibility for an ignition interlock device limited driving permit or probationary license pursuant to Code Section 42-8-111 to a person whose driver's license is suspended pursuant to subparagraph ~~(b)~~(c)(2)(C) of Code Section 40-5-57.1 or paragraph (2) of subsection (a) of Code Section 40-5-63, the Department of Driver Services shall not issue an ignition interlock device limited driving permit until after the expiration of 120 days from the date of the conviction for which such certificate was granted."

SECTION 15.

This Act shall become effective on July 1, 2015, except for Sections 7 and 13 which shall become effective on July 1, 2016.

SECTION 16.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Willard of the 51st and Ehrhart of the 36th offer the following amendment:

Amend the House Committee on Public Safety substitute to HB 114 (LC 41 0424S) by deleting lines 128 through 144 and inserting in lieu thereof the following:

parking violation. The department shall include language in the uniform traffic citation stating that failure to appear and respond to such citation shall result in the suspension of the violator's driver's license or nonresident driving privilege. ~~The language reflected on a uniform traffic citation issued in this state shall be sufficient notice of said suspension to support a conviction for a violation of Code Section 40-5-121 if such person drives subsequent to the imposition of such a suspension following his or her failure to appear. Notwithstanding the foregoing, the department shall send notice of any suspension imposed pursuant to this Code section. Such notice shall be sent via certified mail to the address reflected on its records as the person's mailing address. Proof of receipt of said notice shall be admissible to support a conviction~~ If the driver fails to appear before the charging court of competent jurisdiction as directed by the uniform traffic citation, the clerk of such court shall send notice via certified mail, return receipt requested, advising such person of his or her failure to appear at the specified date and time in the court in which the citation was to be heard. Such notice shall include the date, time, and location of the court in which the person failed to appear and shall notify the person of a date, no more than 30 days later, by which such person shall appear before the court for the person's failure to appear. If the person fails to appear before the court after such notice from the clerk of the court, a bench warrant may be issued for such failure to appear. If a bench warrant has been issued and the court concludes that such driver's license should be suspended, the court shall then notify the department of the issuance of a bench warrant for failure to appear. The

department shall, upon being advised that a bench warrant has been issued for the person, send notice of intent to suspend a license pursuant to this Code section via first-class mail to the address reflected in the department's records as the person's mailing address, informing the person that his or her driver's license will be suspended unless the pending charges under the citation and the bench warrant issued for the person's arrest are resolved within 30 days of the date of the notice and the department is notified by the charging court of such resolution. Such notice of intent to suspend shall support a conviction for a violation of Code Section 40-5-121.

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abrams
Y Alexander
Y Allison
E Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coomer
Y Cooper
Y Corbett
Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
Y Golick
Y Gordon
Y Gravley
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Jones, S
Y Jordan
Y Kaiser
Y Kelley
Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Meadows
E Mitchell
Y Morris
Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Thomas, A.M.
Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
N Williams, E
Y Williamson

Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 163, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 103. By Representatives Belton of the 112th, Dickerson of the 113th, Tanner of the 9th, Williams of the 119th, Peake of the 141st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order, so as to prohibit any person from causing a minor to be identified as the individual in an obscene depiction; to provide for definitions; to provide for venue; to provide for exceptions; to provide for penalties; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order, so as to prohibit any person from causing a minor to be identified as the individual in an obscene depiction; to provide for definitions; to provide for venue; to provide for exceptions; to provide for penalties; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as "Kelsey's Law."

SECTION 2.

Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order, is amended by adding a new Code section to read as follows:

"16-11-40.1.

(a) As used in this Code section, the term:

(1) 'Minor' means an individual who is under the age of 18 years.

(2) 'Nudity' shall have the same meaning as set forth in Code Section 16-11-90.

(3) 'Obscene depiction' means a visual depiction of an individual displaying nudity or sexually explicit conduct.

(4) 'Sexually explicit conduct' shall have the same meaning as set forth in Code Section 16-12-100.

(b) No person shall intentionally cause a minor to be identified as the individual in an obscene depiction in such a manner that a reasonable person would conclude that the image depicted was that of such minor. Such identification shall include, without limitation, the minor's name, address, telephone number, e-mail address, username, or other electronic identification. Such identification shall also include the electronic imposing of the facial image of a minor onto an obscene depiction.

(c) Any person convicted of violating this Code section shall be guilty of a misdemeanor; provided, however, that upon a second or subsequent violation of this Code section, he or she shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not less than one nor more than five years, a fine of not more than $100,000.00, or both.

(d) A person shall be subject to prosecution in this state pursuant to Code Section 17-2-1 for any conduct made unlawful by this Code section in which such person engages while:

(1) Either within or outside of this state if, by such conduct, the person commits a violation of this Code section which involves an individual who resides in this state; or

(2) Within this state if, by such conduct, the person commits a violation of this Code section which involves an individual who resides within or outside this state.

(e) The provisions of subsection (b) of this Code section shall not apply to:

(1) The activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses; or

(2) An image and identification made pursuant to or in anticipation of a civil action.

(f) Any violation of this Code section shall constitute a separate offense and shall not merge with any other crimes set forth in this title."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Smith, M
E Anderson	Dawkins-Haigler	Y Hatchett	Mosby	Y Smith, R

Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Thomas, A.M.
Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 164, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 237. By Representatives Williamson of the 115th, Dudgeon of the 25th, Hamilton of the 24th, Martin of the 49th, Ramsey of the 72nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of and exemptions from state income tax, so as to extend the angel investor tax credit; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of and exemptions from state income tax, so as to extend the angel investor tax credit; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of and exemptions from state income tax, is amended by revising Code Section 48-7-40.30, relating to an income tax credit for certain qualified investments for a limited period of time, as follows:

"48-7-40.30.

(a) The General Assembly finds that entrepreneurial businesses significantly contribute to the economy of ~~the~~ this state. The intent of this Code section is to achieve the following:

(1) To encourage individual investors to invest in early stage, innovative, wealth-creating businesses;

(2) To enlarge the number of high quality, high paying jobs within ~~the~~ this state both to attract qualified individuals to move to and work within this state and to retain young people educated in Georgia's universities and colleges;

(3) To expand the economy of Georgia by enlarging its base of wealth-creating businesses; and

(4) To support businesses seeking to commercialize technology invented in Georgia's universities and colleges.

(b) As used in this Code section, the term:

(1) 'Allowable credit' means the credit as it may be reduced pursuant to ~~subparagraph~~ paragraph (3) of subsection (i) of this Code section.

(2) 'Headquarters' means the principal central administrative office of a business located in this state which conducts significant operations of such business.

(3) 'Net income tax liability' means income tax liability reduced by all other credits allowed under this chapter.

(4) 'Pass-through entity' means a partnership, an S-corporation, or a limited liability company taxed as a partnership.

(5) 'Professional services' means those services specified in paragraph (2) of Code Section 14-7-2 or any service which requires as a condition precedent to the rendering of such service the obtaining of a license from a state licensing board pursuant to Title 43.

(6) 'Qualified business' means a registered business that:

(A) Is either a corporation, limited liability company, or a general or limited partnership located in this state;

(B) Was organized no more than three years before the qualified investment was made;

(C) Has its headquarters located in this state at the time the investment was made and has maintained such headquarters for the entire time the qualified business benefited from the tax credit provided for pursuant to this Code section;

(D) Employs 20 or fewer people in this state at the time it is registered as a qualified business;

(E) Has had in any complete fiscal year before registration gross annual revenue as determined in accordance with the Internal Revenue Code of $500,000.00 or less on a consolidated basis;

(F) Has not obtained during its existence more than $1 million in aggregate gross cash proceeds from the issuance of its equity or debt investments, not including commercial loans from chartered banking or savings and loan institutions;

(G) Has not utilized the tax credit described in Code Section 48-7-40.26;

(H) Is primarily engaged in manufacturing, processing, online and digital warehousing, online and digital wholesaling, software development, information technology services, or research and development~~,~~ or is a business providing services other than those described in subparagraph (I) of this paragraph; and

(I) Does not engage substantially in:

(i) Retail sales;

(ii) Real estate or construction;

(iii) Professional services;

(iv) Gambling;

(v) Natural resource extraction;

(vi) Financial, brokerage, or investment activities or insurance; or

(vii) Entertainment, amusement, recreation, or athletic or fitness activity for which an admission or membership is charged.

A business shall be substantially engaged in one of the above activities if its gross revenue from such activity exceeds 25 percent of its gross revenues in any fiscal year or it is established pursuant to its articles of incorporation, articles of organization, operating agreement, or similar organizational documents to engage in such activity as one of its primary purposes.

(7) 'Qualified investment' means an investment by a qualified investor of cash in a qualified business for common or preferred stock or an equity interest or a purchase for cash of qualified subordinated debt in a qualified business; provided, however, that funds constituting a qualified investment cannot have been raised or be raised as a result of other tax incentive programs. Furthermore, no investment of common or preferred stock or an equity interest or purchase of subordinated debt shall qualify as a qualified investment if a broker fee or commission or a similar remuneration is paid or given directly or indirectly for soliciting such investment or purchase.

(8) 'Qualified investor' means an accredited investor as that term is defined by the United States Securities and Exchange Commission who is:

(A) An individual person who is a resident of this state or a nonresident who is obligated to pay taxes imposed by this chapter; or

(B) A pass-through entity which is formed for investment purposes, has no business operations, has committed capital under management of equal to or less than $5 million, and is not capitalized with funds raised or pooled through private placement memoranda directed to institutional investors. A venture capital fund or commodity fund with institutional investors or a hedge fund shall not qualify as a qualified investor.

(9) 'Qualified subordinated debt' means indebtedness that is not secured, that may or may not be convertible into common or preferred stock or other equity interest, and that is subordinated in payment to all other indebtedness of the qualified business issued or to be issued for money borrowed and no part of which has a maturity date less than five years after the date such indebtedness was purchased.

(10) 'Registered' or 'registration' means that a business has been certified by the commissioner as a qualified business at the time of application to the commissioner.

(c) A qualified business shall register with the commissioner for purposes of this Code section. Approval of such registration shall constitute certification by the commissioner for 12 months after being issued. A business shall be permitted to renew its registration with the commissioner so long as, at the time of renewal, the business remains a qualified business.

(d) Any individual person making a qualified investment directly in a qualified business in the 2011, 2012, 2013, 2014, ~~or~~ 2015, 2016, 2017, 2018, 2019, or 2020 calendar year shall be allowed a tax credit of 35 percent of the amount invested against the tax imposed by this chapter commencing on January 1 of the second year following the year in which the qualified investment was made as provided in this Code section.

(e) Any pass-through entity making a qualified investment directly in a qualified business in the 2011, 2012, 2013, 2014, ~~or~~ 2015, 2016, 2017, 2018, 2019, or 2020 calendar year shall be allowed a tax credit of 35 percent of the amount invested against the tax imposed by this chapter commencing on January 1 of the second year following the year in which the qualified investment was made as provided in this Code section. Each individual who is a shareholder, partner, or member of an entity shall be allocated the credit allowed the pass-through entity in an amount determined in the same manner as the proportionate shares of income or loss of such pass-through entity would be determined. If an individual's share of the pass-through entity's credit is limited due to the maximum allowable credit under this Code section for a taxable year, the pass-through entity and its owners may not reallocate the unused credit among the other owners.

(f) Tax credits claimed pursuant to this Code section shall be subject to the following conditions and limitations:

(1) The qualified investor shall not be eligible for the credit for the taxable year in which the qualified investment is made but shall be eligible for the credit for the second taxable year beginning after the qualified investment is made as provided in subsection (d) or (e) of this Code section;

(2) The aggregate amount of credit allowed an individual for one or more qualified investments in a single taxable year under this Code section, whether made directly or

by a pass-through entity and allocated to such individual, shall not exceed $50,000.00;

(3) In no event shall the amount of the tax credit allowed an individual under this Code section for a taxable year exceed such individual's net income tax liability. Any unused credit amount shall be allowed to be carried forward for five years from the close of the taxable year in which the qualified investment was made. No such credit shall be allowed against prior years' tax liability;

(4) The qualified investor's basis in the common or preferred stock, equity interest, or subordinated debt acquired as a result of the qualified investment shall be reduced for purposes of this chapter by the amount of the allowable credit; and

(5) The credit shall not be transferrable by the qualified investor except to the heirs and legatees of the qualified investor upon his or her death and to his or her spouse or incident to divorce.

(g) The registration of a business as a qualified business shall be subject to the following conditions and limitations:

(1) If the commissioner finds that any of the information contained in an application of a business for registration under this Code section is false, the commissioner shall revoke the registration of such business. The commissioner shall not revoke the registration of a business solely because it ceases business operations for an indefinite period of time, as long as the business renews its registration;

(2) A registration as a qualified business may not be sold or otherwise transferred, except that, if a qualified business enters into a merger, conversion, consolidation, or other similar transaction with another business and the surviving company would otherwise meet the criteria for being a qualified business, the surviving company retains the registration for the 12 month registration period without further application to the commissioner. In such a case, the qualified business must provide the commissioner with written notice of the merger, conversion, consolidation, or similar transaction and such other information as required by the commissioner; and

(3) The commissioner shall report to the House Committee on Ways and Means and the Senate Finance Committee each year all of the businesses that have registered with the commissioner as a qualified business. The report shall include the name and address of each business, the location of its headquarters, a description of the types of business in which it engages, the number of jobs created by the business during the period covered by the report, and the average wages paid by these jobs.

(h) Any credit claimed under this Code section shall be recaptured in the following situations and shall be subject to the following conditions and limitations:

(1) If within two years after the qualified investment was made, the qualified investor transfers any of the securities or subordinated debt received in the qualified investment to another person or entity, other than a transfer resulting from one of the following:

(A) The death of the qualified investor;

(B) A transfer to the spouse of the qualified investor or incident to divorce; or

(C) A merger, conversion, consolidation, sale of the qualified business's assets, or similar transaction requiring approval by the owners of the qualified business under

applicable law, to the extent the qualified investor does not receive cash or tangible property in such merger, conversion, consolidation, sale, or other similar transaction;
(2) Except as provided in paragraph (1) of this subsection, if within five years after the qualified investment was made, the qualified business makes a redemption with respect to the securities received or pays any principal of the subordinated debt;
(3) If within two years after the qualified investment was made, the qualified investor participates in the operation of the qualified business. For the purpose of this paragraph, a qualified investor participates in the operation of a qualified business if the qualified investor, or the qualified investor's spouse, parent, sibling, or child, or a business controlled by any of these individuals, provides services of any nature to the qualified business for compensation, whether as an employee, a contractor, or otherwise. However, a person who provides uncompensated professional advice to a qualified business, whether as an officer, a member of the board of directors or managers or otherwise, or participates in a stock or membership option or stock or membership plan, or both, shall be eligible for the credit;
(4) The amount of the credit recaptured shall apply only to the qualified investment in the particular qualified business in which the investment was made;
(5) The amount of the recaptured tax credit determined under this subsection shall be added to the qualified investor's income tax liability for the taxable year in which the recapture occurs under this subsection; and
(6) In the event the credit is recaptured because the qualified business ceases business operations, dissolves, or liquidates, the qualified investor may claim either the credit authorized under this Code section or any capital loss the qualified investor otherwise would be able to claim regarding that qualified business, but shall not be authorized to claim and be allowed both.
(i)(1) A qualified investor seeking to claim a tax credit provided for under this Code section shall submit an application to the commissioner for tentative approval of such tax credit between September 1 and October 31 of the year for which the tax credit is claimed or allowed. The commissioner shall promulgate the rules and forms on which the application is to be submitted. Amounts specified on such application shall not be changed by the qualified investor after the application is approved by the commissioner. The commissioner shall review such application and shall tentatively approve such application upon determining that it meets the requirements of this Code section.
(2) The commissioner shall provide tentative approval of the applications by the date provided in paragraph (3) of this subsection as follows:
(A) The total aggregate amount of all tax credits allowed to qualified investors or pass-through entities for investments made in the 2011 calendar year and claimed and allowed in the 2013 taxable year shall not exceed $10 million in such year;
(B) The total aggregate amount of all tax credits allowed to qualified investors or pass-through entities for investments made in the 2012 calendar year and claimed and allowed in the 2014 taxable year shall not exceed $10 million in such year;

(C) The total aggregate amount of all tax credits allowed to qualified investors or pass-through entities for investments made in the 2013 calendar year and claimed and allowed in the 2015 taxable year shall not exceed $10 million in such year;

(D) The total aggregate amount of all tax credits allowed to qualified investors or pass-through entities for investments made in the 2014 calendar year and claimed and allowed in the 2016 taxable year shall not exceed $5 million in such year; ~~and~~

(E) The total aggregate amount of all tax credits allowed to qualified investors or pass-through entities for investments made in the 2015 calendar year and claimed and allowed in the 2017 taxable year shall not exceed $5 million in such year;

(F) The total aggregate amount of all tax credits allowed to qualified investors or pass-through entities for investments made in the 2016 calendar year and claimed and allowed in the 2018 taxable year shall not exceed $5 million in such year;

(G) The total aggregate amount of all tax credits allowed to qualified investors or pass-through entities for investments made in the 2017 calendar year and claimed and allowed in the 2019 taxable year shall not exceed $5 million in such year;

(H) The total aggregate amount of all tax credits allowed to qualified investors or pass-through entities for investments made in the 2018 calendar year and claimed and allowed in the 2020 taxable year shall not exceed $5 million in such year;

(I) The total aggregate amount of all tax credits allowed to qualified investors or pass-through entities for investments made in the 2019 calendar year and claimed and allowed in the 2021 taxable year shall not exceed $5 million in such year; and

(J) The total aggregate amount of all tax credits allowed to qualified investors or pass-through entities for investments made in the 2020 calendar year and claimed and allowed in the 2022 taxable year shall not exceed $5 million in such year.

(3) The commissioner shall notify each qualified investor of the tax credits tentatively approved and allocated to such qualified investor by December 31 of the year in which the application was submitted. In the event that the credit amounts on the tax credit applications filed with the commissioner exceed the maximum aggregate limit of tax credits under this subsection, then the tax credits shall be allocated among the qualified investors who filed a timely application on a pro rata basis based upon the amounts otherwise allowed by this Code section. Once the tax credit application has been approved and the amount approved has been communicated to the applicant, the qualified investor may then apply the amount of the approved tax credit to its tax liability for the tax year for which the approved application applies.

(j) The commissioner shall promulgate any rules and regulations necessary to implement and administer this Code section."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Williamson of the 115th and O'Neal of the 146th offer the following amendment:

Amend the substitute to HB 237 (LC 34 4509S) by replacing the underlined portion on line 99 with the following:
<u>, 2016, 2017, or 2018</u>

By replacing the underlined portion on line 104 with the following:
<u>, 2016, 2017, or 2018</u>

By adding "<u>and</u>" *at the end of line 219.*

By replacing "<u>;</u>" *at the end of line 222 with* "." *and by deleting lines 223 through 228.*

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
E Anderson	Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch

Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 170, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 204. By Representatives Beskin of the 54th, Willard of the 51st, Pak of the 108th, Caldwell of the 131st, Oliver of the 82nd and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Civil Practice Act," so as to change provisions relating to when opposing affidavits shall be served in motions for summary judgment; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Civil Practice Act," so as to change provisions relating to when opposing affidavits shall be served generally and in motions for summary judgment; to provide for procedure; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Civil Practice Act," is amended by revising subsection (d) of Code Section 9-11-6, relating to time, as follows:

"(d) **For motions; for affidavits.** A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than five days before the time specified for the hearing, unless a different period is fixed by this

chapter or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion. Except as provided in Code Section 9-11-56, any opposing affidavits shall ~~Opposing affidavits may~~ be served not later than one business day before the hearing, unless the court permits ~~them~~ such affidavits to be served at ~~some other~~ another time."

SECTION 2.

Said chapter is further amended by revising subsections (c) and (e) of Code Section 9-11-56, relating to summary judgment, as follows:

"(c) **Motion and proceedings thereon.** ~~The motion shall be served at least 30 days before the time fixed for the hearing. The adverse party prior to the day of hearing may serve opposing affidavits.~~ A motion for summary judgment may be decided by the court without a hearing unless a hearing is requested by a party. A hearing on a motion for summary judgment shall be permitted if a written request for a hearing is filed with a motion for summary judgment or within five days of the filing of a response to such motion. If a request for a hearing is timely filed, a hearing shall be held not earlier than 45 days from the date of service of the motion for summary judgment. Opposing affidavits, if used, shall be served not later than seven days before the date set for a hearing, unless the court permits such affidavits to be served at another time. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law; but nothing in this Code section shall be construed as denying to any party the right to trial by jury ~~where~~ when there are substantial issues of fact to be determined. A summary judgment may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damage."

"(e) **Form of affidavits; further testimony; defense required.** Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in the evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. All affidavits shall be filed with the court and copies thereof shall be served on the opposing parties as provided in subsection (c) of this Code section. When a motion for summary judgment is made and supported as provided in this Code section, an adverse party may not rest upon the mere allegations or denials of ~~his~~ such party's pleading, but ~~his~~ such party's response, by affidavits or as otherwise provided in this Code section, ~~must~~ shall set forth specific facts showing that there is a genuine issue for trial. If ~~he~~ an adverse party does not so respond, summary judgment, if appropriate, shall be entered against ~~him~~ such party."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams
Y Alexander
Y Allison
E Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
E Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 169, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following Bill of the House, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

HB 89. By Representatives Bruce of the 61st, Brooks of the 55th, Beasley-Teague of the 65th, Reeves of the 34th and Jones of the 53rd:

A BILL to be entitled an Act to amend Code Section 16-13-32.6 of the Official Code of Georgia Annotated, relating to manufacturing, distributing, dispensing, or possessing with intent to distribute controlled substances or marijuana in, on, or within drug-free commercial zones, so as to change the date of incorporation of local ordinances by reference; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	N Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Floyd	Y Kendrick	Y Reeves	Y Watson
N Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Martin	Y Scott	Y Williams, C

N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 167, nays 4.

The Bill, having received the requisite constitutional majority, was passed.

The following communication was received:

House of Representatives
Coverdell Legislative Office Building, Room 511 B
Atlanta, Georgia 30334

To: Whom It May Concern:

I would like to be recorded Yes on HB 72, HB 89, and HB 103, Thank you.

/s/ "Able" Mable Thomas

The following report of the Committee on Rules was read and adopted:

HOUSE SUPPLEMENTAL RULES CALENDAR
WEDNESDAY, MARCH 11, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 29th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HB 314 Professions and businesses; State Board of Barbers and State Board of Cosmetology; combine (Substitute)(RegI-Tankersley-160th)

HB 361 Juvenile Code; enact reforms as recommended by Georgia Council on Criminal Justice reforms; provisions (Substitute)(JuvJ-Welch-110th)

HB 511 Pharmacists and pharmacies; technicians to fill remote automated medication systems in skilled nursing facilities and hospices; authorize (H&HS-Stephens-164th)

HB 540 Interstate cooperation; Senate Interstate Cooperation Committee and House Committee on Interstate Cooperation; clarify number of members (IntC-Dollar-45th)

Modified Structured Rule

HB 98 Appellate courts; provide direct appeals and appeals requiring an application for appeals pertaining to courts-martial; provisions (Substitute)(Judy-Coomer-14th)

HB 154 Magistrate courts; fine amount for contempt of court; increase (Judy-Weldon-3rd)

HB 225 Local government; all for-hire drivers obtain a for-hire license endorsement before driving for hire; provide (Substitute)(RegI-Powell-32nd) (AM 28 1391)

HB 263 Criminal Justice Coordinating Council; advisory board to the council for juvenile justice issues; provide (Substitute)(JuvJ-Coomer-14th)

HB 279 Public officers and employees; annual salaries of Supreme Court Justices, Court of Appeals, superior court judges and district attorneys; repeal provisions (Substitute)(App-Powell-171st)(AM 29 2375)

HB 288 Behavioral Health Coordinating Council; two additional members to serve on council; provide (Substitute)(H&HS-Dempsey-13th)

HB 310 Penal institutions; create Board of Community Supervision, Department of Community Supervision, and Governor's Office of Transition, Support, and Reentry; provisions (Substitute)(JudyNC-Powell-32nd)(AM 29 2374-EC)

HB 461 Secondary metals recyclers; buying and selling regulated metal property; change certain provisions (Substitute)(RegI-Shaw-176th)

HB 512 Mental health; governing and regulation; change certain terminology and provisions (Substitute)(HumR-Jasperse-11th)

HB 517 Echols County; board of education; provide nonpartisan elections (IGC-Corbett-174th)

SB 103 Sales of Alcoholic Beverages on Sunday; allow for local authorization; consumption on the premises on Sundays during St. Patrick's Day holiday period (RegI-Petrea-166th) Jackson-2nd

Structured Rule

HB 319 Taxes; provide for legislative findings concerning gasoline and aviation fuel; provisions (W&M-Nimmer-178th)

HB 374 Ad valorem tax; certain farm equipment held for sale in dealer inventory; exempt (W&M-Nix-69th)

HB 408 Excise tax; rooms, lodging and accommodations; clarify application of certain provisions to certain municipalities (W&M-Willard-51st)
HB 428 Sales and use tax; materials to be used in certain construction projects of zoological institutions; extend exemption (Substitute)(W&M-Stephens-164th)
HB 457 Ad valorem tax; watercraft held in inventory; exempt (Substitute) (W&M-Hawkins-27th)
HB 464 Income tax; water conservation facilities and a shift from ground-water usage; sunset tax credit (Substitute)(W&M-Williamson-115th)
HB 566 State house districts; boundaries of certain districts; revise (Substitute)(L&CR-Nix-69th)

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bills of the House and Senate were taken up for consideration and read the third time:

HB 314. By Representatives Tankersley of the 160th and Rynders of the 152nd:

A BILL to be entitled an Act to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to combine the State Board of Barbers and State Board of Cosmetology; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to combine the State Board of Barbers and State Board of Cosmetology; so as to repeal and reserve Chapter 7 of said title, relating to barbers; to provide for and change certain definitions; to create the State Board of Cosmetology and Barbers; to provide for members, meetings officers, and powers of the board; to change certain provisions relating to rules and regulations of the board as to sanitary requirements; inspections, and other matters; to change certain provisions relating to the issuance of certificates of registration; to provide for the issuance of certificates of registration

relating to barbering; to change certain provisions relating to requirements of certificates of registrations; to change certain provisions relating to the application for certificates of registration, examinations, work permits, reciprocity, and study at technical college or public school; to provide for certificate of registration by endorsement; to change certain provisions relating to the display, renewal, and reinstatement of certificates of registration; to change and provide for continuing education requirements and exemptions thereto; to change certain provisions relating to the registration of certain shops, salons, and schools; to change certain provisions relating to the regulation and permits for schools; to change certain provisions relating to teachers and instructors; to change certain provisions relating to the registration of apprentices; to change certain provisions relating to the board setting the course of study for students and to applications for examination; to change certain provisions relating to the study by persons 16 years of age and older, registration certificates, and waiver of education requirements; to change certain provisions relating to the suspension, revocation, cancellation, or restoration of certificates of registration, reprimands, and fines; to amend other provisions for purposes of conformity; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by repealing and reserving Chapter 7, relating to barbers.

SECTION 2.

Said title is further amended by revising Chapter 10, relating to cosmetologists, as follows:

"CHAPTER 10

43-10-1.

As used in this chapter, the term:

(1) 'Barber apprentice' means an individual who practices barbering under the constant and direct supervision of a licensed master barber.

(2) 'Barber II' means an individual who performs any one or more of the following services for compensation:

(A) Shaving or trimming the beard;

(B) Cutting or dressing the hair;

(C) Giving facial or scalp massages; or

(D) Giving facial or scalp treatment with oils or cream or other preparations made for this purpose, either by hand or by means of mechanical appliances.

(3) 'Barbering' means the occupation of shaving or trimming the beard, cutting or dressing the hair, giving facial or scalp massages, giving facial or scalp treatment with oils or cream or other preparations made for this purpose, either by hand or by means of mechanical appliances, singeing and shampooing the hair, coloring or dyeing the

hair, or permanently waving or straightening the hair of an individual for compensation.

~~(1)~~(4) 'Beautician' means 'cosmetologist' as such term is defined in this Code section.

~~(2)~~(5) 'Beauty shop' or 'beauty salon' or 'barber shop' means any premises where one or more persons engage in barbering or in the occupation of ~~cosmetology~~ a cosmetologist.

~~(3)~~(6) 'Board' means the State Board of Cosmetology and Barbers.

~~(4)~~(7) 'Cosmetologist' means any ~~person~~ individual who performs any one or more of the following services for compensation:

(A) Cuts or dresses the hair;

(B) Gives facial or scalp massage or facial and scalp treatment with oils or creams and other preparations made for this purpose, either by hand or mechanical appliance;

(C) Singes and shampoos the hair, colors or dyes the hair, or does permanent waving of the hair;

(D) Performs nail care, pedicure, or manicuring services as defined in paragraph (9) of this Code section; or

(E) Performs the services of an esthetician as defined in paragraph (5) of this Code section.

Such ~~person~~ individual shall be considered as practicing the occupation of a cosmetologist within the meaning of this Code section; provided, however, that such term shall not mean ~~a person~~ an individual who only braids the hair by hairweaving; interlocking; twisting; plaiting; wrapping by hand, chemical, or mechanical devices; or using any natural or synthetic fiber for extensions to the hair, and no such ~~person~~ individual shall be subject to the provisions of this chapter. Such term shall not apply to ~~a person~~ an individual whose activities are limited to the application of cosmetics which are marketed to individuals and are readily commercially available to consumers.

~~(5)~~(8) 'Esthetician' or 'esthetics operator' means ~~a person~~ an individual who, for compensation, engages in any one or a combination of the following practices, esthetics, or cosmetic skin care:

(A) Massaging the face, ~~or~~ neck, décolletage, or arms of a person;

(B) Trimming, tweezing, shaping, or threading eyebrows;

(C) Dyeing eyelashes or eyebrows or applying eyelash extensions; or

(D) Waxing, threading, stimulating, cleansing, or beautifying the face, neck, arms, shoulders, back, chest, or legs of a person by any method with the aid of the hands or any mechanical or electrical apparatus or by the use of a cosmetic preparation.

Such practices of esthetics shall not include the diagnosis, treatment, or therapy of any dermatological condition or the use of lasers. Such term shall not apply to ~~a person~~ an individual whose activities are limited to the application of cosmetics which are marketed to individuals and are readily commercially available to consumers.

~~(7)~~(9) 'Hair designer' means ~~any person~~ an individual who performs any one or more of the following services for compensation:

(A) Cuts or dresses the hair; or

(B) Singes and shampoos the hair, applies a permanent or relaxer to hair, or colors or dyes the hair.

~~(6)~~(10) ~~Reserved~~ 'Master barber' means an individual who performs any one or more of the following services for compensation;

(A) Shaving or trimming the beard;

(B) Cutting or dressing the hair;

(C) Giving facial or scalp massages;

(D) Giving facial or scalp treatment with oils or cream or other preparations made for this purpose, either by hand or by means of mechanical appliances; or

(E) Singeing and shampooing the hair, coloring or dyeing the hair, or permanently waving or straightening the hair.

~~(8)~~(11) 'Master cosmetologist' means a cosmetologist who is possessed of the requisite skill and knowledge to perform properly all the services ~~mentioned~~ set forth in paragraph ~~(4)~~ (7) of this Code section for compensation.

~~(9)~~(12) 'Nail technician' means ~~a person~~ an individual who, for compensation, performs manicures or pedicures, or trims, files, shapes, decorates, applies sculptured or otherwise artificial ~~nails~~ nail extensions, or in any way cares for the nails of another person.

(13) 'Person' means any individual, proprietorship, partnership, corporation, association, or any other legal entity.

(14) 'School of barbering' means any establishment that receives compensation for training more than one individual in barbering. Technical colleges whose programs have been approved by the Technical College System of Georgia or the Department of Education are not 'barbering schools' within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be 'board approved.'

~~(10)~~(15) 'School of cosmetology' means any establishment that receives compensation for training more than one ~~person~~ individual in the occupation of ~~cosmetology as defined in paragraph (4) of this Code section~~ a cosmetologist. Technical colleges whose programs have been approved by the Technical College System of Georgia or the Department of Education are not 'schools of cosmetology' within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be 'board approved.'

~~(11)~~(16) 'School of esthetics' means any establishment that receives compensation for training more than one ~~person~~ individual in the occupation of ~~esthetics as defined in paragraph (5) of this Code section~~ an esthetician. Technical colleges whose programs have been approved by the Technical College System of Georgia or the Department of Education are not 'schools of esthetics' within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be 'board approved.'

~~(12) Reserved.~~

~~(13)~~(17) 'School of hair design' means any establishment that receives compensation for training more than one ~~person~~ individual in the occupation of ~~hair design as defined in paragraph (7) of this Code section~~ a hair designer. Technical colleges whose programs have been approved by the Technical College System of Georgia or the Department of Education are not schools of hair design within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be 'board approved.'

~~(14)~~(18) 'School of nail care' means any establishment that receives compensation for training more than one person in the occupation of ~~nail care or manicuring as defined in paragraph (9) of this Code section~~ nail technician. Technical colleges whose programs have been approved by the Technical College System of Georgia or the Department of Education are not 'schools of nail care' within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be 'board approved.'

43-10-2.

(a) There is created the State Board of Cosmetology and Barbers. The board shall consist of nine members who shall be residents of this state. The board shall have the duty of carrying out and enforcing this chapter.

(b) Members of the board shall be at least 25 years of age and have obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree~~;~~. ~~and five~~ Two of such members must have had at least five years of practical experience ~~in the practice of cosmetology~~ as a cosmetologist at the master level, a portion of which must have been as a beauty shop or beauty salon owner or manager. One member of the board must have had at least five years of practical experience ~~in the practice of cosmetology~~ as a cosmetologist at the esthetician level. One member of the board must have had at least five years of practical experience as a ~~manicurist~~ nail technician. Two members of the board must have had at least five years of practical experience as a master barber. One member must be an instructor at a school of barbering. One member must be an instructor at school of cosmetology. One member shall not have any connection with barbering or the practice of a cosmetologist or any business related thereto whatsoever but shall have a recognized interest in consumer affairs and in consumer protection concerns.

(c) The board shall meet as necessary each year for the purpose of adopting rules and regulations and handling other matters pertaining to duties of the board. Board members may attend and observe all written and practical examinations held for certificates of registration pursuant to this chapter.

(d) ~~No member of the board shall be affiliated with any school of cosmetology. Two members shall not have any connection with the practice or business of cosmetology whatsoever but shall have a recognized interest in consumer affairs and in consumer protection concerns. No member of the board shall be affiliated or connected in any manner with any manufacturer or wholesale or jobbing house dealing with supplies sold to practitioners of cosmetology while in office~~ Beginning on July 1, 2015, the Georgia

State Board of Cosmetology and Barbers shall regulate barbering and the practice of cosmetologists in this state. The board shall operate under the rules and regulations of the Georgia State Board of Barbers and Georgia State Board of Cosmetology as they existed on June 30, 2015, until the board shall promulgate one set of rules and regulations governing both barbering and the practice of cosmetologists; such rules and regulations shall be adopted on or before July 1, 2016.

(e) Any person who holds a certificate of registration issued under this chapter or Chapter 7 of this title as they existed on June 30, 2015, shall not be required to undergo recertification under this chapter but shall otherwise be subject to all applicable provisions of this chapter. Such certificates of registration issued on or before June 30, 2015, shall be considered certificates of registration issued under and subject to this chapter for all purposes.

~~(e)~~(f) Board members shall be appointed by the Governor for a term of three years and until their successors are appointed and qualified. Vacancies shall be filled by the Governor for the unexpired portion of the term. The board may do all things necessary for carrying this chapter into effect and may, from time to time, promulgate necessary rules and regulations compatible with this chapter. The Governor may remove any board member for cause as provided in Code Section 43-1-17.

~~(f)~~(g) Each year the members shall elect a chairman from among themselves. In the event the members cannot agree as to who shall be chairman, the Governor shall appoint one of such members as chairman. ~~The chairman so elected or appointed shall be eligible to succeed himself or herself.~~ The members of the board shall be considered public officers and shall take the oath required thereof.

~~(g)~~(h) The board shall adopt a seal to be used to authenticate all its official papers and acts and shall have power to subpoena witnesses, administer oaths, and hear and take testimony in any matter over which it may have jurisdiction.

(i) All investigative and disciplinary authority of the Georgia State Board of Cosmetology and Georgia State Board of Barbers as such boards existed on June 30, 2015, shall carry over to the board. This authority shall include, but shall not be limited to, the ability to:

(1) Enforce all fines issued by these boards or representatives thereof;

(2) Enforce all orders entered by these boards; and

(3) Access and keep all complaints, investigative records, and records of disciplinary deliberations of these boards.

43-10-3.

Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

43-10-4.

Reserved.

43-10-5.
The division director shall keep a record of all proceedings of the board. Such records shall be prima-facie evidence of all matters required to be kept therein, and certified copies of the same or parts thereof shall be primary evidence of their contents. All such copies, other documents, or certificates lawfully issued upon the authority of the board shall, when authenticated under the seal of the board, be admitted in any investigation in any court or elsewhere without further proof.

43-10-6.
(a) The board is authorized to adopt reasonable rules and regulations prescribing the sanitary requirements of beauty shops, beauty salons, barber shops, schools of cosmetology, schools of esthetics, schools of hair design, ~~and~~ schools of nail care, and schools of barbering subject to the approval of the Department of Public Health, and to cause the rules and regulations or any subsequent revisions to be in suitable form. The board shall make the rules and regulations available to the proprietor of each beauty shop, beauty salon, barber shop, school of cosmetology, school of esthetics, school of hair design, ~~or~~ school of nail care, and school of barbering. It shall be the duty of every proprietor or person operating a beauty shop, beauty salon, barber shop, school of cosmetology, school of esthetics, school of hair design, ~~and~~ school of nail care, and school of barbering in this state to keep a copy of such rules and regulations posted in a conspicuous place in ~~his or her~~ such business, so as to be easily read by ~~his or her~~ customers thereof. Posting such rules and regulations by electronic means shall be allowed.
(b) The board is authorized to adopt reasonable rules and regulations requiring that ~~persons licensed~~ individuals issued certificates of registration under this chapter undergo instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.
(c) Any inspector employed by the Secretary of State shall have the power to enter and make reasonable examination of any beauty shop, beauty salon, barber shop, or school of cosmetology, school of hair design, school of esthetics, school of nail care, and school of barbering in the state during business hours for the purpose of enforcing the rules and regulations of the board and for the purpose of ascertaining the sanitary conditions thereof.
(d) Any beauty shop, beauty salon, barber shop or school of cosmetology, school of hair design, school of esthetics, school of nail care, and school of barbering in which tools, appliances, and furnishings used therein are kept in an unclean and unsanitary condition so as to endanger health is declared to be a public nuisance.

43-10-7.
It shall be the duty of the board to issue through the division director those certificates of registration for which provision is made in this chapter.

43-10-8.

(a) It shall be unlawful for any ~~person~~ individual to pursue barbering or the occupation of cosmetology in this state unless he or she has first completed the required hours for and obtained the appropriate certificate of registration as provided in this chapter.

(b) It shall be unlawful for any ~~person~~ individual to hold himself or herself out as a master cosmetologist ~~or hair designer~~ without having first obtained ~~the~~ a certificate of registration ~~for such. Such person~~ as a master cosmetologist which certifies that the holder thereof shall be authorized to perform all the services mentioned in paragraph ~~(4)~~ (11) of Code Section 43-10-1. Nothing in this chapter shall prohibit any ~~person~~ individual who ~~holds~~ held a valid master cosmetologist license in this state on March 29, 1983, from practicing ~~at the~~ as a master cosmetologist ~~level as defined in paragraph (8) of Code Section 43-10-1~~.

(c) ~~Reserved~~ It shall be unlawful for any individual to hold himself or herself out as a master barber, barber II, barber instructor, or barber apprentice without having first obtained the certificate of registration for such.

(d) Notwithstanding any other provisions of this chapter, any ~~person~~ individual desiring to perform solely hair design services shall be allowed to obtain a certificate of registration ~~at the~~ as a hair ~~design level~~ designer upon completing the required hours therefor, which certifies that the holder thereof shall be authorized to perform some or all of the services mentioned in paragraph ~~(7)~~ (9) of Code Section 43-10-1.

(e) Notwithstanding any other provisions of this chapter, any ~~person~~ individual desiring to perform solely cosmetic skin care services shall be allowed to obtain a certificate of registration ~~at the~~ as an esthetician level upon completing the required hours therefor, which certifies that the holder thereof shall be authorized to perform some or all of the services mentioned in paragraph ~~(5)~~ (8) of Code Section 43-10-1.

(f)~~(1)~~ Notwithstanding any other provisions of this chapter, any ~~person~~ individual desiring to perform solely cosmetic nail care services shall be allowed to obtain a certificate of registration ~~at the~~ as a nail technician level upon completing the required hours therefor, which certifies that the holder thereof shall be authorized to perform some or all of the services mentioned in paragraph ~~(9)~~ (12) of Code Section 43-10-1.

~~(2) Notwithstanding any other provisions of this chapter, any person who has actively engaged in the practice of cosmetology, hair design, esthetics, or nail care on a military installation in Georgia for three years prior to July 1, 1985, shall be eligible to receive a certificate of registration at the cosmetology, hair design, esthetics, or nail care level upon proper proof of experience, application, and appropriate fee being submitted to the board on or before September 1, 1985.~~

(g)(1) Notwithstanding any other provisions of this chapter, any current or discharged member of the military or any spouse of a current or discharged member of the military may apply to the board for the immediate issuance of a certificate of registration issued pursuant to this chapter, provided that such individual holds a license or certification from another state for which the training, experience, and testing substantially meet or exceed the requirements in this state to obtain the certificate of registration for which such individual is applying.

(2) As used in this paragraph, the term:

(A) 'Discharge' means an honorable discharge or a general discharge from active military service. The term 'discharge' shall not mean a discharge under other than honorable conditions, a bad conduct discharge, or a dishonorable discharge.

(B) 'Military' means any regular or reserve component of the United States armed forces, the Georgia Army National Guard, or the Georgia Air National Guard.

~~(g)~~(h) It shall also be unlawful for any person or persons to operate a beauty shop, beauty salon, barber shop, ~~hair design salon,~~ school of cosmetology, school of hair design, school of esthetics, ~~or~~ school of nail care, or school of barbering without first having obtained a certificate of registration for such shop, salon, or school as provided in this chapter. Any beauty shop, ~~salon, or school~~ beauty salon, barber shop, school of cosmetology, school of hair design, school of esthetics, school of nail care, or school of barbering shall register with the division director of the professional licensing boards prior to opening.

~~(h)~~(i) This chapter shall have uniform application throughout the state so that no master cosmetologist, cosmetologist, hair designer, nail technician, esthetician, master barber, barber II, beauty shop, beauty salon, barber shop, school of cosmetology, school of hair design, school of esthetics, ~~or~~ school of nail care, or school of barbering shall be exempt from regulation.

43-10-9.

(a)(1) Any ~~person~~ individual desiring to obtain a certificate of registration to enable him or her to engage in the occupation of ~~cosmetology~~ a cosmetologist shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 17 years of age; has met the minimum educational requirements; is of good moral character; has completed a 1,500 credit hour study course with at least nine months at a board approved school or has served as an apprentice in a beauty shop, ~~or~~ beauty salon, or barber shop for a period of at least 3,000 credit hours; has practiced or studied the occupation of ~~cosmetology~~ a cosmetologist; is possessed of the requisite skill in such occupation to perform properly all the duties of the occupation, including his or her ability in the preparation of tools, in performing the services mentioned in paragraph ~~(4)~~ (7) of Code Section 43-10-1, and in all the duties and services incident thereto; and has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to him or her entitling him or her to practice ~~the occupation of~~ as a master cosmetologist. ~~Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education requirements under this subsection in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate with respect to any applicant who was enrolled in a board approved school or had completed a board approved study course as of June 30, 2000.~~

~~(b) Should an applicant under this Code section fail to pass the written or the practical examination, the board shall furnish the applicant a statement in writing, stating wherein the applicant was deficient. Nothing in this chapter shall be construed to prevent applicants from making subsequent applications to qualify under this Code section, provided they again pay the required examination fee.~~

(2) Notwithstanding any other provisions of this subsection, the board shall allow endorsement to an applicant who submits a complete application, along with a fee, and verification that he or she holds an active license or certificate of registration as a cosmetologist or an instructor or teacher of the occupation of a cosmetologist at that level in another state or territory of the United States. The board may establish requirements for endorsement by rules and regulations.

~~(f)(1)~~ (b)(1) Any person individual desiring to obtain a certificate of registration to enable him or her to engage in the occupation of a hair ~~design~~ designer shall make application through the division director and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 17 years of age; has met the minimum educational requirements; is of good moral character; has completed a 1,325 credit hour study course with at least seven months at a board approved school or has served as an apprentice in a beauty shop, beauty salon, or ~~hair design salon~~ barber shop for a period of at least 2,650 credit hours; has practiced or studied the occupation of a hair ~~design~~ designer; is possessed of the requisite skill in such occupation to perform properly all the duties of the occupation, including his or her ability in the preparation of tools, in performing the services mentioned in paragraph ~~(7)~~ (9) of Code Section 43-10-1, and in all the duties and services incident thereto; and has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to him or her entitling him or her to practice the occupation of a hair ~~design~~ designer. ~~Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education requirements under this subsection in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate with respect to any applicant who was enrolled in a board approved school or had completed a board approved study course as of June 30, 2006.~~

~~(2) Should an applicant under this subsection fail to pass the written or the practical examination, the board shall furnish the applicant a statement in writing, stating in what manner the applicant was deficient. Nothing in this chapter shall be construed to prevent applicants from making subsequent applications to qualify under this subsection, provided they again pay the required examination fee.~~

~~(3) An approved applicant for examination under this subsection may be issued a work permit authorizing said applicant to practice such occupation until the release of the results of the written and the practical examination for which the applicant is scheduled. If the applicant fails to appear for the examination or fails any portion of the examination, the work permit shall be revoked unless the applicant provides just cause to the board as to why the applicant was unable to appear for the examination.~~

~~(4) Should an applicant have a current hair design license in force from another state, country, territory of the United States, or the District of Columbia, where similar reciprocity is extended to this state and licensure requirements are substantially equal to those in this state, and have paid a fee and have submitted an application, the applicant may be issued, without examination, a certificate of registration at the appropriate level entitling him or her to practice the occupation of hair design or the teaching of hair design at that level, unless the board, in its discretion, sees fit to require a written or a practical examination subject to the terms and provisions of this chapter. Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education or experience requirements applicable to any person who holds a current license or certificate to practice hair design outside of this state and who desires to obtain a license or certificate at a level authorized under this subsection to practice at such level in this state in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate.~~

(2) Notwithstanding any other provisions of this subsection, the board shall allow endorsement to an applicant who submits a complete application, along with a fee, and verification that he or she holds an active license or certificate of registration as a hair designer or an instructor or teacher of the occupation of a hair designer in another state or territory of the United States. The board may establish requirements for endorsement by rules or regulations.

~~(c) An approved applicant for examination under this Code section may be issued a work permit authorizing said applicant to practice such occupation until the release of the results of the written and the practical examination for which the applicant is scheduled. If the applicant fails to appear for the examination or fails any portion of the examination, the work permit shall be revoked unless the applicant provides just cause to the board as to why the applicant was unable to appear for the examination.~~

~~(g)~~(c)(1) Any ~~person~~ individual desiring to obtain a certificate of registration ~~at the esthetician level under the terms of this chapter~~ to enable him or her to engage in the occupation of an esthetician shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 17 years of age; has met the minimum educational requirements; is of good moral character; has completed a 1,000 credit hour study course of at least nine months at a board approved school or has served as an apprentice in a beauty shop, ~~or~~ beauty salon, or barber shop for a period of at least 2,000 credit hours; has practiced or studied cosmetic skin care as defined in paragraph ~~(5)~~ (8) of Code Section 43-10-1; is possessed of the requisite skill to perform properly these services; and has passed a written and a practical examination approved by the board, a certificate of registration shall be issued to the applicant entitling the applicant to practice the occupation of ~~cosmetology at the esthetician level~~ an esthetician. ~~Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education requirements under this subsection in cases of hardship, disability, or illness or under~~

~~such other circumstances as the board deems appropriate with respect to any applicant who was enrolled in a board approved school or had completed a board approved study course as of June 30, 2000.~~

(2) ~~Should an applicant have a current esthetician license in force from another state, country, territory of the United States, or the District of Columbia, where similar reciprocity is extended to this state and licensure requirements are substantially equal to those in this state, and have paid a fee and have submitted an application, the applicant may be issued, without examination, a certificate of registration at the appropriate level entitling him or her to practice the occupation of esthetician or the teaching of esthetics at that level, unless the board, in its discretion, sees fit to require a written or a practical examination subject to the terms and provisions of this chapter. Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education or experience requirements applicable to any person who holds a current license or certificate to practice esthetics outside of this state and who desires to obtain a license or certificate at a level authorized under this subsection to practice at such level in this state in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate.~~ Notwithstanding any other provisions of this subsection, the board shall allow endorsement to an applicant who submits a complete application, along with a fee, and verification that he or she holds an active license or certificate of registration as an esthetician or an instructor or teacher of the occupation of an esthetician in another state or territory of the United States. The board may establish requirements for endorsement by rules or regulations. ~~(d) Should an applicant have a current cosmetology license in force from another state or country, or territory of the United States, or the District of Columbia, where similar reciprocity is extended to this state and licensure requirements are substantially equal to those in this state, and pays a fee and submits an application, the applicant may be issued, without examination, a certificate of registration at the appropriate level, entitling the applicant to practice the occupation of cosmetology or the teaching of cosmetology at that level, unless the board, in its discretion, sees fit to require a written or a practical examination subject to the terms and provisions of this chapter. Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education or experience requirements applicable to any person who holds a current license or certificate to practice cosmetology outside of this state and who desires to obtain a license or certificate at a level authorized under this Code section to practice at such level in this state in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate.~~

~~(h)~~(d)(1) Any ~~person~~ individual desiring to obtain a certificate of registration ~~at the nail technician level under the terms of this chapter~~ to enable him or her to engage in the occupation of a nail technician shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 17 years of age; has met the minimum educational

requirements; is of good moral character; has completed a 525 credit hour study course of at least four months at a board approved school or has served as an apprentice in a beauty shop, ~~or~~ beauty salon, or barber shop for a period of at least 1,050 credit hours; has practiced or studied nail care as defined in paragraph (12) of Code Section 43-10-1; is possessed of the requisite skill to perform properly these services; and has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to the applicant entitling the applicant to practice the occupation of ~~cosmetology at the~~ nail technician ~~level~~. ~~Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education requirements under this subsection in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate with respect to any applicant who was enrolled in a board approved school or had completed a board approved study course as of June 30, 2000.~~

(2) ~~Should an applicant have a current nail technician license in force from another state, country, territory of the United States, or the District of Columbia, where similar reciprocity is extended to this state and licensure requirements are substantially equal to those in this state, and have paid a fee and have submitted an application, the applicant may be issued, without examination, a certificate of registration at the appropriate level entitling him or her to practice the occupation of nail technician or the teaching of nail care at that level, unless the board, in its discretion, sees fit to require a written or a practical examination subject to the terms and provisions of this chapter. Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education or experience requirements applicable to any person who holds a current license or certificate to practice nail care outside of this state and who desires to obtain a license or certificate at a level authorized under this subsection to practice at such level in this state in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate.~~ Notwithstanding any other provisions of this subsection, the board shall allow endorsement to an applicant who submits a complete application, along with a fee, and verification that he or she holds an active license or certificate of registration as a nail technician or an instructor or teacher of the occupation of a nail technician in another state or territory of the United States. The board may pass requirements for endorsement by rule.

(e)(1) Any person desiring to obtain a certificate of registration to enable him or her to engage in the occupation of a master barber shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 16 years of age; has met the minimum educational requirements; is of good moral character; has completed a 1,500 credit hour study course of at least nine months at a board approved school or has served as an apprentice in a beauty shop, beauty salon, or barbershop for a period of at least 3,000 credit hours; has practiced or studied barbering; is possessed of the requisite

skill to perform properly these services; and has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to the applicant entitling the applicant to practice barbering as a master barber.

(2) Any person desiring to obtain a certificate of registration to enable him or her to engage in the occupation of a barber II shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 16 years of age; has met the minimum educational requirements; is of good moral character; has completed a 1,140 credit hour study course of at least seven months at a board approved school or has served as an apprentice in a beauty shop, beauty salon, or barbershop for a period of at least 2,280 credit hours; has practiced or studied barbering; is possessed of the requisite skill to perform properly these services; and has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to the applicant entitling the applicant to practice the occupation of barbering at the barber II level.

(3) Notwithstanding any other provisions of this subsection, the board shall allow endorsement to an applicant who submits a complete application, along with a fee, and verification that he or she holds an active license or certificate of registration as a master barber or barber II or an instructor or teacher of barbering in another state or territory of the United States. The board may establish requirements for endorsement by rules and regulations.

~~(i)~~(f) Nothing in this Code section shall be construed as preventing ~~a person~~ an individual from obtaining a certificate of registration for the occupation of ~~cosmetology~~ a cosmetologist at the master level, the hair design level, the esthetician level, or the nail technician level or a certificate of registration for barbering at the master level or barber II level, if such person obtains his or her credit hour study at a State Board of Education approved school or a technical college under the jurisdiction of the Technical College System of Georgia or the Department of Education rather than at a board approved school.

(g)(1) An individual issued a certificate of registration as a master cosmetologist in this state shall be eligible to take the master barber examination provided for in this Code section if that person completes a board approved 300 hour prescribed course in an approved cosmetology school, submits a completed application, and pays the proper fees established by the board.

~~(j)~~(2) ~~A person licensed to practice barbering under Chapter 7 of this title~~ An individual issued a certificate of registration as a master barber in this state shall be eligible to take the master cosmetologist examination provided for in this Code section if that person completes a board approved ~~250~~ 300 hour prescribed course in an approved cosmetology school, submits a completed application, and pays the proper fees established by the board.

~~(k)~~(h) ~~Board members may attend and observe all written and practical examinations held for certificates of registration pursuant to this Code section~~ On and after July 1, 2015, any applicant applying for a certificate of registration pursuant to this Code section shall pass both a board approved written and the practical examination within a 24 month period after having obtained the required credit hours or shall be required to repeat all of such required credit hours before retaking the examination. Should an applicant fail to pass the written or the practical examination, the board or the board's designee shall furnish the applicant a statement in writing, stating in what manner the applicant was deficient.

(i) On and after July 1, 2015, any applicant applying for a certificate of registration pursuant to this Code section who has graduated from an educational program which prepares cosmetologists in another country shall submit to the board a credentials evaluation from a board approved credentials evaluation provider along with his or her application. Upon the board's acceptance of the credentials evaluation, application, and appropriate fee, the applicant shall be approved to sit for the board approved examination, and upon passing the examination, he or she may be approved for a certificate of registration.

43-10-10.

(a) The holder of any certificate of registration issued under Code Section 43-10-9 shall display the same in a conspicuous place in his or her beauty shop, beauty salon, or barber shop ~~or place of business~~. Certificates of registration issued under Code Section 43-10-9 shall be renewable ~~biennially~~ for a period of up to four years as approved by the division director. The holder shall pay to the division director a renewal fee in such amount as shall be set by the board by regulation. Upon failure to renew such certificate of registration, it shall stand automatically revoked. The holder shall be disqualified from practicing ~~the~~ any occupation ~~of cosmetology~~ under this chapter until all fees to date of application for reinstatement shall be paid, an application for reinstatement shall be submitted along with a reinstatement fee in such amount as shall be set by the board by regulation, and documentation shall be submitted of completion of all required continuing education hours since the date the registration was automatically revoked. If the board is satisfied that the applicant for reinstatement meets all the qualifications set forth in this Code section and Code Section 43-10-9, the applicant shall be issued a new certificate of registration.

(b) Notwithstanding subsection (a) of this Code section, at the time of renewal of any cosmetologist, master cosmetologist, hair designer, esthetician, nail technician, master barber, or barber II certificate of registration ~~issued under Code Section 43-10-9~~, the holder of such certificate shall ~~provide~~ maintain proof, in a form approved by the board, of completion of five hours of continuing education ~~in compliance with this Code section since the date of issuance of the latest renewal certificate~~ biennially to be determined by the board. A licensee shall provide proof of completion of continuing education if audited by the board. A holder who is renewing a certificate of registration for the first time shall not be required to meet the continuing education requirement

until the time of the second renewal. Further, the requirement for continuing education for ~~the holder of any certificate of registration issued under this chapter shall become effective on January 1, 2003, provided that the board has adopted rules and regulations implementing this Code section pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~ a master barber and barber II will become effective beginning January 1, 2018.

(c) ~~Three hours~~ The board may require by rules or regulations that either three or four hours of continuing education shall be satisfied by a health and safety course or a review course of the board rules or regulations and applicable laws using a curriculum developed by the ~~Technical College System of Georgia~~ board or by a board approved provider. Such curriculum or course may be revised by the ~~Technical College System of Georgia~~ board or by a board approved provider as necessary to incorporate new developments. The ~~Technical College System of Georgia~~ board shall make the curriculum or course available to ~~other~~ board approved providers of continuing education. The board may charge a fee to providers for registration as a board approved provider.

(d) ~~The remaining two hours of~~ The board may require by rules and regulations that the remaining one to two hours of continuing education may be satisfied by:

(1) Attendance at an industry or trade show registered with the board; or

(2) A course or courses of study registered with the board in one or more of the following subjects: health and safety, industry trends, computer skills, business management, or the holder's area of practice.

(e) To request registration of an industry or trade show for continuing education credit, a person or entity shall submit to the board the date and location of the industry or trade show. To request registration of a course of study for continuing education credit, the person or entity offering the course of study shall submit to the board an outline of the subject matter, a list of the persons teaching the course with a summary of their qualifications, the number of hours for each course, and the date and location where the course of study will be presented or has been presented, if applicable. Any certificate holder may request board approval of an unregistered industry or trade show or an unregistered course of study. A person or entity conducting an industry or trade show or a course of study shall provide written proof of attendance at the industry or trade show or completion of a course of study to all participants.

(f) The board shall register and allow credit as continuing education for courses conducted via the Internet or other electronic means or home study courses.

(g) Courses in cosmetology, hair design, nail technology, esthetics, computers, business, or health and safety issues offered by schools under the jurisdiction of the Board of Regents of the University System of Georgia, the Technical College System of Georgia, the Department of Education, or any accredited postsecondary institution shall satisfy the continuing education requirement without a request to the board for approval or registration.

(h) In no event shall the testing of knowledge or skills be required as proof of the successful completion of a continuing education course.

(i) ~~For the first renewal period during which the continuing education requirement will be enforced, the board shall allow credit for continuing education hours which were board approved or which did not require prior approval by the board received between March 31, 2000, and January 1, 2002, for master cosmetologists and between August 31, 1999, and January 1, 2002, for nail technicians and estheticians. Thereafter, no excess hours from one renewal period shall be authorized to be credited toward the continuing education requirement for another renewal period.~~

~~(j)~~ The continuing education requirement shall not apply to certificate holders who:

(1) Have held a certificate for 25 or more years; or

(2) Demonstrate a hardship based on a disability, age, illness, or such other circumstance as the board may identify by rule and determine on a case-by-case basis.

Certificate holders who claim an exemption from the continuing education requirement on the basis of paragraph (2) of this subsection shall provide a sworn statement setting out the facts supporting such exemption.

43-10-11.

All beauty shops, beauty salons, barber shops, schools of cosmetology, schools of hair design, schools of esthetics, ~~and~~ schools of nail care, and schools of barbering shall be registered with the division director by the owner or manager. Such registration shall be made by the filing of an application on forms furnished by the division director; shall include the name and location of the ~~beauty~~ shop, salon, or school, the name and address of the owner, and the names and addresses of all instructors of the shop, salon, or school at the time of registration; and shall be accompanied by a registration fee in such amount as shall be set by the board by regulation. The board may require salon, shop, or school owners to complete a board approved course covering health, sanitation, and safety, or rules and regulations of the board and applicable laws, or a combination thereof prior to issuing a registration to the owner. The board is authorized and directed to issue a certificate of registration to each shop, salon, or school so registering and paying such fee, which certificate shall be displayed in a conspicuous place in the registered shop, salon, or school.

43-10-12.

(a)(1) All schools of barbering, schools of cosmetology, schools of esthetics, schools of hair design, or schools of nail care shall:

(A) Cause to be registered with the board, at the time of opening, 15 bona fide students;

(B) Have not less than one instructor for every 20 students or a fraction thereof; ~~and~~

(C) Keep permanently displayed a sign reading 'School of Cosmetology,' 'School of Hair Design,' 'School of Esthetics,' ~~or~~ 'School of Nail Care,' or 'School of Barbering' as the case may be; and all such signs shall also display the words 'Service by Students Only.' Where service is rendered by a student, no commissions or premiums shall be paid to such student for work done in the schools; nor shall any person be employed by the schools to render professional service to the public; and

(D) Provide transcripts to students upon graduation or withdrawal from the school provided all tuition and fees due to the school have been satisfied. Student records shall be maintained by the schools for a minimum of five years. If a school closes its business, the owner is required to provide copies of student records, including transcripts, to the Non-Public Postsecondary Education Commission within thirty days of the school closure.

(2) All schools of cosmetology, schools of hair design, schools of esthetics, ~~and~~ schools of nail care, and schools of barbering are required to keep in a conspicuous place in such schools a copy of the rules and regulations adopted by the board.

(3) All master barbers and master cosmetologists who take an apprentice pursuant to Code Section 43-10-14 shall file immediately with the board through the division director the name and age of such apprentice; and the board shall cause such information to be entered on a register kept by the division director for that purpose.

(b) Any person desiring to operate or conduct a school of cosmetology, school of hair design, school of esthetics, ~~or~~ school of nail care, or school of barbering prior to opening shall first secure from the board a permit to do so and shall keep the permit prominently displayed in the school.

(c) The board shall have the ~~right~~ authority to pass upon the qualifications, appointments, courses of study, and hours of study in the school of cosmetology, school of hair design, school of esthetics, ~~or~~ school of nail care, or school of barbering, provided that:

(1) All schools of cosmetology shall be required to teach the following courses: theory, permanent and cold waving, hair coloring and bleaching, hair and scalp treatments, hair and scalp conditioning, hair cutting and shaping, hairdressing, shampooing, styling, comb out, charm, reception, desk work, art and laboratory, facials, makeup and arching, skin care, nail care, state law, state rules and regulations, and any other subjects related to cosmetology and sanitation;

(2) All schools of esthetics shall be required to teach the following courses: theory, skin care, facials, makeup and arching, eyelash extensions, charm, reception, desk work, art and laboratory, massaging the face, ~~or~~ neck, decolletage, or arms, trimming, tweezing, or threading eyebrows and other facial hair, dyeing, waxing, stimulating, cleansing, or beautifying, state law, state rules and regulations, and any other subjects related to esthetics and sanitation; ~~and~~

(3) All schools of nail care shall be required to teach the following courses: theory, trimming, filing, shaping, decorating, sculpturing and artificial nails, nail care, pedicuring, charm, reception, desk work, art and laboratory, state law, state rules and regulations, and any other subjects related to nail care and sanitation; and

(4) All schools of barbering shall be required to teach the following courses: theory, hair and scalp treatments, shampooing and conditioning, shaving, coloring of hair, hair cutting and styling, facial hair design and waxing, permanent waving, relaxing, and chemical application.

(d)(1) The board shall have the right to suspend or revoke the certificate, permit, or license of or to reprimand any such school of cosmetology, school of esthetics, ~~or~~

school of hair design, school of nail care, school of barbering or instructor or teacher therein, for the violation of this chapter.

(2) The board shall have the same power and authority as to sanitary conditions over schools as it has over beauty shops, ~~and~~ beauty salons, and barber shops.

(e)(1) All teachers or instructors shall devote their entire time to instruction of students. Any ~~person~~ individual desiring to teach or instruct in any school of cosmetology, school of esthetics, school of hair design, ~~or~~ school of nail care, or school of barbering shall first file his or her application with the division director for a license, shall pay a fee in such amount as shall be set by the board by ~~regulation~~ rules and regulations, and shall successfully pass both a written and a practical examination to become an instructor.

(2)(A) ~~A person~~ An individual desiring to teach at the master level shall satisfy the board that he or she:

(i) Holds a current ~~cosmetology license~~ master cosmetologist certificate of registration ~~at the master level~~ and is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree;

(ii) Has 750 hours of instructor training in cosmetology at a board approved school; and

(iii) Has one year of work experience ~~at the~~ as a master ~~level~~ cosmetologist.

(B) ~~A person~~ An individual holding a current ~~cosmetology license~~ master cosmetologist certificate of registration at the master level who is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree; who has completed the required board approved hours of continuing education; and has board approved work experience as an instructor or in education may, at the board's discretion, be permitted to take the written and the practical examination to become an instructor at the master level.

(3)(A) ~~A person~~ An individual desiring to teach at the esthetician level shall satisfy the board that he or she:

(i) Holds a current ~~cosmetology license level~~ certificate of registration as an esthetician or master cosmetologist and is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree;

(ii) Has 500 hours of board approved instructor training in esthetics of at least nine months;

(iii) Has one year of work experience ~~at the~~ as an esthetician or master ~~level~~ cosmetologist; and

(iv) Has passed both a written and a practical examination to become an instructor in esthetics.

(B) ~~A person~~ An individual holding a current cosmetology ~~license~~ certificate of registration ~~at the~~ as an esthetician or master ~~level~~ cosmetologist who is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree; who has completed the required board

approved hours of continuing education; and has board approved work experience as an instructor or in education may, at the board's discretion, be permitted to take the written and the practical examination to become an instructor at the esthetician level. (4)(A) ~~A person~~ An individual desiring to teach at the nail technician level shall satisfy the board that he or she:

(i) Holds a current ~~cosmetology license~~ certificate of registration ~~at the~~ as a nail technician or master ~~level~~ cosmetologist and is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree;

(ii) Has 250 hours of board approved instructor training in nail care of at least four months;

(iii) Has one year of work experience ~~at the~~ as a nail technician or master ~~level~~ cosmetologist; and

(iv) Has passed both a written and a practical examination to become an instructor in nail care.

(B) ~~A person~~ An individual holding a current ~~cosmetology license~~ certificate of registration ~~at the~~ as a nail technician or master ~~level~~ cosmetologist who is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree; who has completed the required board approved hours of continuing education; and has board approved work experience as an instructor or in education may, at the board's discretion, be permitted to take the written and the practical examination to become an instructor at the nail technician level.

(5)(A) ~~Reserved~~ An individual desiring to teach barbering shall satisfy the board that he or she:

(i) Holds a current certificate of registration as a master barber and is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree;

(ii) Has 750 hours of board approved instructor training in barbering; and

(iii) Has passed both a written and a practical examination to become an instructor in barbering.

(B) An individual holding a current certificate of registration as a master barber who is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree; who has completed the required board approved hours of continuing education; and has board approved work experience as an instructor or in education may, at the board's discretion, be permitted to take the written and the practical examinations to become an instructor for barbering.

(6)(A) ~~A person~~ An individual desiring to teach at the hair designer level shall satisfy the board that he or she:

(i) Holds a current ~~cosmetology license~~ certificate of registration ~~at the~~ as a hair designer or master ~~level~~ cosmetologist and is a high school graduate, has a general

educational development (GED) diploma, or has a postsecondary education or college degree;

(ii) Has 750 hours of board approved instructor training in hair design of at least four months;

(iii) Has one year of work experience as a hair designer or master ~~level~~ cosmetologist; and

(iv) Has passed both a written and a practical examination to become an instructor in hair design.

(B) ~~A person~~ An individual holding a current ~~cosmetology license~~ certificate of registration ~~at the~~ as a hair designer or master ~~level~~ cosmetologist who is a high school graduate, has a general educational development (GED) diploma, or has a postsecondary education or college degree; who has completed the required board approved hours of continuing education; and has board approved work experience as an instructor or in education may, at the board's discretion, be permitted to take the written and the practical examinations to become an instructor at the hair designer level.

(7) Any teacher or instructor shall renew his or her ~~license~~ certificate of registration to teach ~~cosmetology biennially in odd years~~ in accordance with the rules and regulations of the division director governing expiration dates of certificates of registration by remitting with his or her application a renewal fee in such amount as shall be set by the board by regulation; provided, however, any teacher or instructor who fails to renew his or her certificate of registration to practice as a cosmetologist, esthetician, or nail technician on or before the date established by the board by regulation shall automatically have his or her ~~license~~ certificate of registration to teach or instruct suspended. A person failing to renew his or her ~~instructor's license within two years after~~ certificate of registration of a teacher or instructor at the end of the late renewal period following the expiration date shall be required to pay a reinstatement fee ~~after board review~~.

(8) Nothing in this Code section shall be construed as preventing ~~a person~~ an individual from obtaining a certificate of registration as teacher or instructor who is certified by the Department of Education to teach cosmetology in the state public schools. The certification ~~is~~ shall be limited to those ~~persons~~ individuals who hold a current ~~cosmetology license~~ certificate of registration as a master cosmetologist ~~at the master level~~ and also hold a diploma or certificate of 1,500 credit hours from a board approved school and have completed the three-year teachers training program required by the Department of Education. Such persons shall also pass both a written and a practical examination satisfactory to the board and, upon passage thereof, shall receive a ~~license~~ certificate of registration to teach cosmetology.

(f) All teachers or instructors of cosmetology at all levels seeking renewal of ~~licenses~~ certificates of registration are required to submit to the board proof of completion of 15 hours of continuing education in the cosmetology profession approved by the board at least half of which consists of instruction in teaching methods.

43-10-13.
(a) The board shall have the right to set a course of study for all students of the schools of cosmetology, schools of hair design, schools of esthetics, ~~and~~ schools of nail care, and schools of barbering within this state.
(b) Before a student shall be eligible to take the examination provided for in Code Section 43-10-9, he or she shall first file with his or her application for examination a transcript showing the number of hours and courses completed from the school or shop attended by the student.

43-10-14.
(a) Nothing in this chapter shall prohibit any ~~person~~ individual at least 16 years of age from learning the occupation of ~~cosmetology~~ a cosmetologist under a master cosmetologist, provided that such cosmetologist has had at least 36 months' experience and has held a certificate of registration as a master cosmetologist for at least 36 months. In addition, nothing in this chapter shall prohibit any ~~person~~ individual at least 16 years of age from learning the occupation of ~~cosmetology~~ a cosmetologist under an instructor in a school of cosmetology who has been a cosmetologist for a period of at least one year and has registered under this chapter. Nothing in this chapter shall prohibit any ~~person~~ individual at least 16 years of age from learning the occupation of hair designer under a cosmetologist holding a master cosmetologist certificate of registration or a ~~hair design~~ certificate of registration as a hair designer, provided that such cosmetologist has had at least 36 months' experience or, under an instructor in a school of cosmetology or school of hair design who has held a certificate of registration as a cosmetologist for a period of at least one year, is qualified to teach such practices and has registered under this chapter. Nothing in this chapter shall prohibit any ~~person~~ individual at least 16 years of age from learning the occupation of esthetics under a cosmetologist holding a master cosmetologist certificate of registration or ~~an esthetician~~ a certificate of registration as an esthetician, provided that such cosmetologist has had at least 36 months' experience or, under an instructor in a school of cosmetology or school of esthetics who has held a certificate of registration as a cosmetologist for a period of at least one year, is qualified to teach said practices and has registered under this chapter. Nothing in this chapter shall prohibit any ~~person~~ individual at least 16 years of age from learning the occupation of a nail ~~care or manicuring~~ technician under a cosmetologist holding a master cosmetologist certificate of registration or a nail technician certificate of registration, provided that such cosmetologist has had at least 36 months' experience or, under an instructor in a school of cosmetology or school of nail care who has ~~been a licensed~~ held a certificate of registration as a cosmetologist for a period of at least one year, is qualified to teach such practices and has registered under this chapter. ~~Any person registered as an apprentice under this Code section on June 30, 1997, shall be eligible to continue such apprenticeship under the person from whom that apprentice was learning the occupation of cosmetology, hair design, esthetics, or nail care or manicuring at the time of registration notwithstanding that the person under whom the apprentice was learning such occupation does not meet the 36~~

~~months' experience otherwise required by this Code section.~~ Nothing in this chapter shall prohibit any individual at least 16 years of age from learning barbering under a barber holding a master barber certificate of registration, provided that such master barber has had at least 18 months' experience or under an instructor in a school of barbering who has held a certificate of registration as a master barber for a period for at least one year, is qualified to teach said practices, and has registered under this chapter.

(b) Every beauty shop, beauty salon, and barber shop owner shall have the responsibility for registering apprentices with the division director. The shop of salon owner shall file a statement in writing, showing the apprentice's name and the address of the shop. The board shall have the authority to require the shop or salon owner or master cosmetologist, hair designer, esthetician, nail technician, or master barber who is supervising the apprentice to furnish to the board the number of hours completed by the apprentice. The shop or salon owner shall remit to the division director a fee in such amount as shall be set by the board by regulation for the registration of the apprentice. The apprentice shall receive a certificate of registration showing the capacity in which he or she is permitted to practice ~~cosmetology~~ barbering or the occupation of a cosmetologist. The certificate of registration shall be effective for a period of ~~two~~ four years ~~and may be renewed at the end of such period upon the filing of an application on forms furnished by the division director and the payment of a renewal fee in such amount as shall be set by the board by regulation~~. A certificate of registration authorizing a person to learn barbering or the occupation of ~~cosmetology~~ a cosmetologist under a cosmetologist, master cosmetologist, hair designer, esthetician, nail technician, or master barber shall not be renewed ~~more than one time~~; and, upon the expiration of ~~the last~~ certificate of registration issued, such person shall not be permitted to practice in any capacity.

~~(b)~~(c) Notwithstanding any other provisions of this Code section, the board shall be authorized to waive any education requirements under this Code section in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate with respect to any applicant who was enrolled in a board approved school or had completed a board approved study course ~~as of June 30, 2000~~.

43-10-15.

(a) The board, acting upon its own knowledge or written or verified complaint filed by any person, shall have the power to reprimand or power to suspend, revoke, or cancel the certificate of registration of or refuse to grant, renew, or restore a certificate of registration to a holder of any certificate of registration issued pursuant to this chapter upon proof of any one of the following grounds:

(1) Willfully committing any false, fraudulent, or deceitful act or using any forged, false, or fraudulent document in connection with any requirement of this chapter or the rules and regulations of the board;

(2) Willfully failing at any time to comply with the requirements for a certificate of registration under this chapter;

(3) Practicing ~~cosmetology~~ barbering or the occupation of a cosmetologist under a false or assumed name;

(4) Willfully permitting an unlicensed person to practice, learn, or teach ~~cosmetology~~ barbering or the occupation of a cosmetologist;

(5) Knowingly performing an act which in any way assists an unlicensed person to practice, learn, or teach ~~cosmetology~~ barbering or the occupation of a cosmetologist; or

(6) Violating, directly or indirectly, or assisting in the violation of this chapter or any rule or regulation of the board.

(b) The board may impose a fine not to exceed $500.00 for each violation of any provision of subsection (a) of this Code section; provided, however, that the board shall not, for any violation of paragraph (6) of subsection (a) of this Code section on grounds not set forth in paragraphs (1) through (5) of such subsection, impose a fine for the first violation in an amount that exceeds $25.00, impose a fine for a second violation in an amount that exceeds $75.00, or impose a fine for each subsequent violation in an amount that exceeds $300.00. Such fines shall be listed in a schedule contained in the rules and regulations of the board. The licensee shall pay the fine within 30 days after receiving ~~written notification~~ a citation from either the board or a representative of the board unless the licensee requests in writing a hearing ~~before the board~~. Such request for a hearing must be received by the board within 30 days after receipt of the ~~written notification~~ citation from the board or a representative of the board. Such hearings may be held by the board or a committee of the board. Decisions of a committee of the board entered pursuant to this paragraph shall be final decisions of the board. Failure either to pay the fine or request a hearing ~~shall~~ may result in immediate suspension of the license pending a hearing to determine whether revocation or other disciplinary action should be imposed on the licensee.

(c) The board, for good cause shown and under such conditions as it may prescribe, may restore a certificate of registration to any person, beauty shop, ~~or~~ beauty salon, barber shop, or school ~~or college~~ of cosmetology, school of hair design, school of esthetics, school of nail care, or school of barbering whose certificate of registration has been suspended, revoked, or canceled.

(d) Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' shall apply to any proceeding under this Code section.

43-10-16.

The board may bring an action to enjoin any person, firm, or corporation from engaging in barbering or the occupation of ~~cosmetology~~ a cosmetologist if such person~~, firm, or corporation,~~ without being licensed or registered to do so by the board, engages in or practices barbering or the occupation of cosmetology. The action shall be brought in the county in which such ~~person~~ individual resides or, in the case of a firm or corporation, where the firm or corporation maintains its principal office; and, unless it appears that such person, firm, or corporation so engaging or practicing ~~cosmetology~~ in barbering or the practice of a cosmetologist is licensed or registered, the injunction shall

be issued, and such person, ~~firm, or corporation~~ shall be perpetually enjoined from engaging or practicing in such activities throughout the state. It shall not be necessary in order to obtain the equitable relief provided in this Code section for the board to allege and prove that there is no adequate remedy at law. It is declared that the unlicensed activities referred to in this Code section are a menace and a nuisance dangerous to the public health, safety, and welfare.

43-10-17.
Notwithstanding any other provision of this chapter, a beauty shop, ~~or~~ beauty salon, and barber shop shall be authorized to employ persons to wash, shampoo, comb, and brush hair, and such persons shall not be required to be registered by the board.

43-10-18.
(a) Nothing contained in this chapter nor any rule or regulation adopted in implementation hereof shall be construed to prohibit any person from operating a beauty shop, beauty salon or barber shop within his or her home or residence, provided that such shop meets and complies with all of the provisions of this chapter and the rules and regulations promulgated by the board.
(b) It shall not be necessary for any person operating a beauty shop, beauty salon, or barber shop in a private home to post a sign denoting same to be a beauty shop, beauty salon, or barber shop unless the person elects to do so.

43-10-18.1.
~~A beauty shop or salon licensed under this chapter shall be authorized to employ a barber licensed under Chapter 7 of this title. A beauty shop or salon employing such a barber shall not be subject to the licensure provisions of Chapter 7 of this title~~ Reserved.

43-10-18.2.
Notwithstanding any other provision of this chapter, premises made available for a beauty shop, beauty salon, or barber shop within a facility licensed as a nursing home pursuant to Article 1 of Chapter 7 of Title 31 shall not be required to be licensed or registered as a beauty shop, beauty salon, or barber shop under this chapter, or otherwise be subject to any provisions of this chapter except for inspections, investigations, or both, for alleged violations of this chapter by any person licensed under this chapter, if barbering or cosmetologist services in such premises are rendered only to residents of the nursing home.

43-10-18.3.
(a) Notwithstanding any other provision of this chapter, ~~cosmetology~~ barbering or cosmetologist services may be performed by a ~~licensed~~ registered cosmetologist, master barber, or barber II in a client's residence, a nursing home, an assisted living community a personal care home, ~~or~~ a hospital, or similar facilities when the client for reasons of ill

health, infirmity, or other physical disability is unable to go to the licensed beauty shop, ~~or~~ salon, or barber shop for regular ~~cosmetology~~ barbering or cosmetologist services.
(b) The board is authorized to adopt reasonable rules and regulations prescribing requirements and conditions for the performance of the services authorized in subsection (a) of this Code section.

43-10-19.
(a) If any person not lawfully entitled to a certificate of registration under this chapter shall practice the occupation of a barber or cosmetologist; or if any such person shall endeavor to learn the trade of a barber or cosmetologist by practicing the same under the instructions of a barber or cosmetologist or other person, other than as provided in this chapter; or if any such person shall instruct or attempt to instruct any person in such trade; or if any proprietor of or person in control of or operating any beauty shop, beauty salon, school of cosmetology, school of hair design, school of esthetics, ~~or~~ school of nail care, or school of barbering shall knowingly employ for the purpose of practicing such occupation any barber or cosmetologist not registered under this chapter; or if any person, beauty shop, salon, barber shop, ~~or~~ school of cosmetology, school of hair design, school of esthetics, school of nail care, or school of barbering shall engage in any of the acts covered in this chapter though not registered under the provisions of this chapter; or if any person shall falsely or fraudulently pretend to be qualified under this chapter to practice or learn such trade or occupation; or if any person shall violate any provision of the chapter for which a penalty is not specifically provided, ~~he or she~~ such person shall be guilty of a misdemeanor.
(b) Any person who operates or manages a beauty shop, salon, barber shop, or school of cosmetology, school of hair design, school of esthetics, school of nail care, or school of barbering that employs ~~a person~~ an individual who does not possess a license as provided in this chapter shall be guilty of a misdemeanor.

43-10-20.
(a) For the purposes of this chapter, the teachers and instructors of and courses of instruction or training in ~~cosmetology~~ barbering or the practice of a cosmetologist operated by the Department of Corrections shall be considered to be subject to the same standards and to be part of the ~~cosmetology~~ cosmetologist programs that are approved by the Technical College System of Georgia or the Department of Education as provided for by paragraphs ~~(10), (11), (13), and~~ (14) through (18) of Code Section 43-10-1 and paragraph (8) of subsection (e) of Code Section 43-10-12.
(b) The board shall be required to test an inmate who is an applicant for a certificate or registration under this chapter who has completed successfully a ~~cosmetology~~ barber or cosmetologist training program operated by the Department of Corrections and who meets the requirements stated in Code Section 43-10-9. If such inmate passes the applicable written and practical examinations, the board may issue the appropriate certificate of registration to such inmate after consideration of all requirements under Code Sections 43-10-9 and 43-1-19; provided, however, that the board shall not apply

the provisions of paragraph (4) of subsection (a) of Code Section 43-1-19 to such inmate based solely upon such person's status as an inmate and shall apply such provisions in the same manner as would otherwise be applicable to an applicant who is not an inmate."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams
Y Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
N Brockway
Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
N Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
E Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
N Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 167, nays 3.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 517. By Representative Corbett of the 174th:

A BILL to be entitled an Act to amend an Act to provide for the election of the members of the board of education of Echols County, approved April 10, 1968 (Ga. L. 1968, p. 3514), so as to provide that the members of the board of education shall be elected in nonpartisan elections; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	N Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Cooper	Y Harden	E Mitchell	Y Smith, L
N Allison	Y Corbett	N Harrell	Morris	Y Smith, M
N Anderson	Y Dawkins-Haigler	Y Hatchett	N Mosby	Y Smith, R
N Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	N Nix	Y Spencer
Y Barr	Dickerson	N Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	N Pak	Y Stephenson
Y Bell	N Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
N Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	N Dudgeon	Y Hugley	N Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	N Tanner
Y Beskin	N Dunahoo	Y Jacobs	Y Powell, A	N Tarvin
Y Beverly	N Duncan	N Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
N Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	N Teasley
Y Brooks	N Ehrhart	Y Jones, L	N Quick	Y Thomas, A.M.
Y Bruce	Y England	N Jones, S	N Raffensperger	Y Thomas, E
N Bryant	Y Epps	N Jordan	N Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	N Turner
Y Burns	N Fleming	N Kelley	N Randall	Y Waites
Y Caldwell, J	Floyd	Y Kendrick	Y Reeves	Watson
N Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	N Welch
N Cantrell	Y Frazier	N Kirby	N Rice	Weldon
Y Carson	Y Frye	Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
N Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	N Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	N Rynders	Y Williams, A
Y Clark, D	Y Golick	N Martin	N Scott	Y Williams, C

Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	N Gravley	Y Mayo	Y Sharper	N Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
N Cooke	N Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 122, nays 46.

The Bill, having received the requisite constitutional majority, was passed.

SB 103. By Senators Jackson of the 2nd and Watson of the 1st:

A BILL to be entitled an Act to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, so as to allow for local authorization and regulation of the sale of alcoholic beverages for consumption on the premises on Sundays during the St. Patrick's Day holiday period; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	N Coomer	Y Harbin	Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Smith, L
N Allison	Y Corbett	Y Harrell	N Morris	Y Smith, M
Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
N Atwood	Y Deffenbaugh	Y Hawkins	N Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	N Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	N Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	N Jackson	Y Pezold	N Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	N Jasperse	Y Powell, J	N Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	N England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	E Ramsey	Y Turner
N Burns	N Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	N Welch
N Cantrell	Y Frazier	N Kirby	Y Rice	Y Weldon

Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	N LaRiccia	Y Rogers, C	Y Wilkerson
Casas	N Gasaway	Y Lumsden	N Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Willard
Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	N Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 144, nays 21.

The Bill, having received the requisite constitutional majority, was passed.

Representative Bryant of the 162nd asked unanimous consent that SB 103 be immediately transmitted to the Senate.

It was so ordered.

HB 512. By Representatives Jasperse of the 11th and Dempsey of the 13th:

A BILL to be entitled an Act to amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so as to change certain terminology and provisions relating to the governing and regulation of mental health and to the administration of mental health as it relates to regional and local administration and services; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so as to change certain terminology and provisions relating to the governing and regulation of mental health and to the administration of mental health as it relates to regional and local administration and services; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by revising Code Section 37-1-20, relating to obligations of the Department of Behavioral Health and Developmental Disabilities, as follows:

"37-1-20.

The department shall:

(1) Establish, administer, and supervise the state programs for mental health, developmental disabilities, and addictive diseases;

(2) Direct, supervise, and control the medical and physical care and treatment; recovery; and social, employment, housing, and community supports and services based on single or co-occurring diagnoses provided by the institutions, contractors, and programs under its control, management, or supervision;

(3) Plan for and implement the coordination of mental health, developmental disability, and addictive disease services with physical health services, and the prevention of any of these diseases or conditions, and develop and promulgate rules and regulations to require that all health services be coordinated and that the public and private providers of any of these services that receive state support notify other providers of services to the same patients of the conditions, treatment, and medication regimens each provider is prescribing and delivering;

(4) Ensure that providers of mental health, developmental disability, or addictive disease services coordinate with providers of primary and specialty health care so that treatment of conditions of the brain and the body can be integrated to promote recovery, health, and well-being;

(5) Have authority to contract, including performance based contracts which may include financial incentives or consequences based on the results achieved by a contractor as measured by output, quality, or outcome measures, for services with community service boards, private agencies, and other public entities for the provision of services within a service area so as to provide an adequate array of services and choice of providers for consumers and to comply with the applicable federal laws and rules and regulations related to public or private hospitals; hospital authorities; medical schools and training and educational institutions; departments and agencies of this state; county or municipal governments; any person, partnership, corporation, or association, whether public or private; and the United States government or the government of any other state;

(6) Establish and support programs for the training of professional and technical personnel as well as regional ~~planning boards~~ advisory councils and community service boards;

(7) Have authority to conduct research into the causes and treatment of disability and into the means of effectively promoting mental health and addictive disease recovery;

(8) Assign specific responsibility to one or more units of the department for the development of a disability prevention program. The objectives of such program shall include, but are not limited to, monitoring of completed and ongoing research related to the prevention of disability, implementation of programs known to be

preventive, and testing, where practical, of those measures having a substantive potential for the prevention of disability;

(9) Establish a system for ~~regional~~ local administration of mental health, developmental disability, and addictive disease services in institutions and in the community;

(10) Make and administer budget allocations ~~to regional offices established by the board pursuant to Code Section 37-2-4.1~~ to fund the operation of mental health, developmental disabilities, and addictive diseases facilities and programs;

(11) Coordinate in consultation with providers, professionals, and other experts the development of appropriate outcome measures for client centered service delivery systems;

(12) Establish, operate, supervise, and staff programs and facilities for the treatment of disabilities throughout this state;

(13) Disseminate information about available services and the facilities through which such services may be obtained;

(14) Supervise the ~~regional~~ local office's exercise of its responsibility ~~and authority~~ concerning funding and delivery of disability services;

(15) Supervise the ~~regional~~ local offices concerning the ~~receipt and~~ administration of grants, gifts, moneys, and donations for purposes pertaining to mental health, developmental disabilities, and addictive diseases;

(16) Supervise the administration of contracts with any hospital, community service board, or any public or private providers without regard to regional or state boundaries for the provision of disability services and in making and entering into all contracts necessary or incidental to the performance of the duties and functions of the department and the ~~regional~~ local offices;

(17) Regulate the delivery of care, including behavioral interventions and medication administration by licensed staff, or certified staff as determined by the department, within residential settings serving only persons who are receiving services authorized or financed, in whole or in part, by the department;

(18) Classify host homes for persons whose services are financially supported, in whole or in part, by funds authorized through the department. As used in this Code section, the term 'host home' means a private residence in a residential area in which the occupant owner or lessee provides housing and provides or arranges for the provision of food, one or more personal services, supports, care, or treatment exclusively for one or two persons who are not related to the occupant owner or lessee by blood or marriage. A host home shall be occupied by the owner or lessee, who shall not be an employee of the same community provider which provides the host home services by contract with the department. The department shall approve and enter into agreements with community providers which, in turn, contract with host homes. The occupant owner or lessee shall not be the guardian of any person served or of their property nor the agent in such person's advance directive for health care. The placement determination for each person placed in a host home shall be made according to such person's choice as well as the individual needs of such person in

accordance with the requirements of Code Section 37-3-162, 37-4-122, or 37-7-162, as applicable to such person;

(19) Provide guidelines for and oversight of host homes, which may include, but not be limited to, criteria to become a host home, requirements relating to physical plants and supports, placement procedures, and ongoing oversight requirements;

(20) Supervise the regular visitation of disability services facilities and programs in order to assure contracted providers are licensed and accredited by the designated agencies prescribed by the department, and in order to evaluate the effectiveness and appropriateness of the services, as such services relate to the health, safety, and welfare of service recipients, and to provide technical assistance to programs in delivering services;

~~(20)~~(21) Establish a unit of the department which shall receive and consider complaints from individuals receiving services, make recommendations to the commissioner regarding such complaints, and ensure that the rights of individuals receiving services are fully protected;

~~(21)~~(22) With respect to housing opportunities for persons with mental illness and co-occurring disorders:

(A) Coordinate the department's programs and services with other state agencies and housing providers;

(B) Facilitate partnerships with local communities;

(C) Educate the public on the need for supportive housing;

(D) Collect information on the need for supportive housing and monitor the benefit of such housing; and

(E) Identify and determine best practices for the provision of services connected to housing;

~~(22)~~(23) Exercise all powers and duties provided for in this title or which may be deemed necessary to effectuate the purposes of this title;

~~(23)~~(24) Assign specific responsibility to one or more units of the department for the development of programs designed to serve disabled infants, children, and youth. To the extent practicable, such units shall cooperate with the Georgia Department of Education and the University System of Georgia in developing such programs;

~~(24)~~(25) Have the right to designate private institutions as state institutions; to contract with such private institutions for such activities, in carrying out this title, as the department may deem necessary from time to time; and to exercise such supervision and cooperation in the operation of such designated private institutions as the department may deem necessary; ~~and~~

~~(25)~~(26) Establish policies and procedures governing fiscal standards and practices of community service boards and their respective governing boards; and~~.~~

(27) Coordinate the establishment and operation of a data base and network to serve as a comprehensive management information system for disability services and programs."

SECTION 2.

Said title is further amended by revising Code Section 37-2-4.1, relating to regional mental health, developmental disabilities, and addictive diseases offices, as follows:

"37-2-4.1.

(a) The department ~~shall~~ may create ~~regional~~ local mental health, developmental disabilities, and addictive diseases offices. The number of these offices may be modified from time to time as deemed necessary by the department.

(b) The department shall create a separate regional mental health, developmental disabilities, and addictive diseases ~~planning board for each regional office~~ advisory council for each region of the department as established under ~~subsection (a) of this~~ Code ~~section~~ Section 37-2-3. Each ~~board shall~~ regional advisory council may provide ~~and facilitate~~ recommendations for the coordinated and comprehensive planning for its region in conformity with minimum standards and procedures established by the department. ~~Each board shall be designated with such identifying words before the term 'regional mental health, developmental disabilities, and addictive diseases planning board' as that regional planning board may, from time to time, choose and designate by official action.~~

(c) The powers, functions, obligations, and duties of the regional mental health, mental retardation, and substance abuse boards as they existed on June 30, 2002, are transferred to the department. The department shall succeed to all rights, privileges, entitlements, contracts, leases, agreements, and other transactions of the regional boards which were in effect on June 30, 2002, and none of those rights, privileges, entitlements, contracts, leases, agreements, and other transactions shall be impaired or diminished by reason of such transfer. In all such instances, the department shall be substituted for such regional board and the department shall succeed to the rights and duties under such contracts, leases, agreements, and other transactions."

SECTION 3.

Said title is further amended by revising Code Section 37-2-5, relating to regional planning boards, establishing policy and direction for disability services, membership, bylaws, meetings, and expenses, as follows:

"37-2-5.

(a) Each regional ~~planning board~~ advisory council shall engage in disability services planning ~~including job supports and housing~~ within its region and ~~shall~~ may perform ~~such~~ other functions as may be provided or authorized by law, such as:~~.~~

(1) Informing the department of local needs and priorities;

(2) Organizing natural supports;

(3) Recommending community improvements;

(4) Providing input to the department regarding the local perspective of consumers, families, and community stakeholders; and

(5) Encouraging prevention programs.

(b) Membership on the regional ~~planning board~~ advisory council within an established region shall be determined as follows:

(1) Each county with a population of 50,000 or less according to the United States decennial census of 1990 or any future such census shall appoint one member to the ~~board~~ council;

(2) Each county with a population of more than 50,000 according to the United States decennial census of 1990 or any future such census shall appoint one member for each population increment of 50,000 or any portion thereof;

(3) The appointment or appointments for each county shall be made by the county governing authority; and

(4) The county governing authority shall appoint a consumer of disability services, a family member of a consumer, an advocate for disability services, or a local leader or business person with an interest in mental health, developmental disabilities, and addictive diseases; provided, however, that for counties with more than one appointment, the county governing authority shall seek to ensure that such appointments represent various groups and disability services.

(b.1) A county governing authority may appoint the school superintendent, a member of the county board of health, a member of the local board of education, or any other elected or appointed official to serve on the regional ~~planning board~~ advisory council, provided that such person meets the qualifications of paragraph (4) of subsection (b) of this Code section, such person does not serve on a community service board, and such appointment does not violate the provisions of Chapter 10 of Title 45.

(b.2)(1) A person shall not be eligible to be appointed to or serve on a regional ~~planning board~~ advisory council if such person is:

(A) A member of the community service board which serves that region; ~~or~~

(B) An employee or board member of a private or public entity which contracts with the department, the Department of Human Services, or the Department of Public Health to provide health, mental health, developmental disabilities, or addictive diseases services within the region;

(C) An employee of such ~~regional~~ local office or employee or board member of any private or public group, organization, or service provider which contracts with or receives funds from such ~~regional~~ local office; or

(D) An employee or board member of the department, the Department of Human Services, or the Department of Public Health.

(2) A person shall not be eligible to be appointed to or serve on a regional ~~planning board~~ advisory council if such person's spouse, parent, child, or sibling is a member of that regional ~~planning board~~ advisory council or a member, employee, or board member specified in paragraph (1) of this subsection. No person who has served a full term or more on a regional ~~board~~ advisory council or regional planning board may be appointed to a community service board until a period of at least two years has passed since the time such person served on the regional ~~board~~ advisory council or the regional planning board. No person who has served on a regional planning board and who becomes a member of a regional ~~planning board~~ advisory council ~~on~~ after June 30, ~~2002~~ 2015, may be appointed to a community service board until a period of at

least two years has passed since the time such person has served on the regional planning board or regional advisory council.

(c) In making appointments to the regional ~~planning board~~ advisory council, the various county governing authorities shall ~~ensure that appointments are reflective of~~ consider the cultural and social characteristics, including gender, race, ethnic, and age characteristics, of the regional and county populations. The county governing authorities are further encouraged to ensure that each disability group is viably represented on the regional ~~planning board~~ advisory council, and in so doing the county governing authority may consider suggestions for appointments from clinical professional associations as well as advocacy groups, including but not limited to the Georgia Mental Health Consumer Network, People First of Georgia, the Georgia Parent Support Network, National Alliance for the Mentally Ill Georgia, the American Association for Retired Persons, Georgians for Children, Mental Health America of Georgia, Georgia ARC Network, and the Georgia Council on Substance Abuse and their local chapters and affiliates.

~~(d)(1) In addition, members of the regional mental health, mental retardation, and substance abuse boards in office on June 30, 2002, shall become members of the regional planning board for the area in which they reside on July 1, 2002, and shall serve out the balance of their terms.~~

~~(2)~~(d) The initial term of a new member of a regional ~~planning board~~ advisory council shall be determined by the commissioner in order to establish staggered terms on the ~~board~~ council. At such time as the terms of the members of the ~~board~~ council are equally staggered, the term of a member of the regional ~~planning board~~ advisory council shall be for a period of three years and until the member's successor is appointed and qualified. A member may serve no more than two consecutive terms. The term of a regional ~~planning board~~ advisory council member shall terminate upon resignation, death, or inability to serve due to medical infirmity or other incapacity or such other reasonable condition as the regional ~~planning board~~ advisory council may impose under its bylaws. Vacancies on the regional ~~planning board~~ advisory council shall be filled in the same manner as the original appointment.

(e) Prior to August 1, ~~2002~~ 2015, each regional ~~planning board~~ advisory council shall adopt bylaws governing its operation and management. At a minimum, the bylaws shall provide for staggered terms of the ~~board~~ council, requirements for an annual meeting to elect officers, a mechanism for ensuring that consumers of disability services and family members of consumers constitute a majority of the appointments to the ~~board~~ council, and a mechanism for ensuring that each disability service is equitably represented by appointments to the ~~board~~ council. Any ~~board~~ council member who serves an initial term of less than three years may be eligible to be reappointed for two full consecutive three-year terms. The chairperson and vice chairperson of the regional ~~planning board~~ advisory council shall be elected from among the members of the ~~board~~ council to serve a term of one year with the option of reelection for an additional one-year term. The bylaws shall provide for any other officers and their means of selection, as well as any necessary committees or subcommittees of the ~~board~~ council. Prior to

their adoption by the regional ~~planning board~~ advisory council, the bylaws shall be submitted to the department for review and approval. The regional ~~planning board~~ advisory council must have the written approval of the commissioner prior to the adoption of bylaws.

(f) The regional ~~planning board~~ advisory council shall meet not less than once every ~~two~~ four months, beginning on July 1 and continuing through the next June 30, which time frame shall be the fiscal year for each regional ~~planning board~~ advisory council.

(g) Each member of the regional ~~planning board~~ advisory council may, upon approval of the ~~regional coordinator~~ department, receive reimbursement for actual expenses incurred in carrying out the duties of such office in conformance with rates and allowances set for state employees by the Office of Planning and Budget and the same mileage allowance for use of a personal car as that received by all other state officials and employees or a travel allowance of actual transportation cost if traveling by public carrier.

(h) Each regional ~~planning board~~ advisory council which is composed of members who are appointed thereto by the governing authority of only one county shall have a minimum of six members, notwithstanding the provisions of subsection (b) of this Code section, which members shall in all other respects be appointed as provided in this Code section."

SECTION 4.

Said title is further amended by revising Code Section 37-2-5.1, relating to regional planning boards, regional coordinator, staff and personnel and allocation of funds, as follows:

"37-2-5.1.

~~(a) Each region shall be served by a regional coordinator who shall be duly qualified and appointed by the commissioner. The regional coordinator shall serve as the supervisor of the regional office, which shall be a unit of the department. The regional coordinator shall serve at the pleasure of the commissioner. The commissioner shall be authorized to appoint an interim regional coordinator at any time that the position of regional coordinator is vacant and prior to the appointment of a duly qualified and approved successor.~~

~~(b) The regional coordinator may appoint such other staff including a regional services administrator and personnel to work for the regional office as the department deems necessary and appropriate. The regional coordinator and such staff and personnel shall be employees of the department. Expenses for the regional office and planning board, the employment of the regional coordinator, other staff and personnel, and the operation of the regional office shall be funded by the department as funds are appropriated by the General Assembly. The department shall impose limits on the administrative and operating expenditures of the regional office and planning board.~~

~~(c)(1)~~(a) State, federal, and other funds appropriated to the department and available for the purpose of funding the planning and delivery of disability services shall be distributed in accordance with this subsection. All funds associated with services to

clients residing within a given region shall be managed through the department; the term 'all funds' shall include funding for hospitals, community service boards, private and public contracts, and any contracts relating to service delivery for clients within the given region. The department shall establish a funding amount for regions conditioned upon the amount of funds appropriated. The funding amount shall be determined, in part, based on consumer service needs, service and program history, population based funding needs, infrastructure mandates, program efficiency and effectiveness, geographic distances, and other factors affecting the cost and level of service needs within each region.

~~(2)~~(b) The department shall establish guidelines to ensure that regions receive such funding based on client population, past and future service delivery needs and capabilities, and in consideration of special needs populations, such as homeless and transient populations. The department shall ensure that funds are managed based primarily on services to clients and in compliance with all federal, state, and regulatory requirements.

~~(3)~~(c) The department, in compliance with the provisions of the General Appropriations Act and other applicable laws, is authorized to move funds to and between community and institutional programs based on need, and the department shall develop appropriate allocation and accounting mechanisms to move funds in a planned and rational manner between hospitals, community service boards, and other providers based on client needs and utilization."

SECTION 5.

Said title is further amended by revising Code Section 37-2-5.2, relating to regional planning boards, duties and functions, power to contract, delegation of powers and duties, and books of accounts, as follows:

"37-2-5.2.

Under the supervision of the department, each ~~regional~~ local office shall have the following duties and functions:

~~(1) To prepare, in consultation with consumers and families, community programs, hospitals, other public and private providers, its regional planning board, and appropriate advisory and advocacy groups, an annual plan identifying the needs and priorities for disability services in the region. The plan shall be submitted to the department at a time and in the manner specified by the department so as to ensure that the plan informs the annual appropriations request;~~

~~(2) To provide, as funds become available, for consumer assessment and service authorization and coordination for each consumer receiving services within the region;~~

~~(3) To exercise responsibility and authority as specified in this chapter within the region in all matters relating to the funding and delivery of disability services;~~

~~(4)~~(1) To receive and administer ~~grants,~~ gifts, moneys, and donations for purposes pertaining to mental health, developmental disability, and addictive disease services;

~~(5) To enter into contracts on behalf of the department with any hospital, community service board, or other public or private providers without regard to regional or state boundaries for the provision of disability services, and to enter into all contracts on behalf of the department necessary or incidental to the performance of duties and functions of the department and regional office;~~

~~(6)~~(2) To encourage the development, in cooperation with the department, of private and public providers of programs and disability services which respond to the needs of consumers and families of consumers within the region;

~~(7)~~(3) To serve as the representative of the citizens of the area in regard to disability services;

~~(8)~~(4) To receive and consider complaints and grievances submitted by individuals, associations, or agencies involved with the delivery or receipt of disability services and, if deemed appropriate, to seek resolution in coordination with the department, through processes which may include impartial mediation and alternative dispute resolution, of such complaints and grievances with the appropriate hospital, community service board, or other private or public provider of service;

~~(9)~~(5) To assure the highest achievable level of public awareness and understanding of both available and needed disability services;

~~(10)~~(6) To visit regularly disability services facilities and programs which serve the region in order to assure contracted providers are licensed and accredited by the designated agencies prescribed by the department, and in order to evaluate the effectiveness and appropriateness of the services, as such services relate to the health, safety, and welfare of service recipients, and to provide technical assistance to programs in delivering services; and

~~(11)~~(7) To participate with other ~~regional~~ local offices and planning boards, the department, local, state, or federal government agencies, educational institutions, and public and private organizations in the coordination of planning, research, service development, and evaluation activities:

(A) To work cooperatively with all units of county and local government, including the county boards of health, within the region; and

(B) To establish goals and objectives, not inconsistent with those established by the department, for its region.~~; and~~

~~(C) To participate in the establishment and operation of a data base and network, coordinated by the department, to serve as a comprehensive management information system for disability services and programs.~~

~~(b) It is the express intent of this chapter to confer upon the regional offices as the administrative entities of the department the flexibility, responsibility, and authority necessary to enter into contracts on behalf of the department with a wide range of public and private providers to ensure that consumers are afforded cost-effective, locally based, and quality disability services. Under the supervision of the department, regional offices are specifically authorized to enter into contracts on behalf of the department directly with any county governing authority, any disability services organization created or designated by such county governing authority, any county~~

~~board of health, any private or public provider, or any hospital for the provision of disability services.~~

~~(c) Each regional office shall account for all funds received, expended, and administered and shall make reports to the department regarding the funds received from the department. The audit of such activity shall be part of the annual audit of the department.~~"

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Jasperse	Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	E Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 169, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 566. By Representatives Nix of the 69th, Rynders of the 152nd, Holmes of the 129th and Stephens of the 165th:

A BILL to be entitled an Act to amend an Act to provide for the composition and number of state house districts, approved August 24, 2011 (Ga. L. 2011, Ex. Sess., p. 3), as amended, particularly by an Act approved February 23, 2012 (Ga. L. 2012, p. 21), so as to revise the boundaries of certain state house districts; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend an Act to provide for the composition and number of state house districts, approved August 24, 2011 (Ga. L. 2011, Ex. Sess., p. 3), as amended, particularly by an Act approved February 23, 2012 (Ga. L. 2012, p. 21), so as to revise the boundaries of certain state house districts; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act to provide for the composition and number of state house districts, approved August 24, 2011 (Ga. L. 2011, Ex. Sess., p. 3), as amended, particularly by an Act approved February 23, 2012 (Ga. L. 2012, p. 21), is amended by amending the plan attached thereto and identified as "Plan: HSEPROP1 Plan Type: HOUSE Administrator: H167 User: STAFF" by revising the description of Districts 27, 30, 53, 55, 59, 60, 73, 104, 105, 109, 110, 111, 130, 165, 166, 176, and 177 as follows:

"District 027
Hall County
VTD: 139015 - TADMORE
000102:
2059 2060
000701:
1000 1001 1002 1003 1004 1013 1014 1015 1016 1017 1018 1019
1020

000702:
1004 1009 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010
2011 2012 2013 2014 2015 2016 2017
001202:
1000 1001 1002 1003 1004 1005 1023 1029 1035
VTD: 139016 - GLADE
VTD: 139017 - LULA
VTD: 139018 - CLERMONT
VTD: 139019 - QUILLIANS
VTD: 139020 - BARK CAMP
VTD: 139021 - MURRAYVILLE
VTD: 139022 - CHESTATEE
VTD: 139023 - FORK
VTD: 139024 - WHELCHEL
VTD: 139028 - GAINESVILLE III
000400:
1035 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021
2023 2024 2028 2036 2037 2038 2039 2040 2041
001004:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1016 1017 1018 1019 1020 1025 1030 1031 1032
1034 1035
VTD: 139034 - GILLSVILLE
VTD: 139035 - BIG HICKORY
White County
VTD: 311081 - SHOAL CREEK
950201:
1027 1051 1059 1060 1061 1062 1063 1064 1065 1067 1069 1070
1071 1072 1073 3048 3050 3051 3052 3053 3054 3055 3056 3057
3058 3059 3060 3061 3062 3063 3064 3065 3066 3067 3068 3069
3070 3071 3072 3073 3074 3075 3076 3077 3078 3079 3080 3081
3082 3083 3084 3085 3086 3087 3088 3089 3090 3091 3092 3094"

"District 030
Hall County
VTD: 139002 - WILSON II
001002:
2017 2018 2019 2020 2021 2022 2023 2024 2025 2037 2038 2039
2040 2041 2042 2043 2044 2045 2046 2047 2048 2049
VTD: 139003 - CHICOPEE
001102:
1031 1032 1035 1036 1038 1057
001301:

3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020
3021 3022 3023 3024 3025 3026 3027 3028 3029 3030 3031 3032
3033 3034 3035 3036 3037 3038 3039 3040 3041 3042 3058 3059
3062 3071 3072 3073 3089 3090 3091 3092 3093 3094
001403:
2000
VTD: 139004 - OAKWOOD I
VTD: 139005 - OAKWOOD II
VTD: 139006 - OAKWOOD III
VTD: 139007 - FLOWERY BRANCH
VTD: 139008 - FLOWERY BRANCH
VTD: 139009 - ROBERTS
001502:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035
1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047
1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059
1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071
1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083
1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095
1096 1097 1098 1099 1100 1101 1102 1103 1104 2008 2009 2010
2011 2012 2013 2014 2025 2026 2033 2039
001607:
1003 1004 1005 1006 1007 1008 1010 1011 1012 1013 1014 1015
1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1028
2006 2007 2009 2011 2012 2013 2014 2015 2016 2017 2018 2022
2023 2027 2028 2029 2030 2031 2032 2033 2035 2043 2047
VTD: 139011 - MORGAN II
VTD: 139012 - MORGAN III
VTD: 139013 - CANDLER
VTD: 139014 - AGRICULTURE CENTER
VTD: 139015 - TADMORE
000701:
1021 2035 2036 2037 2048 2049 2050
000702:
1000 1001 1002 1003 1005 1006 1007 1008 1010 1011 1012 1013
1014 1015 1016 1017 1018 1019 1020 1021 1022 1024 1025 2000
001201:
3061
001202:
1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017
1018 1019 1020 1021 1022 1024 1025 1026 1027 1028 1030 1031

1032 1033 1034 2000 2001 2002 2003 2004 2005 2006 2007 2008
2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2038
VTD: 139032 - GAINESVILLE MILL
VTD: 139038 - FRIENDSHIP III"

"District 053
Cobb County
VTD: 067NJ01 - NICKAJACK 01
031205:
3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013
3014 3015 3016 3018 3019 3020 3021 3022 3023 3024 3025 3026
3027 3028 3029
031206:
2000 2001 2002 2003 2004 2014 3014 3016 3017 3018 3019 3020
3021 3022 3023 3024 3025 3026 3027 3028 3029 3030 3031 3032
3034 3035 3036 3037 3044 3045 3068 3069 3070 3071 3072 3073
3075 3076 3078 3079 3080 3081 3082 3083 3084 3090 3097 3098
3099
VTD: 067OK01 - OAKDALE 01
031206:
1074 1075 1099 1100 3056 3057 3059 3060 3062 3063 3093 3094
3095 3096
VTD: 067SN7B - SMYRNA 7B
031206:
1030 1031 1032 1033 1034 1035 1062 1071 1072 1073 1076 1077
1078 1079 1083 1084 1085 1086 1087 1088 1089 1090 1091 1093
1094 1095 1096 2005 2006 2007 2008 2009 2010 2011 2015 3043
3046 3047 3048 3054 3055 3058 3061 3064 3065 3066 3067 3074
3077 3085 3086 3087 3088 3089 3091 3092 3100 3101
VTD: 067VG02 - VININGS 02
031205:
3017
VTD: 067VG03 - VININGS 03
Fulton County
VTD: 12108E - 08E
VTD: 12108F - 08F
008904:
3004 3005 3006
009700:
3006
VTD: 12109A - 09A
VTD: 12109B - 09B
VTD: 12109C - 09C

VTD: 12109D - 09D
VTD: 12109E - 09E
VTD: 12109F - 09F
VTD: 12109K - 09K
VTD: 12109L - 09L
VTD: 12109M - 09M
VTD: 12109N - 09N
VTD: 12110D - 10D
VTD: 12110E - 10E
VTD: 12110F - 10F
VTD: 12110H - 10H
008201:
1028 1029 1030 1031 1032 1033 1034 1035 1037
VTD: 12110P - 10P
VTD: 12110R - 10R"

"District 055
Fulton County
VTD: 12103H - 03H
VTD: 12103M - 03M
VTD: 12103R - 03R
VTD: 12103S - 03S
VTD: 12106L - 06L
000500:
3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013
3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025 3026
3027 3028 3029 3030 3031 3032 3033 3034 3035 3036 3037 3038
3039 3040 3041 3042
VTD: 12107J - 07J
VTD: 12107K1 - 07K1
VTD: 12108K - 08K
VTD: 12108L - 08L
VTD: 12108P - 08P
VTD: 12109G - 09G
VTD: 12110H - 10H
008102:
3000 3011 3012 4000 4001 4002 4003 4004 4005 4006 4007 4008
4009 4010 4011 4012 4013 4014
008201:
1036
VTD: 12110L - 10L
VTD: 12111A1 - 11A1
VTD: 12111A3 - 11A3

VTD: 12111B1 - 11B1
VTD: 12111B2 - 11B2
VTD: 12111C - 11C
VTD: 12111E2 - 11E2
007706:
1010 1014 1015 1020 1021 1022 1023 1024 1025 3004 3005 3006
3009
VTD: 12111M - 11M
VTD: 12111N - 11N
VTD: 12111P - 11P
VTD: 121SC02 - SC02
VTD: 121SC30 - SC30"

"District 059
Fulton County
VTD: 12101A - 01A
VTD: 12101B - 01B
VTD: 12101C - 01C
VTD: 12101E - 01E
VTD: 12101G - 01G
VTD: 12101J - 01J
VTD: 12101P1 - 01P1
VTD: 12101P2 - 01P2
VTD: 12101R - 01R
VTD: 12101T - 01T
VTD: 12102E - 02E
VTD: 12102F1 - 02F1
VTD: 12102G - 02G
003000:
2024
003100:
2002
003200:
1002
VTD: 12105A - 05A
003100:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 2001 2003 2004 2005 2006 2007 2008 2009 2010
2011 2012 2013 2014 2015 2016 2017 2018
003200:
1000 1001
005200:

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3012 3013
3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3025 3026
3027 3028 3029
VTD: 12112E1 - 12E1
VTD: 12112F - 12F
VTD: 12112G - 12G
VTD: 12112H - 12H
007400:
1009 1010 1011 1012 1015 1016 1018 1019 1020 1021 1022 1023
1024 1025 1026 1027 1028 1031 1032
VTD: 121EP04 - EP04
011100:
1000 1001 1002 1003 1014 1015 1017 1018 1019 1020 1021 1022
1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 2000
2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
2013 2014 2015 2016 2017 2018 2021 2022 2023 2024 2025 2026
3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3013 3014 3015 3016 3017 3018
VTD: 121EP05A - EP05A
011000:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 2000 2001 2002 2003 2004 2005 2006 2007
2008 2009 2010 2011 2012 2013 2016 2017 2018 3000 3001 3002
3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014
3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025 4000
4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012
4013 4014 4015 4016
011100:
2019 2020 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036
2037 2038 2039 2040 2041 2042 2043
012300:
3000 3001 3002 3003 3004 3005 3006 3014 3018 3023
VTD: 121HP01 - HP01

District 060
Clayton County
VTD: 063FP1 - FOREST PARK 1
VTD: 063FP2 - FOREST PARK 2
VTD: 063OAK1 - OAK 1
VTD: 063OAK2 - OAK 2
Fulton County
VTD: 12101S - 01S
VTD: 12111J - 11J

VTD: 12112D - 12D
VTD: 12112E2 - 12E2
VTD: 12112H - 12H
007001:
1013 1014 1024 1025 1026 1031 2000 2001 2002 2003 2004 2005
2006 2007 2008 2009 2010 3011 3012
007300:
1000 1001 1002 1003 1004 1005 1017
VTD: 12112J - 12J
VTD: 12112M - 12M
VTD: 12112T - 12T
VTD: 121CP01B - CP01B
VTD: 121CP02A - CP02A
VTD: 121CP02B - CP02B
VTD: 121CP04 - CP04
VTD: 121EP01 - EP01
VTD: 121EP03 - EP03
VTD: 121EP04 - EP04
011100:
1004 1005 1007 1008 1009 1010 1011 1012 1013 1016
011201:
3020 3021 3022 3026 3027 3030 3031
VTD: 121EP05A - EP05A
010800:
3079 3080 3081 3082
012300:
1000 2000 3007 3008 3009 3010 3011 3012 3013 3015 3016 3017
3019 3020 3021 3022 3024 3025 3026 3027 3028 3029 3030 3031
3032 3033 3034 3035 3036 3037 3038 3039 3040 3041 3042 3043
3044 3045 3046 3048 3050 3051 3052 3053 3054 3055 3056 3057
3059
VTD: 121EP05B - EP05B
VTD: 121EP06 - EP06
VTD: 121EP07 - EP07
VTD: 121EP09 - EP09"

"District 073
Fayette County
VTD: 11315 - WOOLSEY
VTD: 11325 - HARPS CROSSING
VTD: 11330 - MURPHY
VTD: 11336 - ANTIOCH
Henry County

VTD: 15130 - SOUTH HAMPTON
VTD: 15131 - NORTH HAMPTON
VTD: 15132 - MOUNT CARMEL
070305:
1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1043 1044
1045 1046 1047
Spalding County
VTD: 25505 - 05 GA EXP STATION
160500:
1014 1018 1037 1038 1039 1045 2014 2015 2016 2017 2018 2019
2022 2023 2024 2025 2026
VTD: 25508 - 08 BOY SCOUTS
VTD: 25510 - 10 CARVER
VTD: 25512 - 12 LIBERTY
VTD: 25513 - 13 COUNTY LINE
VTD: 25514 - 14 SUNNYSIDE
VTD: 25515 - 15 BLALOCK
VTD: 25516 - 16 GARY REID
VTD: 25518 - 18 COMMUNITY
VTD: 25519 - 19 FIRST ASSEMBLY
160100:
2024 2025 2026 2027
160500:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2033 2036 2054 2061
160600:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023
2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035
2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047
2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059
2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071
2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083
2084 2085 2086 2087 2088 2097 2098 2099 2100 2111 2112 2115"

"District 104
Gwinnett County
VTD: 135001 - HARBINS A
050608:
1011 1012 1016 1025 1026 1027 1028 1029 1030 1031 1032 1033
1035 1036 1037 1038 1039 1040 1041 1042 1064 1066 1067 1069
1070 1071 1072 1076 1077 1079
VTD: 135003 - DACULA

VTD: 135008 - DUNCANS A
VTD: 135027 - HOG MOUNTAIN B
050548:
1000 1001 1002 1003 1004 1005 1006 1020 1021 1024 1038 1047
050607:
1033 1051 1052 1053 1054 1055 2019 2020 2021
050608:
3037 3038 3039 3040
VTD: 135028 - ROCKYCREEK A
VTD: 135060 - LAWRENCEVILLE D
050520:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2015 3000 3010
050523:
1001 1005
050545:
3016 3017 3018 3019 3020 3028 3029
050548:
1023 1030 1031 1036 1037 1039 1040 1045 1046 1048 1049 1050
1051 1052
VTD: 135129 - DUNCANS B
VTD: 135133 - HARBINS B
VTD: 135144 - LAWRENCEVILLE M
050545:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 2000 2001 2002 2003 2005 2006 2007 2008
2009 2010 2011 2012 2015 2016 2017 3000 3001 3021 3022 3023
VTD: 135152 - ROCKYCREEK C
VTD: 135157 - DUNCANS C

District 105
Gwinnett County
VTD: 135001 - HARBINS A
050608:
2005 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017
2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029
2030 2031 2032 2033 2034 2036 2037 2038 2039 2040 2041 2056
2057 2058 2059
VTD: 135060 - LAWRENCEVILLE D
050520:
2014 2016 3001 3002 3003 3004 3005 3006 3007 3008 3009 3011
3012 3013 3014 3015 3016 3017 3018 3019 3020
050523:

1003 1004 1015 1016 1017 1018 1019 1020 1031 1032
050545:
3015 3024 3025 3026 3027 3037 3038 3039 3040 3041 3042
050546:
2019 2020 2021 2022 2023 2024
VTD: 135071 - LAWRENCEVILLE F
VTD: 135080 - BAYCREEK C
VTD: 135091 - BAYCREEK D
VTD: 135134 - BAYCREEK F
VTD: 135144 - LAWRENCEVILLE M
050545:
1017 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012
3013 3014 3030 3031 3032 3033 3034 3035 3036 3043
050546:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2015 2018
VTD: 135146 - BAYCREEK H
050726:
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2015 2016 2017 2018 2025
050727:
2018 2019 2020
VTD: 135147 - BAYCREEK I
VTD: 135151 - HARBINS C
VTD: 135161 - BAYCREEK K"

"District 109
Henry County
VTD: 15136 - MCMULLEN
VTD: 15137 - EAST LAKE
VTD: 15138 - HICKORY FLAT
070205:
1000 1001 1002 3000 3001 3002 3018 3019 3020 3021 3022 3023
3024 3025 3026 3027 3028 3029 3030 3031 3032 3033 3034 3035
3036 3037 3038 3039 3040 3041 3042 3043 3044 3045 3046 3047
3048 3049 3050 3051 3052
VTD: 15139 - STOCKBRIDGE EAST
070114:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1022 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034
1035 1036 1037 1038 1044 1048 1049 1050 1053 1054 1055 1056
1057 1058 1062 1067
VTD: 15140 - STOCKBRIDGE WEST

VTD: 15141 - STAGECOACH
VTD: 15153 - FLIPPEN
070114:
1039 1040 1041 1042 1043 1045 1046 1047 1052 1059 1060 1064 1065 1066 2029 2030
070205:
3009 3010 3011 3013 3014 3015
070309:
1001 1002 1003 1004 1005 1006 1007 1008 1009 1037
VTD: 15155 - KELLEYTOWN
VTD: 15158 - MT. BETHEL
VTD: 15160 - LAKE HAVEN
VTD: 15161 - MCDONOUGH CENTER
070304:
1039 1047
070307:
1002 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1044 1052 1053 1054 1055 1056 1057 1058 1062
070310:
2004 2005 2006 2007 2008 2009 2010 2011 2013 2014 2015 2016 2017 2039 2040
VTD: 15162 - TIMBERRIDGE
Newton County
VTD: 21710 - DOWNS
100901:
1040 1041 1042 1048 1049 1050 1054 2017 2018 2019 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025 3026 3027 3028 3029 3030 3031 3032
100903:
2018 2019 2020 2021 2022 2023
Rockdale County
VTD: 247BA - BARKSDALE
VTD: 247MA - MAGNET
060407:
2004 2005 2006 2007 2008 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011

District 110
Butts County
VTD: 035JENK - JENKINSBURG
VTD: 035STARK - STARK

VTD: 035WORTH - WORTHVILLE
Henry County
VTD: 15126 - TUSSAHAW
070402:
2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017
2018 2019 2026 2029 2030 2031 2037 3008 3009 3010 3011 3012
3013 3014 3015 3018 3020
070403:
3000 3002
VTD: 15127 - SANDY RIDGE
VTD: 15128 - WESTSIDE
VTD: 15149 - SHILOH
VTD: 15152 - LAKE DOW
Newton County
VTD: 21706 - BREWERS
100800:
1008 1016 1028 1029 1030 1031 1032 1042 1043 1044 1066 1067
1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079
1080 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090 1091
1092 1093 1094 1095 1096 1097 1098 1099 1100 1101 1102 1116
2065
VTD: 21709 - LIVINGSTON
100901:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1018 1019 1020 1021 1051 1052 1053
VTD: 21710 - DOWNS
100901:
1016 1017 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031
1032 1033 1034 1035 1036 1037 1038 1039 1043 1044 1045 1046
1047 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010
2011 2012 2013 2014 2015 2016 2020 2021 3000 3001
VTD: 21718 - ROCKY PLAINS

District 111
Henry County
VTD: 15126 - TUSSAHAW
070402:
2027 2028 2035 2036
070403:
1001 1002 1006 2000 2001 2002 2003 2004 2005
VTD: 15129 - LOWES
VTD: 15132 - MOUNT CARMEL
070305:

1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016
1017 1018 1019 1020 1021 1022 1023 1024 1035 1036 1037 1038
1039 1040 1041 1042
VTD: 15134 - WESLEY LAKES
VTD: 15135 - MCDONOUGH
VTD: 15138 - HICKORY FLAT
070309:
1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025
1026 1027 1028 1032 1033 1034 1035 1036 2037 2038 2039 2040
2041 2042 2043 2044 2045 2046 2047 2048 2049 2055
VTD: 15148 - UNITY GROVE
VTD: 15150 - PATES CREEK
VTD: 15151 - OAKLAND
VTD: 15153 - FLIPPEN
070114:
1061
070309:
1010 1011 1012 1013 2000 2001 2002 2003 2004 2005 2006 2007
2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019
2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031
2032 2033 2034 2035 2036 2050 2051 2052 2053 2054
VTD: 15157 - DUTCHTOWN
VTD: 15159 - GROVE PARK
VTD: 15161 - MCDONOUGH CENTER
070304:
1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059
1060 1061 1062 1063 1064 1065 1066 1067 1068 1071
070307:
1028 1029 1030 1031 1032 1033 1034 1048 1049 1060 1061
070310:
2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2032 2041
2042 2043 2044 2047 2048 2049
070311:
3000"

"District 130
Henry County
VTD: 15125 - LOCUST GROVE
Lamar County
VTD: 1711712A - CHAPPELL MILL
VTD: 1711712B - SENIOR CITIZEN
VTD: 1711714 - MILNER
Spalding County

VTD: 25501 - 01 RESA ACADEMY
VTD: 25502 - 02 FAIRMONT
VTD: 25503 - 03 LIBRARY
VTD: 25504 - 04 THIRD WARD
VTD: 25505 - 05 GA EXP STATION
160400:
1012 1025 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010
2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034
2035 2036 2040 2041 2042 2043 2046 2047 2048 2049 2050 2051
2052 2053 2054 2055 2056 2057 2060 2061 2062 2063 2064 2065
5030
160500:
2020 2027 2028 2032 2037 2038 2039 2040 2041 2042 2043 2044
2045 2046 2047 2048 2049 2050 2051 2052 2053 2062 2063 2064
2065 2066 2067 2068 2069 2071 2073 2074 2075 2091 2092
160700:
1000 1005 3006 3011 3012 3020 3023 3024 3025 3027 3028 3029
3030 3031 3033 3034 3036 3038 3039 3041 3042
160800:
3000 3001 3002 3003 3005 3007 3057
VTD: 25506 - 06 CITY PARK
VTD: 25507 - 07 FIRST METHODIST
VTD: 25509 - 09 CABIN
VTD: 25511 - 11 FIRST PRESBYTERIAN
VTD: 25517 - 17 AMBUCS
VTD: 25519 - 19 FIRST ASSEMBLY
160500:
2021 2029 2030 2031 2034 2035 2070 2072 2082
160700:
3004 3005 3007 3008 3013
VTD: 25520 - 20 ROBERTS
VTD: 25521 - 21 SUN CITY"

"District 165
Chatham County
VTD: 0511-14
VTD: 0511-16
VTD: 0512-11
VTD: 0512-4
VTD: 0512-6
VTD: 0512-7
VTD: 0512-9

VTD: 0513-1
VTD: 0513-10
VTD: 0513-11
VTD: 0513-12
VTD: 0513-13
VTD: 0513-14
VTD: 0513-15
VTD: 0513-3
VTD: 0513-4
VTD: 0513-5
VTD: 0513-8
VTD: 0513-9
VTD: 0516-2
004209:
1018 1019 3003 3004 3005 3007 3008 3009 3010 3011 3012 3013
3014 3015 3016 3017 3018 3019
011500:
1000 1001 1002 1003 1011 1014
VTD: 0516-5
VTD: 0516-9
004212:
1000 1001 1002 1003 1004 1005 1006 1007 1018 2000 2001 2002
2003 2004 2006 2010 2011 2012 2013 2014 2016 3000 3001

District 166
Bryan County
VTD: 0298 - HWY 144 EAST
VTD: 0299 - KELLER
Chatham County
VTD: 0511-10
VTD: 0511-12
VTD: 0511-17
VTD: 0514-10
VTD: 0514-11
VTD: 0514-12
VTD: 0514-13
VTD: 0514-14
VTD: 0514-15
VTD: 0514-2
VTD: 0514-4
VTD: 0514-5
VTD: 0514-6
VTD: 0514-7

VTD: 0514-8
VTD: 0516-10
010901:
3021 3022
011500:
1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037
1038 1039 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063
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"District 176
Atkinson County
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Lowndes County
VTD: 18503 - HAHIRA UNITED METHODIST
VTD: 18504 - MT OLIVE CHURCH
VTD: 18507 - PINE GROVE CHURCH
VTD: 18508 - WATER TMT PLANT
010102:
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010604:
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VTD: 18513 - JAYCEE PARK ACT
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VTD: 18514 - NAYLOR CITY HALL
VTD: 18515 - SENIOR CITIZENS
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VTD: 299100 - DISTRICT 1
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VTD: 299300 - 1231-150B
VTD: 299404 - BEACH-BICKLEY
VTD: 299405 - HAYWOOD
VTD: 299406 - JAMESTOWN
VTD: 299408 - MILLWOOD
VTD: 299409 - WARESBORO

District 177
Lowndes County
VTD: 18508 - WATER TMT PLANT
010102:
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VTD: 18513 - JAYCEE PARK ACT
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VTD: 18515 - SENIOR CITIZENS
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VTD: 18517 - MATHIS AUDITORIUM
VTD: 18518 - ABUNDANT LIFE CHURCH
VTD: 18521 - MESSIAH LUTHERAN
VTD: 18522 - FIRST CHRISTIAN
VTD: 18523 - GARDEN CENTER
VTD: 18524 - RAINWATER CONFERENCE CENTER
010201:
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2034 2035 2036
VTD: 18525 - AZALEA CITY CHURCH
VTD: 18526 - REMERTON CITY HALL
VTD: 18527 - CRAIG RECREATION
VTD: 18530 - SOUTHSIDE REC C
VTD: 18531 - LOMAX PINEVALE
VTD: 18532 - MILDRED HUNTER
VTD: 18533 - AIRPORT CHURCH"

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	E Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	E Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 168, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 288. By Representatives Dempsey of the 13th, Tanner of the 9th, Epps of the 144th, Gardner of the 57th, Reeves of the 34th and others:

A BILL to be entitled an Act to amend Code Section 37-2-4 of the Official Code of Georgia Annotated, relating to the Behavioral Health Coordinating Council, membership, meetings and obligations, so as to provide for two additional members to serve on the behavioral health coordinating council; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 37-2-4 of the Official Code of Georgia Annotated, relating to the Behavioral Health Coordinating Council, membership, meetings and obligations, so as to provide for two additional members to serve on the behavioral health coordinating council; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 37-2-4 of the Official Code of Georgia Annotated, relating to the Behavioral Health Coordinating Council, is amended by revising subsection (a) as follows:

"(a) There is created the Behavioral Health Coordinating Council. The council shall consist of the commissioner of behavioral health and developmental disabilities; the commissioner of community health; the commissioner of public health; the commissioner of human services; the commissioner of juvenile justice; the commissioner of corrections; the commissioner of community affairs; the Commissioner of Labor; the State School Superintendent; the chairperson of the State Board of Pardons and Paroles; <u>two members, appointed by the Governor;</u> the ombudsman appointed pursuant to Code Section 37-2-32; an adult consumer of public behavioral health services, appointed by the Governor; a family member of a consumer of public behavioral health services, appointed by the Governor; a parent of a child receiving public behavioral health services, appointed by the Governor; a member of the House of Representatives, appointed by the Speaker of the House of Representatives; and a member of the Senate, appointed by the Lieutenant Governor."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
N Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Jackson	N Pezold	Y Tanner
Y Beskin	E Dunahoo	Y Jacobs	Y Powell, A	N Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Brockway	E Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	E Ramsey	N Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 7.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 263. By Representatives Coomer of the 14th, Nimmer of the 178th, Dickey of the 140th, Rogers of the 10th, Golick of the 40th and others:

A BILL to be entitled an Act to amend Chapter 6A of Title 35, Chapter 11 of Title 15, and Title 49 of the O.C.G.A., relating to the Criminal Justice Coordinating Council, the Juvenile Code, and social services, respectively, so

as to provide for an advisory board to the council for juvenile justice issues; to amend Article 2 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to family violence shelters, so as to remove the responsibility and duties of the Department of Human Resources for such shelters and require the Criminal Justice Coordinating Council to have such responsibility and duties; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 6A of Title 35, Chapter 11 of Title 15, Article 2 of Chapter 13 of Title 19, and Title 49 of the Official Code of Georgia Annotated, relating to the Criminal Justice Coordinating Council, the Juvenile Code, family violence shelters, and social services, respectively, so as to allow the Criminal Justice Coordinating Council to receive and distribute federal Department of Justice grants; to provide for an advisory board to the council for juvenile justice issues; to provide for the membership of the board; to provide for the board's duties; to provide that certain entities and agencies share information with the council; to remove the responsibility and duties of the Department of Human Resources for such shelters and require the Criminal Justice Coordinating Council to have such responsibility and duties; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 6A of Title 35 of the Official Code of Georgia Annotated, relating to the Criminal Justice Coordinating Council, is amended by revising Code Section 35-6A-7, relating to the functions and the authority of the council, as follows:

"35-6A-7.

The council is vested with the following functions and authority:

(1) To cooperate with and secure cooperation of every department, agency, or instrumentality in the state government or its political subdivisions in the furtherance of the purposes of this chapter;

(2) To prepare, publish in print or electronically, and disseminate fundamental criminal justice information of a descriptive and analytical nature to all components of the criminal justice system of this state, including law enforcement agencies, the courts, <u>juvenile justice agencies,</u> and correctional agencies;

(3) To serve as the state-wide clearing-house for criminal justice information and research;

(4) To maintain a research program in order to identify and define significant criminal justice problems and issues and effective solutions and to publish in print or electronically special reports as needed;

(5) In coordination and cooperation with all components of the criminal justice system of this state, to develop criminal justice legislative proposals and executive policy proposals reflective of the priorities of the entire criminal justice system of this state;

(6) To serve in an advisory capacity to the Governor on issues impacting the criminal justice system of this state;

(7) To coordinate high visibility criminal justice research projects and studies with a state-wide impact, which studies and projects cross traditional system component lines;

(8) To convene periodically state-wide criminal justice conferences involving key executives in the criminal justice system of this state and elected officials for the purpose of developing, prioritizing, and publicizing a policy agenda for the criminal justice system of this state;

(9) To provide for the interaction, communication, and coordination of all components of the criminal justice system of this state for the purpose of improving this state's response to crime and its effects;

(10) To administer gifts, grants, and donations for the purpose of carrying out this chapter;

(11) To promulgate rules governing the approval of victim assistance programs as provided for in Article 8 of Chapter 21 of Title 15; ~~and~~

(12) To supervise the preparation, administration, and implementation of the three-year juvenile justice plan as provided by this chapter; and

~~(12)~~(13) To do any and all things necessary and proper to enable it to perform wholly and adequately its duties and to exercise the authority granted to it."

SECTION 2.

Said chapter is further amended by adding two new Code sections to read as follows:

"35-6A-11.

(a) There is established an advisory board to the council which shall consist of at least 15 and not more than 33 members appointed by the Governor who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency and shall be composed of:

(1) At least three members of the council, two of whom are not full-time government employees or elected officials;

(2) At least one locally elected official representing general purpose local government;

(3) Representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecuting attorneys, attorneys for children and youth, and probation workers;

(4) Representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;
(5) Representatives of private nonprofit organizations, including individuals with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;
(6) Volunteers who work with delinquent children or potential delinquent children;
(7) Youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;
(8) Individuals with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and
(9) Individuals with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence.
(b)(1) A majority of the members of the advisory board, including the chairperson, shall not be full-time employees of the federal, state, or local government.
(2) At least one-fifth of the members of the advisory board shall be under 24 years of age at the time of their appointment.
(3) At least three members shall have been or shall currently be under the jurisdiction of the juvenile justice system of this state.
(c) Membership on the advisory board shall not constitute public office and no member shall be disqualified from holding public office by reason of his or her membership.
(d) The advisory board shall elect a chairperson from among its membership who must also be a member of the council. The advisory board may elect such other officers and committees as it considers appropriate.
(e) Members of the advisory board shall serve without compensation, although each member of the advisory board shall be reimbursed for actual expenses incurred in the performance of his or her duties from funds available to the office. Such reimbursement shall be limited to all travel and other expenses necessarily incurred through service on the advisory board, in compliance with this state's travel rules and regulations. However, in no case shall a member of the advisory board be reimbursed for expenses incurred in the member's capacity as the representative of another state agency.

35-6A-12.
The advisory board shall:
(1) Meet at such times and places as it shall determine necessary or convenient to perform its duties. The advisory board shall also meet on the call of the chairperson, the director of the council, the chairperson of the council, or the Governor;
(2) Maintain minutes of its meetings;

(3) Participate in the development and review of this state's juvenile justice plan prior to submission to the council for final action;
(4) Be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory board, on all juvenile justice and delinquency prevention grant applications submitted to the council;
(5) Using the combined expertise and experience of its members, provide regular advice and counsel to the director of the council to enable the council to carry out its statutory duties under this article; and
(6) Carry out such duties that may be required by federal law or regulation so as to enable this state to receive and disburse federal funds for juvenile delinquency prevention and treatment."

SECTION 3.

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile Code, is amended by revising subsection (f) of Code Section 15-11-504, relating to place of detention and data on child detained, as follows:

"(f) All facilities shall maintain data on each child detained and such data shall be recorded and retained by the facility for three years and shall be made available for inspection during normal business hours by any court exercising juvenile court jurisdiction, by DJJ, by the Governor's Office for Children and Families, by the Criminal Justice Coordinating Council, and by the Council of Juvenile Court Judges. Such data shall be used by the inspecting agency for official purposes and shall not be subject to release by such agency pursuant to Article 4 of Chapter 18 of Title 50, nor subject to subpoena. The required data are each detained child's:

(1) Name;
(2) Date of birth;
(3) Sex;
(4) Race;
(5) Offense or offenses for which such child is being detained;
(6) Date of and authority for confinement;
(7) Location of the offense and the name of the school if the offense occurred in a school safety zone, as defined in Code Section 16-11-127.1;
(8) The name of the referral source, including the name of the school if the referring source was a school;
(9) The score on the detention assessment;
(10) The basis for detention if such child's detention assessment score does not in and of itself mandate detention;
(11) The reason for detention, which may include, but shall not be limited to, preadjudication detention, detention while awaiting a postdisposition placement, or serving a short-term program disposition;
(12) Date of and authority for release or transfer; and
(13) Transfer or to whom released."

SECTION 4.

Said chapter is further amended by revising subsection (d) of Code Section 15-11-704, relating to public inspection of court files and records, as follows:

"(d) A judge shall permit authorized representatives of DJJ, the Governor's Office for Children and Families, the Criminal Justice Coordinating Council, and the Council of Juvenile Court Judges to inspect and extract data from any court files and records for the purpose of obtaining statistics on children and to make copies pursuant to the order of the court. Such data shall be used by the inspecting agency for official purposes and shall not be subject to release by such agency pursuant to Article 4 of Chapter 18 of Title 50, nor subject to subpoena."

SECTION 5.

Said chapter is further amended by revising subsection (d) of Code Section 15-11-708, relating to separation of juvenile and adult records for law enforcement, as follows:

"(d) The court shall allow authorized representatives of DJJ, the Governor's Office for Children and Families, the Criminal Justice Coordinating Council, and the Council of Juvenile Court Judges to inspect and copy law enforcement records for the purpose of obtaining statistics on children. Such data shall be used by the inspecting agency for official purposes and shall not be subject to release by such agency pursuant to Article 4 of Chapter 18 of Title 50, nor subject to subpoena."

SECTION 6.

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by revising paragraph (3) of subsection (b) of Code Section 49-4A-2, relating to the duties and responsibilities of the Board of Juvenile Justice, as follows:

"(3) Ensure that detention assessment, risk assessment, and risk and needs assessment instruments that are utilized by intake personnel and courts are developed in consultation with the Governor's Office for Children and Families, the Criminal Justice Coordinating Council, and the Council of Juvenile Court Judges and ensure that such instruments are validated at least every five years;"

SECTION 7.

Said title is further amended by revising subsection (n) of Code Section 49-4A-8, relating to commitment of delinquent children and records, as follows:

"(n)(1) The department shall conduct a continuing inquiry into the effectiveness of treatment methods it employs in seeking the rehabilitation of maladjusted children. To this end, the department shall maintain a statistical record of arrests and commitments of its wards subsequent to their discharge from the jurisdiction and control of the department and shall tabulate, analyze, and publish in print or electronically annually these data so that they may be used to evaluate the relative merits of methods of treatment. The department shall cooperate and coordinate with courts, juvenile court clerks, the Governor's Office for Children and Families, the

Criminal Justice Coordinating Council, and public and private agencies in the collection of statistics and information regarding:

(A) Juvenile delinquency;

(B) Arrests made;

(C) Detentions made, the offense for which such detention was authorized, and the reason for each detention;

(D) Complaints filed;

(E) Informations filed;

(F) Petitions filed;

(G) The results of complaints, informations, and petitions, including whether such filings were dismissed, diverted, or adjudicated;

(H) Commitments to the department, the length of such commitment, and releases from the department;

(I) The department's placement decisions for commitments;

(J) Placement decisions to institutions, camps, or other facilities for delinquent children operated under the direction of courts or other local public authorities;

(K) Community programs utilized and completion data for such programs;

(L) Recidivism;

(M) Data collected by juvenile court clerks pursuant to Code Section 15-11-64; and

(N) Other information useful in determining the amount and causes of juvenile delinquency in this state.

(2) In order to facilitate the collection of the information required by paragraph (1) of this subsection, the department shall be authorized to inspect and copy all records of the court and law enforcement agencies pertaining to juveniles and collect data from juvenile court clerks."

SECTION 8.

Said title is further amended by revising subsection (b) of Code Section 49-5-155, relating to the effect of Article 6 on the Department of Juvenile Justice office as recipient entity for federal grants, as follows:

"(b) Other than the Department of Juvenile Justice, the Governor's Office for Children and Families created pursuant to Code Section 49-5-132 and the Criminal Justice Coordinating Council shall be the only other authorized controlling recipient entity for grants under the United States Department of Justice Juvenile Justice Delinquency and Prevention Grants."

SECTION 9.

Article 2 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to family violence shelters, is amended by revising paragraphs (1) and (5) of Code Section 19-13-20, relating to definitions, as follows:

"(1) 'Council' means the Criminal Justice Coordinating Council. ~~'Department' means the Department of Human Services.~~"

"(5) 'Family violence shelter' means a facility approved by the ~~department~~ council for the purpose of receiving, on a temporary basis, persons who are subject to family violence. Family violence shelters are distinguished from shelters operated for detention or placement of children only, as provided in subsection (c) of Code Section 15-11-135 and subsection (a) of Code Section 15-11-504."

SECTION 10.

Said article is further amended by revising Code Section 19-13-21, relating to the powers and duties of the department, as follows:

"19-13-21.

(a) It shall be the duty of the ~~department~~ council:

(1) To establish minimum standards for an approved family violence shelter to enable such shelter to receive state funds;

(2) To receive applications for the development and establishment of family violence shelters;

(3) To approve or reject each application within 60 days of receipt of the application;

(4) To distribute funds to an approved shelter as funds become available;

(5) To fund other family violence programs as funds become available, provided that such programs meet standards established by the ~~department~~ council; and

(6) To evaluate annually each family violence shelter for compliance with the minimum standards.

(b) Without using designated shelter funds, the ~~department~~ council may:

(1) Formulate and conduct a research and evaluation program on family violence and cooperate with and assist and participate in programs of other properly qualified agencies, including any agency of the federal government, schools of medicine, hospitals, and clinics, in planning and conducting research on the prevention of family violence and the care, treatment, and rehabilitation of persons engaged in or subject to family violence;

(2) Serve as a clearing-house for information relating to family violence;

(3) Carry on educational programs on family violence for the benefit of the general public, persons engaged in or subject to family violence, professional persons, or others who care for or may be engaged in the care and treatment of persons engaged in or subject to family violence; and

(4) Enlist the assistance of public and voluntary health, education, welfare, and rehabilitation agencies in a concerted effort to prevent family violence and to treat persons engaged in or subject to family violence."

SECTION 11.

Said article is further amended by revising Code Section 19-13-22, relating to eligibility for licensing and funding, as follows:

"19-13-22.

(a) In order to be approved and funded under this article, each shelter shall:

(1) Provide a facility which will serve as a shelter to receive or house persons who are family violence victims;

(2) Receive the periodic written endorsement of local law enforcement agencies;

(3) Receive a minimum of 25 percent of its funding from other sources. Contributions in kind, whether materials, commodities, transportation, office space, other types of facilities, or personal services, may be evaluated and counted as part of the required local funding; and

(4) Meet the minimum standards of the ~~department~~ council for approving family violence shelters; provided, however, that facilities not receiving state funds shall not be required to be approved.

(b) The ~~department~~ council shall provide procedures whereby local organizations may apply for approval and funding. Any local agency or organization may apply to participate.

(c) Each approved family violence shelter shall be designated to serve as a temporary receiving facility for the admission of persons subject to family violence. Each shelter shall refer such persons and their spouses to any public or private facility, service, or program providing treatment or rehabilitation services, including, but not limited to, the prevention of such violence and the care, treatment, and rehabilitation of persons engaged in or subject to family violence.

(d) Family violence shelters and family violence programs may be established throughout the state as private, local, state, or federal funds are available. Any county or municipality in this state is authorized to make grants of county or municipal funds, respectively, to any family violence center approved as such in accordance with the minimum standards of the ~~department~~ council.

(e) The family violence shelters shall establish procedures pursuant to which persons subject to family violence may seek admission to these shelters on a voluntary basis.

(f) Each family violence shelter shall have a board composed of at least three citizens, one of whom shall be a member of a local, municipal, or county law enforcement agency."

SECTION 12.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre

Ballinger	Y Dempsey	Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Dukes	Jackson	Y Pezold	Y Tanner
Y Beskin	E Dunahoo	Y Jacobs	Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	E Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	E Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 166, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 361. By Representatives Welch of the 110th, Coomer of the 14th, Weldon of the 3rd, Rogers of the 10th, Dickey of the 140th and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 of the O.C.G.A., relating to the Juvenile Code, so as to enact reforms as recommended by the Georgia Council on Criminal Justice Reform with respect to juveniles; to revise defined terms; to clarify and harmonize statutory language; to clarify transfer criteria; to amend Code Section 17-10-14 of the O.C.G.A., relating to committal of person under 17 convicted of felony, so as to correct a cross-reference; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for prosecuting attorneys to be involved in and prosecute cases wherein a child is alleged to be in need of services; to provide for related matters; to provide for

an effective date and contingent effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile Code, so as to enact reforms as recommended by the Georgia Council on Criminal Justice Reform with respect to juveniles; to revise defined terms; to clarify and harmonize statutory language; to restrict jurisdiction of the Juvenile Court for the prosecution of juvenile traffic offenses to children under 17 years of age; to clarify transfer criteria; to amend Code Section 17-10-14 of the Official Code of Georgia Annotated, relating to committal of person under 17 convicted of felony, so as to correct a cross-reference; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for prosecuting attorneys to be involved in and prosecute cases wherein a child is alleged to be in need of services; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile Code, is amended by revising paragraphs (45) and (49) of Code Section 15-11-2, relating to definitions, as follows:

"(45) 'Mediation' means the ~~procedure~~ proceeding in which a mediator facilitates communication between the parties concerning the matters in dispute and explores possible solutions to promote ~~reconciliation~~ collaboration, understanding, and settlement."

"(49) 'Nonsecure residential facility' means community residential ~~locations operated by or on behalf of DJJ and may include group homes, emergency shelters, wilderness or outdoor therapeutic programs, or other~~ facilities that provide 24 hour care in a residential setting that are not hardware secured."

SECTION 1-2.

Said chapter is further amended by revising Code Section 15-11-10, relating to exclusive original jurisdiction, as follows:

"15-11-10.

Except as provided in Code Section 15-11-560, the juvenile court shall have exclusive original jurisdiction over juvenile matters and shall be the sole court for initiating action:

(1) Concerning any child who:

(A) Is alleged to be a delinquent child;

(B) Is alleged to be a child in need of services;

(C) Is alleged to be a dependent child;

(D) Is alleged to be in need of treatment or commitment as a mentally ill or developmentally disabled child;

~~(E) Is alleged to have committed a juvenile traffic offense as defined in Code Section 15-11-630;~~

~~(F)~~(E) Has been placed under the supervision of the court or on probation to the court; provided, however, that such jurisdiction shall be for the purpose of completing, effectuating, and enforcing such supervision or a probation begun either prior to such child's seventeenth birthday if the order is entered as a disposition for an adjudication for delinquency or prior to such child's eighteenth birthday if the order is entered for an adjudication for a child in need of services;

~~(G)~~(F) Has remained in foster care after such child's eighteenth birthday or who is receiving independent living services from DFCS after such child's eighteenth birthday; provided, however, that such jurisdiction shall be for the purpose of reviewing the status of such child and the services being provided to such child as a result of such child's independent living plan or status as a child in foster care; or

~~(H)~~(G) Requires a comprehensive services plan in accordance with Code Section 15-11-658; ~~or~~

(2) Concerning any individual under the age of 17 years alleged to have committed a juvenile traffic offense as defined in Code Section 15-11-630; or

~~(2)~~(3) Involving any proceedings:

(A) For obtaining judicial consent to the marriage, employment, or enlistment in the armed services of any child if such consent is required by law;

(B) For permanent guardianship brought pursuant to the provisions of Article 3 of this chapter;

(C) Under Chapter 4B of Title 49, the Interstate Compact for Juveniles, or any comparable law, enacted or adopted in this state;

(D) For the termination of the legal parent-child relationship and the rights of the biological father who is not the legal father of the child in accordance with Article 4 of this chapter; provided, however, that such jurisdiction shall not affect the superior court's exclusive jurisdiction to terminate the legal parent-child relationship and the rights of a biological father who is not the legal father of the child as set forth in Chapters 6 through 9 of Title 19;

(E) For emancipation brought pursuant to the provisions of Article 10 of this chapter;

(F) Under Article 8 of this chapter, relating to prior notice to a parent, guardian, or legal custodian relative to an unemancipated minor's decision to seek an abortion; or
(G) Brought by a local board of education pursuant to Code Section 20-2-766.1, relating to court orders requiring that a parent, guardian, or legal custodian attend a conference or participate in programs or treatment to improve a student's behavior."

SECTION 1-3.

Said chapter is further amended by revising subsection (b) of Code Section 15-11-12, relating to dual designation of children and time limitations, as follows:

"(b) If a child alleged or adjudicated to be a delinquent child or a child in need of services is also alleged or adjudicated to be a dependent child, dependency proceedings may be consolidated with delinquency or child in need of services proceedings to the extent consistent with due process of law as provided in Articles 3, ~~6~~ 5, and ~~7~~ 6 of this chapter."

SECTION 1-4.

Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section 15-11-16, relating to commencement of pleadings, as follows:

"(3) By the filing of a petition for legitimation under Code Section 15-11-11, or in other cases by the filing of a complaint or a petition as provided in Articles 3, 4, 5, 6, 7, 8, and 10 of this chapter."

SECTION 1-5.

Said chapter is further amended by revising subsection (a) of Code Section 15-11-24, relating to termination of mediation, as follows:

"(a) Any ~~Either~~ party in a mediation may withdraw from or terminate further participation in mediation at any time."

SECTION 1-6.

Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section 15-11-146, relating to preliminary protective hearings and findings, as follows:

"(1) On finding that the complainant has ~~not proved either~~ proven neither of the required elements prescribed in subsection (a) of this Code section, shall dismiss the case and shall return the child before the court to his or her parent, guardian, or legal custodian;"

SECTION 1-7.

Said chapter is further amended by revising subparagraph (D) of paragraph (8) of Code Section 15-11-231, relating to the permanency planning report, as follows:

"(D) In the case in which DFCS has documented a compelling reason that none of the ~~foregoing~~ options identified in subparagraphs (A) through (C) of this paragraph would be in the best interests of the child, whether, and if applicable, when such child shall be placed in another planned permanent living arrangement;"

SECTION 1-8.

Said chapter is further amended by revising paragraph (4) of subsection (b) of Code Section 15-11-232, relating to permanency planning hearing and findings, as follows:

"(4) In the case in which DFCS has documented a compelling reason that none of the options identified in paragraphs (1) through (3) of this subsection would be in the best interests of the child, whether, and if applicable, when such child shall be placed in another planned permanent living arrangement. ~~Whether there is a safe and appropriate placement with a fit and willing relative of a child adjudicated as a dependent child or other persons who have demonstrated an ongoing commitment to a child or a statement as to why placement with such relative or other person is not safe or appropriate.~~"

SECTION 1-9.

Said chapter is further amended by revising subsection (a) of Code Section 15-11-243, relating to notice and permanent guardianship hearing, as follows:

"(a) Notice of a guardianship petition pursuant to this part shall be given to a parent of the child who was adjudicated as a dependent child and shall also be given in accordance with subsection (c) of Code Section 29-2-17 except that, if the parents have consented to the guardianship, notice of the petition shall not be required to be given to:

(1) The adult siblings of the child who was adjudicated as a dependent child;

(2) The grandparents of the child who was adjudicated as a dependent child; or

(3) The nearest adult relatives of the child who was adjudicated as a dependent child as determined in accordance with Code Section 53-2-1."

SECTION 1-10.

Said chapter is further amended by revising subsection (b) of Code Section 15-11-441, relating to an adjudication hearing, as follows:

"(b) An adjudication hearing for a child alleged to be a child in need of services shall be conducted in accordance with Title 24.

(c) At the conclusion of the adjudication hearing, the court shall determine whether such child is a child in need of services."

SECTION 1-11.

Said chapter is further amended by revising subsections (b) and (c) of Code Section 15-11-506, relating to a detention hearing, as follows:

"(b) If an alleged delinquent child is detained and is not released from preadjudication custody, a detention hearing shall be held promptly and not later than:

(1) Two ~~business~~ days after such child is placed in preadjudication custody if such child is taken into custody without an arrest warrant; or

(2) Five ~~business~~ days after such child is placed in preadjudication custody if such child is taken into custody pursuant to an arrest warrant.

(c) Notwithstanding Code Section 15-11-5, if ~~If~~ the detention hearing cannot be held within two ~~business~~ days in accordance with paragraph (1) of subsection (b) of this

Code section because the date for the hearing falls on a weekend or legal holiday, the court shall review the decision to detain such child and make a finding based on probable cause within 48 hours of such child being placed in preadjudication custody."

SECTION 1-12.

Said chapter is further amended by revising subsection (e) of Code Section 15-11-560, relating to concurrent and original jurisdiction of superior court, as follows:

"(e)(1) After indictment, the superior court may after investigation ~~and for extraordinary cause~~ transfer to the juvenile court any case involving a child 13 to 17 years of age alleged to have committed voluntary manslaughter, aggravated sodomy, aggravated child molestation, or aggravated sexual battery. In considering the transfer of such case, the court shall consider the criteria set forth in Code Section 15-11-562. Any such transfer shall be appealable by the State of Georgia pursuant to Code Section 5-7-1. Upon such a transfer by the superior court, jurisdiction shall vest in the juvenile court and jurisdiction of the superior court shall terminate.

(2) Except as provided in paragraph (8) of subsection (b) of Code Section 15-11-602, any case transferred by the superior court to the juvenile court pursuant to this subsection shall be subject to the class A designated felony act provisions of Code Section 15-11-602, and the transfer of the case from superior court to juvenile court shall constitute notice to such child that such case is subject to the class A designated felony act provisions of Code Section 15-11-602."

SECTION 1-13.

Said chapter is further amended by revising subsection (c) of Code Section 15-11-561, relating to waiver of juvenile court jurisdiction and transfer to superior court, as follows:

"(c) After consideration of a probation report, risk assessment, and any other evidence the court deems relevant, including any evidence offered by a child, the court may determine that because of the seriousness of the offense or such child's prior record, the welfare of the community requires that criminal proceedings against such child be instituted. The court shall also consider the criteria listed in subsection (a) of Code Section 15-11-562."

SECTION 1-14.

Said chapter is further amended by revising subsection (a) of Code Section 15-11-562, relating to transfer criteria, as follows:

"(a) The criteria ~~which~~ that the juvenile court shall consider in determining whether to transfer an alleged delinquent child as set forth in subsection ~~(b)~~ (a) of Code Section ~~15-11-560~~ 15-11-561 to superior court and the criteria that the superior court shall consider in determining whether to transfer any case involving a child 13 to 17 years of age alleged to have committed voluntary manslaughter, aggravated sodomy, aggravated child molestation, or aggravated sexual battery to juvenile court as set forth in subsection (e) of Code Section 15-11-560 includes, but shall not be limited to:

(1) The age of such child;

(2) The seriousness of the alleged offense, especially if personal injury resulted;
(3) Whether the protection of the community requires transfer of jurisdiction;
(4) Whether the alleged offense involved violence or was committed in an aggressive or premeditated manner;
(5) The impact of the alleged offense on the alleged victim, including the permanence of any physical or emotional injury sustained, health care expenses incurred, and lost earnings suffered;
~~(5)~~(6) The culpability of such child including such child's level of planning and participation in the alleged offense;
~~(6)~~(7) Whether the alleged offense is a part of a repetitive pattern of offenses which indicates that such child may be beyond rehabilitation in the juvenile justice system;
~~(7)~~(8) The record and history of such child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions, and other placements;
~~(8)~~(9) The sophistication and maturity of such child as determined by consideration of his or her home and environmental situation, emotional condition, and pattern of living;
~~(9)~~(10) The program and facilities available to the juvenile court in considering disposition; and
~~(10)~~(11) Whether or not a child can benefit from the treatment or rehabilitative programs available to the juvenile court."

SECTION 1-15.

Said chapter is further amended by revising Code Section 15-11-630, relating to juvenile traffic offenses, as follows:

"15-11-630.

(a) As used in this Code section, the term 'child' means an individual under 17 years of age.

~~(a)~~(b) A juvenile traffic offense consists of a violation by a child of:

(1) A law or local ordinance governing the operation of a moving motor vehicle upon the streets or highways of this state or upon the waterways within or adjoining this state; or

(2) Any other motor vehicle traffic law or local ordinance if a child is taken into custody and detained for its violation or is transferred to the juvenile court by the court hearing the charge.

~~(b)~~(c) The following offenses shall be acts of delinquency and shall not be handled as juvenile traffic offenses: aggressive driving, reckless driving, a ~~four-point~~ speeding offense punishable by four or more points, homicide by vehicle, manslaughter resulting from the operation of a vehicle, any felony in the commission of which a motor vehicle is used, racing on highways and streets, using a motor vehicle in fleeing or attempting to elude an officer, fraudulent or fictitious use of a driver's license, hit and run or leaving the scene of an accident, driving under the influence of alcohol or drugs, and any offense committed by an unlicensed driver under 16 years of age.

~~(c)~~(d) A juvenile traffic offense shall not be an act of delinquency unless the case is transferred to the delinquency calendar.

~~(d)~~(e) The summons, notice to appear, or other designation of a citation accusing a child of committing a juvenile traffic offense constitutes the commencement of the proceedings in the court of the county in which the alleged violation occurred and serves in place of a summons and petition under this article. These cases shall be filed and heard separately from other proceedings of the court. If a child is taken into custody on the charge, Code Sections 15-11-503 and 15-11-505 shall apply. If a child is, or after commencement of the proceedings becomes, a resident of another county of this state, the court in the county where the alleged traffic offense occurred may retain jurisdiction over the entire case.

~~(e)~~(f) The court shall fix a time for a hearing and shall give reasonable notice thereof to the child accused of committing a juvenile traffic offense and, if his or her address is known, to his or her parent, guardian, or legal custodian. If the accusation made in the summons, notice to appear, or other designation of a citation is denied, a hearing shall be held at which the parties shall have the right to subpoena witnesses, present evidence, cross-examine witnesses, and appear with their attorney. The hearing shall be open to the public.

~~(f)~~(g) If the court finds on the admission of a child or upon the evidence that a child committed the offense charged, it may make one or more of the following orders:

(1) Reprimand, counsel, or warn such child and his or her parent, guardian, or legal custodian; provided, however, that this disposition order shall not be available for any act of delinquency;

(2) As a matter of supervised or unsupervised probation, order the Department of Driver Services to suspend such child's privilege to drive under stated conditions and limitations for a period not to exceed 12 months;

(3) Require such child to attend a traffic school approved by the Department of Driver Services or a substance abuse clinic or program approved by either DBHDD or the Council of Juvenile Court Judges for a reasonable period of time;

(4) Assess a fine and order such child to remit to the general fund of the county a sum not exceeding the maximum applicable to an adult for a like offense. The fine shall be subject to all additions and penalties as specified under this title and Title 47;

(5) Require such child to participate in a program of community service as specified by the court;

(6) Impose any sanction authorized by Code Section 15-11-442 or 15-11-601; or

(7) Place such child on probation subject to the conditions and limitations imposed by Title 40 governing probation granted to adults for like offenses, provided that such probation shall be supervised by the court or shall be unsupervised probation.

~~(g)~~(h) In lieu of the orders provided by subsection ~~(f)~~ (g) of this Code section, if the evidence warrants, the court may transfer the case to the delinquency calendar of the court and direct the filing and service of a summons and delinquency petition.

~~(h)~~(i) Upon finding that a child has committed a juvenile traffic offense or an act of delinquency which would be a violation of Title 40 if committed by an adult, the court

shall forward, within ten days, a report of the final adjudication and disposition of the charge to the Department of Driver Services; provided, however, that this procedure shall not be applicable to those cases which have been dismissed or in which a child and his or her parent, guardian, or legal custodian have been reprimanded, counseled, or warned by the court. The Department of Driver Services shall record the adjudication and disposition of the offense on such child's permanent record, and such adjudication and disposition shall be deemed a conviction for the purpose of suspending or revoking such child's driver's license. Such record shall also be available to law enforcement agencies and courts as are the permanent traffic records of adults."

SECTION 1-16.

Code Section 17-10-14 of the Official Code of Georgia Annotated, relating to committal of person under 17 convicted of felony, is amended by revising subsection (b) as follows:

"(b) If a child is transferred to superior court ~~according to subsection (b) of~~ pursuant to Code Section 15-11-561 and convicted of aggravated assault as defined in Chapter 5 of Title 16, the court may sentence such child to the Department of Corrections. Such child shall be housed in a designated youth confinement unit until such person is 17 years of age, at which time such person may be housed in any other unit designated by the Department of Corrections."

PART II
SECTION 2-1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising subsection (a) of Code Section 15-11-390, relating to filing a complaint for a child in need of services, as follows:

"(a) A complaint alleging a child is a child in need of services may be made by any person, including a law enforcement officer, who has knowledge of the facts alleged or is informed and believes that such facts are true. A prosecuting attorney may file a complaint alleging a child is in need of services or intervene in such matter to represent the interest of the state as parens patriae."

SECTION 2-2.

Said title is further amended by revising Code Section 15-11-405, relating to termination of proceedings relating to a runaway child, as follows:

"15-11-405.

Any proceeding or other processes or actions alleging for the first time that a child is a runaway shall be terminated or dismissed upon the request of such child's parent, guardian, or legal custodian or a prosecuting attorney."

SECTION 2-3.

Said title is further amended by revising Code Section 15-11-420, relating to the authority to file a petition, as follows:

"15-11-420.

A petition alleging that a child is a child in need of services may be filed by a parent, a guardian, a legal custodian, a law enforcement officer, a guardian ad litem, ~~or~~ an attorney who has knowledge of the facts alleged or is informed and believes that such facts are true~~. Such petition~~, or a prosecuting attorney. Except when such petition has been filed by a prosecuting attorney, it shall not be accepted for filing unless the court or a person authorized by the court has determined and endorsed on the petition that the filing of the petition is in the best interests of the public and such child. When such petition is filed by a prosecuting attorney, the prosecuting attorney shall be authorized to conduct the proceedings on behalf of the state as parens patriae."

SECTION 2-4.

Said title is further amended by revising Code Section 15-11-440, relating to the standard of proof, as follows:

"15-11-440.

The petitioner, or prosecuting attorney when representing the state, has the burden of proving the allegations of a child in need of services petition by clear and convincing evidence."

SECTION 2-5.

Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section 15-11-443, relating to the duration of disposition orders, as follows:

"(1) A hearing is held prior to the expiration of the order upon motion of DFCS, DJJ, the petitioner, the prosecuting attorney, or on the court's own motion;"

SECTION 2-6.

Said title is further amended by revising subsection (c) of Code Section 15-11-450, relating to comprehensive services plan for child found unrestorably incompetent to proceed, as follows:

"(c) A plan manager may request that other relevant persons attend a comprehensive services plan meeting, including but not limited to the following:

(1) A representative from the Department of Public Health;

(2) A DFCS caseworker;

(3) A prosecuting attorney;

~~(3)~~(4) Representatives of the public and private resources to be utilized in the plan; and

~~(4)~~(5) Other persons who have demonstrated an ongoing commitment to the child."

SECTION 2-7.

Said title is further amended by revising subsection (e) of Code Section 15-11-451, relating to hearing on mental health plan, as follows:

"(e) At any time, in the event of a change in circumstances regarding such child, the court on its own motion or on the motion of the attorney representing such child, any

guardian ad litem for such child, the person who filed the petition alleging that a child is in need of services or committed a delinquent act, the prosecuting attorney, or the plan manager may set a hearing for review of the comprehensive services plan and any proposed amendments to such plan. The court may issue an appropriate order incorporating an amended plan."

SECTION 2-8.

Said title is further amended by revising Code Section 15-18-6.1, relating to the representation of the state in juvenile court cases, as follows:

"15-18-6.1.

(a) The district attorney shall be responsible for representing the state in any appeal from the juvenile court. Except as provided in subsection (c) of this Code section, the district attorney shall be responsible for representing the state in the prosecution of delinquency cases in the juvenile court and may represent the state as parens patraie in cases involving a child in need of services. The district attorney may designate assistant district attorneys, investigators, victim and witness assistance personnel, and other employees to assist in juvenile court.

(b) In counties with a solicitor-general for the state court, the solicitor-general may, with the approval of the district attorney, represent the state in prosecution of juvenile traffic offenses and in any delinquency case arising out of the operation of a motor vehicle or a watercraft.

(c) If as a result of workload, lack of staff, or other cause the district attorney determines that his or her office cannot provide representation for the state in a juvenile court of a county, other than for an appeal, the district attorney shall notify in writing the chief judge of superior court, the judge or judges of the juvenile court, and the chairperson of the county governing authority of such county of such determination. A copy of such notice shall be provided to the Prosecuting Attorneys' Council of the State of Georgia. If the district attorney determines that his or her office may resume representation in juvenile court, he or she shall notify the chief judge of the superior court, the judge or judges of the juvenile court, and the chairperson of the county governing authority in writing.

(d) Upon receipt of the notice set forth in subsection (c) of this Code section, the governing authority of such county may appoint one or more attorneys to represent the state in prosecuting delinquency and child in need of services cases in juvenile court. Such attorney shall be compensated in an amount to be fixed by the governing authority of such county. The governing authority shall determine and state in writing whether an attorney shall serve on a full-time or part-time basis. An attorney appointed to serve on a full-time basis shall not engage in the private practice of law. An attorney appointed to serve on a part-time basis may engage in the private practice of law, but shall not represent a child charged with committing a delinquent act or being a child in need of services in the juvenile court of the county in which he or she serves as part-time prosecutor nor may he or she appear in any matter in which he or she has exercised jurisdiction.

(e) An attorney appointed pursuant to subsection (d) of this Code section shall have all of the powers, duties, and authority of the district attorney with regard to delinquency and child in need of services cases and shall be subject to all laws and rules governing the conduct of prosecuting attorneys in this state. If such attorney is disqualified from interest or relationship to engage in prosecution, the provisions of Code Section 15-18-5 shall apply."

PART III
SECTION 3-1.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3-2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
E Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	E Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	E Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	E Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser

Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 169, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Battles of the 15th District, Chairman of the Committee on Retirement, submitted the following report:

Mr. Speaker:

Your Committee on Retirement has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 422 Do Pass

Respectfully submitted,
/s/ Battles of the 15th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 540. By Representatives Dollar of the 45th, Ramsey of the 72nd, Kelley of the 16th and Petrea of the 166th:

A BILL to be entitled an Act to amend Chapter 6 of Title 28 of the Official Code of Georgia Annotated, relating to interstate cooperation, so as to clarify the number of members of the Senate Interstate Cooperation Committee and the House Committee on Interstate Cooperation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams
Y Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
E Dunahoo
Y Duncan
Y Ealum
E Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
Y Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
E Jones, L
Y Jones, S
Y Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
E Mitchell
Y Morris
Y Mosby
Nimmer
Y Nix
Y Oliver
Y O'Neal
Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
E Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, the ayes were 167, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 154. By Representatives Weldon of the 3rd, Willard of the 51st, Reeves of the 34th, Kelley of the 16th, Oliver of the 82nd and others:

A BILL to be entitled an Act to amend Code Section 15-10-2 of the Official Code of Georgia Annotated, relating to the jurisdiction of magistrate courts, so as to increase the fine amount for contempt of court; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

N Abrams	Y Coomer	Y Harbin	Y Meadows	N Smith, E
N Alexander	Y Cooper	Y Harden	E Mitchell	N Smith, L
N Allison	N Corbett	N Harrell	N Morris	N Smith, M
N Anderson	N Dawkins-Haigler	Y Hatchett	N Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	N Smyre
N Ballinger	Y Dempsey	N Henson	Y Nix	N Spencer
N Barr	Y Dickerson	N Hightower	Y Oliver	N Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	N Holcomb	N Pak	N Stephenson
N Bell	N Dollar	Y Holmes	Y Parrish	N Stovall
Y Belton	N Douglas	Y Houston	Y Parsons	N Stover
N Bennett	N Drenner	N Howard	Y Peake	Y Strickland
E Bentley	N Dudgeon	N Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	N Jackson	N Pezold	N Tanner
Y Beskin	E Dunahoo	Y Jacobs	Y Powell, A	N Tarvin
N Beverly	N Duncan	N Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	N Ealum	Y Jones, J	N Prince	Y Taylor, T
N Brockway	E Efstration	Y Jones, J.B.	N Pruett	N Teasley
N Brooks	N Ehrhart	E Jones, L	N Quick	Y Thomas, A.M.
N Bruce	N England	Jones, S	N Raffensperger	Thomas, E
Y Bryant	Y Epps	E Jordan	N Rakestraw	N Trammell
N Buckner	Y Evans	N Kaiser	E Ramsey	N Turner
Y Burns	Y Fleming	Y Kelley	N Randall	N Waites
Y Caldwell, J	N Floyd	N Kendrick	Y Reeves	N Watson
N Caldwell, M	N Fludd	Y Kidd	Y Rhodes	Y Welch
N Cantrell	N Frazier	Y Kirby	N Rice	Y Weldon
Y Carson	N Frye	N Knight	Y Roberts	N Werkheiser
N Carter	Y Gardner	Y LaRiccia	N Rogers, C	N Wilkerson
N Casas	Gasaway	N Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	N Mabra	N Rutledge	Y Willard
Y Cheokas	E Glanton	N Marin	N Rynders	Williams, A
N Clark, D	Y Golick	Y Martin	N Scott	N Williams, C
N Clark, H	N Gordon	Y Maxwell	Y Setzler	N Williams, E
Y Clark, V	N Gravley	Y Mayo	N Sharper	Y Williamson
Y Coleman	Y Greene	N McCall	N Shaw	Y Yates
N Cooke	N Hamilton	N McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 76, nays 90.

The Bill, having failed to receive the requisite constitutional majority, was lost.

HB 279. By Representatives Powell of the 171st, Abrams of the 89th, Fleming of the 121st, Oliver of the 82nd, Willard of the 51st and others:

A BILL to be entitled an Act to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state

officials and cost-of-living adjustments, so as to repeal provisions relating to the annual salaries of Supreme Court Justices, Court of Appeals Judges, superior court judges and district attorneys; to enact provisions relating to the annual salaries of Supreme Court Justices, Court of Appeals Judges, superior court judges and district attorneys; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 15, Article 2 of Chapter 12 of Title 17, and Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to courts, public defenders, and annual salaries of certain state officials, respectively, so as to change provisions relating to the compensation of superior court judges, district attorneys, circuit public defenders, Supreme Court Justices, and Court of Appeals Judges; to provide for state salary supplements for superior court judges, district attorneys, and circuit public defenders under certain circumstances; to provide for state salary supplements for superior court judges of drug court, mental health court, and veteran court divisions; to change provisions relating to county salary supplements for superior court judges, district attorneys, and circuit public defenders; to repeal provisions relating to the annual salaries of Supreme Court Justices and Court of Appeals Judges; to enact provisions relating to the annual salaries of Supreme Court Justices and Court of Appeals Judges; to provide for a contingent effective date and effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising Code Section 15-6-29, relating to the salary of superior court judges, as follows:

"15-6-29.

(a) The annual salary of the judges of the superior courts shall be as provided in Code ~~Section~~ Sections 45-7-4 and 15-6-29.1 and may be as provided in Code Section 15-6-29.2. The annual salary provided by Code Section 45-7-4 shall be paid by The Council of Superior Court Judges of Georgia in 12 equal monthly installments.

(b) The annual salary ~~so fixed~~ shall be the total compensation to be paid by the state to the superior court judges and shall be in lieu of any and all other amounts to be paid from The Council of Superior Court Judges of Georgia, except as provided in Code Sections 15-6-29.1, 15-6-30, and 15-6-32.

(c) When a new superior court judgeship is created by law for any judicial circuit, the new superior court judge shall upon taking office become entitled to and shall receive

from the county or counties comprising the circuit the same county salary supplement, if any, then in effect for the other judge or judges of the judicial circuit. If the county salary supplement paid by the county or counties comprising the circuit varies between judges in the circuit, any newly appointed or elected superior court judge shall receive the lowest county supplement in effect on the day his or her initial term begins. Such county salary ~~supplement~~ supplements for such new judge shall be authorized by this subsection and no other legislation or local legislation shall be required in order to authorize such salary supplement, but nothing in this Code section shall be construed to prohibit the enactment of local legislation relating to such salary supplements. A publication of notice of intention to introduce local legislation as provided for in Code Section 28-1-14 shall be required for any local legislation granting, changing the amount of, or removing a salary supplement; but no publication of notice of intention shall be required for a bill creating one or more new superior court judgeships."

SECTION 2.

Said title is further amended by adding a new Code section to read as follows:

"15-6-29.1.

(a) As used in this Code section, the term 'county salary supplement' means the total supplement being paid to a superior court judge from all of the counties in such judge's circuit.

(b) Notwithstanding Code Section 15-6-27, if on February 15, 2015, a superior court judge's county salary supplement was less than $30,000.00, then on and after January 1, 2016, the state shall pay to such judge an annual state salary supplement in an amount equal to the difference between the amount of such judge's county salary supplement and $30,000.00. Such state salary supplement shall be paid from state funds by The Council of Superior Court Judges of Georgia in equal monthly installments as regular compensation. The Council of Superior Court Judges of Georgia shall collect data relative to county salary supplements in order to determine the state salary supplement that shall be paid to each superior court judge.

(c) Whatever county supplement is being paid to a superior court judge on February 15, 2015, if such supplement is:

(1) Thirty thousand dollars or more, it shall not be reduced in the future to an amount less than $30,000.00; and

(2) Less than $30,000.00, it shall not be reduced in the future to an amount less than it was on February 15, 2015.

(d) When a local law provides for a salary to be paid based on a percentage of, total compensation for, or similar mathematical relationship to a superior court judge's salary, the state salary supplement paid pursuant to this Code section shall not be included in the calculation of compensation to be paid by a county, municipality, or consolidated government."

SECTION 3.

Said title is further amended by adding a new Code section to read as follows:

"15-6-29.2.

(a) As used in this Code section, the term 'accountability court' means a drug court division, mental health court division, or veterans court division.

(b) On and after January 1, 2016, the state shall pay each judge regularly presiding in an accountability court an annual state supplement of $6,000.00. Such supplement shall be paid from state funds by The Council of Superior Court Judges of Georgia in equal monthly installments as regular compensation. The Administrative Office of the Courts shall certify to the council the time period for which a judge is serving as the presiding judge of an accountability court.

(c) When a local law provides for a salary to be paid based on a percentage of, total compensation for, or similar mathematical relationship to a superior court judge's salary, the state salary supplement paid pursuant to this Code section shall not be included in the calculation of compensation to be paid by a county, municipality, or consolidated government."

SECTION 4.

Said title is further amended by revising Code Section 15-18-10, relating to compensation of district attorneys, as follows:

"15-18-10.

(a) Each district attorney shall receive an annual salary from state funds as prescribed by law. Such salary shall be paid as provided in Code ~~Section~~ Sections 15-18-19 and 15-18-10.1.

(b) The county or counties comprising the judicial circuit may supplement the salary of the district attorney in such amount as is or may be authorized by local Act or in such amount as may be determined by the governing authority of such county or counties, whichever is greater.

(c) ~~All fees, fines, forfeitures, costs, and commissions formerly allowed district attorneys for their services as district attorney or as solicitor of any other court shall become the property of the county in which the services of the district attorney were rendered.~~ The clerk of court shall collect any such fees, fines, forfeitures, costs, and emoluments and remit the same to the county treasury by the fifteenth day of each month.

(d) No district attorney receiving an annual salary under this Code section shall engage in the private practice of law."

SECTION 5.

Said title is further amended by adding a new Code section to read as follows:

"15-18-10.1.

(a) As used in this Code section, the term 'county salary supplement' means the total supplement being paid to a district attorney from all of the counties in such district attorney's circuit.

(b) Notwithstanding Code Section 15-18-19, if on February 15, 2015, a district attorney's county salary supplement was less than $15,000.00, then on and after January

1, 2016, the state shall pay to such district attorney an annual state salary supplement in an amount equal to the difference between the amount of such district attorney's county salary supplement and $15,000.00. Such state salary supplement shall be paid from state funds by the Prosecuting Attorneys' Council of the State of Georgia in equal monthly installments as regular compensation. The Prosecuting Attorneys' Council of the State of Georgia shall collect data relative to county salary supplements in order to determine the state salary supplement that shall be paid to each district attorney.

(c) Whatever county supplement is being paid to a district attorney on February 15, 2015, if such supplement is:

(1) Fifteen thousand dollars or more, it shall not be reduced in the future to an amount less than $15,000.00; and

(2) Less than $15,000.00, it shall not be reduced in the future to an amount less than it was on February 15, 2015.

(d) Notwithstanding Code Sections 15-18-14 and 15-18-14.2, the state salary supplement paid pursuant to this Code section shall not be included in any calculation of compensation paid to assistant district attorneys or victim assistance coordinators that is measured as a percentage of a district attorney's salary.

(e) When a local law provides for a salary to be paid based on a percentage of, total compensation for, or similar mathematical relationship to a district attorney's salary, the state salary supplement paid pursuant to this Code section shall not be included in the calculation of compensation to be paid by a county, municipality, or consolidated government."

SECTION 6.

Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to public defenders, is amended by revising subsection (a) of Code Section 17-12-25, relating to the salary of the public defender, as follows:

"(a) Each circuit public defender shall receive an annual salary of $87,593.58, and cost-of-living adjustments may be given by the General Assembly in the General Appropriations Act by a percentage not to exceed the average percentage of the general increase in salary as may from time to time be granted to employees of the executive, judicial, and legislative branches of government; provided, however, that any increase for such circuit public defender shall not include within-grade step increases for which classified employees as defined by Code Section 45-20-2 are eligible. Any increase granted pursuant to this subsection shall become effective at the same time that funds are made available for the increase for such employees. The Office of Planning and Budget shall calculate the average percentage increase. Each circuit public defender may also be entitled to a state salary supplement as set forth in Code Section 17-12-25.1."

SECTION 7.

Said article is further amended by adding a new Code section to read as follows:

"17-12-25.1.

(a) As used in this Code section, the term 'county salary supplement' means the total supplement being paid to a circuit public defender from all of the counties in such circuit public defender's circuit.

(b) Notwithstanding Code Section 15-18-19, if on February 15, 2015, a circuit public defender's county salary supplement was less than $15,000.00, then on and after January 1, 2016, the state shall pay to such circuit public defender an annual state salary supplement in an amount equal to the difference between the amount of such circuit public defender's county salary supplement and $15,000.00. Such state salary supplement shall be paid from state funds by the Georgia Public Defender Standards Council in equal monthly installments as regular compensation. The Georgia Public Defender Standards Council shall collect data relative to county salary supplements in order to determine the state salary supplement that shall be paid to each circuit public defender.

(c) Whatever county supplement is being paid to a circuit public defender on February 15, 2015, if such supplement is:

(1) Fifteen thousand dollars or more, it shall not be reduced in the future to an amount less than $15,000.00; and

(2) Less than $15,000.00, it shall not be reduced in the future to an amount less than it was on February 15, 2015.

(d) Notwithstanding Code Sections 17-12-27 and 17-12-28, the state salary supplement paid pursuant to this Code section shall not be included in any calculation of compensation paid to assistant public defenders or investigators that is measured as a percentage of a district attorney's salary."

SECTION 8.

Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials and cost-of-living adjustments, is amended by repealing in their entirety paragraphs (18) and (19) of subsection (a) and enacting new paragraphs (18) and (19) to read as follows:

"(18) Each Justice of the Supreme Court 179,210.00

(19) Each Judge of the Court of Appeals ..... 178,186.00"

SECTION 9.

(a) This Act shall become effective only if funds are appropriated for purposes of this Act in an appropriations Act enacted at the 2015 regular session of the General Assembly.

(b) If funds are so appropriated, then this Act shall become effective on January 1, 2016.

(c) If funds are not so appropriated, then this Act shall not become effective and shall stand repealed on July 1, 2015.

SECTION 10.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Powell of the 171st and Ehrhart of the 36th offer the following amendment:

Amend the House Committee on Appropriations substitute to HB 279 (LC 29 6493S) by replacing lines 56 through 62 with the following:

be paid to each superior court judge. Whatever county salary supplement is being paid to a superior court judge on February 15, 2015, shall forever be the amount utilized to determine the amount of the state salary supplement irrespective of a county salary supplement being increased or reduced in the future; provided, however, that this subsection shall not authorize a county salary supplement to be decreased until an incumbent's successive term of office.

By replacing "(d)" *with* "(c)" *on line 63.*

By replacing lines 116 through 122 with the following:

supplement that shall be paid to each district attorney. Whatever county salary supplement is being paid to a district attorney on February 15, 2015, shall forever be the amount utilized to determine the amount of the state salary supplement irrespective of a county salary supplement being increased or reduced in the future.

By replacing "(d)" *and* "(e)" *with* "(c)" *and* "(d)" *on lines 123 and 127, respectively.*

By replacing lines 161 through 167 with the following:

supplement that shall be paid to each circuit public defender. Whatever county salary supplement is being paid to a circuit public defender on February 15, 2015, shall forever be the amount utilized to determine the amount of the state salary supplement irrespective of a county salary supplement being increased or reduced in the future.

By replacing "(d)" *with* "(c)" *on line 168.*

Pursuant to Rule 133, Representative Chandler of the 105th was excused from voting on HB 279.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	N Harrell	Y Morris	N Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	N Deffenbaugh	Y Hawkins	Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	N Nix	Y Spencer
N Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	N Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	E Dunahoo	E Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
N Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	N Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	E Ramsey	N Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
N Caldwell, M	Y Fludd	N Kidd	Y Rhodes	Y Welch
N Cantrell	Y Frazier	Y Kirby	N Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Chandler	Y Geisinger	Y Mabra	N Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	N Rynders	Y Williams, A
Clark, D	E Golick	N Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	N Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 142, nays 21.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 461. By Representatives Shaw of the 176th, Strickland of the 111th, Stephens of the 165th, Maxwell of the 17th, Watson of the 172nd and others:

A BILL to be entitled an Act to amend Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to secondary metals recyclers; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to secondary metals recyclers, so as to change certain provisions relating to the buying and selling of regulated metal property; to provide for and change certain definitions; to change certain provisions relating to verifiable documentation required; to provide for certain restrictions on the purchase of catalytic converters by secondary metals recyclers; to change certain provisions relating to requirements for purchase of burial objects; to change certain provisions relating to records of transactions, false statements in required affidavits, and penalty for making a false statement in execution of affidavit; to provide an exemption for used motor vehicle dealers and used motor vehicle parts dealers under certain circumstances; to change certain provisions relating to required information from secondary metals recyclers and role of the Georgia Bureau of Investigation; to provide for the information maintained in data base established by the Georgia Bureau of Investigation to be considered a trade secret and exempt from disclosure; to provide access to such data base by certain employees; to limit the use of the data base by such employees to certain purposes; to provide for penalties; to provide for the promulgation of certain rules and regulations by the Georgia Bureau of Investigation; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to secondary metals recyclers, is amended by revising Code Section 10-1-350, relating to definitions, as follows:

"10-1-350.

As used in this article, the term:

(1) 'Aluminum property' means aluminum forms designed to shape concrete.

(2) 'Burial object' means any product manufactured for or used for identifying or permanently decorating a grave site, including, without limitation, monuments, markers, benches, and vases and any base or foundation on which they rest or are mounted.

(3) 'Business license' means a business license, an occupational tax certificate, and other document required by a county or municipal corporation and issued by the appropriate agency of such county or municipal corporation to engage in a profession or business.

~~(3)~~(4) 'Coil' means any copper, aluminum, or aluminum-copper condensing coil or evaporation coil including its tubing or rods. The term shall not include coil from a window air-conditioning system, if contained within the system itself, or coil from an automobile condenser.

~~(4)~~(5) ' Copper property' means any copper wire, copper tubing, copper pipe, or any item composed completely of copper.

~~(5)~~(6) 'Deliverer' means any individual who takes or transports the regulated metal property to the secondary metals recycler.

~~(6)~~(7) 'Ferrous metals' means any metals containing significant quantities of iron or steel.

~~(7)~~(8) 'Law enforcement officer' means any duly constituted peace officer of the State of Georgia or of any county, municipality, or political subdivision thereof.

~~(8)~~(9) 'Nonferrous metals' means stainless steel beer kegs and metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof.

~~(9)~~(10) 'Person' means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity.

~~(10)~~(11) 'Personal identification card' means a current and unexpired driver's license or identification card issued by the Department of Driver Services or a similar card issued by another state, a military identification card, or a current work authorization issued by the federal government, which shall contain the individual's name, address, and photograph.

~~(11)~~(12) 'Purchase transaction' means a transaction in which the secondary metals recycler gives consideration in exchange for regulated metal property.

~~(12)~~(13) 'Regulated metal property' means any item composed primarily of any ferrous metals or nonferrous metals and includes aluminum property, copper property, and catalytic converters but shall not include ~~batteries,~~ aluminum beverage containers, used beverage containers, or similar beverage containers.

~~(13)~~(14) 'Secondary metals recycler' means any person who is engaged, from a fixed location or otherwise, in the business in this state of paying compensation for regulated metal property that has served its original economic purpose, whether or not engaged in the business of performing the manufacturing process by which regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value.

~~(14)~~(15) 'Seller' means the rightful owner of the regulated metal property or the individual authorized by the rightful owner of the regulated metal property to conduct the purchase transaction."

SECTION 2.

Said article is further amended by revising Code Section 10-1-351, relating to verifiable documentation required, as follows:

"10-1-351.

(a) No secondary metals recycler shall purchase any coil unless it is purchased from:

(1) A contractor licensed pursuant to Chapter 14 of Title 43 ~~who~~ or by another state that provides a copy of ~~his or her~~ such valid license at the time of ~~sale~~ the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;

(2) A seller with verifiable documentation, such as a receipt or work order, indicating that ~~the coils are~~ such coil is the result of a replacement of condenser coils or a heating or air-conditioning system performed by a contractor licensed pursuant to Chapter 14 of Title 43; or

(3) A secondary metals recycler who provides ~~the documentation required in paragraphs (1) and (2) of this subsection received from a contractor or seller~~ proof of registration pursuant to Code Section 10-1-359.1 and a signed statement stating that the required information concerning the purchase transaction involving such coil was provided by such secondary metals recycler to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5.

(b) No secondary metals recycler shall purchase any copper wire which appears to have been exposed to heat, charred, or burned in an attempt to remove insulation surrounding it unless it is purchased from:

(1) A contractor licensed pursuant to Chapter 14 of Title 43 ~~who~~ or by another state that provides a copy of ~~his or her~~ such valid license at the time of ~~sale~~ the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;

(2) A seller with a copy of a police report showing that such seller's real property was involved in a fire; or

(3) A secondary metals recycler who provides ~~the documentation required in paragraphs (1) and (2) of this subsection received from a contractor or seller~~ proof of registration pursuant to Code Section 10-1-359.1 and a signed statement stating that the required information concerning the purchase transaction involving such copper wire was provided by such secondary metals recycler to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5.

(c) No secondary metals recycler shall purchase a catalytic converter unless such catalytic converter is:

(1) Attached to a vehicle; or

(2) Purchased from:

(A) A used motor vehicle dealer or used motor vehicle parts dealer licensed pursuant to Chapter 47 of Title 43 or by another state that provides a copy of such valid license at the time of the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;

(B) A new motor vehicle dealer that provides a copy of a valid business license at the time of the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied business license is on file with the secondary metals recycler;

(C) A motor vehicle repairer that provides a copy of a valid business license at the time of the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied business license is on file with the secondary metals recycler;

(D) A manufacturer or distributor of catalytic converters that provides a copy of a valid business license at the time of the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied business license is on file with the secondary metals recycler;

(E) A seller with:

(i) Verifiable documentation, such as a receipt or work order, indicating that the catalytic converter is the result of a replacement of a catalytic converter performed by a used motor vehicle dealer, new motor vehicle dealer, or motor vehicle repairer. Such documentation shall include a notation as to the make, model, and year of the vehicle in which such catalytic converter was replaced; and

(ii) A copy of a certificate of title or registration showing ownership of or interest in the vehicle in which the catalytic converter was replaced; or

(F) A secondary metals recycler who provides proof of registration pursuant to Code Section 10-1-359.1 and a signed statement stating that the required information concerning the purchase transaction involving such catalytic converter was provided by such secondary metals recycler to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5."

SECTION 3.

Said article is further amended by revising Code Section 10-1-352, relating to requirements for purchase of burial objects, as follows:

"10-1-352.

No secondary metals recycler shall purchase a burial object unless it is purchased from:

(1) A funeral director licensed ~~under the provisions of~~ pursuant to Chapter 18 of Title 43 or by another state who provides a copy of his or her valid license at the time of ~~sale~~ the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied license is on file with the secondary metals recycler;

(2) A cemetery owner registered pursuant to Code Section 10-14-4 or with another state ~~who~~ that provides a copy of ~~his or her~~ such valid registration at the time of ~~sale~~ the purchase transaction that is scanned or photocopied by the secondary metals recycler or whose scanned or photocopied registration is on file with the secondary metals recycler;

(3) A manufacturer or distributor of burial objects ~~who~~ that provides a copy of ~~his or her~~ a valid business license at the time of ~~sale~~ the purchase transaction that is scanned or photocopied by the secondary metals recycler ~~and a letter from the owner or operator of the manufacturing or distributing business expressly recognizing the seller as an employee or authorized agent of the manufacturer or distributor or whose scanned or photocopied business license and letter are on file with the secondary metals recycler~~;

(4) A seller with verifiable documentation, such as a receipt from or contract with a licensed funeral director, registered cemetery owner, or manufacturer or distributor of

burial objects, evidencing that such person is the rightful owner of the burial object; or

(5) A secondary metals recycler who provides ~~the documentation required in paragraphs (1) through (4) of this Code section received from a funeral director, cemetery owner, manufacturer or distributor of burial objects, or a seller~~ proof of registration pursuant to Code Section 10-1-359.1 and a signed statement stating that the required information concerning the purchase transaction involving such burial object was provided by such secondary metals recycler to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5."

SECTION 4.

Said article is further amended by revising Code Section 10-1-353, relating to record of transaction, false statements in required affidavits transactions, and penalty for making false statement in execution of affidavit, as follows:

"10-1-353.

(a) ~~A~~ Except as provided in subsection (c), a secondary metals recycler shall maintain a legible record of all purchase transactions. Such record shall include the following information:

(1) The name and address of the secondary metals recycler;

(2) The date of the transaction;

(3) The weight, quantity, or volume and a description of the type of regulated metal property purchased in a purchase transaction. For purposes of this paragraph, the term 'type of regulated metal property' shall include a general physical description, such as wire, tubing, extrusions, or castings;

(4) A digital photograph or photographs or a digital video image or images of the regulated metal property which shows the regulated metal property in a reasonably clear manner;

(5) The amount of consideration given in a purchase transaction for the regulated metal property and a copy of the check or voucher or documentation evidencing the electronic funds transfer given as consideration for such purchase transaction;

(6) A signed ~~and sworn affidavit~~ statement from the seller stating that such person is the rightful owner of the regulated metal property or has been authorized to sell the regulated metal property being sold;

(7) A signed ~~and sworn affidavit~~ statement from the seller stating that he or she understands that: 'A secondary metals recycler is any person who is engaged, from a fixed location or otherwise, in the business in this state of paying compensation for regulated metal property that has served its original economic purpose, whether or not engaged in the business of performing the manufacturing process by which regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value. No ferrous metals, nonferrous metals, aluminum property, copper property, or catalytic converters ~~(batteries, aluminum~~ (aluminum beverage containers, used beverage containers, or similar beverage containers are exempt) may be purchased by a secondary metals recycler

unless such secondary metals recycler is ~~a holder of a valid permit issued~~ registered pursuant to Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated';

(8) A scanned or photocopied copy of a valid personal identification card of the seller and of the deliverer, if such person is different from the seller;

(9) The type of and distinctive number from the personal identification card of the seller and of the deliverer, if such person is different from the seller;

(10) The name and date of birth of the seller and of the deliverer, if such person is different from the seller;

~~(9)~~(11) A photograph, videotape, or digital recording depicting a recognizable facial image of the seller and of the deliverer, if such person is different from the seller, employing technology allowing the image to be retained in electronic storage and in a transferable format;

~~(10) The distinctive number from, and type of, the personal identification card of the seller and the deliverer, if such person is different from the seller;~~

~~(11)~~(12) The vehicle license tag number or vehicle identification number, state of issue, and the ~~type of vehicle, if available,~~ make, model, and color of the vehicle used to deliver the regulated metal property to the secondary metals recycler~~. For purposes of this paragraph, the term 'type of vehicle' shall mean an automobile, pickup truck, van, or truck~~; and

~~(12)~~(13) A scanned or photocopied copy of the verifiable documentation, reports, licenses, certificates, and registrations~~,~~ required pursuant to Code Sections 10-1-351 and 10-1-352.

(b) A secondary metals recycler shall maintain or cause to be maintained the information required by subsection (a) of this Code section for not less than two years from the date of the purchase transaction.

(c) ~~When the metal being purchased is a motor vehicle, the seller shall either provide the title to such motor vehicle or fully execute a statement on a form as promulgated by the Department of Revenue in accordance with Code Section 40-3-36. The secondary metals recycler shall forward the title or form to the Department of Revenue within 72 hours of receipt of the title or form.~~ When the regulated metal property being purchased is a vehicle, the secondary metals recycler shall:

(1) If Code Section 40-3-36 is applicable, purchase such vehicle in compliance with such Code section and shall not be required to maintain a record of the purchase transaction as provided in subsection (a) of this Code section or to provide such record to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5; or

(2) If Code Section 40-3-36 is not applicable, maintain a record of such purchase transaction as provided in subsection (a) of this Code section and provide such record to the Georgia Bureau of Investigation pursuant to Code Section 10-1-359.5.

(d) ~~It shall be unlawful to make a false statement in executing the affidavit required by either paragraph (6) or (7) of subsection (a) of this Code section, and the making of a false statement shall be punishable as an act of false swearing under Code Section 16-10-71.~~ It shall be a violation of this article to sign the statement required by either

paragraph (6) or (7) of subsection (a) of this Code section knowing it to be false, and such violation shall subject the seller to the civil and criminal liability provided in Code Section 10-1-359.2."

SECTION 5.

Said article is further amended by adding a new Code section to read as follows:

"10-1-358.1.

The provisions of this article shall not apply to a vehicle purchased in compliance with Code Section 40-3-36 by a used motor vehicle dealer or used motor vehicle parts dealer licensed pursuant Chapter 47 of Title 43."

SECTION 6.

Said article is further amended by revising Code Section 10-1-359.5, relating to required information from secondary metals recyclers and role of the Georgia Bureau of Investigation, as follows:

"10-1-359.5.

(a) Each secondary metals recycler shall provide to the Georgia Bureau of Investigation or its designee for each purchase transaction which takes place on or after July 1, 2015, all of the information required by subsection (a) of Code Section 10-1-353, ~~for each transaction,~~ except for the amount of consideration given in a purchase transaction for the regulated metal property specified in paragraph (5) of subsection (a) of such Code section~~, to the Georgia Bureau of Investigation~~. A secondary metals recycler who maintains on file with the Georgia Bureau of Investigation or its designee a copy of the statement forms such secondary metals recycler requires each seller to sign pursuant to paragraphs (6) and (7) of subsection (a) of Code Section 10-1-353 may satisfy the requirements of these paragraphs by providing to the Georgia Bureau of Investigation or its designee a copy of the individual seller's signature and shall not be required to provide the actual statement signed by each seller, provided the actual statements are maintained by the secondary metals recycler pursuant to subsection (b) of Code Section 10-1-353 and available for inspection pursuant to Code Section 10-1-354.

(b) The Georgia Bureau of Investigation or its designee shall establish and maintain a data base of all information required to be provided pursuant to subsection (a) of this Code section. Such information shall be considered to be a trade secret and shall be exempt from disclosure under the provisions of Article 4 of Chapter 18 of Title 50.

(c) The data base shall be accessible and searchable by:

(1) All ~~all~~ law enforcement agencies in this state; and

(2) Employees of electric suppliers, as defined in Code Section 46-3-3, and employees of telecommunications companies, as defined in Code Section 46-5-162, provided that such employees have been certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course of training required by Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'

(d)(1) It shall be unlawful to use the data base established pursuant to subsection (b) of this Code section for any purpose other than the investigation of alleged crimes related to the theft of regulated metal property.

(2) Any person who violates or conspires to violate paragraph (1) of this subsection shall be guilty of a felony and, upon conviction, shall receive the following punishment:

(A) Upon a first conviction, imprisonment for not less than one nor more than five years or a fine of not more than $5,000.00, or both; or

(B) Upon a second or subsequent conviction, imprisonment for not less than five nor more than ten years or a fine of not more than $40,000.00, or both.

(e) The Georgia Bureau of Investigation shall promulgate rules and regulations and establish procedures necessary to carry into effect, implement, and enforce the provisions of this Code section and ensure compliance with applicable federal and state laws. Such rules and regulations shall include, but shall not be limited to:~~,~~

(1) The ~~the~~ time, manner, and method of the transmittal of the information by the secondary metals recyclers to the Georgia Bureau of Investigation;

(2) The manner and method by which employees of electric suppliers and telecommunications companies may access and search the data base and any prerequisites thereto; and

(3) The specific information the employees of the electric suppliers and telecommunications companies may access and search within the data base."

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
N Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	E Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D

Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	E Ramsey	N Turner
Y Burns	Y Fleming	Y Kelley	Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 2.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 511. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to authorize pharmacy technicians to fill remote automated medication systems in skilled nursing facilities and hospices; to provide for certain requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall

Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	E Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	E Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Rutledge	Y Willard
Y Cheokas	E Glanton	Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 167, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 310. By Representatives Powell of the 32nd, Coomer of the 14th, Nimmer of the 178th, Rogers of the 10th, Dickey of the 140th and others:

A BILL to be entitled an Act to amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions; to amend Titles 15, 16, 17, 19, 20, 21, 34, 35, 37, 40, 42, 43, 45, 48, and 49 of the O.C.G.A., relating to courts, crimes and offenses, criminal procedure, domestic relations, education, elections, labor and industrial relations, law enforcement officers and agencies, mental health, motor vehicles and traffic, penal institutions, professions and businesses, public officers and employees, revenue and taxation, and social services, respectively, so as to conform provisions to the new Chapter 3 of Title 42; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, so as to create the Board of Community Supervision, the Department of Community Supervision, and the Governor's Office of Transition, Support, and Reentry; to provide for the responsibilities of DCS with respect to supervision of adult and certain juvenile probationers and adult parolees; to enact reforms recommended by the Georgia Council on Criminal Justice Reform; to reassign responsibilities of the Advisory Council for Probation and the County and Municipal Probation Advisory Council to the Board of Community Supervision and repeal provisions relating to such councils; to transfer responsibility of certain functions of probation and parole supervision to DCS and make corresponding changes with respect to the jurisdiction and authority of the Department of Corrections, Department of Juvenile Justice, and the State Board of Pardons and Paroles; to provide for the selection, service, and powers and duties of the commissioner and employees of DCS; to provide for rules and regulations and forms; to provide for administration; to provide for transfer of prior appropriations; to provide for transfer of personnel, equipment, and facilities; to provide for defined terms; to provide for the revocation, modification, and tolling of sentences under certain circumstances; to provide for the conditions of probation; to provide for the assessment and collection of costs of probation; to revise certain standards for private corporations, private enterprises, and private agencies that enter into written contracts for probation services; to change provisions relating to confidentiality of records; to revise certain standards for counties, municipalities, or consolidated governments who enter into written agreements to provide probation services; to provide for management of probated sentences when a defendant wants to enter an accountability court as a condition of a probation revocation; to change provisions relating to informing a defendant regarding the first offender laws; to provide for retroactive first offender treatment under certain circumstances; to provide for the filing of a petition for retroactive first offender treatment; to amend Titles 15, 16, 17, 19, 20, 21, 34, 35, 37, 40, 42, 43, 45, 48, and 49 of the Official Code of Georgia Annotated, relating to courts, crimes and offenses, criminal procedure, domestic relations, education, elections, labor and industrial relations, law enforcement officers and agencies, mental health, motor vehicles and traffic, penal institutions, professions and businesses, public officers and employees, revenue and taxation, and social services, respectively, so as to so as to conform provisions to the new Chapter 3 of Title 42; to provide for certain changes in the administrative organization of the Department of Corrections, Department of Juvenile Justice, and the State Board of Pardons and Paroles and provide for conforming amendments; to correct cross-references and remove obsolete or improper references; to provide for legislative findings and intent; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
BOARD OF COMMUNITY SUPERVISION,
DEPARTMENT OF COMMUNITY SUPERVISION, AND
GOVERNOR'S OFFICE OF TRANSITION, SUPPORT, AND REENTRY
SECTION 1-1.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising Chapter 3, which was previously reserved, as follows:

"CHAPTER 3
ARTICLE 1

42-3-1.
~~Reserved.~~
As used in this chapter, the term:
(1) 'Board' means the Board of Community Supervision.
(2) 'Commissioner' means the commissioner of community supervision.
(3) 'Community supervision officer' means an individual employed by DCS who supervises probationers or parolees.
(4) 'DCS' means the Department of Community Supervision.
(5) 'Split sentence' means any felony sentence that includes a term of imprisonment followed by a term of probation.

42-3-2.
(a) There is created the Board of Community Supervision which shall establish the general policy to be followed by the Department of Community Supervision and the Governor's Office of Transition, Support, and Reentry. The powers, functions, and duties of the Board of Corrections as they exist on June 30, 2015, with regard to the probation division of the Department of Corrections and supervision of probationers unless otherwise provided in this chapter are transferred to the Board of Community Supervision effective July 1, 2015. The powers, functions, and duties of the State Board of Pardons and Paroles as they exist on June 30, 2015, with regard to the supervision of parolees, unless otherwise provided in this chapter are transferred to the Board of Community Supervision effective July 1, 2015. The powers, functions, and duties of the Board of Juvenile Justice and the Department of Juvenile Justice as they exist on June 30, 2016, with regard to the probation supervision of children who have been released from restrictive custody and who were adjudicated for a Class A designated felony act or Class B designated felony act, as such terms are defined in Code Section 15-11-2, are transferred to the Board of Community Supervision effective July 1, 2016. The powers, functions, and duties of the County and Municipal Probation Advisory Council as they exist on June 30, 2015, are transferred to the Board of Community Supervision effective July 1, 2015.

(b) The board shall consist of nine members. The commissioner of corrections, commissioner of juvenile justice, chairperson and vice chairperson of the State Board of Pardons and Paroles, director of the Division of Family and Children Services of the Department of Human Services, and commissioner of behavioral health and developmental disabilities shall be members of the board and shall serve on the board so long as they remain in their appointed positions. The Governor shall appoint:

(1) A sheriff who shall serve an initial term ending June 30, 2019, each subsequent term being four years;

(2) A mayor or city manager who shall serve an initial term ending June 30, 2018, each subsequent term being four years; and

(3) A county commissioner or county manager who shall serve an initial term ending June 30, 2017, each subsequent term being four years.

(c) Vacancies in office shall be filled by appointment by the Governor in the same manner as the appointment to the position on the board which becomes vacant. An appointment to fill a vacancy, other than by expiration of a term of office, shall be for the balance of the unexpired term.

(d) Members of the board may be removed from office under the same conditions for removal from office of members of professional licensing boards provided in Code Section 43-1-17.

(e) There shall be a chairperson of the board, elected by and from the membership of the board, who shall be the presiding officer of the board.

(f) The members of the board shall receive per diem and expenses as shall be set and approved by the Office of Planning and Budget and in conformance with rates and allowances set for members of other state boards.

(g)(1) As used in this subsection, the term:

(A) 'Evidence based practices' means supervision policies, procedures, programs, and practices that scientific research demonstrates reduce recidivism among individuals who are under some form of correctional supervision.

(B) 'Recidivism' means returning to prison or jail within three years of being placed on probation or being discharged or released from a Department of Corrections or jail facility.

(2) The board shall adopt rules and regulations governing the management and treatment of probationers and parolees to ensure that evidence based practices, including the use of a risk and needs assessment and any other method the board deems appropriate, guide decisions related to managing probationers and parolees in the community. The board shall require DCS to collect and analyze data and performance outcomes relevant to the level and type of treatment given to a probationer or parolee and the outcome of the treatment on his or her recidivism and prepare an annual report regarding such information which shall be submitted to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the House Committee on State Properties and the Senate State Institutions and Property Committee.

(h) The board shall adopt rules and regulations and such rules and regulations shall be adopted, established, promulgated, amended, repealed, filed, and published in accordance with the applicable provisions and procedure as set forth in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The courts shall take judicial notice of any such rules or regulations.
(i) As used in this Code section, the term 'rules and regulations' shall have the same meaning as the word 'rule' as defined in paragraph (6) of Code Section 50-13-2.
(j) The board shall perform duties required of it by law and shall, in addition thereto, be responsible for promulgation of all rules and regulations not in conflict with this chapter that may be necessary and appropriate to the administration of DCS and the Governor's Office of Transition, Support, and Reentry, to the accomplishment of the purposes of this chapter and Chapters 8 and 9 of this title, and to the performance of the duties and functions of DCS and the Governor's Office of Transition, Support, and Reentry as set forth in this chapter and Chapters 8 and 9 of this title.

42-3-3.
(a) There is created the Department of Community Supervision. DCS shall be the agency primarily responsible for:
(1) Supervision of all defendants who receive a felony sentence of straight probation;
(2) Supervision of all defendants who receive a split sentence;
(3) Supervision of all defendants placed on parole or other conditional release from imprisonment by the State Board of Pardons and Paroles;
(4) Supervision of juvenile offenders when such offender had been placed in restrictive custody due to an adjudication for a Class A designated felony act or Class B designated felony act, as such terms are defined in Code Section 15-11-2, and is released from such custody;
(5) Administration of laws, rules, and regulations relating to probation and parole supervision, as provided for by law;
(6) Enforcement of laws, rules, and regulations relating to probation and parole supervision, as provided for by law; and
(7) Administration of laws as provided in this chapter.
(b) DCS shall ensure that community supervision officers who supervise juvenile offenders receive the same training to work specifically with children and adolescents as is provided for Department of Juvenile Justice probation officers. DCS shall offer the same array of services to juvenile offenders as are available to offenders who are committed to the Department of Juvenile Justice who are not placed in restrictive custody. With respect to the supervision of children, DCS shall be mindful of the purpose of Chapter 11 of Title 15 as set forth in Code Section 15-11-1.

42-3-4.
(a) There shall be a commissioner of community supervision who shall be both appointed by and serve at the pleasure of the Governor. Subject to the policies, rules,

and regulations established by the board, the commissioner shall supervise, direct, account for, organize, plan, administer, and execute the functions of DCS.
(b) The commissioner shall receive an annual salary to be set by the Governor which shall be his or her total compensation for services as commissioner. The commissioner shall be reimbursed for all actual and necessary expenses incurred by him or her in carrying out his or her official duties.
(c) The position of commissioner shall be a separate and distinct position from any other position in state government. The duties of the commissioner shall be performed by the commissioner and not by any other officer of state government, and the commissioner shall not perform the duties of any other officer of state government.

42-3-5.
(a) The commissioner, with the approval of the board, may establish units within DCS as he or she deems proper for its administration and shall designate persons to be assistant commissioners of each unit and to exercise authority as he or she may delegate to them in writing. The commissioner shall establish a victim services unit within DCS to coordinate:
(1) Payment of court ordered restitution; and
(2) Victim services, including, but not limited to, payments available to victims as provided by law and assisting victims with support services.
(b) The commissioner shall have the authority to employ as many individuals as he or she deems necessary for the administration of DCS and for the discharge of the duties of his or her office. The commissioner shall issue all necessary directions, instructions, orders, and rules applicable to employees of DCS. The commissioner shall have authority, as the commissioner deems proper, to employ, assign, compensate, and discharge employees of DCS within the limitations of DCS's appropriation and the restrictions set forth by law.
(c) No employee of DCS shall be compensated for services to DCS on a commission or contingent fee basis.
(d) Neither the commissioner nor any community supervision officer or employee of DCS shall be given or receive any fee, compensation, loan, gift, or other thing of value in addition to the compensation and expense allowance provided by law for any service or pretended service either rendered or to be rendered as commissioner or as a community supervision officer or employee of DCS.

42-3-6.
(a) The commissioner, with the approval of the board, shall have the power to make and publish reasonable rules and regulations not inconsistent with this title or other laws or with the Constitution of this state or of the United States for the administration of this chapter or any law which it is his or her duty to administer.
(b) The commissioner may prescribe forms as he or she deems necessary for the administration and enforcement of this chapter and Chapters 8 and 9 of this title or any law which it is his or her duty to administer.

(c) The commissioner may confer all powers of a police officer of this state, including, but not limited to, the power to make summary arrests for violations of any of the criminal laws of this state and the power to carry weapons, upon persons in the commissioner's employment as the commissioner deems necessary, provided that individuals so designated meet the requirements specified in all applicable laws.
(d) The commissioner or his or her designee may authorize certain persons in the commissioner's employment to assist law enforcement officers or correctional officers of local governments in preserving order and peace when so requested by such local authorities.
(e) The following rules and regulations shall remain in full force and effect as rules and regulations of DCS until amended, repealed, or superseded by rules or regulations adopted by the board:
(1) All rules and regulations previously adopted by the Advisory Council for Probation which relate to functions transferred under this chapter from the state-wide probation system to DCS;
(2) All rules and regulations previously adopted by the Department of Corrections or the Board of Corrections which relate to functions transferred under this chapter from the Department of Corrections to DCS;
(3) All rules and regulations previously adopted by the State Board of Pardons and Paroles which relate to functions transferred under this chapter from the State Board of Pardons and Paroles to DCS;
(4) All rules and regulations previously adopted by the Department of Juvenile Justice or the Board of Juvenile Justice which relate to functions transferred under this chapter from the Department of Juvenile Justice to DCS; and
(5) All rules and regulations previously adopted by the County and Municipal Probation Advisory Council which relate to functions transferred under this chapter from the County and Municipal Probation Advisory Council to DCS.

42-3-7.
(a) Appropriations to the Department of Corrections, the Department of Juvenile Justice, the County and Municipal Probation Advisory Council, and the State Board of Pardons and Paroles for functions transferred to DCS pursuant to this chapter shall be transferred to DCS as provided for in Code Section 45-12-90. Personnel, equipment, and facilities previously employed by the Department of Corrections, the Department of Juvenile Justice, the County and Municipal Probation Advisory Council, and the State Board of Pardons and Paroles for functions transferred to DCS pursuant to this chapter shall likewise be transferred to DCS. Any disagreement as to any of such transfers shall be resolved by the Governor. Any individual who is employed by the Department of Corrections as a probation officer or probation supervisor or by the Board of Pardons and Paroles as a parole officer on or before July 1, 2016, and who is required by the terms of his or her employment to comply with the requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' may remain in the

employment of the employing agency but shall be transferred for administrative purposes only to DCS on July 1, 2015.

(b) The enactment of this chapter and the Act by which it is enacted shall not affect or abate the status of probation, parole, a probation revocation, or a parole revocation which occurred prior to July 1, 2015.

42-3-8.

(a) As used in this Code section, the term:

(1) 'Employee' means a full-time or part-time employee of DCS or an employee serving under contract with DCS.

(2) 'Employee benefit fund' means an account containing the facility's profits generated from vending services maintained by a local facility.

(3) 'Executive director of the facility' means the chief community supervision officer or such other head of a facility.

(4) 'Facility' means a community supervision office or such other similar property under the jurisdiction or operation of DCS.

(5) 'Vending services' means one or more vending machines in a location easily accessible by employees, which services may also be accessible by members of the general public, but which vending machines do not require a manager or attendant for the purpose of purchasing food or drink items. Vending services shall be for the provision of snack or food items or nonalcoholic beverages and shall not include any tobacco products or alcoholic beverages.

(b) It is the intent of the General Assembly to provide an employee benefit as set forth in this Code section, which benefit shall be of de minimis cost to the state and which shall in turn benefit the state through the retention of dedicated and experienced employees.

(c) Any other provision of the law notwithstanding, a facility is authorized to purchase vending machines or enter into vending service agreements by contract, sublease, or license for the purpose of providing vending services to each facility under the jurisdiction of the Department of Corrections. Vending services shall be provided in any facility where the operation of such vending services is capable of generating a profit for that facility. The facility's profits generated from the vending services shall be maintained by the local facility under the authority of the executive director of the facility in an interest-bearing account, and the account shall be designated the employee benefit fund.

(d) The employee benefit fund shall be administered by a committee of five representatives of the facility to be selected by the chief community supervision officer for such facility. Funds from the account may be spent as determined by a majority vote of the committee. Funds may be expended on an individual employee of the facility for the purpose of recognizing a death, birth, marriage, or prolonged illness or to provide assistance in the event of a natural disaster or devastation adversely affecting an employee or an employee's immediate family member. Funds may also be expended on an item or activity which shall benefit all employees of the facility equally for the

purposes of developing camaraderie or otherwise fostering loyalty to DCS or bringing together the employees of the facility for a meeting, training session, or similar gathering. Funds spent for an individual employee shall not exceed $250.00 per person per event, and funds expended for employee gatherings or items shall not exceed $1,000.00 per event or single item; provided, however, that events conducted for the benefit of employees of an entire institution shall not exceed $4,500.00 per event.
(e) The employee benefit fund account of each facility shall be reviewed and audited by the administrative office of the local facility and by DCS in accordance with standards and procedures established by DCS. No account shall maintain funds in excess of $5,000.00. Any funds collected which cause the fund balance to exceed $5,000.00 shall be remitted to DCS's general operating budget.
(f) Nothing in this Code section shall prohibit a facility from purchasing vending machines or providing or maintaining vending services which do not generate a profit, provided that such services are of no cost to DCS, nor shall this Code section be construed so as to prohibit a private provider of vending services from making or retaining a profit pursuant to any agreement for such services.

42-3-9.
(a) An employee leaving the service of DCS under honorable conditions who has accumulated 20 or more years of service with DCS as a community supervision officer, or 20 or more years of combined service as a parole officer with the State Board of Pardons and Paroles, a probation officer or supervisor with the Department of Corrections, and community supervision officer, shall be entitled as part of such employee's compensation to retain his or her DCS issued weapon and badge.
(b) As used in this subsection, the term 'disability' means a disability that prevents an individual from working as a community supervision officer. When a community supervision officer leaves DCS as a result of a disability arising in the line of duty, such officer shall be entitled as part of such officer's compensation to retain his or her weapon and badge in accordance with regulations promulgated by the commissioner.
(c) A community supervision officer who is killed in the line of duty shall be entitled to have his or her DCS issued badge given to a surviving family member.
(d) The board is authorized to promulgate rules and regulations for the implementation of this Code section.

ARTICLE 2

42-3-30.
The General Assembly finds that there is a need for a coordinated strategy for transition, support, and reentry of offenders in this state. The General Assembly, therefore, declares it to be the public policy of this state to provide the necessary leadership to coordinate successful offender reentry in this state, reduce recidivism, enhance public safety through collaboration among stakeholders, and assist in ensuring

the appropriate and responsible use of cost savings realized by justice reforms through reinvestment in evidence based, community centered services.

42-3-31.
There is created the Governor's Office of Transition, Support, and Reentry, which is assigned to DCS for administrative purposes only, as prescribed in Code Section 50-4-3.

42-3-32.
The board is authorized to do all things and take any action necessary to accomplish the legislative intent of the creation of the Governor's Office of Transition, Support, and Reentry, including, but not limited to, the promulgation of rules and regulations relative thereto. The board is authorized to solicit and accept gifts, grants, donations, property, both real and personal, and services for the purpose of carrying out this article.

42-3-33.
(a) The powers, functions, and duties of the Board of Corrections as they exist on June 30, 2015, with regard to reentry services for the Department of Corrections are transferred to the Governor's Office of Transition, Support, and Reentry effective July 1, 2015. The powers, functions, and duties of the State Board of Pardons and Paroles as they exist on June 30, 2015, with regard to reentry services are transferred to the Governor's Office of Transition, Support, and Reentry effective July 1, 2015. The powers, functions, and duties of the Board of Juvenile Justice and the Department of Juvenile Justice as they exist on June 30, 2016, with regard to reentry services for children who have been placed in restrictive custody and who were adjudicated for a Class A designated felony act or Class B designated felony act, as such terms are defined in Code Section 15-11-2, are transferred to the Governor's Office of Transition, Support, and Reentry effective July 1, 2016.
(b) Appropriations to the Department of Corrections, the State Board of Pardons and Paroles, and the Department of Juvenile Justice for functions transferred to DCS pursuant to this article shall be transferred to the Governor's Office of Transition, Support, and Reentry as provided for in Code Section 45-12-90. Personnel, equipment, and facilities previously employed by the Department of Corrections, the State Board of Pardons and Paroles, and the Department of Juvenile Justice for functions transferred to the Governor's Office of Transition, Support, and Reentry pursuant to this article shall likewise be transferred to Governor's Office of Transition, Support, and Reentry. Any disagreement as to any of such transfers shall be resolved by the Governor.

42-3-34.
There shall be a director of the Governor's Office of Transition, Support, and Reentry who shall be both appointed by and serve at the pleasure of the Governor. Subject to the policies, rules, and regulations established by the board for such office, the director shall supervise, direct, account for, organize, plan, administer, and execute the

functions of such office. The director shall receive an annual salary to be set by the Governor which shall be his or her total compensation for services as director. The director shall be reimbursed for all actual and necessary expenses incurred by him or her in carrying out his or her official duties. The position of director shall be a separate and distinct position from any other position in state government. The duties of the director shall be performed by the director and not by any other officer of state government, and the director shall not perform the duties of any other officer of state government.

42-3-35.
(a) The director may establish units within the Governor's Office of Transition, Support, and Reentry as he or she deems proper for its administration and shall designate persons to be assistant directors of each unit and to exercise authority as he or she may delegate to them in writing as approved by the board.
(b) No person shall be compensated for services to the Governor's Office of Transition, Support, and Reentry on a commission or contingent fee basis.
(c) Neither the director nor any employee of the Governor's Office of Transition, Support, and Reentry shall be given or receive any fee, compensation, loan, gift, or other thing of value in addition to the compensation and expense allowance provided by law for any service or pretended service either rendered or to be rendered as director or employee of the Governor's Office of Transition, Support, and Reentry.

ARTICLE 3

42-3-50.
(a) As used in this article, the term:
(1) 'Agency' means any private or public agency or organization approved by the court to participate in a community service program.
(2) 'Community service' means uncompensated work by an offender with an agency for the benefit of the community pursuant to an order by a court as a condition of probation. Such term includes uncompensated service by an offender who lives in the household of a disabled person and provides aid and services to such disabled person, including, but not limited to, cooking, housecleaning, shopping, driving, bathing, and dressing.
(3) 'Community service officer' means an individual appointed by the court to place and supervise offenders sentenced to community service. Such term may mean a paid professional or a volunteer.
(b) Except as provided in subsection (c) of this Code section, it shall be unlawful for an agency or community service officer to use or allow an offender to be used for any purpose resulting in private gain to any individual.
(c) Subsection (b) of this Code section shall not apply to:
(1) Services provided by an offender to a disabled person in accordance with paragraph (1) of subsection (c) of Code Section 42-3-52;

(2) Work on private property because of a natural disaster; or
(3) An order or direction by the sentencing court.
(d) Any person who violates subsection (b) of this Code section shall be guilty of a misdemeanor.

42-3-51.
(a) Agencies desiring to participate in a community service program shall file with the court a letter of application showing:
(1) Eligibility;
(2) Number of offenders who may be placed with the agency;
(3) Work to be performed by the offender; and
(4) Provisions for supervising the offender.
(b) An agency selected for the community service program shall work offenders who are assigned to the agency by the court. If an offender violates a court order, the agency shall report such violation to the community service officer.
(c) If an agency violates any court order or provision of this article, the offender shall be removed from the agency and the agency shall no longer be eligible to participate in the community service program.
(d) No agency or community service officer shall be liable at law as a result of any of such agency's or community service officer's acts performed while participating in a community service program. This limitation of liability shall not apply to actions on the part of any agency or community service officer which constitute gross negligence, recklessness, or willful misconduct.

42-3-52.
(a) Community service may be considered as a condition of probation with primary consideration given to the following categories of offenders:
(1) Traffic violations;
(2) Ordinance violations;
(3) Noninjurious or nondestructive, nonviolent misdemeanors;
(4) Noninjurious or nondestructive, nonviolent felonies; and
(5) Other offenders considered upon the discretion of the court.
(b) The court may confer with the prosecuting attorney, the offender or his or her attorney if the offender is represented by an attorney, a community supervision officer, a community service officer, or other interested persons to determine if the community service program is appropriate for an offender. If community service is ordered as a condition of probation, the court shall order:
(1) Not less than 20 hours nor more than 250 hours in cases involving traffic or ordinance violations or misdemeanors, such service to be completed within one year; or
(2) Not less than 20 hours nor more than 500 hours in felony cases, such service to be completed within three years.

(c)(1) Any agency may recommend to the court that certain disabled persons are in need of a live-in attendant. The court shall confer with the prosecuting attorney, the offender or his or her attorney if the offender is represented by an attorney, a community supervision officer, a community service officer, or other interested persons to determine if a community service program involving a disabled person is appropriate for an offender. If community service as a live-in attendant for a disabled person is deemed appropriate and if both the offender and the disabled person consent to such service, the court may order such live-in community service as a condition of probation but for no longer than two years.

(2) The agency shall be responsible for coordinating the provisions of the cost of food or other necessities for the offender which the disabled person is not able to provide. The agency, with the approval of the court, shall determine a schedule which will provide the offender with certain free hours each week.

(3) Such live-in arrangement shall be terminated by the court upon the request of the offender or the disabled person. Upon termination of such arrangement, the court shall determine if the offender has met the conditions of probation.

(4) The appropriate agency shall make personal contact with the disabled person on a frequent basis to ensure the safety and welfare of the disabled person.

(d) The court may order an offender to perform community service hours in a 40 hour per week work detail in lieu of incarceration.

(e) Community service hours may be added to original court ordered hours as a disciplinary action by the court, as an additional requirement of any program in lieu of incarceration, or as part of the sentencing options system as set forth in Article 6 of this chapter.

42-3-53.

The community service officer shall place an offender sentenced to community service as a condition of probation with an appropriate agency. The agency and work schedule shall be approved by the court. If the offender is employed at the time of sentencing or if the offender becomes employed after sentencing, the community service officer shall consider the offender's work schedule and, to the extent practicable, shall schedule the community service so that it will not conflict with the offender's work schedule. This shall not be construed as requiring the community service officer to alter scheduled community service based on changes in an offender's work schedule. The community service officer shall supervise the offender for the duration of the community service sentence. Upon completion of the community service sentence, the community service officer shall prepare a written report evaluating the offender's performance which shall be used to determine if the conditions of probation have been satisfied.

42-3-54.

(a) The provisions of Article 2 of Chapter 8 of this title shall be applicable to offenders sentenced to community service as a condition of probation pursuant to this article. The provisions of Article 3 of Chapter 8 of this title shall be applicable to first offenders

sentenced pursuant to this article. The provisions of Article 6 of Chapter 8 of this title shall be applicable to misdemeanor or ordinance violator offenders sentenced to community service as a condition of probation pursuant to this article.
(b) Any offender who provides live-in community service but who is later incarcerated for breaking the conditions of probation or for any other cause may be awarded good time for each day of live-in community service the same as if such offender were in prison for such number of days.

ARTICLE 4

42-3-70.
DCS shall be authorized to establish and operate pretrial release and diversion programs as rehabilitative measures for persons charged with felonies for which bond is permissible under the law in the courts of this state prior to conviction; provided, however, that no such program shall be established in a county without the unanimous approval of the superior court judges, the district attorney, and the sheriff of such county. The board shall promulgate rules and regulations governing any pretrial release and diversion programs established and operated by DCS and shall grant authorization for the establishment of such programs based on the availability of sufficient staff and resources.

42-3-71.
The court in which a person is charged with a felony for which bond is permissible under the law may, upon the application by the person so charged, at its discretion release the person prior to conviction and upon recognizance to the supervision of a pretrial release or diversion program established and operated by DCS after an investigation and upon recommendation of the staff of the pretrial release or diversion program. In no case, however, shall any person be so released unless after consultation with his or her attorney or an attorney made available to the person if he or she is indigent that person has voluntarily agreed to participate in the pretrial release or diversion program and knowingly and intelligently has waived his or her right to a speedy trial for the period of pretrial release or diversion.

42-3-72.
DCS may contract with the various counties of this state for the services and facilities necessary to operate pretrial release and diversion programs established under this article, and both DCS and the counties are authorized to enter into such contracts as are appropriate to carry out the purpose of this article.

42-3-73.
The authority to establish and operate pretrial release and diversion programs granted to DCS under this article shall not affect the authority of the Georgia Department of Labor to enter into agreements with district attorneys of the several judicial circuits of this

state for the purpose of establishing and operating pretrial intervention programs in such judicial circuits.

42-3-74.
No person shall be released on his or her own recognizance or approved for a pretrial release and diversion program without first having the approval in writing of the judge of the court having jurisdiction of the case.

ARTICLE 5

42-3-90.
A county shall be authorized to establish a diversion center under the direction of the sheriff of the county in which the diversion center is located and a diversion program for the confinement of certain persons who have been found in contempt of court for violation of orders granting temporary or permanent alimony or child support and sentenced pursuant to subsection (c) of Code Section 15-1-4. While in such diversion program, the respondent shall be authorized to travel to and from his or her place of employment and to continue his or her occupation. The official in charge of the diversion program or his or her designee shall prescribe the routes, manner of travel, and periods of travel to be used by the respondent in attending to his or her occupation. If the respondent's occupation requires the respondent to travel away from his or her place of employment, the amount and conditions of such travel shall be approved by the official in charge of the diversion center or his or her designee. When the respondent is not traveling to or from his or her place of employment or engaging in his or her occupation, such person shall be confined in the diversion center during the term of the sentence. With the approval of the sheriff or his or her designee, the respondent may participate in educational or counseling programs offered at the diversion center. While participating in the diversion program, the respondent shall be liable for alimony or child support as previously ordered, including arrears, and his or her income shall be subject to the provisions of Code Sections 19-6-30 through 19-6-33 and Chapter 11 of Title 19. In addition, should any funds remain after payment of child support or alimony, the respondent may be charged and a fee payable to the county operating the diversion program to cover the costs of his or her incarceration and the administration of the diversion program which fee shall be not more than $30.00 per day or the actual per diem cost of maintaining the respondent, whichever is less, for the entire period of time the person is confined to the center and participating in the program. If the respondent fails to comply with any of the requirements imposed upon him or her in accordance with this Code section, nothing shall prevent the sentencing judge from revoking such assignment to a diversion program and providing for alternative methods of incarceration.

ARTICLE 6

42-3-110.
This article shall be known and may be cited as the 'Probation Management Act.'

42-3-111.
For purposes of this article, the term:
(1) 'Chief community supervision officer' means the highest ranking field community supervision officer in each judicial circuit.
(2) 'Electronic monitoring' means supervising, mapping, or tracking the location of a probationer by means including electronic surveillance, voice recognition, facial recognition, fingerprinting or biometric scan, automated kiosk, automobile ignition interlock device, or global positioning systems which may coordinate data with crime scene information.
(3) 'Hearing officer' means an impartial DCS employee or representative who has been selected and appointed to hear alleged cases regarding violations of probation for administrative sanctioning.
(4) 'Initial sanction' means the sanction set by the judge upon initial sentencing.
(5) 'Options system day reporting center' means a state facility providing supervision of probationers which includes, but is not limited to, mandatory reporting, program participation, drug testing, community service, all special conditions of probation, and general conditions of probation as set forth in Code Section 42-8-35.
(6) 'Options system probationer' means a probationer who has been sentenced to the sentencing options system.
(7) 'Probation supervision' means a level of probation supervision which includes, but is not limited to, general conditions of probation as set forth in Code Section 42-8-35 and all special conditions of probation.
(8) 'Residential substance abuse treatment facility' means a state correctional facility that provides inpatient treatment for alcohol and drug abuse.
(9) 'Sentencing options system' means a continuum of sanctions for probationers that includes the sanctions set forth in subsection (c) of Code Section 42-3-113.

42-3-112.
(a) In addition to any other terms or conditions of probation provided for under this chapter, the sentencing judge may require that defendants who are sentenced to probation pursuant to subsection (c) of Code Section 42-8-34 be ordered to the sentencing options system.
(b) When a defendant has been ordered to the sentencing options system, the court shall retain jurisdiction throughout the period of the probated sentence as provided in subsection (g) of Code Section 42-8-34 and may modify or revoke any part of a probated sentence as provided in Code Section 42-8-34.1 and subsection (c) of Code Section 42-8-38.

42-3-113.
(a) DCS shall be authorized to establish by rules and regulations a system of administrative sanctions as an alternative to judicial modifications or revocations for probationers who violate the terms and conditions of the sentencing options system established under this article. DCS may not, however, sanction probationers for violations of special conditions of probation or general conditions of probation for which the sentencing judge has expressed an intention that such violations be heard by the court pursuant to Code Section 42-8-34.1.
(b) DCS shall only impose restrictions which are equal to or less restrictive than the sanction cap set by the sentencing judge.
(c) The administrative sanctions which may be imposed by DCS are as follows, from most restrictive to least restrictive:
(1) Probation detention center or residential substance abuse treatment facility;
(2) Probation boot camp;
(3) DCS day reporting center;
(4) Electronic monitoring;
(5) Community service; or
(6) Probation supervision.
(d) DCS may order offenders sanctioned pursuant to paragraphs (1) through (3) of subsection (c) of this Code section to be held in the local jail until transported to a designated facility.

42-3-114.
(a) Whenever an options system probationer is arrested on a warrant for an alleged violation of probation, an informal preliminary hearing shall be held within a reasonable time not to exceed 15 days.
(b) A preliminary hearing shall not be required when:
(1) The probationer is not under arrest on a warrant;
(2) The probationer signed a waiver of a preliminary hearing; or
(3) The administrative hearing referred to in Code Section 42-3-115 will be held within 15 days of arrest.

42-3-115.
(a) If an options system probationer violates the conditions of probation, DCS may impose administrative sanctions as an alternative to judicial modification or revocation of probation.
(b) Upon issuance of a petition outlining the alleged probation violations, the chief community supervision officer, or his or her designee, may conduct a hearing to determine whether an options system probationer has violated a condition of probation. If the chief community supervision officer determines that the probationer has violated a condition of probation, the chief community supervision officer shall be authorized to impose sanctions consistent with paragraphs (4) through (7) of subsection (c) of Code Section 42-3-113. The failure of an options system probationer to comply with a

sanction imposed by the chief community supervision officer shall constitute a violation of probation.

(c)(1) Upon issuance of a petition outlining the alleged probation violations, the hearing officer may initiate an administrative proceeding to determine whether an options system probationer has violated a condition of probation. If the hearing officer determines by a preponderance of the evidence that the probationer has violated a condition of probation, the hearing officer may impose sanctions consistent with Code Section 42-3-113.

(2) The administrative proceeding provided for under this subsection shall be commenced within 15 days but not less than 48 hours after notice of the administrative proceeding has been served on the probationer. The administrative proceeding may be conducted electronically.

(d) The failure of a probationer to comply with the sanction or sanctions imposed by the chief community supervision officer or hearing officer shall constitute a violation of probation.

(e) An options system probationer may at any time waive a hearing and voluntarily accept the sanctions proposed by DCS.

42-3-116.

(a) The hearing officer's decision shall be final unless the options system probationer files a request for review with the senior hearing officer. A request for review must be filed within 15 days of the issuance of DCS's decision. Such request shall not stay DCS's decision. The senior hearing officer shall issue a response within seven days of receipt of the review request.

(b) The senior hearing officer's decision shall be final unless the options system probationer files an appeal in the sentencing court. Such appeal shall name the commissioner as defendant and shall be filed within 30 days of the issuance of the decision by the senior hearing officer.

(c) This appeal shall first be reviewed by the judge upon the record. At the judge's discretion, a de novo hearing may be held on the decision. The filing of the appeal shall not stay DCS's decision.

(d) Where the sentencing judge does not act on the appeal within 30 days of the date of the filing of the appeal, DCS's decision shall be affirmed by operation of law.

42-3-117.

Nothing contained in this article shall be construed as repealing any power given to any court of this state to place offenders on probation or to provide conditions of supervision for offenders.

42-3-118.

This article shall only apply in judicial circuits where DCS has allocated certified hearing officers.

42-3-119.
This article shall be liberally construed so that its purposes may be achieved."

PART II
ADVISORY COUNCIL FOR PROBATION
SECTION 2-1.

Said title is further amended by repealing in its entirety Article 1 of Chapter 8, relating to the Advisory Council for Probation, and designating said article as reserved.

PART III
COUNTY AND MUNICIPAL
PROBATION ADVISORY COUNCIL
SECTION 3-1.

(a) The General Assembly finds that:

(1) The authorization for county and municipal probation offices and private probation services was enacted to provide cost savings to the state by using state probation services for felony offenders and utilizing county and municipal probation offices and private probation entities which contract with courts for the supervision of misdemeanor and county and city ordinance offenders;

(2) In enacting such legislation, the General Assembly intended to authorize judges to use county and municipal probation offices and private probation services providers to supervise misdemeanor and county and city ordinance offenders in the same manner as the judges of the superior courts use state probation services as a means of supervising felony offenders;

(3) The General Assembly did not intend to restrict the powers of judges to impose, suspend, toll, revoke, or otherwise manage the probation of misdemeanor and county and city ordinance offenders sentenced in such courts when utilizing county and municipal probation offices and private probation services providers; and

(4) The General Assembly intended that county and municipal probation officers and private probation officers, when acting in performance of their official duties in supervising probationers in accordance with law and the orders of a court, would have the same rights, authority, and protections as state probation supervisors.

(b) It is the intention of the General Assembly to improve the use and provision of probation services by courts for misdemeanor and ordinance violations by enacting this part.

SECTION 3-2.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising Article 6 of Chapter 8, relating to agreements for probation services, as follows:

"ARTICLE 6

42-8-100.

~~(a)~~ As used in this article, the term:

(1) 'Board' means the Board of Community Supervision. ~~'Council' means the County and Municipal Probation Advisory Council created under Code Section 42-8-101.~~

(2) 'Private probation officer' means ~~a probation officer~~ an individual employed by a private corporation, private enterprise, private agency, or other private entity ~~that provides probation services~~ to supervise defendants placed on probation by a court for committing an ordinance violation or misdemeanor.

(3) 'Probation officer' means ~~a person~~ an individual employed by a governing authority of a county, municipality, or consolidated government to supervise defendants placed on probation by a ~~county or municipal~~ court for committing an ordinance violation or misdemeanor.

~~(b) Any county or municipal court which has original jurisdiction of ordinance violations or misdemeanors and in which the defendant in such a case has been found guilty upon verdict or any plea may, at a time to be determined by the court, hear and determine the question of the probation of such defendant.~~

~~(c) If it appears to the court upon a hearing of the matter that the defendant is not likely to engage in an unlawful course of conduct and that the ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court in its discretion shall impose sentence upon the defendant but may stay and suspend the execution of the sentence or any portion thereof or may place him or her on probation under the supervision and control of a probation officer for the duration of such probation, subject to the provisions of this Code section. The period of probation or suspension shall not exceed the maximum sentence of confinement which could be imposed on the defendant.~~

~~(d) The court may, in its discretion, require the payment of a fine or costs, or both, as a condition precedent to probation.~~

~~(e) The sentencing judge shall not lose jurisdiction over any person placed on probation during the term of his or her probated sentence. The judge is empowered to revoke any or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed advisable by the judge, modify or change the probated sentence at any time during the period of time originally prescribed for the probated sentence to run.~~

~~(f) If a defendant is placed on probation pursuant to this Code section by a county or municipal court other than one for the county or municipality in which he or she resides for committing any ordinance violation or misdemeanor, such defendant may, when specifically ordered by the court, have his or her probation supervision transferred to the county or municipality in which he or she resides.~~

42-8-101.

~~(g)~~(a)(1) The chief judge of any court within ~~the~~ a county, with the approval of the governing authority of ~~that~~ such county, ~~is~~ shall be authorized to enter into written

contracts with corporations, enterprises, or agencies to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in ~~that~~ such court and placed on probation in ~~the~~ such county. In no case shall a private probation corporation or enterprise be charged with the responsibility for supervising a felony sentence. The final contract negotiated by the chief judge with the private probation entity shall be attached to the approval by the governing authority of the county to privatize probation services as an exhibit thereto. The termination of a contract for probation services as provided for in this subsection ~~entered into on or after July 1, 2001,~~ shall be initiated by the chief judge of the court which entered into the contract, and subject to approval by the governing authority of the county which entered into the contract and in accordance with the agreed upon, written provisions of such contract. ~~The termination of a contract for probation services as provided for in this subsection in existence on July 1, 2001, and which contains no provisions relating to termination of such contract shall be initiated by the chief judge of the court which entered into the contract, and subject to approval by the governing authority of the county which entered into the contract and in accordance with the agreed upon, written provisions of such contract.~~

(2) The chief judge of any court within ~~the~~ a county, with the approval of the governing authority of ~~that~~ such county, is authorized to establish a county probation system to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in ~~that~~ such court and placed on probation in ~~the~~ such county.

~~(h)~~(b)(1) The judge of the municipal court of any municipality or consolidated government of a municipality and county of this state, with the approval of the governing authority of ~~that~~ such municipality or consolidated government, is authorized to enter into written contracts with private corporations, enterprises, or agencies to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed ~~and~~ on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation. The final contract negotiated by the judge with the private probation entity shall be attached to the approval by the governing authority of the municipality or consolidated government to privatize probation services as an exhibit thereto. The termination of a contract for probation services as provided for in this subsection shall be initiated by the chief judge of the court which entered into the contract and shall be subject to approval by the governing authority of the municipality or consolidated government which entered

into the contract and in accordance with the agreed upon, written provisions of such contract.

(2) The judge of the municipal court of any municipality or consolidated government of a municipality and county of this state, with the approval of the governing authority of ~~that~~ such municipality or consolidated government, is authorized to establish a probation system to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed ~~and~~ on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation.

42-8-102.

(a) Any court which has original jurisdiction of ordinance violations or misdemeanors and in which the defendant in such a case has been found guilty upon verdict or has pled guilty or nolo contendere may, at a time to be determined by the court, hear and determine the question of the probation of such defendant.

(b) If it appears to the court upon a hearing of the matter that the defendant is not likely to engage in an unlawful course of conduct and that the ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court in its discretion may place the defendant on probation under the supervision and control of a probation officer or private probation officer for all or a portion of the sentence or may impose a sentence upon the defendant but stay and suspend the execution of such sentence or any portion thereof. The period of probation or suspension shall not exceed the maximum sentence of confinement which could be imposed on the defendant; provided, however, that nothing in this chapter shall be construed to limit the ability of a court to toll a sentence as provided in this article.

(c) The court may, in its discretion, require the payment of a fine, fees, or restitution as a condition of probation. The provisions of Chapter 14 of Title 17 shall control in determining the amount of restitution. When probation supervision is required, the court may require the payment of a probation supervision fee as a condition of probation. In determining the financial obligations, other than restitution, to impose on the defendant, the court may consider:

(1) The defendant's financial resources and other assets, including whether any such asset is jointly controlled;

(2) The defendant's earnings and other income;

(3) The defendant's financial obligations, including obligations to dependents;

(4) The period of time during which the probation order will be in effect;

(5) The goal of the punishment being imposed; and

(6) Any other factor the court deems appropriate.

(d) The court may convert fines, statutory surcharges, and probation supervision fees to community service on the same basis as it allows a defendant to pay a fine through community service as set forth in subsection (d) of Code Section 17-10-1.

(e)(1) As used in this subsection, the term:

(A) 'Developmental disability' shall have the same meaning as set forth in Code Section 37-1-1.

(B) 'Indigent' means an individual who earns less than 100 percent of the federal poverty guidelines unless there is evidence that the individual has other resources that might reasonably be used without undue hardship for such individual or his or her dependents.

(C) 'Significant financial hardship' means a reasonable probability that an individual will be unable to satisfy his or her financial obligations for two or more consecutive months.

(D) 'Totally and permanently disabled' shall have the same meaning as set forth in Code Section 49-4-80.

(2) The court shall waive, modify, or convert fines, statutory surcharges, probation supervision fees, and any other moneys assessed by the court or a provider of probation services upon a determination by the court prior to or subsequent to sentencing that a defendant has a significant financial hardship or inability to pay or that there are any other extenuating factors which prohibit payment or collection; provided, however, that the imposition of sanctions for failure to pay such sums shall be within the discretion of the court through judicial process or hearings.

(3) Unless rebutted by a preponderance of the evidence that a defendant will be able to satisfy his or her financial obligations without undue hardship to the defendant or his or her dependents, a defendant shall be presumed to have a significant financial hardship if he or she:

(A) Has a developmental disability;

(B) Is totally and permanently disabled;

(C) Is indigent; or

(D) Has been released from confinement within the preceding 12 months and was incarcerated for more than 30 days before his or her release.

(f)(1) The sentencing judge shall not lose jurisdiction over any person placed on probation during the term of his or her probated sentence. As further set forth in this subsection, the judge may revoke any or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed advisable by the judge, modify or change the probated sentence, including tolling the sentence as provided in this article, at any time during the period of time originally prescribed for the probated sentence to run.

(2) Absent a waiver, the court shall not revoke a probationary sentence for failure to pay fines, statutory surcharges, or probation supervision fees without holding a hearing, inquiring into the reasons for the probationer's failure to pay, and, if a probationary sentence is revoked, making an express written determination that the probationer has not made sufficient bona fide efforts to pay and the probationer's failure to pay was willful or that adequate alternative types of punishment do not exist. Should the probationer fail to appear at such hearing, the court may, in its discretion, revoke the probated sentence.

(3) A person otherwise found eligible to have his or her probation modified or terminated pursuant to paragraph (1) of this subsection shall not be deemed ineligible for modification or termination of probation solely due to his or her failure to pay fines, statutory surcharges, or probation supervision fees.

(4) At any revocation hearing, upon proof that the probationer has violated probation:

(A) For failure to report to probation or failure to pay fines, statutory surcharges, or probation supervision fees, the court shall consider the use of alternatives to confinement, including community service, modification of the terms of probation, or any other alternative deemed appropriate by the court. The court shall consider whether a failure to pay court imposed financial obligations was willful. In the event an alternative is not warranted, the court shall revoke the balance of probation or a period not to exceed 120 days in confinement, whichever is less; and

(B) For failure to comply with any other general provision of probation or suspension, the court shall consider the use of alternatives to confinement, including community service or any other alternative deemed appropriate by the court. In the event an alternative is not warranted, the court shall revoke the balance of probation or a period not to exceed two years in confinement, whichever is less.

(g) If a defendant is placed on probation pursuant to this Code section by a court other than one for the county or municipality in which he or she resides for committing any ordinance violation or misdemeanor, such defendant may, when specifically ordered by the court, have his or her probation supervision transferred to the county or municipality in which he or she resides.

42-8-103.

(a) As used in this Code section, the term 'pay-only probation' means a defendant has been placed under probation supervision solely because such defendant is unable to pay the court imposed fines and statutory surcharges when such defendant's sentence is imposed. Such term shall not include circumstances when restitution has been imposed or other probation services are deemed appropriate by the court.

(b) When pay-only probation is imposed, the probation supervision fees shall be capped so as not to exceed three months of ordinary probation supervision fees notwithstanding the number of cases for which a fine and statutory surcharge were imposed or that the defendant was sentenced to serve consecutive sentences; provided, however, that collection of any probation supervision fee shall terminate as soon as all court imposed fines and statutory surcharges are paid in full.

(c) On petition by a probation officer or private probation officer and with the probationer having an opportunity for a hearing, the court may reinstate probation supervision fees to allow for monitoring of a probationer and may:

(1) Convert a sentence to community service; or

(2) Require other probation services for the probationer.

42-8-104.

(a) A court which utilizes the services of a probation officer or private probation officer shall determine the terms and conditions of probation under this article and may provide such terms and conditions of probation as the court deems appropriate, including, but not limited to, providing that the probationer shall:

(1) Avoid injurious and vicious habits;

(2) Avoid persons or places of disreputable or harmful character;

(3) Report to the probation officer or private probation officer, as the case may be, as directed;

(4) Permit the probation officer or private probation officer, as the case may be, to visit the probationer at the probationer's home or elsewhere;

(5) Work faithfully at suitable employment insofar as may be possible;

(6) Remain within a specified location; provided, however, that the court shall not banish a probationer to any area within this state:

(A) That does not consist of at least one entire judicial circuit as described by Code Section 15-6-1; or

(B) In which any service or program in which the probationer must participate as a condition of probation is not available;

(7) Make reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense, in an amount to be determined by the court in accordance with the provisions of Article 1 of Chapter 14 of Title 17. Unless otherwise provided by law, no reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense shall be made if the amount is in dispute unless the same has been determined as provided in Article 1 of Chapter 14 of Title 17;

(8) Make reparation or restitution as reimbursement to a municipality or county for the payment for medical care furnished to the person while incarcerated pursuant to the provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local governmental unit for the provision of medical care shall be made if the amount is in dispute unless the same has been determined as provided in Article 1 of Chapter 14 of Title 17;

(9) Repay the costs incurred by any municipality or county for wrongful actions by an inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section 42-4-71;

(10) Support the probationer's legal dependents to the best of the probationer's ability;

(11) Violate no local, state, or federal laws and be of general good behavior;

(12) If permitted to move or travel to another state, agree to waive extradition from any jurisdiction where the probationer may be found and not contest any effort by any jurisdiction to return the probationer to this state;

(13) Submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the court, including periodic screening for drugs and alcohol as ordered by the court and mental health evaluations as ordered by the court. The court may assess and the probation officer or

private probation officer, as the case may be, shall be authorized to collect the costs or a portion of the costs, as determined by the court, of such evaluations, testing, rehabilitation programs, and screenings from the probationer;

(14) Wear a device capable of tracking the location of the probationer by means including electronic surveillance or global positioning satellite systems. The court may assess and the probation officer or private probation officer, as the case may be, shall collect fees from the probationer for such monitoring at a rate not to exceed the rate set forth in the contract between the probation office and the provider of services;

(15) Wear a device capable of detecting drug or alcohol use by the probationer. The court may assess and the probation officer or private probation officer, as the case may be, shall collect fees from the probationer for such monitoring at a rate not to exceed the amount charged for such monitoring by the Department of Community Supervision; and

(16) Complete a residential or nonresidential program for substance abuse or mental health treatment as indicated by a risk and needs assessment for which the court may assess, and the probation officer or private probation officer, as the case may be, shall be authorized to collect the costs of or a portion of the costs, as determined by the court, of such program from the probationer.

(b) Nothing in this Code section shall be construed as prohibiting a court in appropriate circumstances from imposing additional special conditions of probation unless otherwise prohibited by law.

42-8-105.

(a) It shall be the duty of a probationer, as a condition of probation, to keep his or her probation officer or private probation officer, as the case may be, informed as to his or her contact information, including residence and mailing address, telephone number, and e-mail address. The court may also require, as a condition of probation and under such terms as the court deems advisable, that the probationer keep his or her probation officer or private probation officer, as the case may be, informed as to his or her whereabouts.

(b)(1) The running of a probated sentence may be tolled upon the failure of a probationer to appear in court for a probation revocation hearing or to report as directed to his or her probation officer or private probation officer, as the case may be; either of such failures shall be evidenced by an affidavit from the probation officer or private probation officer, as the case may be, setting forth such failure and stating efforts made by such officer to contact the probationer. When the allegation is for failure to report, such affidavit shall include, at a minimum, an averment by the probation officer or private probation officer that:

(A) The probationer has failed to report to his or her probation officer or private probation officer, as the case may be, on at least two occasions;

(B) The officer has attempted to contact the probationer at least two times by telephone or e-mail at the probationer's last known telephone number or e-mail address, which information shall be listed in the affidavit;

(C) The officer has checked the local jail rosters and determined that the probationer is not incarcerated;

(D) The officer has sent a letter by first-class mail to the probationer's last known address, which shall be listed in the affidavit, advising the probationer that the officer will seek a tolling order if the probationer does not report to such officer, either by telephone or in person, within ten days of the date on which the letter was mailed; and

(E) The probationer has failed to report to the probation officer or private probation officer, as the case may be, as directed in the letter set forth in subparagraph (D) of this paragraph and ten days have passed since the date on which the letter was mailed.

(2) In the event the probationer reports to his or her probation officer or private probation officer, as the case may be, within the period prescribed in subparagraph (D) of paragraph (1) of this subsection, the probationer shall be scheduled to appear on the next available court calendar for a hearing to consider whether the probation sentence should be tolled.

(c) Upon receipt of the affidavit required by subsection (b) of this Code section, the court may, in its discretion, toll the probated sentence.

(d) The effective date of the tolling of the sentence shall be the date the court enters a tolling order and shall continue until the probationer personally reports to the probation officer or private probation officer, as the case may be, is taken into custody in this state, or is otherwise available to the court, whichever event first occurs.

(e) Any tolled period of time shall not be included in computing creditable time served on probation or as any part of the time that the probationer was sentenced to serve.

(f) Any unpaid fines, restitution, or other moneys owed as a condition of probation shall be due when the probationer is arrested; provided, however, that if the entire balance of his or her probation is revoked, all the conditions of probation, including moneys owed, shall be negated by his or her imprisonment. If only part of the balance of the probation is revoked, the court shall determine the probationer's responsibility for the amount of the unpaid fines, restitution, and other moneys owed that shall be imposed upon his or her return to probation after release from imprisonment and may reduce arrearages under the same circumstances and conditions as set forth in subsection (f) of Code Section 42-8-102.

~~42-8-101.~~ 42-8-106.

(a) There is created ~~the County and Municipal Probation Advisory Council, to be~~ an advisory council with respect to the provisions of this article composed of one superior court judge designated by The Council of Superior Court Judges of Georgia, one state court judge designated by The Council of State Court Judges of Georgia, one municipal court judge designated by the Council of Municipal Court Judges of Georgia, ~~one sheriff appointed by the Governor,~~ one probate court judge designated by The Council of Probate Court Judges of Georgia, one magistrate designated by the Council of Magistrate Court Judges, ~~the commissioner of corrections or his or her designee~~ one

attorney who specializes in criminal defense appointed by the Governor, one ~~public~~ probation officer appointed by the Governor, and one private probation officer or individual with expertise in private probation services by virtue of his or her training or employment appointed by the Governor~~, one mayor or member of a municipal governing authority appointed by the Governor, and one county commissioner appointed by the Governor~~. The appointing authority shall determine the length of its appointee's term serving on such council. The advisory council shall elect a chairperson from among its membership and such other officers as it deems necessary. ~~Members of the council appointed by the Governor shall be appointed for terms of office of four years. With the exceptions of the public probation officer, the county commissioner, the sheriff, the mayor or member of a municipal governing authority, and the commissioner of corrections, each designee or representative shall be employed in their representative capacity in a judicial circuit operating under a contract with a private corporation, enterprise, or agency as provided under Code Section 42-8-100. No person shall serve beyond the time he or she holds the office or employment by reason of which he or she was initially eligible for appointment. In the event of death, resignation, disqualification, or removal for any reason of any member of the council, the vacancy shall be filled in the same manner as the original appointment and any successor shall serve for the unexpired term. Such council shall promulgate rules and regulations regarding contracts or agreements for the provision of probation services and the conduct of business by private entities providing probation services and county, municipal, or consolidated governments establishing probation systems as authorized by this article.~~

~~(b) The business of the council shall be conducted in the following manner:~~

~~(1) The council shall annually elect a chairperson and a vice chairperson from among its membership. The offices of chairperson and vice chairperson shall be filled in such a manner that they are not held in succeeding years by representatives of the same component (law enforcement, courts, corrections) of the criminal justice system;~~

~~(2) The council shall meet at such times and places as it shall determine necessary or convenient to perform its duties. The council shall also meet on the call of the chairperson or at the written request of three of its members;~~

~~(3) The council shall maintain minutes of its meetings and such other records as it deems necessary; and~~

~~(4) The council shall adopt such rules for the transaction of its business as it shall desire and may appoint such committees as it considers necessary to carry out its business and duties.~~

~~(c) Members of the council shall serve without compensation but shall receive the same expense allowance per day as that received by a member of the General Assembly for each day such member of the council is in attendance at a meeting of such council, plus either reimbursement for actual transportation costs while traveling by public carrier or the same mileage allowance for use of a personal motor vehicle in connection with such attendance as members of the General Assembly receive. Payment of such expense and travel allowance shall be subject to availability of funds and shall be in~~

~~lieu of any per diem, allowance, or other remuneration now received by any such member for such attendance.~~

~~(d) The council is assigned to the Administrative Office of the Courts for administrative purposes only in accordance with Code Section 50-4-3. The funds necessary to carry out the provisions of this article shall come from funds appropriated to the Administrative Office of the Courts or otherwise available to the council. The council is authorized to accept and use grants of funds for the purpose of carrying out the provisions of this article.~~

~~(e)~~(b) The ~~council~~ board shall have the following powers and duties; provided that, with respect to promulgating the rules, regulations, and standards set forth in this subsection, the board shall act only upon consultation with and approval by the advisory board:

~~(1) To promulgate rules and regulations for the administration of the council, including rules of procedure for its internal management and control;~~

~~(2)~~(1) To review the uniform professional standards for private probation officers and uniform contract standards for private probation contracts established in Code Section ~~42-8-102~~ 42-8-107 and submit a report with its recommendations to the General Assembly;

~~(3)~~(2) To promulgate rules and regulations to implement those uniform professional standards for probation officers ~~employed by a governing authority of a county, municipality, or consolidated government that has established probation services~~ and uniform agreement standards for the establishment of probation services by a county, municipality, or consolidated government established in Code Section ~~42-8-102~~ 42-8-107;

~~(4)~~(3) To promulgate rules and regulations establishing a 40 hour initial orientation for newly hired private probation officers and for 20 hours per annum of continuing education for private probation officers, provided that the 40 hour initial orientation shall not be required of any person who has successfully completed a ~~probation or parole officer~~ basic course of training for supervision of probationers or parolees certified by the Georgia Peace Officer Standards and Training Council or any private probation officer who has been employed by a private probation corporation, enterprise, or agency for at least six months as of July 1, 1996;

~~(5)~~(4) To promulgate rules and regulations establishing a 40 hour initial orientation for probation officers ~~employed by a county, municipality, or consolidated government that has established probation services~~ and for 20 hours per annum of continuing education for such probation officers, provided that the 40 hour initial orientation shall not be required of any person who has successfully completed a ~~probation or parole officer~~ basic course of training for supervision of probationers or parolees certified by the Georgia Peace Officer Standards and Training Council or any probation officer who has been employed by a county, municipality, or consolidated government as of March 1, 2006;

~~(6)~~(5) To promulgate rules and regulations relative to compliance with the provisions of this article, and enforcement mechanisms that may include, but are not limited to, the imposition of sanctions and fines and the voiding of contracts or agreements;

~~(7)~~(6) To promulgate rules and regulations establishing registration for any private corporation, private enterprise, private agency, county, municipality, or consolidated government providing probation services under the provisions of this article, subject to the provisions of Code Section ~~42-8-107~~ 42-8-109.3;

~~(8)~~(7) To produce an annual summary report~~. Such report shall not contain information identifying individual private corporations, nonprofit corporations, or enterprises or their contracts~~; ~~and~~

~~(9)~~(8) To promulgate rules and regulations requiring criminal record checks of individuals seeking to become private probation officers ~~registered under this Code section~~ and establishing procedures for such criminal record checks. The ~~Administrative Office of the Courts~~ Department of Community Supervision on behalf of the ~~council~~ board shall conduct a criminal records check for individuals seeking to become probation officers as provided in Code Section 35-3-34. ~~No applicant shall be registered who has previously been convicted of a felony.~~ The ~~council~~ board shall promulgate rules and regulations ~~regarding registration requirements, including~~ relating to restrictions regarding misdemeanor convictions. An agency or private entity shall also be authorized to conduct a criminal history background check of a person employed as a probation officer or ~~an applicant for a probation officer position~~ private probation officer or individuals seeking such positions. The criminal history check may be conducted in accordance with Code Section 35-3-34 and may be based upon the submission of fingerprints of the ~~person~~ individual whose records are requested. The Georgia Bureau of Investigation shall submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the requesting entity or agency;

(9) To create committees from among the membership of the board as well as appoint other persons to serve in an advisory capacity to the board in implementing this article; and

(10) To promulgate rules and regulations requiring probation officers and private probation officers to be registered with the board, pay a fee for such registration, and provide for the imposition of sanctions and fines on such officers for misconduct.

~~42-8-102.~~ 42-8-107.

(a) The uniform professional standards contained in this subsection shall be met by any person employed as and using the title of a private probation officer or probation officer. Any such person shall be at least 21 years of age at the time of appointment to the position of private probation officer or probation officer and ~~must~~ shall have completed a standard two-year college course or have four years of law enforcement experience; provided, however, that any person employed as a private probation officer as of July 1, 1996, and who had at least six months of experience as a private probation

officer or any person employed as a probation officer by a county, municipality, or consolidated government as of March 1, 2006, shall be exempt from such college requirements. Every private probation officer shall receive an initial 40 hours of orientation upon employment and shall receive 20 hours of continuing education per annum as approved by the ~~council~~ board, provided that the 40 hour initial orientation shall not be required of any person who has successfully completed a ~~probation or parole officer~~ basic course of training for supervision of probationers or parolees certified by the Peace Officer Standards and Training Council or any private probation officer who has been employed by a private probation corporation, enterprise, or agency for at least six months as of July 1, 1996, or any person employed as a probation officer by a county, municipality, or consolidated government as of March 1, 2006. In no event shall any person convicted of a felony be employed as a probation officer or ~~utilize the title of~~ private probation officer.

(b) The uniform contract standards contained in this subsection shall apply to all private probation contracts executed under the authority of Code Section ~~42-8-100~~ 42-8-101. The terms of any such contract shall state, at a minimum:

(1) The extent of the services to be rendered by the private corporation or enterprise providing probation supervision;

(2) Any requirements for staff qualifications, ~~to include~~ including those contained in this Code section as well as any surpassing those contained in this Code section;

(3) Requirements for criminal record checks of staff in accordance with the rules and regulations established by the ~~council~~ board;

(4) Policies and procedures for the training of staff that comply with rules and regulations promulgated by the ~~council~~ board;

(5) Bonding of staff and liability insurance coverage;

(6) Staffing levels and standards for offender supervision, including frequency and type of contacts with offenders;

(7) Procedures for handling the collection of all court ordered fines, fees, and restitution;

(8) Procedures for handling indigent offenders to ensure placement of such indigent offenders irrespective of the ability to pay;

(9) Circumstances under which revocation of an offender's probation may be recommended;

(10) Reporting and record-keeping requirements; and

(11) Default and contract termination procedures.

(c) The uniform contract standards contained in this subsection shall apply to all counties, municipalities, and consolidated governments that enter into agreements with a judge to provide probation services under the authority of Code Section ~~42-8-100~~ 42-8-101. The terms of any such agreement shall state at a minimum:

(1) The extent of the services to be rendered by the local governing authority providing probation services;

(2) Any requirements for staff qualifications, ~~to include~~ including those contained in this Code section;

(3) Requirements for criminal record checks of staff in compliance with the rules and regulations established by the ~~council~~ board;
(4) Policies and procedures for the training of staff that comply with the rules and regulations established by the ~~council~~ board;
(5) Staffing levels and standards for offender supervision, including frequency and type of contacts with offenders;
(6) Procedures for handling the collection of all court ordered fines, fees, and restitution;
(7) Circumstances under which revocation of an offender's probation may be recommended;
(8) Reporting and record-keeping requirements; and
(9) Default and agreement termination procedures.

(d) The ~~council~~ board shall review the uniform professional standards and uniform contract and agreement standards contained in ~~subsections (a), (b), and (c) of~~ this Code section and shall submit a report on its findings to the General Assembly. The ~~council~~ board shall submit its initial report on or before January 1, ~~2007~~ 2017, and shall continue such reviews every two years thereafter. Nothing contained in such report shall be considered to authorize or require a change in ~~the~~ such standards without action by the General Assembly having the force and effect of law. Such ~~This~~ report shall provide information which will allow the General Assembly to review the effectiveness of the minimum professional standards and, if necessary, to revise ~~these~~ such standards. This subsection shall not be interpreted to prevent the ~~council~~ board from making recommendations to the General Assembly prior to its required review and report.

~~42-8-103.~~ 42-8-108.

(a) Any private corporation, private enterprise, or private agency contracting to provide probation services or any county, municipality or consolidated government entering into an agreement under the provisions of this article shall provide to the judge with whom the contract or agreement was made and the ~~council~~ board a quarterly report summarizing the number of offenders under supervision; the amount of fines, statutory surcharges, and restitution collected; the amount of fees collected and the nature of such fees, including probation supervision fees, rehabilitation programming fees, electronic monitoring fees, drug or alcohol detection device fees, substance abuse or mental health evaluation or treatment fees, and drug testing fees; the number of community service hours performed by probationers under supervision; a listing of any other service for which a probationer was required to pay to attend; the number of offenders for whom supervision or rehabilitation has been terminated and the reason for the termination; and the number of warrants issued during the quarter, in such detail as the ~~council~~ board may require. Information reported pursuant to this subsection shall be annually submitted to the governing authority that entered into such contract and thereafter be subject to disclosure pursuant to Article 4 of Chapter 18 of Title 50. Local governments are encouraged to post electronic copies of the annual report on the local government's website, if such website exists.

(b) All records of any private corporation, private enterprise, or private agency contracting to provide services or of any county, municipality, or consolidated government entering into an agreement under the provisions of this article shall be open to inspection upon the request of the affected county, municipality, consolidated government, court, the Department of Audits and Accounts, an auditor appointed by the affected county, municipality, or consolidated government, Department of Corrections, Department of Community Supervision, State Board of Pardons and Paroles, or the ~~council or its designee~~ board.

~~42-8-104.~~ 42-8-109.

(a) No private corporation, private enterprise, or private agency contracting to provide probation services under the provisions of this article nor any employees of such entities shall engage in any other employment, business, or activity which interferes or conflicts with the duties and responsibilities under contracts authorized in this article.

(b) No private corporation, private enterprise, or private agency contracting to provide probation services under the provisions of this article nor its employees shall have personal or business dealings, including the lending of money, with probationers under their supervision.

(c)(1) No private corporation, private enterprise, or private agency contracting to provide probation services under the provisions of this article nor any employees of such entities, shall own, operate, have any financial interest in, be an instructor at, or be employed by any private entity which provides drug or alcohol education services or offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the Department of Driver Services.

(2) No private corporation, private enterprise, or private agency contracting to provide probation services under the provisions of this article nor any employees of such entities shall specify, directly or indirectly, a particular DUI Alcohol or Drug Use Risk Reduction Program which a probationer may or shall attend. This paragraph shall not prohibit furnishing any probationer, upon request, with the names of certified DUI Alcohol or Drug Use Risk Reduction Programs. Any person violating this paragraph shall be guilty of a misdemeanor.

~~42-8-105.~~ 42-8-109.1.

(a) No county, municipality, or consolidated government ~~probation officer or other~~ probation office employee shall engage in any other employment, business, or activity which interferes or conflicts with the ~~officer's or~~ employee's duties and responsibilities under agreements authorized in this article.

(b) No county, municipality, or consolidated government ~~probation officer or other~~ probation office employee shall have personal or business dealings, including the lending of money, with probationers under the supervision of such probation office.

(c)(1) No county, municipality, or consolidated government ~~probation officer or other~~ probation office employee shall own, operate, have any financial interest in, be an instructor at, or be employed by any private entity which provides drug or alcohol

education services or offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the Department of Driver Services.

(2) No county, municipality, or consolidated government that provides probation services through agreement under the provisions of this article nor any employees of such shall specify, directly or indirectly, a particular DUI Alcohol or Drug Use Risk Reduction Program which a probationer may or shall attend. This paragraph shall not prohibit furnishing any probationer, upon request, with the names of certified DUI Alcohol or Drug Use Risk Reduction Programs. Any person violating this paragraph shall be guilty of a misdemeanor.

~~42-8-106.~~ 42-8-109.2.

(a) Except as provided in subsection (a) of Code Section 42-8-108 and subsection (b) of this Code section, all ~~All~~ reports, files, records, and papers of whatever kind relative to the supervision of probationers by a private corporation, private enterprise, or private agency contracting under the provisions of this article or by a county, municipality, or consolidated government providing probation services under this article are declared to be confidential and shall be available only to the affected county, municipality, or consolidated government, or an auditor appointed by such county, municipality, or consolidated government, the judge handling a particular case, the Department of Audits and Accounts, Department of Corrections, Department of Community Supervision, State Board of Pardons and Paroles, or the ~~council or its designee~~ board.

(b)(1) Any probationer under supervision under this article shall:

(A) Be provided with a written receipt and a balance statement each time he or she makes a payment;

(B) Be permitted, upon written request, to have a copy of correspondence, payment records, and reporting history from his or her probation file, one time, and thereafter, he or she shall be required to pay a fee as set by the board; provided, however, that the board shall promulgate rules and regulations clarifying what confidential information may be withheld from such disclosure; and

(C) Be permitted, upon written request to the board, to have a copy of the supervision case notes from his or her probation file when the commissioner of community supervision authorizes the release of such information in a written order; provided, however, that the board shall promulgate rules and regulations clarifying what confidential information may be withheld from such disclosure.

(2) When a probationer claims that information is being improperly withheld from his or her file, the probationer may file a motion with the sentencing court seeking an in camera inspection of such file. The probationer shall serve such motion on the prosecuting attorney and probation officer or private probation officer as appropriate.

(3) The following shall be subject to disclosure pursuant to Article 4 of Chapter 18 of Title 50:

(A) The board's rules and regulations regarding contracts or agreements for the provision of probation services;

(B) The board's rules and regulations regarding the conduct of business by private entities providing probation services as authorized by this article;

(C) The board's rules and regulations regarding county, municipal, or consolidated governments establishing probation systems as authorized by this article; and

(D) The rules, regulations, operating procedures, and guidelines of any private corporation, private enterprise, or private agency providing probation services under the provisions of this article.

~~(b)~~(c) In the event of a transfer of the supervision of a probationer from a private corporation, private enterprise, or private agency or county, municipality, or consolidated government providing probation services under this article to the Department of ~~Corrections~~ Community Supervision, the Department of ~~Corrections~~ Community Supervision shall have access to any relevant reports, files, records, and papers of the transferring entity. ~~All reports, files, records, and papers of whatever kind relative to the supervision of probationers by private corporations, private enterprises, or private agencies under contracts authorized by this article or by a county, municipality, or consolidated government providing probation services under this article shall not be subject to process of subpoena.~~

~~42-8-107.~~ 42-8-109.3.

(a)(1) All private corporations, private enterprises, and private agencies contracting or offering to contract for probation services shall register with the ~~council~~ board before entering into any contract to provide services. Any private corporation, private enterprise, or private agency registered with the County and Municipal Probation Advisory Council on or before June 30, 2015, shall be deemed registered with the board; provided, however, that the board shall be authorized to review such contract and shall be responsible for subsequent renewals or changes to such contract. The information included in such registration shall include the name of the corporation, enterprise, or agency, its principal business address and telephone number, the name of its agent for communication, and other information in such detail as the ~~council~~ board may require. No registration fee shall be required.

(2) Any private corporation, private enterprise, or private agency required to register under the provisions of paragraph (1) of this subsection which fails or refuses to do so shall be subject to revocation of any existing contracts, in addition to any other fines or sanctions imposed by the ~~council~~ board.

(b)(1) All counties, municipalities, and consolidated governments agreeing or offering to agree to establish a probation system shall register with the ~~council~~ board before entering into an agreement with the court to provide services. Any county, municipality, or consolidated government that has a probation system registered with the County and Municipal Probation Advisory Council on or before June 30, 2015, shall be deemed registered with the board; provided, however, that the board shall be authorized to review such systems and shall be responsible for subsequent renewals or changes to such systems. The information included in such registration shall include the name of the county, municipality, or consolidated government, the principal

business address and telephone number, a contact name for communication with the ~~council~~ board, and other information in such detail as the ~~council~~ board may require. No registration fee shall be required.

(2) Any county, municipality, or consolidated government required to register under the provisions of paragraph (1) of this subsection which fails or refuses to do so shall be subject to revocation of existing agreements, in addition to any other sanctions imposed by the ~~council~~ board.

~~42-8-108.~~ 42-8-109.4.

(a) The probation providers standards contained in this Code section shall be met by private corporations, private enterprises, or private agencies ~~who~~ that enter into written contracts for probation services under the authority of Code Section ~~42-8-100 on or after July 1, 2006~~ 42-8-101. Any private corporation, private enterprise, or private agency which fails to meet the standards established in this subsection ~~on or after July 1, 2006,~~ shall not be eligible to provide probation services in this state. All private corporations, private enterprises, or private agencies ~~who~~ that enter into written contracts for probation services under the authority of Code Section ~~42-8-100 on or after July 1, 2006,~~ 42-8-101 shall:

(1) Register with the board;

~~(1)~~(2) Meet all requirements as outlined in subsection (b) of Code Section ~~42-8-102~~ 42-8-107~~, relating to uniform contract standards~~;

~~(2)~~(3) Not own or control any finance business or lending institution which makes loans to probationers under its supervision ~~for the payment of probation fees or fines~~; and

~~(3)~~(4) Employ at least one person who is responsible for the direct supervision of private probation officers employed by the corporation, enterprise, or agency and who shall have at least five years' experience in corrections, parole, or probation services.

(b) The standards contained in this subsection shall be met by all counties, municipalities, or consolidated governments entering into written agreements to provide probation services to any court under the authority of Code Section ~~42-8-100 on or after July 1, 2006~~ 42-8-101. Any county, municipality, or consolidated government which fails to meet the standards established in this subsection ~~on or after July 1, 2006,~~ shall not be eligible to provide probation services. All counties, municipalities, or consolidated governments which enter into written agreements to provide probation services under the authority of Code Section ~~42-8-100 on or after July 1, 2006,~~ 42-8-101 shall:

(1) Register with the ~~council~~ board;

(2) Meet the requirements of subsection (c) of Code Section ~~42-8-102~~ 42-8-107; and

(3) Employ at least one person who is responsible for the direct supervision of probation officers ~~employed by the governing authority~~ and who shall have at least five years' experience in corrections, parole, or probation services~~; provided, however, that the five-year experience requirement shall not apply to any such supervisor~~

~~employed by a county, municipality, or consolidated government which was engaged in the provision of probation services on April 15, 2006~~.

42-8-109.5.
Whenever a probationer is under supervision by a community supervision officer, as such term is defined in Code Section 42-3-1, and sentenced to misdemeanor probation, the court shall determine whether the continuing supervision shall be performed by a community supervision officer, private probation officer, or probation officer."

PART IV
STATE-WIDE PROBATION SYSTEM
SECTION 4-1.

Said title is further amended by revising Article 2 of Chapter 8, relating to the state-wide probation system, as follows:

"ARTICLE 2

42-8-20.
This article shall be known and may be cited as the 'State-wide Probation Act.'

42-8-21.
~~Reserved.~~
As used in this article, the term:
(1) 'DCS' means the Department of Community Supervision.
(2) 'Officer' means a community supervision officer as defined in Code Section 42-3-1.

42-8-22.
There is created a state-wide probation system for felony offenders to be administered by ~~the Department of Corrections. The probation system shall not be administered as part of the duties and activities of the State Board of Pardons and Paroles~~ DCS. Separate files and records shall be kept with relation to the system.

42-8-23.
(a) As used in this Code section, the term 'chief ~~probation~~ officer' means the highest ranking field ~~probation~~ officer in each judicial circuit who does not have direct supervision of the probationer who is the subject of the hearing.
(b) DCS ~~The department~~ shall administer the supervision of felony probationers.
(c) If graduated sanctions have been made a condition of probation by the court and if a probationer violates the conditions of his or her probation, other than for the commission of a new offense, ~~the department~~ DCS may impose graduated sanctions as

an alternative to judicial modification or revocation of probation, provided that such graduated sanctions are approved by a chief ~~probation~~ officer.

(d) The failure of a probationer to comply with the graduated sanction or sanctions imposed by ~~the department~~ DCS shall constitute a violation of probation.

(e) A probationer may at any time voluntarily accept the graduated sanctions proposed by ~~the department~~ DCS.

(f)(1) DCS's ~~The department's~~ decision shall be final unless the probationer files an appeal in the sentencing court. Such appeal shall be filed within 30 days of the issuance of the decision by ~~the department~~ DCS.

(2) Such appeal shall first be reviewed by the ~~judge~~ sentencing court upon the record. At the ~~judge's~~ court's discretion, a de novo hearing may be held on the decision. The filing of the appeal shall not stay ~~the department's~~ DCS's decision.

(3) When the sentencing ~~judge~~ court does not act on the appeal within 30 days of the date of the filing of the appeal, ~~the department's~~ DCS's decision shall be affirmed by operation of law.

(g) Nothing contained in this Code section shall alter the relationship between judges and ~~probation supervisors~~ officers prescribed in this article nor be construed as repealing any power given to any court of this state to place offenders on probation or to supervise offenders.

42-8-24.

(a) As used in this Code section, the term 'split sentence' means any felony sentence that includes a term of imprisonment followed by a term of probation.

(b) It shall be the duty of ~~the department~~ DCS to supervise and direct the work of the ~~probation supervisors~~ officers provided for in Code Section 42-8-25 and to keep accurate files and records on all probation cases, split sentence cases, parole cases, persons released pursuant to Code Section 17-10-1, and persons ~~on probation~~ under supervision. It shall be the duty of the ~~board~~ Board of Community Supervision to promulgate rules and regulations necessary to effectuate the purposes of this chapter.

42-8-25.

DCS ~~The department~~ shall employ ~~probation supervisors. The department~~ officers. DCS may assign one ~~supervisor~~ officer to each judicial circuit in this state or, for purposes of assignment, may consolidate two or more judicial circuits and assign one ~~supervisor~~ officer thereto. In the event ~~the department~~ DCS determines that more than one ~~supervisor~~ officer is needed for a particular circuit, ~~an~~ additional ~~supervisor or additional supervisors~~ officers may be assigned to the circuit. DCS ~~The department~~ is authorized to direct any ~~probation supervisor~~ officer to assist any other ~~probation supervisor~~ officer wherever assigned. In the event ~~that~~ more than one ~~supervisor~~ officer is assigned to the same office or to the same division within a particular judicial circuit, ~~the department~~ DCS shall designate one of the ~~supervisors~~ officers to be in charge.

42-8-26.

(a)(1) In order for a person to ~~hold the office of probation supervisor~~ be an officer, he or she ~~must~~ shall be at least 21 years of age at the time of appointment and ~~must~~ shall have completed a standard two-year college course~~, provided that any person who is employed as a probation supervisor on or before July 1, 1972, shall not be required to meet the educational requirements specified in this Code section, nor shall he or she be prejudiced in any way for not possessing the requirements~~. The qualifications provided in this Code section are the minimum qualifications, and ~~the department~~ DCS is authorized to prescribe such additional and higher educational qualifications from time to time as it deems desirable, but not to exceed a four-year standard college course.

(2) After January 1, 2016, in order for a person to be an officer, he or she shall complete the basic course of training for supervision of probations and parolees certified by the Peace Officer Standards and Training Council; provided, however, that such requirement shall be waived if such person is a certified peace officer.

(b) The compensation of ~~the probation supervisors~~ officers shall be set pursuant to the rules of the State Personnel Board. Officers ~~Probation supervisors~~ shall also be allowed travel and other expenses as are other state employees.

(c)(1) No ~~supervisor~~ officer shall engage in any other employment, business, or activities which interfere or conflict with his or her duties and responsibilities as ~~probation supervisor~~ an officer.

(2) No ~~supervisor~~ officer shall own, operate, have any financial interest in, be an instructor at, or be employed by any private entity which provides drug or alcohol education services or offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the Department of Driver Services.

(3) No ~~supervisor~~ officer shall specify, directly or indirectly, a particular DUI Alcohol or Drug Use Risk Reduction Program which a probationer may or shall attend. This paragraph shall not prohibit ~~any supervisor~~ such officer from furnishing any probationer, upon request, the names of certified DUI Alcohol or Drug Use Risk Reduction Programs. Any ~~supervisor~~ officer violating this paragraph shall be guilty of a misdemeanor.

(d) Each ~~probation supervisor~~ officer shall give bond in such amount as may be fixed by ~~the department payable to the department~~ DCS for the use of the person or persons damaged by his or her misfeasance or malfeasance and conditioned on the faithful performance of his or her duties. The cost of the bond shall be paid by ~~the department~~ DCS; provided, however, that the bond may be procured, either by ~~the department~~ DCS or by the Department of Administrative Services, under a master policy or on a group blanket coverage basis, where only the number of positions in each judicial circuit and the amount of coverage for each position are listed in a schedule attached to the bond; and in such case each individual shall be fully bonded and bound as principal, together with the surety, by virtue of his or her holding the position or performing the duties of ~~probation supervisor~~ officer in the circuit or circuits, and his or her individual signature

shall not be necessary for such bond to be valid in accordance with all the laws of this state. The bond or bonds shall be made payable to ~~the department~~ DCS.

42-8-27.
An officer ~~The probation supervisor~~ shall supervise and counsel probationers and parolees in the judicial circuit to which he or she is assigned. Each ~~supervisor~~ officer shall perform the duties prescribed in this chapter and ~~such~~ other duties as are prescribed by ~~the department~~ DCS and shall make and keep ~~such~~ any records and files and make such reports as are required of him or her by DCS, the State Board of Pardons and Paroles, or a court.

42-8-28.
Officers ~~Probation supervisors~~ shall be assigned among the respective judicial circuits based generally on the relative number of persons on probation and parole in each circuit.

42-8-29.
(a) It shall be the duty of the ~~probation supervisor~~ each officer to investigate all cases referred to him or her by the court and to make ~~his~~ findings and report thereon in writing to the court with ~~his~~ a recommendation. The superior court may require, before imposition of sentence, a presentence investigation and written report in each felony case in which the defendant has entered a plea of guilty or nolo contendere or has been convicted.
(b) An officer ~~The probation supervisor~~ shall cause to be delivered to each person placed on probation under his or her supervision a ~~certified~~ copy of the terms of probation and any change or modification thereof and shall cause the person to be instructed regarding the same. An officer ~~He~~ shall keep informed concerning the conduct, habits, associates, employment, recreation, and whereabouts of the probationer or parolee by visits, by requiring reports, or in other ways. ~~He shall make such reports in writing or otherwise as the court may require. He~~ An officer shall use all practicable and proper methods to aid and encourage persons on probation or parole and to bring about improvements in their conduct and condition. ~~He shall keep records on each probationer referred to him.~~

42-8-29.1.
(a) When a convicted person is committed to an institution under the jurisdiction of the ~~department~~ Department of Corrections, any presentence or post-sentence investigation or psychological evaluation compiled by ~~a probation supervisor or other probation official~~ an officer shall be forwarded to any division or office designated by the commissioner of corrections. Accompanying ~~this~~ such document or evaluation ~~will~~ shall be the case history form and the criminal history sheets from the Federal Bureau of Investigation or the Georgia Crime Information Center, if available, unless any such information has previously been sent to the ~~department~~ Department of Corrections

pursuant to Code Section 42-5-50. A copy of ~~these same~~ such documents shall be made available for the State Board of Pardons and Paroles. A copy of one or more of ~~these~~ such documents, based on need, may be forwarded to another institution to which the defendant may be committed.

(b) The prison or institution receiving ~~these~~ such documents shall maintain the confidentiality of the documents and the information contained therein and shall not send ~~them or release them~~, release, or reveal them to any other person, institution, or agency without the express consent of the ~~probation~~ unit which originated or accumulated the documents.

42-8-30.

~~In the counties where no juvenile probation system exists, juvenile offenders, upon direction of the court, shall be supervised by probation supervisors. Other than in this respect, nothing in this article shall be construed to change or modify any law relative to probation as administered by any juvenile court in this state.~~

~~42-8-30.1.~~

In any county where the chief judge of the superior court, state court, municipal court, probate court, or magistrate court has provided for probation services for such court through agreement with a private corporation, enterprise, or agency or has established a county or municipal probation system for such court pursuant to ~~Code Section 42-8-100~~ Article 6 of this chapter, the provisions of this article relating to ~~probation~~ supervision services shall not apply to defendants sentenced in any such court.

42-8-31.

No ~~probation supervisor~~ officer shall collect or disburse any funds whatsoever, except by written order of the court; and it shall be the duty of the ~~supervisor~~ officer to transmit a copy of ~~the~~ such order to ~~the department~~ DCS not later than 15 days after it has been issued by the court. Every ~~supervisor~~ officer who collects or disburses any funds whatsoever shall faithfully keep the records of accounts as are required by ~~the department~~ DCS, which records shall be subject to inspection by ~~the department~~ DCS at any time. In every instance ~~where~~ when a bank account is required, it shall be kept in the name of the ~~'State Probation Office.'~~ Department of Community Supervision.

42-8-32.

No ~~probation supervisor~~ officer shall be directed to collect any funds other than funds directed to be paid as the result of a criminal proceeding.

42-8-33.

(a) DCS ~~The department~~ shall make periodic audits of each ~~probation supervisor~~ officer who, by virtue of ~~his~~ the officer's duties, has any moneys, fines, court costs, property, or other funds coming into ~~his~~ the officer's control or possession or being disbursed by ~~him. The department~~ such officer. DCS shall keep a permanent record of

the audit of each ~~probation supervisor's~~ officer's accounts on file. It shall be the duty of the employee of ~~the department~~ DCS conducting the audit to notify ~~the department~~ DCS in writing of any discrepancy of an illegal nature that might result in prosecution. DCS ~~The department~~ shall have the right to interview and make inquiry of certain selected payors or recipients of funds, as it may choose, without notifying the ~~probation supervisor~~ officer, to carry out the purposes of the audit. The employee who conducts the audit shall be required to give bond in such amount as may be set by ~~the department~~ DCS, in the same manner and for the same purposes as provided under Code Section 42-8-26 for the bonds of ~~probation supervisors~~ officers. The bond shall bind the employee and ~~his~~ the employee's surety in the performance of ~~his~~ the employee's duties.
(b) Any overpayment of fines, restitutions, or other moneys owed as a condition of probation shall not be refunded to the probationer if the amount of ~~such~~ the overpayment is less than $5.00.

42-8-34.
(a) Any court of this state which has original jurisdiction of criminal actions, except ~~juvenile courts,~~ municipal courts~~,~~ and probate courts, in which the defendant in a criminal case has been found guilty upon verdict or plea or has been sentenced upon a plea of nolo contendere, except for an offense punishable by death or life imprisonment, may, at a time to be determined by the court, hear and determine the question of the probation of such defendant.
(b) Prior to the sentencing hearing, the court may refer the case to ~~the probation supervisor~~ an officer of the circuit in which the court is located for investigation and recommendation. The court, upon such reference, shall direct ~~the supervisor~~ an officer to make an investigation and to report to the court, in writing at a specified time, upon the circumstances of the offense and the criminal record, social history, and present condition of the defendant, together with the ~~supervisor's~~ officer's recommendation; and it shall be the duty of ~~the supervisor~~ such officer to carry out the directive of the court.
(c) Subject to the provisions of subsection (a) of Code Section 17-10-1 and subsection (f) of Code Section 17-10-3, if it appears to the court upon a hearing of the matter that the defendant is not likely to engage in a criminal course of conduct and that the ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court in its discretion shall impose sentence upon the defendant but may stay and suspend the execution of the sentence or any portion thereof or may place him or her on probation under the supervision and control of the ~~probation supervisor~~ officer for the duration of ~~such probation~~ the sentence. The period of probation or suspension shall not exceed the maximum sentence of confinement which could be imposed on the defendant.
(d)(1) In every case that a court of this state or any other state sentences a defendant to probation or any pretrial release or diversion program under the supervision of ~~the department~~ DCS, in addition to any fine or order of restitution imposed by the court, there shall be imposed a probation fee as a condition of probation, release, or diversion in the amount equivalent to $23.00 per each month under supervision, and

in addition, a one-time fee of $50.00 ~~where~~ if such defendant was convicted of any felony. The probation fee may be waived or amended after administrative process by ~~the department~~ DCS and approval of the court, or upon determination by the court, as to the undue hardship, inability to pay, or any other extenuating factors which prohibit collection of the fee; provided, however, that the imposition of sanctions for failure to pay fees shall be within the discretion of the court through judicial process or hearings. Probation fees shall be waived on probationers incarcerated or detained in a ~~departmental~~ Department of Corrections or other confinement facility which prohibits employment for wages. All probation fees collected by ~~the department~~ DCS shall be paid into the general fund of the state treasury, except as provided in subsection (f) of Code Section 17-15-13, relating to sums to be paid into the Georgia Crime Victims Emergency Fund. Any fees collected by the court under this paragraph shall be remitted not later than the last day of the month after such fee is collected to the Georgia Superior Court Clerks' Cooperative Authority for deposit into the general fund of the state treasury.

(2) In addition to any other provision of law, any person convicted of a violation of Code Section 40-6-391 or subsection (b) of Code Section 16-13-2 who is sentenced to probation or a suspended sentence by a municipal, magistrate, probate, recorder's, mayor's, state, or superior court shall also be required by the court to pay a one-time fee of $25.00. The clerk of court, or if there is no clerk the person designated to collect fines, fees, and forfeitures for such court, shall collect such fee and remit the same not later than the last day of the month after such fee is collected to the Georgia Superior Court Clerks' Cooperative Authority for deposit into the general fund of the state treasury.

(3) In addition to any fine, fee, restitution, or other amount ordered, the sentencing court may also impose as a condition of probation for felony criminal defendants sentenced to a day reporting center an additional charge, not to exceed $10.00 per day for each day such defendant is required to report to a day reporting center; provided, however, that no fee shall be imposed or collected if the defendant is unemployed or has been found indigent by the sentencing court. The charges required by this paragraph shall be paid by the probationer directly to ~~the department~~ DCS. Funds collected by ~~the department~~ DCS pursuant to this subsection shall only be used by ~~the department~~ DCS in the maintenance and operation of the day reporting center program.

(e) The court may, in its discretion, require the payment of a fine or costs, or both, as a condition ~~precedent to~~ of probation.

(f) During the interval between the conviction or plea and the hearing to determine the question of probation, the court may, in its discretion, either order the confinement of the defendant without bond or may permit his or her release on bond, which bond shall be conditioned on his appearance at the hearing and shall be subject to the same rules as govern appearance bonds. Any time served in confinement shall be considered a part of the sentence of the defendant.

(g) The sentencing judge shall not lose jurisdiction over any person placed on probation during the term of the person's probated sentence. The judge is empowered to revoke any or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed advisable by the judge, modify or change the probated sentence, including ordering the probationer into the sentencing options system, as provided in Article ~~9 of this chapter~~ 6 of Chapter 3 of this title, at any time during the period of time prescribed for the probated sentence to run. In addition, when the judge is considering revoking a probated sentence in order to require the defendant to enter a drug court division, mental health court division, or veterans court division and the length of the original sentence is insufficient to authorize such revocation, the defendant may voluntarily agree to an extension of his or her original sentence within the maximum sentence allowed by law, notwithstanding subsection (f) of Code Section 17-10-1. Such extension shall be for a period not to exceed three years, and upon completion of such specific court division program, the court may modify the terms of probation in accordance with subparagraph (a)(5)(A) of Code Section 17-10-1.

(h) If ~~Notwithstanding any provision of this Code or any rule or regulation to the contrary, if~~ a defendant is placed on probation in a county of a judicial circuit other than the one in which ~~he~~ such defendant resides for committing any misdemeanor offense, such defendant may, when specifically ordered by the court, have ~~his~~ probation supervision transferred to the judicial circuit of the county in which ~~he~~ the defendant resides.

42-8-34.1.

(a) For the purposes of this Code section, the term 'special condition of probation or suspension of the sentence' means a condition of a probated or suspended sentence which:

(1) Is expressly imposed as part of the sentence in addition to general conditions of probation and court ordered fines and fees; and

(2) Is identified in writing in the sentence as a condition the violation of which authorizes the court to revoke the probation or suspension and require the defendant to serve up to the balance of the sentence in confinement.

(b) A court may not revoke any part of any probated or suspended sentence unless the defendant admits the violation as alleged or unless the evidence produced at the revocation hearing establishes by a preponderance of the evidence the violation or violations alleged.

(c) At any revocation hearing, upon proof that the defendant has violated any general provision of probation or suspension other than by commission of a new felony offense, the court shall consider the use of alternatives to include community service, ~~intensive probation,~~ diversion centers, probation detention centers, special alternative incarceration, or any other alternative to confinement deemed appropriate by the court or as provided by the state or county. In the event the court determines that the defendant does not meet the criteria for ~~said~~ such alternatives, the court may revoke the balance of probation or not more than two years in confinement, whichever is less.

(d) If the violation of probation or suspension alleged and proven by a preponderance of the evidence or the defendant's admission is the commission of a felony offense, the court may revoke no more than the lesser of the balance of probation or the maximum time of the sentence authorized to be imposed for the felony offense constituting the violation of the probation. For purposes of this Code section, the term 'felony offense' means:

(1) A felony offense;

(2) A misdemeanor offense committed in another state on or after July 1, 2010, the elements of which are proven by a preponderance of evidence showing that such offense would constitute a felony if the act had been committed in this state; or

(3) A misdemeanor offense committed in another state on or after July 1, 2010, that is admitted to by the defendant who also admits that such offense would be a felony if the act had been committed in this state.

(e) If the violation of probation or suspension alleged and proven by a preponderance of the evidence or the defendant's admission is the violation of a special condition of probation or suspension of the sentence, the court may revoke the probation or suspension of the sentence and require the defendant to serve the balance or portion of the balance of the original sentence in confinement.

(f) The payment of restitution or reparation, costs, or fines ordered by the court may be payable in one lump sum or in periodic payments, as determined by the court after consideration of all the facts and circumstances of the case and of the defendant's ability to pay. Such payments shall, in the discretion of the sentencing judge, be made either to the clerk of the sentencing court or, if the sentencing court is a probate court, state court, or superior court, to the ~~probation~~ DCS office serving ~~said~~ such court.

(g) In no event shall an offender be supervised on probation for more than a total of two years for any one offense or series of offenses arising out of the same transaction, whether before or after confinement, except as provided by paragraph (2) of subsection (a) of Code Section 17-10-1 and subsection (g) of Code Section 42-8-34.

42-8-34.2.

(a) In the event that a defendant is delinquent in the payment of fines, costs, or restitution or reparation, as was ordered by the court as a condition of probation, the defendant's ~~probation~~ officer ~~is~~ shall be authorized, but shall not be required, to execute a sworn affidavit wherein the amount of arrearage is set out. In addition, the affidavit shall contain a succinct statement as to what efforts ~~the department~~ DCS has made in trying to collect the delinquent amount. The affidavit shall then be submitted to the sentencing court for approval. Upon signature and approval of the court, ~~said~~ such arrearage shall then be collectable through issuance of a writ of fieri facias by the clerk of the sentencing court; and ~~the department~~ DCS may enforce such collection through any judicial or other process or procedure which may be used by the holder of a writ of execution arising from a civil action.

(b) This Code section provides the state with remedies in addition to all other remedies provided for by law; and nothing in this Code section shall preclude the use of any other or additional remedy in any case.
(c) No clerk of any court shall be authorized to require any deposit of cost or any other filing or service fee as a condition to the filing of a garnishment action or other action or proceeding authorized under this Code section. In any such action or proceeding, however, the clerk of the court in which the action is filed shall deduct and retain all proper court costs from any funds paid into the treasury of the court, prior to any other disbursement of such funds so paid into court.

42-8-35.
(a) The court shall determine the terms and conditions of probation and may provide that the probationer shall:
(1) Avoid injurious and vicious habits;
(2) Avoid persons or places of disreputable or harmful character;
(3) Report to the ~~probation supervisor~~ officer as directed;
(4) Permit the ~~supervisor~~ officer to visit the probationer at the probationer's home or elsewhere;
(5) Work faithfully at suitable employment insofar as may be possible;
(6) Remain within a specified location; provided, however, that the court shall not banish a probationer to any area within ~~the~~ this state:
(A) That does not consist of at least one entire judicial circuit as described by Code Section 15-6-1; or
(B) In which any service or program in which the probationer must participate as a condition of probation is not available;
(7) Make reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense, in an amount to be determined by the court. Unless otherwise provided by law, no reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense shall be made if the amount is in dispute unless the same has been adjudicated;
(8) Make reparation or restitution as reimbursement to a municipality or county for the payment for medical care furnished the person while incarcerated pursuant to the provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local governmental unit for the provision of medical care shall be made if the amount is in dispute unless the same has been adjudicated;
(9) Repay the costs incurred by any municipality or county for wrongful actions by an inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section 42-4-71;
(10) Support the probationer's legal dependents to the best of the probationer's ability;
(11) Violate no local, state, or federal laws and be of general good behavior;
(12) If permitted to move or travel to another state, agree to waive extradition from any jurisdiction where the probationer may be found and not contest any effort by any jurisdiction to return the probationer to this state;

(13) Submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by ~~the department~~ DCS;
(14) Wear a device capable of tracking the location of the probationer by means including electronic surveillance or global positioning satellite systems. DCS ~~The department~~ shall assess and collect fees from the probationer for such monitoring at levels set by regulation ~~by the department~~ of the Board of Community Supervision;
(15) Complete a residential or nonresidential program for substance abuse or mental health treatment as indicated by a risk and needs assessment;
(16) Agree to the imposition of graduated sanctions when, in the discretion of the ~~probation supervisor~~ officer, the probationer's behavior warrants a graduated sanction; and
(17) Pay for the cost of drug screening. DCS ~~The Department of Corrections~~ shall assess and collect fees from the probationer for such screening at levels set by regulation of the ~~Department of Corrections~~ Board of Community Supervision.

(b) In determining the terms and conditions of probation for a probationer who has been convicted of a criminal offense against a victim who is a minor or dangerous sexual offense as those terms are defined in Code Section 42-1-12, the court may provide that the probationer shall be:
(1) Prohibited from entering or remaining present at a victim's school, place of employment, place of residence, or other specified place at times when a victim is present or from loitering in areas where minors congregate, child care facilities, churches, or schools as those terms are defined in Code Section 42-1-12;
(2) Required, either in person or through remote monitoring, to allow viewing and recording of the probationer's incoming and outgoing e-mail, history of websites visited and content accessed, and other Internet based communication;
(3) Required to have periodic unannounced inspections of the contents of the probationer's computer or any other device with Internet access, including the retrieval and copying of all data from the computer or device and any internal or external storage or portable media and the removal of such information, computer, device, or medium; and
(4) Prohibited from seeking election to a local board of education.

(c) The supervision provided for under subsection (b) of this Code section shall be conducted by ~~a probation~~ an officer, law enforcement officer, or computer information technology specialist working under the supervision of ~~a probation~~ an officer or law enforcement agency.

42-8-35.1.
(a) Notwithstanding ~~In addition to~~ any other terms or conditions of probation ~~provided for under this chapter, the trial judge~~ which may be imposed, a court may provide that probationers sentenced for felony offenses ~~committed on or after July 1, 1993,~~ to a period of time of not less than one year on probation as a condition of probation ~~must~~ shall satisfactorily complete a program of confinement in a ~~'~~special alternative incarceration—probation boot camp~~'~~ unit of the ~~department~~ Department of Corrections

for a period of 120 days computed from the time of initial confinement in the unit; provided, however, ~~the department~~ that the Department of Corrections may release the defendant upon service of 90 days in recognition of excellent behavior.

(b) Before a court ~~can~~ may place ~~this~~ such condition upon the sentence, an initial investigation ~~will~~ shall be completed by the ~~probation~~ officer which ~~will indicate~~ indicates that the probationer is qualified for such treatment in that the individual does not appear to be physically or mentally disabled in a way that would prevent him or her from strenuous physical activity, that the individual has no obvious contagious diseases, that the individual is not less than 17 years of age nor more than 30 years of age at the time of sentencing, and that the ~~department~~ Department of Corrections has granted provisional approval of the placement of the individual in the ~~'~~special alternative incarceration—probation boot camp~~'~~ unit.

(c) In every case ~~where~~ when an individual is sentenced under the terms of this Code section, the sentencing court shall, within its probation order, direct the ~~department~~ Department of Corrections to arrange with the sheriff's office in the county of incarceration to have the individual delivered to a designated unit of the ~~department~~ Department of Corrections within a specific date not more than 15 days after the issuance of such probation order by the court.

(d) At any time during the individual's confinement in the unit, but at least five days prior to his or her expected date of release, the ~~department will~~ Department of Corrections shall certify to the trial court as to whether the individual has satisfactorily completed ~~this~~ the condition of probation provided in subsection (a) of this Code section.

(e) Upon the receipt of a satisfactory report of performance in the program from the ~~department~~ Department of Corrections, the trial court shall release the individual from confinement in the ~~'~~special alternative incarceration—probation boot camp~~'~~ unit. However, the receipt of an unsatisfactory report ~~will~~ shall be grounds for revocation of the probated sentence as would any other violation of a condition or term of probation.

(f) The satisfactory report of performance in the program from the ~~department~~ Department of Corrections shall, in addition to the other requirements specified in this Code section, require participation of the individual confined in the unit in such adult education courses necessary to attain the equivalency of a grade five competency level as established by the State Board of Education for elementary schools. Those individuals who are mentally disabled as determined by initial testing ~~are~~ shall be exempt from mandatory participation. After the individual is released from the unit, it shall be a special condition of probation that the individual participate in an education program in the community until grade five level competency is achieved or active probation supervision terminates. It shall be the duty of the ~~department~~ Department of Corrections to certify to the trial court that such individual has satisfactorily completed ~~this~~ such condition of probation while on active probation supervision. The receipt of an unsatisfactory report may be grounds for revocation of the probated sentence as would any other violation of a condition or term of probation. Under certain circumstances, the probationer may be exempt from this requirement if it is determined

by the ~~probation~~ officer that community education resources are inaccessible to the probationer.

42-8-35.2.
(a) Notwithstanding any other provisions of law, the court, when imposing a sentence of imprisonment after a conviction of a violation of subsection (b) or (d) of Code Section 16-13-30 or after a conviction of a violation of Code Section 16-13-31, shall impose a special term of probation of three years in addition to such term of imprisonment; provided, however, that upon a second or subsequent conviction of a violation of the provisions of such Code sections ~~as stated in this subsection~~, the special term of probation shall be six years in addition to any term of imprisonment.
(b) A special term of probation imposed under this Code section may be revoked if the terms and conditions of probation are violated. In such circumstances the original term of imprisonment shall be increased by the period of the special term of probation and the resulting new term of imprisonment shall not be diminished by the time which was spent on special probation. A person whose special term of probation has been revoked may be required to serve all or part of the remainder of the new term of imprisonment. A special term of probation provided for in this Code section shall be in addition to, and not in lieu of, any other probation provided for by law and shall be supervised in the same manner as other probations as provided in this chapter.
(c) Upon written application by the probationer to the trial court, the court may, in its discretion, suspend the balance of any special term of probation, provided that at least one-half of ~~said~~ such special term of probation has been completed and all fines associated with the original sentence have been paid and all other terms of the original sentence and the terms of the special probation have been met by the probationer.

42-8-35.3.
Notwithstanding any other terms or conditions of probation which may be imposed, a court sentencing a defendant to probation for a violation of Code Section 16-5-90 or 16-5-91 may impose one or more of the following conditions on such probation:
(1) Prohibit the defendant from engaging in conduct in violation of Code Section 16-5-90 or 16-5-91;
(2) Require the defendant to undergo a mental health evaluation and, if it is determined by the court from the results of such evaluation that the defendant is in need of treatment or counseling, require the defendant to undergo mental health treatment or counseling by a court approved mental health professional, mental health facility, or facility of the Department of Behavioral Health and Developmental Disabilities. Unless the defendant is indigent, the cost of any such treatment shall be borne by the defendant; or
(3) Prohibit the defendant from entering or remaining present at the victim's school, place of employment, or other specified places at times when the victim is present.

42-8-35.4.

(a) Notwithstanding ~~In addition to~~ any other terms and conditions of probation ~~provided for in this article, the trial judge~~ which may be imposed, a court may require that a defendant convicted of a felony and sentenced to a period of not less than one year on probation or a defendant who has been previously sentenced to probation for a forcible misdemeanor as defined in paragraph (7) of Code Section 16-1-3 or a misdemeanor of a high and aggravated nature and has violated probation or other probation alternatives and is subsequently sentenced to a period of not less than one year on probation shall complete satisfactorily, as a condition of ~~that~~ such probation, a program of confinement, not to exceed 180 days, in a probation detention center. Probationers so sentenced shall be required to serve the period of confinement, not to exceed 180 days, specified in the court order.

(b) The court shall determine that the defendant is at least 17 years of age at the time of sentencing.

(c) During the period of confinement, the ~~department~~ Department of Corrections may transfer the probationer to other facilities in order to provide needed physical and mental health care or for other reasons essential to the care and supervision of the probationer or as necessary for the effective administration and management of its facilities.

42-8-35.5.

(a) Notwithstanding ~~In addition to~~ any other terms and conditions of probation ~~provided in this article, the trial judge~~ which may be imposed, a court may require that probationers sentenced to a period of not less than one year on probation shall satisfactorily complete, as a condition of ~~that~~ such probation, a program in a probation diversion center. Probationers so sentenced ~~will~~ shall be required to serve a period of confinement as specified in the court order, which confinement period shall be computed from the date of initial confinement in the diversion center.

(b) The court shall determine that the defendant is at least 17 years of age at the time of sentencing, is capable both physically and mentally of maintaining paid employment in the community, and does not unnecessarily jeopardize the safety of the community.

(c) The ~~department~~ Department of Corrections may assess and collect room and board fees from diversion center program participants at a level set by the ~~department~~ Department of Corrections.

42-8-35.6.

(a) Notwithstanding any other terms or conditions of probation which may be imposed, a court sentencing a defendant to probation for an offense involving family violence as such term is defined in Code Section 19-13-10 shall require as a condition of probation that the defendant participate in a family violence intervention program certified pursuant to Article 1A of Chapter 13 of Title 19, unless the court determines and states on the record why participation in such a program is not appropriate.

(b) A court, in addition to imposing any penalty provided by law, when revoking a defendant's probation for an offense involving family violence as defined by Code Section 19-13-10, or when imposing a protective order against family violence, shall order the defendant to participate in a family violence intervention program certified pursuant to Article 1A of Chapter 13 of Title 19, unless the court determines and states on the record why participation in such program is not appropriate.
(c) The State Board of Pardons and Paroles, for a violation of parole for an offense involving family violence as defined by Code Section 19-13-10, shall require the conditional releasee to participate in a family violence intervention program certified pursuant to Article 1A of Chapter 13 of Title 19, unless the State Board of Pardons and Paroles determines why participation in such a program is not appropriate.
(d) Unless the defendant is indigent, the cost of the family violence intervention program as provided by this Code section shall be borne by the defendant. If the defendant is indigent, then the cost of the program shall be determined by a sliding scale based upon the defendant's ability to pay.

42-8-35.7.
Unless the court or State Board of Pardons and Paroles has ordered more frequent ~~such~~ screenings, ~~it shall be the duty of each probation supervisor to administer or have administered a drug and alcohol screening not less than once every 60 days to any person who is placed on probation and who, as a condition of such probation, is required to undergo regular, random drug and alcohol screenings, provided that the drug and alcohol screenings required by this Code section shall be performed only to the extent that necessary funds therefor are appropriated in the state budget~~ drug and alcohol screenings shall be administered in accordance with DCS rules and regulations.

42-8-36.
(a)(1) It shall be the duty of a probationer, as a condition of probation, to keep his or her ~~probation supervisor~~ officer informed as to his or her residence. Upon the recommendation of the ~~probation supervisor~~ officer, the court may also require, as a condition of probation and under such terms as the court deems advisable, that the probationer keep the ~~probation supervisor~~ officer informed as to his or her whereabouts.
(2) The running of a probated sentence shall be tolled upon:
(A) The failure of a probationer to report to his or her ~~probation supervisor~~ officer as directed or failure to appear in court for a probation revocation hearing; either of such failures may be evidenced by an affidavit from the ~~probation supervisor~~ officer setting forth such failure; or
(B) The filing of a return of non est inventus or other return to a warrant, for the violation of the terms and conditions of probation, that the probationer cannot be found in the county that appears from the records of the ~~probation supervisor~~ officer to be the probationer's county of residence. Any officer authorized by law to issue

or serve warrants may return the warrant for the absconded probationer showing non est inventus.

(3) The effective date of the tolling of the sentence shall be the date the court enters a tolling order and shall continue until the probationer shall personally report to the ~~probation supervisor~~ officer, is taken into custody in this state, or is otherwise available to the court.

(4) Any tolled period of time shall not be included in computing creditable time served on probation or as any part of the time that the probationer was sentenced to serve.

(b) Any unpaid fines, restitution, or any other moneys owed as a condition of probation shall be due when the probationer is arrested; but, if the entire balance of his or her probation is revoked, all the conditions of probation, including moneys owed, shall be negated by ~~his~~ the probationer's imprisonment. If only part of the balance of the probation is revoked, the probationer shall still be responsible for the full amount of the unpaid fines, restitution, and other moneys upon his or her return to probation after release from imprisonment.

42-8-37.

(a) Upon the termination of the probated portion of a sentence, the probationer shall be released from probation and shall not be liable to sentence for the crime for which probation was allowed; provided, however, that the foregoing shall not be construed to prohibit the conviction and sentencing of the probationer for the subsequent commission of the same or a similar offense or for the subsequent continuation of the offense for which he or she was previously sentenced.

(b) The court may at any time cause the probationer to appear before it to be admonished or commended and, when satisfied that its action would be for the best ~~interests~~ interest of justice and the welfare of society, may discharge the probationer from further supervision.

(c) The case of each person receiving a probated sentence of more than two years shall be reviewed by the ~~probation supervisor~~ officer responsible for ~~that~~ such case after service of two years on probation, and a written report of the probationer's progress shall be submitted to the sentencing court along with the ~~supervisor's~~ officer's recommendation as to early termination. Each such case shall be reviewed and a written report submitted annually thereafter until the termination, expiration, or other disposition of the case.

42-8-38.

(a) Whenever, within the period of probation, ~~a probation supervisor~~ an officer believes that a probationer under his or her supervision has violated ~~his or her~~ the terms of probation in a material respect, if graduated sanctions have been made a condition of probation by the court, the ~~probation supervisor~~ officer may impose graduated sanctions as set forth in Code Section 42-8-23 to address the specific conduct leading to such violation or, if the circumstances warrant, may arrest the probationer without warrant,

wherever found, and return the probationer to the court granting the probation or, if under supervision in a county or judicial circuit other than that of conviction, to a court of equivalent original criminal jurisdiction within the county wherein the probationer resides for purposes of supervision. Any officer authorized by law to issue warrants may issue a warrant for the arrest of the probationer upon the affidavit of one having knowledge of the alleged violation, returnable forthwith before the court in which revocation proceedings are being brought.

(b) The court, upon the probationer being brought before it, may commit ~~him~~ the probationer or release ~~him~~ the probationer with or without bail to await further hearing, or it may dismiss the charge. If the charge is not dismissed at this time, the court shall give the probationer an opportunity to be heard fully at the earliest possible date on his or her own behalf, in person or by counsel, provided that, if the revocation proceeding is in a court other than the court of the original criminal conviction, the sentencing court shall be given ten days' written notice prior to a hearing on the merits.

(c) After the hearing, the court may revoke, modify, or continue the probation. If the probation is revoked, the court may order the execution of the sentence originally imposed or of any portion thereof. In such event, the time that the defendant has served under probation shall be considered as time served and shall be deducted from and considered a part of the time he or she was originally sentenced to serve.

(d) In cases where the probation is revoked in a county other than the county of original conviction, the clerk of court in the county revoking probation may record the order of revocation in the ~~judge's minute docket~~ minutes of the court, which recordation shall constitute sufficient permanent record of the proceedings in ~~that~~ such court. The clerk shall send ~~one copy~~ copies of the order revoking probation to ~~the department~~ DCS and the Department of Corrections to serve as a temporary commitment and shall send the original order revoking probation and all other papers pertaining thereto to the county of original conviction to be filed with the original records. The clerk of court of the county of original conviction shall then issue a formal commitment to the ~~department~~ Department of Corrections.

42-8-39.

In all criminal cases in which the defendant is found guilty or in which a plea of guilty or of nolo contendere is entered and in which the ~~trial judge~~ court after imposing sentence further provides that the execution of the sentence shall be suspended, such provision shall not have the effect of placing the defendant on probation as provided in this article.

42-8-40.

~~(a) Except as provided in subsection (b) of this Code section, all~~ All reports, files, records, and ~~papers~~ information of whatever kind relative to the ~~state wide probation system~~ supervision of probationers and parolees are declared to be confidential and shall be available only to the probation system officials, ~~and to~~ the judge handling a particular case~~. They~~, the Board of Community Supervision, DCS, the Department of

Corrections, the Department of Juvenile Justice, and the State Board of Pardons and Paroles, as appropriate. Such reports, files, records, and information shall not be subject to process of subpoena~~. However, the commissioner~~; provided, however, that the commissioner of community supervision may by written order declassify any such records.

~~(b) Supervision records of the State Board of Pardons and Paroles may be made available to officials employed with the state wide probation system, provided that the same shall remain confidential and not available to any other person or subject to subpoena unless declassified by the State Board of Pardons and Paroles.~~

42-8-41.

All state and local departments, agencies, boards, bureaus, commissions, and committees shall cooperate with ~~the probation officials~~ officers.

42-8-42.

DCS ~~The department~~ may provide office space and clerical help wherever needed. The counties of this state shall cooperate in this respect and, wherever possible, shall furnish office space if needed.

~~42-8-43.~~

~~Except as otherwise provided by law, any county probation system in existence on February 8, 1956, shall not be affected by the passage of this article, regardless of whether the law under which the system exists is specifically repealed by this article. The personnel of the system shall continue to be appointed and employed under the same procedure as used prior to February 8, 1956, and the system shall be financed under the same method as it was financed prior to February 8, 1956. However, the substantive provisions of this article relative to probation shall be followed, and to this end any probation officer of such system shall be deemed to be the same as a probation supervisor, with the probation supervisor assigned by the department serving in a liaison capacity between the county probation system and the department.~~

~~42-8-43.1.~~

~~(a) This Code section shall apply to county probation systems of all counties of this state having a population of 400,000 or more according to the United States decennial census of 1980 or any future such census, any provision of Code Section 42-8-43 to the contrary notwithstanding. The department shall participate in the cost of the county probation systems subject to this Code section for fiscal years 1982-83 and 1983-84. The department shall compute the state cost per probationer on a state wide basis for each of the aforesaid fiscal years pursuant to the formula used by the Office of Planning and Budget to determine the state cost for probation for budgetary purposes. For each of the aforesaid fiscal years, the department shall pay to the governing authority of each county maintaining a county probation system subject to this Code section the percentage shown below of the state-wide cost per probationer for each probationer~~

~~being supervised under the respective county probation system as of the first day of each of said fiscal years:~~

~~(1) For fiscal year 1982-83, 10 percent; and~~

~~(2) For fiscal year 1983-84, 10-100 percent.~~

~~(b) The funds necessary to participate in the cost of county probation systems under subsection (a) of this Code section shall come from funds appropriated to the department for the purposes of providing state participation in the cost of county probation systems. The payments to counties provided for in subsection (a) of this Code section shall be made by, or pursuant to the order of, the department in single lump sum payment for each fiscal year, with the payment for fiscal year 1982-83 being made by May 1, 1983, and the one for fiscal year 1983-84 by May 1, 1984. As a condition necessary for a county to qualify for department participation in the cost of the county's probation system, the employees of such county probation systems shall be subject to the supervision, control, and direction of the department.~~

~~(c) Each county probation system subject to the provisions of this Code section shall become a part of the state-wide probation system provided for by this article effective on July 1, 1984, and shall be fully funded from state funds as a part of the state-wide probation system beginning with fiscal year 1984-85. The employees of said county probation systems, at their option, shall become employees of the department on the date said county systems become a part of the state-wide probation system and, on or after said date, said employees shall be subject to the salary schedules and other personnel policies of the department, except that the salaries of such employees shall not be reduced as a result of becoming employees of the department.~~

~~(d) When an employee of a county probation system of any county of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census becomes an employee of the department pursuant to subsection (c) of this Code section at the same or a greater salary, the change in employment shall not constitute involuntary separation from service or termination of employment within the meaning of any local retirement or pension system of which the employee was a member at the time of such change in employment, and the change in employment shall not entitle the employee to begin receiving any retirement or pension benefit whatsoever under any such local retirement or pension system.~~

~~42-8-43.2.~~

~~(a) This Code section shall apply to county probation systems, including state court adult probation systems, of each county having a population of more than 100,000 in any metropolitan statistical area having a population of not less than 200,000 nor more than 230,000 according to the United States decennial census of 1980 or any future such census, any provision of Code Section 42-8-43 to the contrary notwithstanding. The department shall participate in the cost of the county probation systems subject to this Code section for fiscal year 1987-88. The department shall compute the state cost per probationer on a state-wide basis for such fiscal year pursuant to the formula used by the Office of Planning and Budget to determine the state cost for probation for~~

~~budgetary purposes. For said fiscal year, the department shall pay to the governing authority of each county maintaining a county probation system subject to this Code section 10 percent of the state-wide cost per probationer for each probationer being supervised under the respective county probation system as of the first day of said fiscal year. The funds necessary to participate in the cost of county probation systems under this subsection shall come from funds appropriated to the department for the purposes of providing state participation in the cost of county probation systems. The payments to counties provided for in this subsection shall be made by, or pursuant to the order of, the department in single lump sum payment for fiscal year 1987-88, with the payment being made by May 1, 1988. As a condition necessary for a county to qualify for department participation in the cost of the county's probation system, the county shall cause to be made an independent audit of the financial affairs and transactions of all funds and activities of the county probation system and agree to be responsible for any discrepancies, obligations, debts, or liabilities of such county probation system which may exist prior to the department's participation in the cost of the county's probation system. As a further condition necessary for a county to qualify for department participation in the cost of the county's probation system, the employees of such county probation systems shall be subject to the supervision, control, and direction of the department.~~

~~(b) The county probation system of any such county shall become a part of the state-wide probation system provided for by this article effective July 1, 1988, and shall be fully funded from state funds as part of the state-wide probation system beginning with fiscal year 1988-89. The employees of such county probation system, at their option, shall become employees of the department on the date said county system becomes a part of the state-wide probation system and, on or after said date, said employees shall be subject to the salary schedules and other personnel policies of the department, except that the salaries of such employees shall not be reduced as a result of becoming employees of the department.~~

~~(c) When an employee of a county probation system becomes an employee of the department pursuant to subsection (b) of this Code section at the same or a greater salary, the change in employment shall not constitute involuntary separation from service or termination of employment within the meaning of any local retirement or pension system of which the employee was a member at the time of such change in employment, and the change in employment shall not entitle the employee to begin receiving any retirement or pension benefit whatsoever under any such local retirement or pension system.~~

~~(d) No leave time accrued by an employee of a county probation system shall be transferred when the employee becomes a state employee. Any leave time accrued by an employee of such county probation system shall be satisfied as a debt owed to the employee by the county.~~

~~42-8-43.3.~~

~~(a) This Code section shall apply to county probation systems, including state court adult probation systems, of each county having a population of 250,000 or more according to the United States decennial census of 1980 or any future such census, any provision of Code Section 42-8-43 to the contrary notwithstanding. The department shall participate in the cost of the county probation systems subject to this Code section for fiscal year 1988-89. For said fiscal year, the department shall pay to the governing authority of each county maintaining a county probation system subject to this Code section 10 percent of the annual county probation system budget as of the first day of said fiscal year. The funds necessary to participate in the cost of county probation systems under this subsection shall come from funds appropriated to the department for the purposes of providing state participation in the cost of county probation systems. The payments to counties provided for in this subsection shall be made by, or pursuant to the order of, the department in single lump sum payment for fiscal year 1988-89, with the payment being made by May 1, 1989. As a condition necessary for a county to qualify for department participation in the cost of the county's probation system, the county shall cause to be made an independent audit of the financial affairs and transactions of all funds and activities of the county probation system and agree to be responsible for any discrepancies, obligations, debts, or liabilities of such county probation system which may exist prior to the department's participation in the cost of the county's probation system. As a further condition necessary for a county to qualify for department participation in the cost of the county's probation system, the employees of such county probation systems shall be subject to the supervision, control, and direction of the department.~~

~~(b) The county probation system of any such county shall become a part of the state-wide probation system provided for by this article effective July 1, 1989, and shall be fully funded from state funds as part of the state-wide probation system beginning with fiscal year 1989-90. The employees of such county probation system, at their option, shall become employees of the department on the date said county system becomes a part of the state-wide probation system and, on or after said date, said employees shall be subject to the salary schedules and other personnel policies of the department, except that the salaries of such employees shall not be reduced as a result of becoming employees of the department.~~

~~(c) When an employee of a county probation system becomes an employee of the department pursuant to subsection (b) of this Code section at the same or a greater salary, the change in employment shall not constitute involuntary separation from service or termination of employment within the meaning of any local retirement or pension system of which the employee was a member at the time of such change in employment, and the change in employment shall not entitle the employee to begin receiving any retirement or pension benefit whatsoever under any such local retirement or pension system.~~

~~(d) No leave time accrued by an employee of a county probation system shall be transferred when the employee becomes a state employee. Any leave time accrued by~~

~~an employee of such county probation system shall be satisfied as a debt owed to the employee by the county.~~

~~42-8-44.~~ 42-8-43.
This article shall be liberally construed so that its purposes may be achieved."

PART V
CONFORMING REFERENCES
SECTION 5-1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising subsection (c) of Code Section 15-1-4, relating to the extent of contempt power, as follows:

"(c) When a person who is gainfully employed violates an order of the court granting temporary or permanent alimony or child support and the judge finds the person in contempt of court, the sentencing judge may sentence the respondent to a term of confinement in a diversion center and participation in a diversion program if such a program has been established by a county pursuant to the provisions of Article ~~8~~ 5 of Chapter ~~8~~ 3 of Title 42."

SECTION 5-2.

Said title is further amended by revising paragraphs (3) and (7) of subsection (a) of Code Section 15-1-15, relating to drug court divisions, as follows:

"(3) Each drug court division shall establish a planning group to develop a work plan. The planning group shall include the judges, prosecuting attorneys, public defenders, ~~probation~~ community supervision officers, and persons having expertise in the field of substance abuse. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the drug court division. The work plan shall include drug court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (4) of this subsection. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan shall ensure that drug court division eligibility shall be focused on moderate-risk and high-risk offenders as determined by a risk and needs assessment. The drug court division shall combine judicial supervision, treatment of drug court division participants, and drug testing."

"(7) The court instituting the drug court division may request ~~probation~~ community supervision officers and other employees of the court to perform duties for the drug court division. Such employees shall perform duties as directed by the judges of the drug court division."

SECTION 5-3.

Said title is further amended by revising paragraph (3) of subsection (b) of Code Section 15-1-16, relating to mental health court divisions, as follows:

"(3) Each mental health court division shall establish a planning group to develop a written work plan. The planning group shall include judges, prosecuting attorneys, sheriffs or their designees, public defenders, ~~probation~~ community supervision officers, and persons having expertise in the field of mental health. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the mental health court division. The work plan shall include mental health court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (4) of this subsection. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan shall ensure that mental health court division eligibility shall be focused on moderate-risk and high-risk offenders as determined by a risk and needs assessment. The mental health court division shall combine judicial supervision, treatment of mental health court division participants, and drug and mental health testing. Defendants charged with murder, murder in the second degree, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation, or child molestation shall not be eligible for entry into the mental health court division, except in the case of a separate court supervised reentry program designed to more closely monitor mentally ill offenders returning to the community after having served a term of incarceration. Any such court supervised community reentry program for mentally ill offenders shall be subject to the work plan as provided for in this paragraph."

SECTION 5-4.

Said title is further amended by revising paragraph (3) of subsection (b) of Code Section 15-1-17, relating to veterans court divisions, as follows:

"(3) Each veterans court division shall establish a planning group to develop a written work plan. The planning group shall include judges, prosecuting attorneys, sheriffs or their designees, public defenders, ~~probation~~ community supervision officers, and persons having expertise in services available to veterans. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the veterans court division. The work plan shall include veterans court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (4) of this subsection. The veterans court division shall combine judicial supervision, treatment of veterans court division participants, and drug and mental health testing. The work plan shall include eligibility criteria for the veterans court division. Defendants charged with murder, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation, or child molestation shall not be eligible for entry into the veterans court division, except in the case of a separate court supervised reentry program designed to more closely monitor veterans returning to the community after having served a term

of incarceration. Any such court supervised community reentry program for mentally ill offenders shall be subject to the work plan as provided for in this paragraph."

SECTION 5-5.

Said title is further amended by revising subsection (i) of Code Section 15-6-77, relating to superior court fees, as follows:

"(i) No fees shall be charged for the following:

(1) Recording discharge certificates of veterans, as provided in Code Section 15-6-78;

(2) Filing a petition as provided in Code Section 42-8-66;

~~(2)~~(3) Recording and certifying documents in connection with admission to practice law; and

~~(3)~~(4) Costs associated with the filing of criminal charges by an alleged victim of a violation of Code Section 16-5-90, 16-5-91, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1, 16-6-22.1, or 16-6-22.2 or an alleged victim of any domestic violence offense or for the issuance or service of a warrant, protective order, or witness subpoena arising from the violation of Code Section 16-5-90, 16-5-91, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1, 16-6-22.1, or 16-6-22.2 or the incident of domestic violence."

SECTION 5-6.

Said title is further amended by revising subsection (a) of Code Section 15-5-81, relating to the advisory council to the Georgia Courts Automation Commission, as follows:

"(a) There shall be an advisory council to the Georgia Courts Automation Commission. The advisory council shall consist of~~:~~ the director of the Georgia Bureau of Investigation or the director's designee, the commissioner of corrections or the commissioner's designee, the commissioner of community supervision or the commissioner's designee, the commissioner of public safety or the commissioner's designee, the ~~chairman~~ chairperson of the State Board of Pardons and Paroles or the ~~chairman's~~ chairperson's designee, the director of the Administrative Office of the Courts or the director's designee, the director of the Criminal Justice Coordinating Council or the director's designee, the director of the Governor's Office for Children and Families or the director's designee, and the executive director of the Georgia Technology Authority or the executive director's designee."

SECTION 5-7.

Said title is further amended by revising subsection (a) of Code Section 15-6-30, relating to travel expenses for judges of the superior courts, as follows:

"(a) The judges of the superior courts of this state shall be entitled to receive, in addition to the compensation provided by law, reimbursement of travel expenses incurred when such a judge attends any court in his or her judicial circuit other than the court in the county of the residence of the judge or when the judge is required to be in any county in his or her circuit other than the county of his or her residence in the discharge of any judicial duty or function, required by law, pertaining to the superior

court of such county. Judges and senior judges of the superior courts shall also be entitled to receive reimbursement under this Code section of travel expenses incurred when any such judge is designated to preside in the place of an absent Justice of the Supreme Court or attends a meeting of a judicial administrative district, The Council of Superior Court Judges of Georgia, the Judicial Council of Georgia, ~~the Advisory Council for Probation~~ the Board of Community Supervision, the Judicial Qualifications Commission, or any committee or subcommittee of any such body, or when any such judge attends a meeting with the personnel of any state department or other state agency when such meeting is held to carry out a public purpose; provided, however, that any expenses for which reimbursement is received under this subsection shall not be eligible for reimbursement under Code Section 15-6-32."

SECTION 5-8.

Said title is further amended by adding a new paragraph to Code Section 15-11-2, relating to definitions regarding general provisions of the Juvenile Code, to read as follows:

"(13.1) 'Community supervision officer' means an individual employed by the Department of Community Supervision who supervises probationers who were adjudicated for committing a Class A designated felony act or Class B designated felony act, placed in restrictive custody, and released from such custody."

SECTION 5-9.

Said title is further amended by revising subsections (b) and (c) of Code Section 15-11-58, relating to the Council of Juvenile Court Judges, role, and director, as follows:

"(b) The Council of Juvenile Court Judges:

(1) Shall meet at stated times to be fixed by it or on call of the chairperson;

(2) May establish general policies for the conduct of courts exercising jurisdiction over children;

(3) May promulgate uniform rules and forms governing procedures and practices of the courts;

(4) Shall publish in print or electronically an annual report of the work of the courts exercising jurisdiction over children, which shall include statistical and other data on the courts' work and services, research studies the council may make of the problems of children and families dealt with by the courts, and any recommendations for legislation; and

(5) Shall be authorized to inspect and copy records of the courts, law enforcement agencies, the department, the Department of Community Supervision, and DJJ for the purpose of compiling statistical data on children.

(c) Subject to the approval of the Council of Juvenile Court Judges, the presiding judge of the council shall appoint a chief administrative and executive officer for the council who shall have the title of director of the Council of Juvenile Court Judges. Under the general supervision of the presiding judge of the council and within the policies established by the council, the director shall:

(1) Provide consultation to the courts regarding the administration of court services and the recruitment and training of personnel;
(2) Make recommendations to the council for improvement in court services;
(3) With the approval of the presiding judge, appoint consultants and necessary clerical personnel to perform the duties assigned to the council and the director;
(4) Collect necessary statistics and prepare an annual report of the work of the courts;
(5) Promulgate in cooperation with DJJ standard procedures for coordinating DJJ, the Department of Community Supervision, and county juvenile probation services throughout this state; and
(6) Perform such other duties as the presiding judge of the council shall specify."

SECTION 5-10.

Said title is further amended by revising Code Section 15-11-67, relating to duties of probation officers, as follows:

"15-11-67.

(a) A county juvenile probation officer or DJJ staff member serving as a juvenile probation officer or community supervision officer, as appropriate:

(1) Shall make investigations, reports, and recommendations to the court as directed by this chapter;
(2) Shall supervise and assist a child placed on probation or under the protective supervision or care of such ~~probation~~ officer by order of the court or other authority of law;
(3) May, unless otherwise ordered by the court, determine if a child should be placed on unsupervised probation and, if so, place a child on unsupervised probation;
(4) Shall make appropriate referrals to other private or public agencies of the community if such assistance appears to be needed or desirable;
(5) May take into custody and detain a child who is under the supervision or care of such ~~probation~~ officer if ~~the probation~~ such officer has reasonable cause to believe that such child's health or safety or that of another is in imminent danger or that such child may abscond or be removed from the jurisdiction of the court, or when so ordered by the court pursuant to this chapter;
(6) May not conduct accusatory proceedings against a child who is or may be under such ~~probation~~ officer's care or supervision;
(7) Shall perform all other functions designated by this chapter or by order of the court pursuant to this chapter. Any of the functions specified in this Code section may be performed in another state if authorized by the court located in this state and permitted by the laws of the other state; and
(8) Other laws to the contrary notwithstanding, no ~~probation~~ such officer shall be liable for the acts of a child not detained or taken into custody when, in the judgment of such officer, such detention or custody is not warranted.

(b) Notwithstanding subsection (a) of this Code section, DJJ, as the employer, shall maintain sole authority over the duties and responsibilities of all DJJ staff members serving as probation officers and the Department of Community Supervision shall

maintain sole authority over the duties and responsibilities of all of such department's staff serving as community supervision officers."

SECTION 5-11.

Said title is further amended by revising subparagraph (F) of paragraph (5) of Code Section 15-11-471, relating to definitions, as follows:

"(F) Electronic monitoring, as such term is defined in Code Section ~~42-8-151~~ 42-3-111;"

SECTION 5-12.

Said title is further amended by revising Code Section 15-11-473, relating to conduct of delinquency proceedings by prosecuting attorney and access to information, as follows:

"15-11-473.

(a) A prosecuting attorney shall conduct delinquency proceedings on behalf of the state.

(b) Except as provided in Article 9 of this chapter, in any delinquency proceeding, the prosecuting attorney shall be entitled to complete access to all court files, probation files, hearing transcripts, delinquency reports, and any other juvenile court records. It shall be the duty of the clerk, probation and intake officer, probation officers of the juvenile court, community supervision officers, and DJJ to assist a prosecuting attorney in obtaining any requested items."

SECTION 5-13.

Said title is further amended by revising subsection (h) of Code Section 15-11-506, relating to detention hearing and time limitations, as follows:

"(h) If an alleged delinquent child cannot be returned to the custody of his or her parent, guardian, or legal custodian, a probation officer or community supervision officer, as applicable, shall provide referrals for services as soon as possible to enable such child's parent, guardian, or legal custodian to obtain any assistance that may be needed to effectively provide the care and control necessary for such child to return home."

SECTION 5-14.

Said title is further amended by revising subsection (b) of Code Section 15-11-562, relating to transfer criteria and probation officer written report contents regarding an alleged delinquent child, as follows:

"(b) A probation officer, or community supervision officer, as applicable, shall prepare a written report developing fully all available information relevant to the transfer criteria. Such ~~A probation~~ officer shall submit such report to the parties and the court as soon as practicable but not later than 24 hours before the scheduled hearing. The child subject to transfer and the prosecuting attorney shall have the right to review such report and cross-examine the individual making such report."

SECTION 5-15.

Said title is further amended by revising paragraphs (2) and (3) of subsection (a) of Code Section 15-11-601, relating to disposition of a delinquent act, as follows:

"(2) An order requiring such child and his or her parent, guardian, or legal custodian to participate in counseling or in counsel and advice. Such counseling and counsel and advice may be provided by the court, court personnel, probation officers, community supervision officers, professional counselors or social workers, psychologists, physicians, physician assistants, qualified volunteers, or appropriate public, private, or volunteer agencies and shall be designed to assist in deterring future delinquent acts or other conduct or conditions which would be harmful to such child or society;

(3) An order placing such child on probation under conditions and limitations the court prescribes and which may include the probation management program. The court may place such child on probation under the supervision of:

(A) A probation officer of the court or the court of another state or a community supervision officer;

(B) Any public agency authorized by law to receive and provide care for such child; or

(C) Any community rehabilitation center if its chief executive officer has acknowledged in writing its willingness to accept the responsibility for the supervision of such child;"

SECTION 5-16.

Said title is further amended by revising subsection (b) of Code Section 15-11-710, relating to exchange of information, as follows:

"(b) Governmental entities and state, county, municipal, or consolidated government departments, boards, or agencies shall exchange with each other all information not held as confidential pursuant to federal law and relating to a child which may aid a governmental entity in the assessment, treatment, intervention, or rehabilitation of a child, notwithstanding Code Section 15-1-15, 15-11-40, 15-11-105, 15-11-170, 15-11-264, 15-11-541, 15-11-542, 15-11-603, 15-11-708, 15-11-709, 15-11-744, 20-2-751.2, 20-14-40, 24-12-10, 24-12-11, 24-12-20, 26-4-5, 26-4-80, 26-5-17, 31-5-5, 31-33-6, 37-1-53, 37-2-9.1, 42-5-36, 42-8-40, ~~42-8-106~~ 42-8-109.2, 49-5-40, 49-5-41, 49-5-41.1, 49-5-44, 49-5-45, 49-5-183, 49-5-184, 49-5-185, or 49-5-186, in order to serve the best interests of such child. Information which is shared pursuant to this subsection shall not be utilized to assist in the prosecution of a child in juvenile, superior, or state court or utilized to the detriment of such child."

SECTION 5-17.

Said title is further amended by revising subsection (a) of Code Section 15-11-705, relating to child in need of services records and penalty for disclosure, as follows:

"(a) Notwithstanding other provisions of this article, the court records of proceedings under Article 5 of this chapter shall be withheld from public inspection but shall be

open to inspection by juvenile probation ~~and parole~~ officers, community supervision officers, a child who is a party in a proceeding, his or her parent, guardian, or legal custodian, such child's attorney, and others entrusted with the supervision of such child. Additional access to court records may be granted by court order."

SECTION 5-18.

Said title is further amended by revising subsection (f) of Code Section 15-12-40.1, relating to the state-wide master jury list, driver's license information, list of registered voters, and random list of persons to comprise venire, as follows:

"(f) On and after July 1, 2015, upon request by the council, the Department of Community Supervision and, on and after July 1, 2014, upon request by the council, the Department of Corrections, the Georgia Crime Information Center division of the Georgia Bureau of Investigation, and the State Board of Pardons and Paroles shall provide to the council, without cost, a list of the names of all persons who have been convicted of a felony in state or federal court if the person has not had his or her civil rights restored. In addition to the convicted person's full name, the data shall include the person's address, including the county of residence and ZIP Code, date of birth, gender, and race if available. Such data shall be in electronic format as required by the council."

SECTION 5-19.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising subsection (m) of Code Section 16-5-21, relating to aggravated assault, as follows:

"(m) A person who knowingly commits the offense of aggravated assault upon an officer of the court while such officer is engaged in, or on account of the performance of, his or her official duties shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years. As used in this subsection, the term 'officer of the court' means a judge, attorney, clerk of court, deputy clerk of court, court reporter, court interpreter, ~~or probation officer~~ community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42."

SECTION 5-20.

Said title is further amended by revising paragraph (2) of subsection (b) of Code Section 16-6-5.1, relating to sexual assault by persons with supervisory or disciplinary authority, sexual assault by practitioner of psychotherapy against patient, consent not a defense, and penalty upon conviction for sexual assault, as follows:

"(2) Is an employee or agent of any ~~probation or parole office~~ community supervision office, county juvenile probation office, Department of Juvenile Justice juvenile probation office, or probation office under Article 6 of Chapter 8 of Title 42 and engages in sexual contact with such other individual who the actor knew or should

have known is a probationer or parolee under the supervision of the ~~same probation or parole~~ such office;"

SECTION 5-21.

Said title is further amended by revising subsection (a) of Code Section 16-6-25, relating to harboring, concealing, or withholding information concerning a sexual offender and penalties, as follows:

"(a) As used in this Code section, the term 'law enforcement unit' means any agency, organ, or department of this state, or a subdivision or municipality thereof, whose primary functions include the enforcement of criminal or traffic laws; the preservation of public order; the protection of life and property; or the prevention, detection, or investigation of crime. Such term shall also include the Department of Corrections, the Department of Community Supervision, and the State Board of Pardons and Paroles."

SECTION 5-22.

Said title is further amended by revising subsection (b) of Code Section 16-10-24, relating to obstructing or hindering law enforcement officers, as follows:

"(b) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement officer, prison guard, correctional officer, ~~probation supervisor, parole supervisor~~ community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or conservation ranger in the lawful discharge of his or her official duties by offering or doing violence to the person of such officer or legally authorized person is guilty of a felony and shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years."

SECTION 5-23.

Said title is further amended by revising subsection (b) of Code Section 16-10-33, relating to removal or attempted removal of weapon from public official and punishment, as follows:

"(b) It shall be unlawful for any person knowingly to remove or attempt to remove a firearm, chemical spray, or baton from the possession of another person if:

(1) The other person is lawfully acting within the course and scope of employment; and

(2) The person has knowledge or reason to know that the other person is employed as:

(A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;

(B) ~~A probation officer, or other~~ An employee with the power of arrest~~,~~ by the Department of Corrections;

(C) ~~A parole supervisor, or other~~ An employee with the power of arrest~~,~~ by the State Board of Pardons and Paroles;

(D) A community supervision officer or other employee with the power of arrest by the Department of Community Supervision;

~~(D)~~(E) A jail officer or guard by a county or municipality and has the responsibility of supervising inmates who are confined in a county or municipal jail or other detention facility; or

~~(E)~~(F) A juvenile correctional officer by the Department of Juvenile Justice and has the primary responsibility for the supervision and control of youth confined in such department's programs and facilities."

SECTION 5-24.

Said title is further amended by revising subsection (b) of Code Section 16-10-34, relating to the use of laser devices against law enforcement officers, as follows:

"(b) It shall be unlawful for any person to knowingly and intentionally project upon a law enforcement officer any laser device without such officer's permission if:

(1) The law enforcement officer is lawfully acting within the course and scope of employment; and

(2) The person has knowledge or reason to know that the law enforcement officer is employed as:

(A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;

(B) An ~~A probation officer, or other~~ employee with the power of arrest~~,~~ by the Department of Corrections;

(C) An ~~A parole supervisor, or other~~ employee with the power of arrest~~,~~ by the State Board of Pardons and Paroles;

(D) A community supervision officer or other employee with the power of arrest by the Department of Community Supervision;

~~(D)~~(E) A jail officer or guard by a county or municipality and has the responsibility of supervising inmates who are confined in a county or municipal jail or other detention facility; or

~~(E)~~(F) A juvenile correctional officer or juvenile probation officer by the Department of Juvenile Justice and has the primary responsibility for the supervision and control of youth confined in such department's programs and facilities."

SECTION 5-25.

Said title is further amended by revising subsection (b) of Code Section 16-10-97, relating to intimidation or injury of juror, court officer, or law enforcement officer, as follows:

"(b) As used in this Code section, the term 'any officer in or of any court' means a judge, attorney, clerk of court, deputy clerk of court, court reporter, ~~or probation officer~~ community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42."

SECTION 5-26.

Said title is further amended by revising subsection (d) of Code Section 16-11-37, relating to terroristic threats and acts and penalties, as follows:

"(d) A person who commits or attempts to commit a terroristic threat or act with the intent to retaliate against any person for:

(1) Attending a judicial or administrative proceeding as a witness, attorney, judge, clerk of court, deputy clerk of court, court reporter, ~~probation officer~~ community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or party or producing any record, document, or other object in a judicial or official proceeding; or

(2) Providing to a law enforcement officer, ~~adult or juvenile probation officer~~ community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, prosecuting attorney, or judge any information relating to the commission or possible commission of an offense under the laws of this state or of the United States or a violation of conditions of bail, pretrial release, probation, or parole

shall be guilty of the offense of a terroristic threat or act and, upon conviction thereof, shall be punished, for a terroristic threat, by imprisonment for not less than five nor more than ten years or by a fine of not less than $50,000.00, or both, and, for a terroristic act, by imprisonment for not less than five nor more than 20 years or by a fine of not less than $100,000.00, or both."

SECTION 5-27.

Said title is further amended by revising paragraphs (5) and (12) of subsection (c) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school, as follows:

"(5) The following persons, when acting in the performance of their official duties or when en route to or from their official duties:

(A) A peace officer as defined by Code Section 35-8-2;

(B) A law enforcement officer of the United States government;

(C) A prosecuting attorney of this state or of the United States;

(D) An employee of the ~~Georgia~~ Department of Corrections or a correctional facility operated by a political subdivision of this state or the United States who is authorized by the head of such department or correctional agency or facility to carry a firearm;

(E) An employee of the Department of Community Supervision who is authorized by the commissioner of community supervision to carry a firearm;

~~(E)~~(F) A person employed as a campus police officer or school security officer who is authorized to carry a weapon in accordance with Chapter 8 of Title 20; and

~~(F)~~(G) Medical examiners, coroners, and their investigators who are employed by the state or any political subdivision thereof;"

"(12) Community supervision officers ~~Probation supervisors~~ employed by and under the authority of the Department of ~~Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide Probation Act,'~~ Community Supervision when specifically designated and authorized in writing by the ~~director of the Division of Probation~~ commissioner of community supervision;"

SECTION 5-28.

Said title is further amended by revising paragraph (9) of subsection (a) and subsection (b) of Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, as follows:

"(9) Community supervision ~~Chief probation officers, probation officers, intensive probation officers, and surveillance~~ officers employed by and under the authority of the Department of ~~Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide Probation Act,'~~ Community Supervision when specifically designated and authorized in writing by the ~~director of Division of Probation~~ commissioner of community supervision;"

"(b) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect persons who at the time of their retirement from service with the Department of ~~Corrections~~ Community Supervision were ~~chief probation officers, probation officers, intensive probation officers, or surveillance~~ community supervision officers, when specifically designated and authorized in writing by the ~~director of the Division of Probation~~ commissioner of community supervision."

SECTION 5-29.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising subsection (d) and paragraph (1) of subsection (h) of Code Section 17-6-1.1, relating to electronic pretrial release and monitoring program for defendants, requirements, procedures, and fees, as follows:

"(d) A defendant may not be released to, or remain in, an electronic pretrial release and monitoring program ~~who~~ if such defendant has any other outstanding warrants, accusations, indictments, holds, or incarceration orders from any other court, law enforcement agency, ~~or probation or parole officer~~ community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42 that require the posting of bond or further adjudication."

"(h)(1) As an additional condition of electronic pretrial release and monitoring, a defendant authorized to participate in such program by the court shall pay a reasonable, nonrefundable fee for program enrollment, equipment use, and monitoring to the provider of such program. If a bonding company, bonding agent, or probation service provider is the provider, the fees earned in the capacity of being such a provider shall be in addition to the fees allowed in Code Sections 17-6-30, 42-8-34, and ~~42-8-100~~ 42-8-102."

SECTION 5-30.

Said title is further amended by revising paragraphs (2), (5), and (7) of subsection (a) and subsection (d) of Code Section 17-10-1, relating to fixing of sentence, suspension or probation of sentence, change in sentence, eligibility for parole, prohibited modifications, and exceptions, as follows:

"(2) Active probation supervision shall terminate in all cases no later than two years from the commencement of active probation supervision unless specially extended or reinstated by the sentencing court upon notice and hearing and for good cause shown; provided, however, that in those cases involving the collection of fines, restitution, or other funds, the period of active probation supervision shall remain in effect for so long as any such obligation is outstanding, or until termination of the sentence, whichever first occurs, and for those cases involving a conviction under Chapter 15 of Title 16, the 'Georgia Street Gang Terrorism and Prevention Act,' the period of active probation supervision shall remain in effect until the termination of the sentence, but shall not exceed five years unless as otherwise provided in this paragraph. Supervision ~~Active probation supervision~~ shall not be required for defendants sentenced to probation while the defendant is in the legal custody of the Department of Corrections or the State Board of Pardons and Paroles."

"(5)(A) When a defendant has been sentenced to probation, the court shall retain jurisdiction throughout the period of the probated sentence as provided for in subsection (g) of Code Section 42-8-34. Without limiting the generality of the foregoing, the court may shorten the period of active probation supervision or unsupervised probation on motion of the defendant or on its own motion, or upon the request of a ~~probation supervisor~~ community supervision officer, if the court determines that probation is no longer necessary or appropriate for the ends of justice, the protection of society, and the rehabilitation of the defendant. Prior to entering any order for shortening a period of probation, the court shall afford notice to the victim or victims of all sex related offenses or violent offenses resulting in serious bodily injury or death and, upon request of the victim or victims so notified, shall afford notice and an opportunity for hearing to the defendant and the prosecuting attorney.

(B) The Department of ~~Corrections~~ Community Supervision shall establish a form document which shall include the elements set forth in this Code section concerning notification of victims and shall make copies of such form available to prosecuting attorneys in this state. When requested by the victim, the form document shall be provided to the victim by the prosecuting attorney. The form shall include the address of the ~~probation~~ community supervision office having jurisdiction over the case and contain a statement that the victim must maintain a copy of his or her address with the ~~probation~~ community supervision office and must notify the office of any change of address in order to maintain eligibility for notification by the Department of ~~Corrections~~ Community Supervision as required in this Code section."

"(7) As used in this subsection, the term:

(A) 'Active probation supervision' means the period of a probated sentence in which a probationer actively reports to his or her ~~probation supervisor~~ community supervision officer or is otherwise under the direct supervision of a ~~probation supervisor~~ community supervision officer.

(B) 'Unsupervised probation' means the period of a probated sentence that follows active probation supervision in which:

(i) All of the conditions and limitations imposed by the court remain intact;

(ii) A probationer may have reduced reporting requirements; and

(iii) A ~~probation supervisor~~ community supervision officer shall not actively supervise such probationer."

"(d) In any case involving a misdemeanor or a felony in which the defendant has been punished in whole or in part by a fine, the sentencing judge shall be authorized to allow the defendant to satisfy such fine through community service as defined in ~~paragraph (2) of~~ Code Section ~~42-8-70~~ 42-3-50. One hour of community service shall equal the dollar amount of one hour of paid labor at the minimum wage under the federal Fair Labor Standards Act of 1938, as now or hereafter amended, unless otherwise specified by the sentencing judge. A defendant shall be required to serve the number of hours in community service which equals the number derived by dividing the amount of the fine by the federal minimum hourly wage or by the amount specified by the sentencing judge. Prior to or subsequent to sentencing, a defendant may request the court that all or any portion of a fine may be satisfied under this subsection."

SECTION 5-31.

Said title is further amended by adding a new Code section to read as follows:

"17-10-1.4.

(a) As used in this Code section, the term 'split sentence' means any felony sentence that includes a term of imprisonment followed by a term of probation.

(b) In any case where a judge on or after July 1, 2015, sentences a defendant to a split sentence, post-incarceration supervision of the defendant shall be conducted exclusively by the Department of Community Supervision and not by the State Board of Pardons and Paroles, regardless of whether the defendant has served the full period of incarceration ordered in the sentence or has been released prior to the full period of incarceration by parole, conditional release, or other action of the State Board of Pardons and Paroles."

SECTION 5-32.

Said title is further amended by revising subsection (f) of Code Section 17-10-3, relating to punishment for misdemeanors generally, as follows:

"(f) The Department of ~~Corrections~~ Community Supervision shall lack jurisdiction to supervise misdemeanor offenders, except when the sentence is made concurrent to a probated felony sentence or as provided in Code Section 42-8-109.5. Except as provided in this subsection, the Department of Corrections shall lack jurisdiction to confine misdemeanor offenders."

SECTION 5-33.

Said title is further amended by revising subsections (c) and (d) of Code Section 17-10-9.1, relating to voluntary surrender to county jail or correctional institution and release of defendant, as follows:

"(c) When a defendant submits a request to the sentencing judge to be allowed to surrender voluntarily to a county jail or a correctional facility, the judge may consider the request and if, taking into the consideration the crime for which the defendant is being sentenced, the history of the defendant, and any other factors which may aid in the decision, the judge determines that the granting of the request will pose no threat to society, the defendant shall be remanded to the supervision of a ~~probation officer~~ community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42 by the judge and ordered to surrender voluntarily to a county jail designated by the court or to a correctional institution as thereafter designated by the Department of Corrections. The surrender date shall be a date thereafter specified as provided in subsection (d) of this Code section. The sentence of any defendant who is released pursuant to this Code section shall not begin to run until such person surrenders to the facility designated by the court or by the department, provided that such person ~~will~~ shall receive credit toward his or her sentence for time spent in confinement awaiting trial as provided in Code Section 17-10-11.

(d) In the event the defendant is ordered to surrender voluntarily to a county jail, the court shall designate the date on which the defendant shall surrender, which ~~date~~ shall not be more than 120 days after the date of conviction. When the sentencing judge issues an order requiring a defendant to surrender voluntarily to a correctional institution, the Department of Corrections shall authorize the commitment and designate the correctional institution to which the defendant shall report and the date on which the defendant is to report, which date shall not be more than 120 days after the date of conviction. Upon such designation, the department shall notify the ~~supervising probation officer~~ community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, as applicable, who shall notify the defendant accordingly. Subsistence and transportation expenses en route to the correctional institution shall be borne by the defendant."

SECTION 5-34.

Said title is further amended by revising subsections (a) through (c) of Code Section 17-12-51, relating to repayment of attorney's fees as condition of probation, as follows:

"(a) When a defendant who is represented by a public defender, who is paid in part or in whole by a county, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted, the court may impose as a condition of probation repayment of all or a portion of the cost for providing legal representation and other expenses of the defense if the payment does not impose a financial hardship upon the defendant or the

defendant's dependent or dependents. The defendant shall make the payment through the ~~probation department~~ community supervision officer to the county.

(b) When a defendant who is represented by a public defender, who is paid in part or in whole by a municipality, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted, the court may impose as a condition of probation repayment of all or a portion of the cost for providing legal representation and other expenses of the defense if the payment does not impose a financial hardship upon the defendant or the defendant's dependent or dependents. The defendant shall make the payment through the ~~probation department~~ community supervision officer to the municipality.

(c) If a defendant who is represented by a public defender, who is paid for entirely by the state, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted, the court may impose as a condition of probation repayment of all or a portion of the cost for providing legal representation and other costs of the defense if the payment does not impose a financial hardship upon such defendant or such defendant's dependent or dependents. Such defendant shall make such payment through the ~~probation department~~ community supervision officer to the Georgia Public Defender Standards Council for payment to the general fund of the state treasury."

SECTION 5-35.

Said title is further amended by revising paragraph (4) of Code Section 17-14-2, relating to definitions relative to restitution, as follows:

"(4) 'Ordering authority' means:

(A) A court of competent jurisdiction;

(B) The State Board of Pardons and Paroles;

(C) The Department of Corrections;

(D) The Department of Juvenile Justice; ~~or~~

(E) The Department of Community Supervision; or

(F) Any combination thereof, as is required by the context."

SECTION 5-36.

Said title is further amended by revising Code Section 17-14-8, relating to apportionment of payments for fines and restitution and payment to victims, as follows:

"17-14-8.

(a) In any case in which a court sentences an offender to pay restitution and a fine, if the court permits the offender to pay such restitution and fine in other than a lump sum, the clerk of any superior court of this state, ~~probation officer or parole officer~~ community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or other official who receives such partial payments shall apply not less than one-half of each payment to the restitution before paying any portion of such fine or any forfeitures, costs, fees, or surcharges provided for by law to any agency, department, commission, committee, authority, board, or bureau of state or local government.

(b) The clerk of any court of this state, ~~probation officer or parole officer~~ community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or other official who receives partial payments for restitution shall pay the restitution amount to the victim as provided in the restitution order not later than the last day of each month, provided that the amount exceeds $100.00. If the amount does not exceed $100.00, the clerk of any court of this state, ~~probation officer or parole officer~~ community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or other official may allow the amount of restitution to accumulate until such time as it exceeds $100.00 or until the end of the next calendar quarter, whichever occurs first."

SECTION 5-37.

Said title is further amended by revising subsection (c) of Code Section 17-14-14, relating to restitution payments, wage assignments, review of compliance, and interest, as follows: "(c) Until such time as the restitution has been paid or the sentence has been completed, the clerk of court or the ~~probation or parole officer~~ community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42 assigned to the case, whoever is responsible for collecting restitution, shall review the case not less frequently than twice yearly to ensure that restitution is being paid as ordered. If the restitution was ordered to be made within a specific period of time, the case shall be reviewed at the end of the specific period of time to determine if the restitution has been paid in full. The final review shall be conducted before the sentence or probationary or parole period expires. If it is determined at any review that restitution is not being paid as ordered, a written report of the violation shall be filed with the court on a form prescribed by the Council of Superior Court Clerks of Georgia."

SECTION 5-38.

Said title is further amended by revising Code Section 17-14-16, relating to provision of copies of restitution orders to the Department of Corrections or the Department of Juvenile Justice on remand of sentence, as follows:

"17-14-16.

If an offender who is ordered to pay restitution under this article is remanded to the jurisdiction of the Department of Corrections or the Department of Juvenile Justice, the court shall ~~provide~~ transmit a copy of the restitution order to such department and to the Department of Community Supervision when the ~~offender is remanded to such department's jurisdiction~~ order is issued."

SECTION 5-39.

Said title is further amended by revising subsections (e) and (f) of Code Section 17-15-13, relating to debt to state created, payment as condition of probation or parole, and payment into fund, as follows:

"(e) Payments authorized or required under this Code section shall be paid into the fund. The board shall coordinate the development of policies and procedures for the State Board of Pardons and Paroles, the Department of Community Supervision, and the Administrative Office of the Courts to assure that restitution programs are administered in an effective manner to increase payments into the fund.

(f) In every case where an individual is serving under active probation supervision and paying a supervision fee, $9.00 per month shall be added to any supervision fee collected by any entity authorized to collect such fees and shall be paid into the fund. This subsection shall apply to probationers supervised under ~~either Code Section 42-8-20 or 42-8-100~~ by community supervision officers or private probation officers or probation officers pursuant to Article 6 of Chapter 8 of Title 42. The probation supervising entity shall collect and forward the $9.00 fee to the board by the end of each month."

SECTION 5-40.

Said title is further amended by revising paragraph (5) of Code Section 17-17-3, relating to definitions regarding the "Crime Victims' Bill of Rights," as follows:

"(5) 'Custodial authority' means a warden, sheriff, jailer, deputy sheriff, police officer, correctional officer, officer or employee of the Department of Corrections or the Department of Juvenile Justice, community supervision officer or employee of the Department of Community Supervision, or any other law enforcement officer having actual custody of the accused."

SECTION 5-41.

Said title is further amended by revising paragraph (2) of subsection (c) of Code Section 17-17-8, relating to notification by prosecuting attorney of legal procedures and of victim's rights in relation thereto and victims seeking restitution, as follows:

"(2) The prosecuting attorney shall transmit the information collected in paragraph (1) of this subsection to the Department of Corrections, Department of Community Supervision, Department of Juvenile Justice, or the State Board of Pardons and Paroles, as applicable, if an order of restitution is entered."

SECTION 5-42.

Said title is further amended by revising subsection (a) of Code Section 17-17-14, relating to victim required to provide current address and phone number to notifying parties, as follows:

"(a) It is the right and responsibility of the victim who desires notification under this chapter or under any other notification statute to keep the following informed of the victim's current address and phone number:

(1) The investigating law enforcement agency;

(2) The prosecuting attorney, until final disposition or completion of the appellate and post-conviction process, whichever occurs later;

(3) As directed by the prosecuting attorney, the sheriff if the accused is in the sheriff's custody for pretrial, trial, or post-conviction proceedings; the Department of Corrections if the accused is in the custody of the state; or any county correctional facility if the defendant is sentenced to serve time in a facility which is not a state facility; ~~and~~

(4) The Department of Community Supervision; and

~~(4)~~(5) The State Board of Pardons and Paroles."

SECTION 5-43.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by revising subsection (a) of Code Section 19-7-52, relating to whom support payments made and enforcement and modification of orders, as follows:

"(a) The court may order that support payments be made to the mother or other interested party, the child support receiver, the prosecuting attorney, the ~~probation~~ community supervision officer, or the clerk of court, provided that, in those cases where the action has been brought by the Department of Human Services on behalf of a child, the support payment shall be made to the Department of Human Services for distribution or to the child support receiver if the Department of Human Services so requests."

SECTION 5-44.

Said title is further amended by revising Code Section 19-11-21, relating to payment of child support to the Department of Human Services, as follows:

"19-11-21.

Payment of support pursuant to an administrative determination or a voluntary agreement shall be made to the department. In non-TANF cases, where the department deems it appropriate, it may authorize distribution of the actual payment by other individuals, agencies, or entities and utilize certification schedules reflecting such payments or distributions which the department requires, in accordance with the federal Social Security Act, as amended. Child support which is ordered by a court pursuant to a divorce decree or in any other proceeding in which the responsible parent is required to pay support for his or her child or children, whether the proceeding is civil or criminal, shall be paid by the responsible parent, the clerk of court, the juvenile probation officer, the community supervision officer, the child support receiver, or a similar official who is collecting support to the department upon the department's certification that the child is a recipient of public assistance or upon the department's certification that an application has been filed with the department for enforcement of support in accordance with the provisions of the federal Social Security Act."

SECTION 5-45.

Said title is further amended by revising Code Section 19-11-67, relating to transmittal of payments to court of initiating state and certified statement of payments made by respondent relative to child support, as follows:

"19-11-67.

A court of this state, when acting as a responding state, shall have the following duties, which may be carried out through the ~~probation department of~~ community supervision office, juvenile probation office, or probation office under the authority of Article 6 of Chapter 8 of Title 42 for the court:

(1) Upon the receipt of a payment made by the respondent pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state; and

(2) Upon request, to furnish to the court of the initiating state a certified statement of all payments made by the respondent."

SECTION 5-46.

Said title is further amended by revising Code Section 19-13-10, relating to definitions relative to family violence intervention, as follows:

"19-13-10.

As used in this article, the term:

(1) 'Commission' means the State Commission on Family Violence.

(2) 'Commissioner' means the commissioner of ~~corrections~~ community supervision.

(3) 'Department' means the Department of ~~Corrections~~ Community Supervision.

(4) 'Family or household members' means past or present spouses, persons who are parents of the same child, or other persons living or formerly living in the same household.

(5) 'Family violence' means the commission of the offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, or criminal trespass between family or household members.

(6) 'Family violence intervention program' or 'program' means any program that is certified by the Department of ~~Corrections~~ Community Supervision pursuant to Code Section 19-13-14 and designed to rehabilitate family violence offenders. ~~The~~ Such term ~~includes~~ shall include, but ~~is~~ shall not be limited to, batterer intervention programs, anger management programs, anger counseling, family problem resolution, and violence therapy."

SECTION 5-47.

Said title is further amended by revising Code Section 19-13-31, relating to creation of the State Commission on Family Violence, comprehensive state plan for ending family violence, and establishment of community task forces, as follows:

"19-13-31.

There is created a State Commission on Family Violence which shall be responsible for developing a comprehensive state plan for ending family violence. This plan shall include the initiation, coordination, and oversight of the implementation of family violence laws and the establishment in each judicial circuit of a Community Task Force on Family Violence. These task forces shall be supported by and work in collaboration with the state commission. The commission shall be assigned for administrative

purposes only, as set out in Code Section 50-4-3, to the Department of ~~Corrections~~ Community Supervision."

SECTION 5-48.

Said title is further amended by revising subsection (a) of Code Section 19-13-32, relating to membership, terms, filling of vacancies, and officers regarding the State Commission on Family Violence, as follows:

"(a) The State Commission on Family Violence shall consist of 37 members:

(1) Three ex officio members shall be the director of the Division of Family and Children Services of the Department of Human Services, the director of Women's Health Services in the Department of Public Health, and the Attorney General;

(2) Three members shall be members of the House of Representatives and shall be appointed by the Speaker of the House of Representatives;

(3) Three members shall be members of the Senate and shall be appointed by the President of the Senate;

(4) The remaining members shall be appointed by the Governor as follows:

(A) One judge from each judicial administrative district;

(B) Three advocates for battered women recommended by groups which have addressed the problem of family violence;

(C) One person with expertise and interest regarding family violence involving persons who are 60 years of age or older;

(D) One person with expertise and interest regarding family violence involving children; and

(E) One representative from each of the following:

(i) The Administrative Office of the Courts;

(ii) The Georgia Peace Officer Standards and Training Council;

(iii) The Georgia Association of Chiefs of Police;

(iv) The District Attorneys Association of Georgia;

(v) The State Board of Pardons and Paroles;

(vi) The ~~probation system~~ Department of Community Supervision;

(vii) The Georgia Sheriffs' Association;

(viii) The Criminal Justice Coordinating Council;

(ix) The Solicitors Association of Georgia;

(x) The legal aid community;

(xi) The academic community;

(xii) Men Stopping Violence; and

(xiii) A former victim of domestic violence."

SECTION 5-49.

Said title is further amended by revising subsection (a) of Code Section 19-13-34, relating to powers and duties of the State Commission on Family Violence, as follows:

"(a) The commission shall have the following duties:

(1) To study and evaluate the needs, priorities, programs, policies, and accessibility of services relating to family violence throughout ~~the~~ this state;
(2) To evaluate and monitor the adequacy and effectiveness of existing family violence laws, including the response of the present civil and criminal legal systems;
(3) To initiate and coordinate the development of family violence legislation, as necessary;
(4) To monitor the implementation and enforcement of laws, regulations, and protocols concerning family violence;
(5) To make recommendations for education and training to ensure that all citizens and service providers, including but not limited to members of the judiciary, law enforcement personnel, and prosecuting attorneys, are aware of needs relating to family violence and of services available;
(6) To develop models for community task forces on family violence;
(7) To provide training and continuing education on the dynamics of family violence to members of the commission where appropriate and necessary;
(8) To report annually to the General Assembly during its existence; and
(9) To develop standards to be utilized by the Department of ~~Corrections~~ Community Supervision in the certification and regulation of family violence intervention programs."

SECTION 5-50.

Said title is further amended by revising paragraph (4) of Code Section 19-13-51, relating to definitions relative to the "Family Violence and Stalking Protective Order Registry Act," as follows:

"(4) 'Law enforcement officer' means any agent or officer of this state, or a political subdivision or municipality thereof, who, as a full-time or part-time employee, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws and whose duties include the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime. Such term also includes the following: state or local officer, sheriff, deputy sheriff, dispatcher, 9-1-1 operator, police officer, prosecuting attorney, member of the State Board of Pardons and Paroles, a hearing officer ~~and parole officer~~ of the State Board of Pardons and Paroles, and a ~~probation~~ community supervision officer of the Department of ~~Corrections~~ Community Supervision."

SECTION 5-51.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising Code Section 20-2-699, relating to disposition of children taken into custody, as follows:

"20-2-699.

Any person assuming temporary custody of a child pursuant to Code Section 20-2-698 shall immediately deliver the child either to the parent, guardian, or other person having

control or charge of the child or to the school from which the child is absent, or if the child is found to have been adjudged a delinquent child or a child in need of services, the person shall cause the child to be brought before the juvenile probation officer or community supervision officer of the county having jurisdiction over such child."

SECTION 5-52.

Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by revising subsection (a) of Code Section 21-2-231, relating to lists of persons convicted of felonies, persons identified as noncitizens, persons declared mentally incompetent, and deceased persons provided to Secretary of State and Council of Superior Court Clerks, removal of names from list of electors, obtain information about persons who died, timing, and list of inactive voters provided to Council of Superior Court Clerks, as follows:

"(a) Unless otherwise notified by the Secretary of State, the Georgia Crime Information Center shall, on or before the tenth day of each month, prepare and transmit to the Secretary of State and The Council of Superior Court Clerks of Georgia a complete list of all persons, including dates of birth, social security numbers, and other information as prescribed by the Secretary of State or The Council of Superior Court Clerks of Georgia, who were convicted of a felony in this state since the preceding reporting period. The Secretary of State or The Council of Superior Court Clerks of Georgia may, by agreement with the commissioner of corrections and the commissioner of community supervision, obtain criminal information relating to the conviction, sentencing, and completion of sentencing requirements of felonies. Additionally, the Secretary of State and The Council of Superior Court Clerks of Georgia shall be authorized to obtain such criminal information relating to Georgia electors convicted of a felony in another state, if such information is available."

SECTION 5-53.

Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, is amended by revising paragraph (2) of Code Section 34-9-1, relating to definitions for workers' compensation, as follows:

"(2) 'Employee' means every person in the service of another under any contract of hire or apprenticeship, written or implied, except a person whose employment is not in the usual course of the trade, business, occupation, or profession of the employer; and, except as otherwise provided in this chapter, minors are included even though working in violation of any child labor law or other similar statute; provided, however, that nothing contained in this chapter shall be construed as repealing or altering any such law or statute. Any reference to any employee who has been injured shall, if the employee dies, include such employee's legal representatives, dependents, and other persons to whom compensation may be payable pursuant to this chapter. All firefighters, law enforcement personnel, and personnel of emergency management or civil defense agencies, emergency medical services, and rescue organizations whose compensation is paid by the state or any county or municipality, regardless of

the method of appointment, and all full-time county employees and employees of elected salaried county officials are specifically included in this definition. There shall also be included within such term any volunteer firefighter of any county or municipality of this state, but only for services rendered in such capacity which are not prohibited by Code Section 38-3-36 and only if the governing authority of the county or municipality for which such services are rendered shall provide by appropriate resolution for inclusion of such volunteer firefighters; any volunteer law enforcement personnel of any county or municipality of this state who are certified by the Georgia Peace Officer Standards and Training Council, for volunteer law enforcement services rendered in such capacity which are not prohibited by Code Section 38-3-36 and only if the governing authority of the county or municipality for which such services are rendered shall provide by appropriate resolution for inclusion of such volunteer law enforcement personnel; any person who is a volunteer member or worker of an emergency management or civil defense organization, emergency medical service, or rescue organization, whether governmental or not, of any county or municipality of this state for volunteer services, which are not prohibited by Code Section 38-3-36, rendered in such capacity and only if the governing authority of the county or municipality for which such services are rendered shall provide by appropriate resolution for inclusion of such volunteer members or workers; and any person certified by the Department of Public Health or the Georgia Composite Medical Board and registered with any county or municipality of this state as a medical first responder for any volunteer first responder services rendered in such capacity, which are not prohibited by Code Section 38-3-36 and only if the governing authority of the county or municipality for which such services are rendered shall provide by appropriate resolution for inclusion of such responders. The various elected county officers and elected members of the governing authority of an individual county shall also be included in this definition, if the governing authority of ~~said~~ such county shall provide therefor by appropriate resolution. For the purposes of workers' compensation coverage, employees of county and district health agencies established under Chapter 3 of Title 31 are deemed and shall be considered employees of the State of Georgia and employees of community service boards established under Chapter 2 of Title 37 shall be considered to be employees of the state. For the purpose of workers' compensation coverage, members of the Georgia National Guard and the State Defense Force serving on state active duty pursuant to an order by the Governor are deemed and shall be considered to be employees of this state. A person shall be an independent contractor and not an employee if such person has a written contract as an independent contractor and if such person buys a product and resells it, receiving no other compensation, or provides an agricultural service or such person otherwise qualifies as an independent contractor. Notwithstanding the foregoing provisions of this paragraph, any officer of a corporation may elect to be exempt from coverage under this chapter by filing written certification of such election with the insurer or, if there is no insurer, the State Board of Workers' Compensation as provided in Code Section 34-9-2.1. For purposes of this chapter, an owner-operator

as such term is defined in Code Section 40-2-87 shall be deemed to be an independent contractor. Inmates or persons participating in a work release program, community service program, or similar program as part of the punishment for violation of a municipal ordinance pursuant to Code Section 36-32-5 or a county ordinance or a state law shall not be deemed to be an employee while participating in work or training or while going to and from the work site or training site, unless such inmate or person is employed for private gain in violation of Code Section 42-1-5 or Code Section ~~42-8-70~~ 42-3-50 or unless the municipality or county had voluntarily established a policy, on or before January 1, 1993, to provide workers' compensation benefits to such individuals. Individuals who are parties to a franchise agreement as set out by the Federal Trade Commission franchise disclosure rule, 16 C.F.R. 436.1 through 436.11, shall not be deemed employees for purposes of this chapter."

SECTION 5-54.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended by revising subsections (b) and (g) of Code Section 35-3-36, relating to duties of state criminal justice agencies as to submission of fingerprints, photographs, and other identifying data to the Georgia Crime Information Center and responsibility for accuracy, as follows:

"(b) It shall be the duty of all chiefs of police, sheriffs, prosecuting attorneys, courts, judges, ~~parole and probation officers~~ community supervision officers, county or department of Juvenile Justice juvenile probation officers, probation officers serving pursuant to Article 6 of Chapter 8 of Title 42, wardens, or other persons in charge of penal and correctional institutions in this state to furnish the center with any other data deemed necessary by the center to carry out its responsibilities under this article."

"(g) All persons in charge of law enforcement agencies, all clerks of court, all municipal judges where they have no clerks, all magistrates, and all persons in charge of ~~state and county probation and parole~~ community supervision, juvenile probation, or Article 6 of Chapter 8 of Title 42 probation offices shall supply the center with the information described in Code Section 35-3-33 on the basis of the forms and instructions to be supplied by the center."

SECTION 5-55.

Said title is further amended by revising subsection (a) of Code Section 35-6A-3, relating to membership, vacancies, and membership not bar to holding public office relative to the Criminal Justice Coordinating Council, as follows:

"(a) The Criminal Justice Coordinating Council shall consist of ~~24~~ 26 members and shall be composed as follows:

(1) The chairperson of the Georgia Peace Officer Standards and Training Council, the director of homeland security, the chairperson of the Judicial Council of Georgia, the chairperson of the Prosecuting Attorneys' Council of the State of Georgia, the commissioner of corrections, the chairperson of the Board of Corrections, the commissioner of community supervision, the chairperson of the Board of Community

Supervision, the vice chairperson of the Board of Public Safety, the chairperson of the State Board of Pardons and Paroles, the State School Superintendent, the commissioner of community affairs, the president of the Council of Juvenile Court Judges, the chairperson of the Georgia Public Defender Standards Council, the chairperson of the Governor's Office for Children and Families, and the commissioner of juvenile justice or their designees shall be ex officio members of the council, as full voting members of the council by reason of their office; and

(2) Ten members shall be appointed by the Governor for terms of four years, their initial appointments, however, being four for four-year terms, two for three-year terms, and four for two-year terms. Appointments shall be made so that there are always on the council the following persons: one county sheriff, one chief of police, one mayor, one county commissioner, one superior court judge, four individuals who shall be, by virtue of their training or experience, knowledgeable in the operations of the criminal justice system of this state, and one individual who shall be, by virtue of his or her training and experience, knowledgeable in the operations of the entire spectrum of crime victim assistance programs delivering services to victims of crime. No person shall serve beyond the time he or she holds the office or employment by reason of which he or she was initially eligible for appointment."

SECTION 5-56.

Said title is further amended by revising paragraphs (7) and (8) of Code Section 35-8-2, relating to definitions relative to the employment and training of peace officers, as follows:

"(7) 'Law enforcement unit' means:

(A) Any agency, organ, or department of this state, a subdivision or municipality thereof, or a railroad whose primary functions include the enforcement of criminal or traffic laws, the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime;

(B) The Office of Permits and Enforcement of the Department of Transportation, the Department of Juvenile Justice and its institutions and facilities for the purpose of personnel who are authorized to exercise the power of arrest and who are employed or appointed by such department or institutions, and the office or section in the Department of Juvenile Justice in which persons are assigned who have been designated by the commissioner to investigate and apprehend delinquent children and any child with a pending juvenile court case alleging the child to be a child in need of services; and

(C) The Department of Corrections, the Department of Community Supervision, the State Board of Pardons and Paroles, municipal correctional institutions employing 300 or more correctional officers, and county correctional institutions for the purpose of personnel who are authorized to exercise the power of arrest and who are employed or appointed by ~~said~~ such department, board, or institutions.

(8) 'Peace officer' means, for purposes of this chapter only:

(A) An agent, operative, or officer of this state, a subdivision or municipality thereof, or a railroad who, as an employee for hire or as a volunteer, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws through the power of arrest and whose duties include the preservation of public order, the protection of life and property, and the prevention, detection, or investigation of crime;

(B) An enforcement officer who is employed by the Department of Transportation in its Office of Permits and Enforcement and any person employed by the Department of Juvenile Justice who is designated by the commissioner to investigate and apprehend delinquent children and any child with a pending juvenile court case alleging the child to be a child in need of services;

(B.1) Personnel who are authorized to exercise the power of arrest, who are employed or appointed by the Department of Juvenile Justice, and whose full-time duties include the preservation of public order, the protection of life and property, the detection of crime, the supervision of delinquent children in the department's institutions, facilities, or programs, or the supervision of delinquent children under intensive supervision in the community;

(C) Personnel who are authorized to exercise the power of arrest and who are employed or appointed by the Department of Corrections, the Department of Community Supervision, the State Board of Pardons and Paroles, municipal correctional institutions employing 300 or more correctional officers, county probation systems, and county correctional institutions; and

(D) An administrative investigator who is an agent, operative, investigator, or officer of this state whose duties include the prevention, detection, and investigation of violations of law and the enforcement of administrative, regulatory, licensing, or certification requirements of his or her respective employing agency.

Law enforcement support personnel are not peace officers within the meaning of this chapter, but they may be certified upon voluntarily complying with the certification provisions of this chapter."

SECTION 5-57.

Said title is further amended by revising subsections (a) and (b) of Code Section 35-8-3, relating to establishment of the Georgia Peace Officer Standards and Training Council, membership, organization, and administrative assignment to the Department of Public Safety, as follows:

"(a) The Georgia Peace Officer Standards and Training Council is established. The council shall consist of ~~19~~ 20 voting members and five advisory members.

(b) The voting members shall consist of:

(1) An appointee of the Governor who is not the Attorney General, the commissioner of public safety or his or her designee, the director of investigation of the Georgia Bureau of Investigation or his or her designee, the president of the Georgia Association of Chiefs of Police or his or her designee, the president of the Georgia Sheriffs Association or his or her designee, the president of the Georgia Municipal

Association or his or her designee, the president of the Association County Commissioners of Georgia or his or her designee, the president of the Peace Officers' Association of Georgia or his or her designee, the commissioner of corrections or his or her designee, the commissioner of community supervision or his or her designee, the chairperson of the State Board of Pardons and Paroles or his or her designee, and the president of the Georgia Prison Wardens Association or his or her designee, who shall be ex officio members of the council;

(2) Six members who shall be appointed by the Governor for terms of four years, their initial appointments, however, being two for four-year terms, two for three-year terms, and two for two-year terms. Appointments shall be made so that there are always on the council the following persons who are appointed by the Governor: one chief of police; two municipal police officers other than a chief of police; one county sheriff; one city manager or mayor; and one county commissioner. No person shall serve beyond the time he or she holds the office or employment by reason of which he or she was initially eligible for appointment. Vacancies shall be filled in the same manner as the original appointment and successors shall serve for the unexpired term. Any member may be appointed for additional terms; and

(3) Two members who are peace officers and who shall be appointed by the Governor for terms of four years. Neither person shall serve beyond the time he or she is actively employed or serves as a peace officer. Vacancies shall be filled in the same manner as the original appointment and successors shall serve for the unexpired term."

SECTION 5-58.

Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by revising subsection (a) of Code Section 37-2-4, relating to the Behavioral Health Coordinating Council, membership, meetings, and obligations, as follows:

"(a) There is created the Behavioral Health Coordinating Council. The council shall consist of the commissioner of behavioral health and developmental disabilities; the commissioner of community health; the commissioner of public health; the commissioner of human services; the commissioner of juvenile justice; the commissioner of corrections; the commissioner of community supervision; the commissioner of community affairs; the Commissioner of Labor; the State School Superintendent; the chairperson of the State Board of Pardons and Paroles; the ombudsman appointed pursuant to Code Section 37-2-32; an adult consumer of public behavioral health services, appointed by the Governor; a family member of a consumer of public behavioral health services, appointed by the Governor; a parent of a child receiving public behavioral health services, appointed by the Governor; a member of the House of Representatives, appointed by the Speaker of the House of Representatives; and a member of the Senate, appointed by the Lieutenant Governor."

SECTION 5-59.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising subsection (c) of Code Section 40-5-64, relating to limited driving permits for certain offenders, as follows:

"(c) **Standards for approval.** The department shall issue a limited driving permit if the application indicates that refusal to issue such permit would cause extreme hardship to the applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the purposes of this Code section, 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and therefore the applicant would be prohibited from:

(1) Going to his or her place of employment;

(2) Receiving scheduled medical care or obtaining prescription drugs;

(3) Attending a college or school at which he or she is regularly enrolled as a student;

(4) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner;

(5) Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by the commissioner;

(6) Attending court, reporting to a ~~probation office or officer,~~ community supervision, juvenile probation, or Article 6 of Chapter 8 of Title 42 probation office or reporting to a community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42 or performing community service; or

(7) Transporting an immediate family member who does not hold a valid driver's license for work, medical care, or prescriptions or to school."

SECTION 5-60.

Said title is further amended by revising subsection (b) of Code Section 40-5-81, relating to program optional and certification and approval of courses relative to defensive driving courses or alcohol or drug programs, as follows:

"(b) Whenever any person is authorized or required to attend a driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program as a condition of any sentence imposed under this title or any ordinance enacted pursuant to this title or as a condition of the retention or restoration of the person's driving privilege, such person, in complying with such condition, shall be authorized to attend any driver improvement clinic approved under this article or DUI Alcohol or Drug Use Risk Reduction Program certified under this article; and no judicial officer, ~~probation~~ community supervision officer, law enforcement officer, or other officer or employee of a court or person who owns, operates, or is employed by a private company which has contracted to provide private probation services for misdemeanor cases shall specify, directly or indirectly, a particular driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction

Program which the person may or shall attend. This Code section shall not prohibit any judicial officer, ~~probation~~ community supervision officer, law enforcement officer, or other officer or employee of a court or owner, operator, or employee of a private company which has contracted to provide probation services for misdemeanor offenders from furnishing any person, upon request, the names of approved driver improvement clinics or certified DUI Alcohol or Drug Use Risk Reduction Programs."

SECTION 5-61.

Said title is further amended by revising subsection (d) of Code Section 40-5-83, relating to establishment and approval of driver improvement clinics and programs, out-of-state certificates of completion, instructor licenses, fees, operation of clinics by employees of probation division, and submission of fingerprints by applicants, as follows:

"(d) Notwithstanding the provisions of any law or rule or regulation which prohibits any individual who ~~is a~~ was a probation officer or other official or employee of the probation division of the Department of Corrections on or before June, 30, 2015, or a spouse of such individual from owning, operating, instructing at, or being employed by a driver improvement clinic, any individual who ~~is~~ was a probation officer or other official or employee of the probation division of the Department of Corrections on or before June 30, 2015, or a spouse of such individual who owns, operates, instructs at, or is employed by a driver improvement clinic ~~on June 1, 1985, and who in all respects is and remains~~ shall remain qualified to own, operate, instruct at, or be employed by a driver improvement clinic ~~is expressly authorized to continue on and after June 1, 1985,~~ and to engage in such activities. Any individual who is an employee of the Department of Community Supervision or a spouse of such individual who owns, operates, instructs at, or is employed by a driver improvement clinic on July 1, 2015, and who in all respects is and remains qualified to own, operate, instruct at, or be employed by a driver improvement clinic shall be expressly authorized to continue on and after June 1, 2015, to engage in such activities. No person who owns, operates, or is employed by a private company which has contracted to provide probation services for misdemeanor cases shall be authorized to own, operate, be an instructor at, or be employed by a driver improvement clinic or a DUI Alcohol or Drug Use Risk Reduction Program."

SECTION 5-62.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising subparagraph (F) of paragraph (6) of Code Section 42-1-1, relating to definitions, as follows:

"(F) Electronic monitoring, as such term is defined in Code Section ~~42-8-151~~ 42-3-111; and"

SECTION 5-63.

Said title is further amended by revising Code Section 42-1-10, relating to preliminary urine screen drug tests, as follows:

"42-1-10.

(a) Any ~~probation officer, parole officer, or other~~ community supervision officer of the Department of Community Supervision or official or employee of the Department of Corrections who supervises any person covered under the provisions of paragraphs (1) through (7) of this subsection shall be exempt from the provisions of Chapter 22 of Title 31 for the limited purposes of administering a preliminary urine screen drug test to any person who is:

(1) Incarcerated;
(2) Released as a condition of probation for a felony or misdemeanor;
(3) Released as a condition of conditional release;
(4) Released as a condition of parole;
(5) Released as a condition of provisional release;
(6) Released as a condition of pretrial release; or
(7) Released as a condition of control release.

(b) The Department of Corrections, Department of Community Supervision, and the State Board of Pardons and Paroles shall develop a procedure for the performance of preliminary urine screen drug tests in accordance with the manufacturer's standards for certification. Community supervision officers of the Department of Community Supervision or ~~Probation officers, parole officers, or other~~ officials or employees of the Department of Corrections who are supervisors of any person covered under paragraphs (1) through (7) of subsection (a) of this Code section shall be authorized to perform preliminary urine screen drug tests in accordance with such procedure. Such procedure shall include instructions as to a confirmatory test by a licensed clinical laboratory where necessary."

SECTION 5-64.

Said title is further amended by revising subsection (c) of Code Section 42-1-11, relating to notification of crime victim of impending release of offender from imprisonment, as follows:

"(c) The notice given to a victim of a crime against a person or sexual offense ~~must~~ shall include the conditions governing the offender's release or transfer and either the identity of the corrections agent or the ~~county~~ community supervision officer who will be supervising the offender's release or a means to identify the agency that will be supervising the offender's release. The custodial authority complies with this Code section upon mailing the notice of impending release to the victim at the address which the victim has most recently provided to the custodial authority in writing."

SECTION 5-65.

Said title is further amended by revising paragraph (2) of subsection (a) and adding a new subsection to Code Section 42-1-12, relating to the State Sexual Offender Registry, to read as follows:

"(2) 'Appropriate official' means:

(A) With respect to a sexual offender who is sentenced to probation without any sentence of incarceration in the state prison system or who is sentenced pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, the ~~Division of Probation of the Department of Corrections~~ Department of Community Supervision;

(B) With respect to a sexual offender who is sentenced to a period of incarceration in a prison under the jurisdiction of the Department of Corrections and who is subsequently released from prison or placed on probation, the commissioner of corrections or his or her designee;

(C) With respect to a sexual offender who is placed on parole, the chairperson of the State Board of Pardons and Paroles or his or her designee; and

(D) With respect to a sexual offender who is placed on probation through a private probation agency, the director of the private probation agency or his or her designee."

"(c.1) The Department of Community Supervision shall keep all records of sexual offenders in a secure facility in accordance with Code Sections 15-1-10, 15-6-62, and 15-6-62.1 until official proof of death of a registered sexual offender; thereafter, the records shall be destroyed."

SECTION 5-66.

Said title is further amended by revising Code Section 42-1-14, relating to risk assessment classification, classification as "sexually dangerous predator," and electronic monitoring, as follows:

"42-1-14.

(a)(1) The board shall determine the likelihood that a sexual offender will engage in another crime against a victim who is a minor or a dangerous sexual offense. The board shall make such determination for any sexual offender convicted on or after July 1, 2006, of a criminal offense against a victim who is a minor or a dangerous sexual offense and for any sexual offender incarcerated on July 1, 2006, but convicted prior to July 1, 2006, of a criminal offense against a victim who is a minor. Any sexual offender who changes residence from another state or territory of the United States or any other place to this state and who is not already designated under Georgia law as a sexually dangerous predator, sexual predator, or ~~a~~ sexually violent predator shall have his or her required registration information forwarded by the sheriff of his or her county of registration to the board for the purpose of risk assessment classification. The board shall also make such determination upon the request of a superior court judge for purposes of considering a petition to be released from registration restrictions or residency or employment restrictions as provided for in Code Section 42-1-19.

(2) A sexual offender shall be placed into Level I risk assessment classification, Level II risk assessment classification, or sexually dangerous predator classification based upon the board's assessment criteria and information obtained and reviewed by the board. The sexual offender may provide the board with information, including, but not limited to, psychological evaluations, sexual history polygraph information,

treatment history, and personal, social, educational, and work history, and may agree to submit to a psychosexual evaluation or sexual history polygraph conducted by the board. If the sexual offender has undergone treatment or supervision through the Department of Corrections or the Department of Community Supervision, such treatment records shall also be submitted to the board for evaluation. The prosecuting attorney shall provide the board with any information available to assist the board in rendering an opinion, including, but not limited to, criminal history and records related to previous criminal history. The board shall utilize the Georgia Bureau of Investigation to assist it in obtaining information relative to its evaluation of sexual offenders and the Georgia Bureau of Investigation shall provide the board with information as requested by the board. The board shall be authorized to obtain information from supervision records of the State Board of Pardons and Paroles regarding such sexual offender, but such records shall remain confidential state secrets in accordance with Code Section 42-9-53 and shall not be made available to any other person or entity or be subject to subpoena unless declassified by the State Board of Pardons and Paroles. The clerk of court shall send a copy of the sexual offender's conviction to the board and notify the board that a sexual offender's evaluation will need to be performed. The board shall render its recommendation for risk assessment classification within:

(A) Sixty days of receipt of a request for an evaluation if the sexual offender is being sentenced pursuant to subsection (c) of Code Section 17-10-6.2;

(B) Six months prior to the sexual offender's proposed release from confinement if the offender is incarcerated;

(C) Sixty days of receipt of the required registration information from the sheriff when the sexual offender changes residence from another state or territory of the United States or any other place to this state and is not already classified;

(D) Sixty days if the sexual offender is sentenced to a probated or suspended sentence; and

(E) Ninety days if such classification is requested by the court pursuant to a petition filed under Code Section 42-1-19.

(3) The board shall notify the ~~sex~~ sexual offender by first-class mail of its determination of risk assessment classification and shall send a copy of such classification to the Georgia Bureau of Investigation, the Department of Corrections, the Department of Community Supervision, the sheriff of the county where the sexual offender is registered, and the sentencing court, if applicable.

(b) If the board determines that a sexual offender should be classified as a Level II risk assessment classification or as a sexually dangerous predator, the sexual offender may petition the board to reevaluate his or her classification. To file a petition for reevaluation, the sexual offender shall be required to submit his or her written petition for reevaluation to the board within 30 days from the date of the letter notifying the sexual offender of his or her classification. The sexual offender shall have 60 days from the date of the notification letter to submit information as provided in subsection (a) of this Code section in support of the sexual offender's petition for reevaluation. If

the sexual offender fails to submit the petition or supporting documents within the time limits provided, the classification shall be final. The board shall notify the sexual offender by first-class mail of its decision on the petition for reevaluation of risk assessment classification and shall send a copy of such notification to the Georgia Bureau of Investigation, the Department of Corrections, the Department of Community Supervision, the sheriff of the county where the sexual offender is registered, and the sentencing court, if applicable.

(c) A sexual offender who is classified by the board as a Level II risk assessment classification or as a sexually dangerous predator may file a petition for judicial review of his or her classification within 30 days of the date of the notification letter or, if the sexual offender has requested reevaluation pursuant to subsection (b) of this Code section, within 30 days of the date of the letter denying the petition for reevaluation. The petition for judicial review shall name the board as defendant, and the petition shall be filed in the superior court of the county where the offices of the board are located. Within 30 days after service of the appeal on the board, the board shall submit a summary of its findings to the court and mail a copy, by first-class mail, to the sexual offender. The findings of the board shall be considered prima-facie evidence of the classification. The court shall also consider any relevant evidence submitted, and such evidence and documentation shall be mailed to the parties as well as submitted to the court. The court may hold a hearing to determine the issue of classification. The court may uphold the classification of the board, or, if the court finds by a preponderance of the evidence that the sexual offender is not placed in the appropriate classification level, the court shall place the sexual offender in the appropriate risk assessment classification. The court's determination shall be forwarded by the clerk of the court to the board, the sexual offender, the Georgia Bureau of Investigation, and the sheriff of the county where the sexual offender is registered.

(d) Any individual who was classified as a sexually violent predator prior to July 1, 2006, shall be classified as a sexually dangerous predator on and after July 1, 2006.

(e) Any sexually dangerous predator shall be required to wear an electronic monitoring system that shall have, at a minimum:

(1) The capacity to locate and record the location of a sexually dangerous predator by a link to a global positioning satellite system;

(2) The capacity to timely report or record a sexually dangerous predator's presence near or within a crime scene or in a prohibited area or the sexually dangerous predator's departure from specific geographic locations; and

(3) An alarm that is automatically activated and broadcasts the sexually dangerous predator's location if the global positioning satellite monitor is removed or tampered with by anyone other than a law enforcement official designated to maintain and remove or replace the equipment.

Such electronic monitoring system shall be worn by a sexually dangerous predator for the remainder of his or her natural life. The sexually dangerous predator shall pay the cost of such system to the Department of ~~Corrections~~ Community Service if the sexually dangerous predator is ~~on probation; to the State Board of Pardons and Paroles~~

~~if the sexually dangerous predator is on parole;~~ under probation or parole supervision and to the sheriff after the sexually dangerous predator completes his or her term of probation and parole or if the sexually dangerous predator has moved to this state from another state, territory, or country. The electronic monitoring system shall be placed upon the sexually dangerous predator prior to his or her release from confinement. If the sexual offender is not in custody, within 72 hours of the decision classifying the sexual offender as a sexually dangerous predator in accordance with subsection (b) of this Code section, the sexually dangerous predator shall report to the sheriff of the county of his or her residence for purposes of having the electronic monitoring system placed on the sexually dangerous predator.

(f) In addition to the requirements of registration for all sexual offenders, a sexually dangerous predator shall report to the sheriff of the county where such predator resides six months following his or her birth month and update or verify his or her required registration information."

SECTION 5-67.

Said title is further amended by revising subsection (f) of Code Section 42-1-19, relating to petition for release from registration requirements, as follows:

"(f) The court may issue an order releasing the individual from registration requirements or residency or employment restrictions, in whole or part, if the court finds by a preponderance of the evidence that the individual does not pose a substantial risk of perpetrating any future dangerous sexual offense. The court may release an individual from such requirements or restrictions for a specific period of time. The court shall send a copy of any order releasing an individual from any requirements or restrictions to the sheriff and the district attorney of the jurisdiction where the petition is filed, to the sheriff of the county where the individual resides, to the Department of Corrections, to the Department of Community Supervision, and to the Georgia Bureau of Investigation."

SECTION 5-68.

Said title is further amended by revising subsection (c) of Code Section 42-2-11, relating to powers and duties of the Board of Corrections and adoption of rules and regulations, as follows:

"(c)(1) The board shall adopt rules governing the assignment, housing, working, feeding, clothing, treatment, discipline, rehabilitation, training, and hospitalization of all inmates coming under its custody.

(2)(A) As used in this paragraph, the term:

(i) 'Evidence based practices' means supervision policies, procedures, programs, and practices that scientific research demonstrates reduce recidivism among individuals who are under some form of correctional supervision.

(ii) 'Recidivism' means returning to prison or jail within three years of being placed on probation or being discharged or released from a department or jail facility.

(B) The board shall adopt rules and regulations governing the management and treatment of inmates ~~and probationers~~ coming under its custody to ensure that evidence based practices, including the use of a risk and needs assessment and any other method the board deems appropriate, guide decisions related to preparing inmates for release into the community ~~and managing probationers in the community~~. The board shall require the department to collect and analyze data and performance outcomes relevant to the level and type of treatment given to an inmate ~~or probationer~~ and the outcome of the treatment on his or her recidivism and prepare an annual report regarding such information which shall be submitted to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the House Committee on State Properties and the Senate State Institutions and Property Committee."

SECTION 5-69.

Said title is further amended by revising paragraphs (3) and (4) of subsection (a) of Code Section 42-2-15, relating to the employee benefit fund of the Department of Corrections, as follows:

"(3) 'Executive director of the facility' means the warden, superintendent, ~~chief probation official,~~ or such other head of a facility.

(4) 'Facility' means a prison, institution, detention center, diversion center, ~~probation office,~~ or such other similar property under the jurisdiction or operation of the department."

SECTION 5-70.

Said title is further amended by revising paragraph (3) of Code Section 42-4-50, relating to definitions relative to medical services for inmates, as follows:

"(3) 'Inmate' means a person who is detained in a detention facility by reason of being charged with or convicted of a felony, a misdemeanor, or a municipal offense. Such term does not include any sentenced inmate who is the responsibility of the ~~State~~ Department of Corrections."

SECTION 5-71.

Said title is further amended by revising paragraph (5) of subsection (a) of Code Section 42-5-50, relating to transmittal of information on convicted persons, as follows:

"(5) A copy of the sentencing information report is required in all jurisdictions with an options system day reporting center certified by the ~~department~~ Department of Community Supervision. The failure to provide the sentencing information report shall not cause an increase in the 15 day time period for the department to assign the inmate to a correctional institution as set forth in subsection (b) of this Code section."

SECTION 5-72.

Said title is further amended by repealing in its entirety Article 4 of Chapter 8, relating to participation of probationers in community service programs, and designating said article as reserved.

SECTION 5-73.

Said title is further amended by revising subsections (c) and (d) of Code Section 42-8-112, relating to timing for issuance of ignition interlock device limited driving permit, documentation required, and reporting requirement, as follows:

"(c) Each resident of this state who is required to have an ignition interlock device installed pursuant to this article shall report to the provider center every 30 days for the purpose of monitoring the operation of each required ignition interlock device. If at any time it is determined that a person has tampered with the device, the Department of Driver Services shall be given written notice within five days by the ~~probation~~ community supervision officer, the court ordering the use of such device, or the interlock provider. If an ignition interlock device is found to be malfunctioning, it shall be replaced or repaired, as ordered by the court or the Department of Driver Services, at the expense of the provider.

(d)(1) If a person required to report to an ignition interlock provider as required by subsection (c) of this Code section fails to report to the provider as required or receives an unsatisfactory report from the provider at any time during the one-year period, the Department of Driver Services shall revoke such person's ignition interlock device limited driving permit immediately upon notification from the provider of the failure to report or failure to receive a satisfactory report. Except as provided in paragraph (2) of this subsection, within 30 days after such revocation, the person may make a written request for a hearing and remit to the ~~department~~ Department of Driver Services a payment of $250.00 for the cost of the hearing. Within 30 days after receiving a written request for a hearing and a payment of $250.00, the Department of Driver Services shall hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing shall be recorded.

(2) Any person whose ignition interlock device limited driving permit was revoked on or before July 1, 2004, for failure to report or failure to receive a satisfactory report may make a written request for a hearing and remit to the ~~department~~ Department of Driver Services a payment of $250.00 for the cost of the hearing. Within 30 days after receiving a written request for a hearing and a payment of $250.00, the Department of Driver Services shall hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing shall be recorded.

(3) If the hearing officer determines that the person failed to report to the ignition interlock provider for any of the reasons specified in this paragraph, the Department of Driver Services shall issue a new ignition interlock device limited driving permit that shall be valid for a period of one year to such person. Such reasons shall be for providential cause and shall include, but not be limited to, the following:

(A) Medical necessity, as evidenced by a written statement from a medical doctor;
(B) The person was incarcerated;
(C) The person was required to be on the job at his or her place of employment, with proof that the person would be terminated if he or she was not at work; or
(D) The vehicle with the installed interlock device was rendered inoperable by reason of collision, fire, or a major mechanical failure.

(4) If the hearing officer determines that the person failed to report to the ignition interlock provider for any reason other than those specified in paragraph (3) of this subsection, or if the person received an unsatisfactory report from the provider, after the expiration of 120 days the person may apply to the ~~department~~ Department of Driver Services and the ~~department~~ Department of Driver Services shall issue a new ignition interlock device limited driving permit to such person.

(5) This subsection shall not apply to any person convicted of violating Code Section 42-8-118."

SECTION 5-74.

Said title is further amended by revising Code Section 42-8-61, relating to the defendant being informed of the terms of the article at the time a sentence is imposed, as follows:

"42-8-61.

When a defendant is represented by an attorney, his or her attorney shall be responsible for informing the defendant as to his or her eligibility for sentencing as a first offender. When a defendant is pro se, the court shall inquire as to the defendant's interest in entering a plea pursuant to the terms of this article. If the defendant expresses a desire to be sentenced as a first offender, the court shall ask the prosecuting attorney or probation official if the defendant is eligible for sentencing as a first offender. When imposing a sentence, the court shall ensure that, if a defendant is sentenced as a first offender, he or she is made aware of the consequences of entering a first offender plea pursuant to the terms of this article. ~~The defendant shall be informed of the terms of this article at the time of imposition of sentence.~~"

SECTION 5-75.

Said title is further amended by revising Code Section 42-8-66, relating to applicability, as follows:

"42-8-66.

~~The provisions of this article shall not apply to any person who is convicted of a serious violent felony as defined in subsection (a) of Code Section 17-10-6.1.~~

(a) An individual who qualified for sentencing pursuant to this article but who was not informed of his or her eligibility for first offender treatment may, with the consent of the prosecuting attorney, petition the superior court in the county in which he or she was convicted for discharge and exoneration pursuant to this article.

(b) The court shall hold a hearing on the petition if requested by the petitioner or prosecuting attorney or desired by the court.

(c) In considering a petition pursuant to this Code section, the court may consider any:

(1) Evidence introduced by the petitioner;
(2) Evidence introduced by the prosecuting attorney; and
(3) Other relevant evidence.

(d) The court may issue an order retroactively granting first offender treatment and discharge the defendant pursuant to this article if the court finds by a preponderance of the evidence that the defendant was eligible for sentencing under the terms of this article at the time he or she was originally sentenced and the ends of justice and the welfare of society are served by granting such petition.

(e) The court shall send a copy of any order issued pursuant to this Code section to the petitioner, the prosecuting attorney, and the Georgia Bureau of Investigation. The Georgia Bureau of Investigation shall modify its records accordingly.

(f) This Code section shall not apply to a sentence that may be modified pursuant to subsection (f) of Code Section 17-10-1."

SECTION 5-76.

Said title is further amended by revising subsection (a) of Code Section 42-8-114, relating to specifying provider for ignition interlock device, as follows:

"(a) No judicial officer, ~~probation~~ community supervision officer, law enforcement officer, or other officer or employee of a court; person who owns, operates, or is employed by a private company which has contracted to provide private probation services for misdemeanor cases; or professional bondsman or agent or employee thereof shall specify, directly or indirectly, a particular provider center which the person may or shall utilize when use of an ignition interlock device is required. This subsection shall not prohibit any judicial officer, ~~probation~~ community supervision officer, law enforcement officer, or other officer or employee of a court; owner, operator, or employee of a private company which has contracted to provide probation services for misdemeanor cases; or professional bondsman or agent or employee thereof from furnishing any person, upon request, the names of certified provider centers."

SECTION 5-77.

Said title is further amended by revising Code Section 42-8-116, relating to warning labels on ignition interlock devices, as follows:

"42-8-116.

The providers certified by the Department of Driver Services shall design and adopt pursuant to regulations of ~~the~~ such department a warning label which shall be affixed to each ignition interlock device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is guilty of a misdemeanor and may be subject to civil liability."

SECTION 5-78.

Said title is further amended by repealing in its entirety Article 5 of Chapter 8, relating to pretrial release and diversion programs, and designating said article as reserved.

SECTION 5-79.

Said title is further amended by repealing in its entirety Article 8 of Chapter 8, relating to diversion center and program.

SECTION 5-80.

Said title is further amended by repealing in its entirety Article 9 of Chapter 8, relating to probation management.

SECTION 5-81.

Said title is further amended by revising Code Section 42-9-3, relating to "board" defined, as follows:

"42-9-3.

As used in this chapter, the term ~~'board'~~:

(1) 'Board' means the State Board of Pardons and Paroles.

(2) 'Community supervision officer' means a person who supervises probationers or parolees for the department.

(3) 'Department' means the Department of Community Supervision.

(4) 'Split sentence' means any felony sentence that includes a term of imprisonment followed by a term of probation."

SECTION 5-82.

Said title is further amended by revising Code Section 42-9-9, relating to the State Board of Pardons and Paroles employees and retention of badges and weapons, as follows:

"42-9-9.

~~(a)~~ The board may appoint such clerical, stenographic, supervisory, and expert assistants and may establish such qualifications for its employees as it deems necessary. In its discretion, the board may discharge such employees.

~~(b) A certified parole officer leaving the service of the board under honorable conditions who has accumulated 20 or more years of service with the board as a certified parole officer shall be entitled as part of such employee's compensation to retain his or her board issued badge. A certified parole officer employed with the board who is killed in the line of duty shall be entitled to have his or her board issued badge given to a surviving family member. Where a certified parole officer leaves the service of the board due to a disability that arose in the line of duty and such disability prevents the parole officer from further serving as a peace officer, then such disabled parole officer shall be entitled to retain his or her board issued badge regardless of the officer's number of years of service with the board.~~

~~(c) An employee leaving the service of the board under honorable conditions who has accumulated 20 or more years of service with the board as a certified officer shall be entitled as part of such employee's compensation to retain his or her board issued weapon.~~

~~(d) The board is authorized to promulgate rules and regulations for the implementation of this Code section.~~"

SECTION 5-83.

Said title is further amended by revising Code Section 42-9-20, relating to general duties of the State Board of Pardons and Paroles, as follows:

"42-9-20.

(a) In all cases in which the ~~chairman~~ chairperson of the board or any other member designated by the board has suspended the execution of a death sentence to enable the full board to consider and pass on same, it shall be mandatory that the board act within a period not exceeding 90 days from the date of the suspension order. In the cases which the board has power to consider, the board shall be charged with the duty of determining which inmates serving sentences imposed by a court of this state may be released on pardon or parole and fixing the time and conditions thereof. The board shall also be charged with the duty ~~of supervising all persons placed on parole,~~ of determining violations ~~thereof~~ of parole and ~~of~~ taking action with reference thereto~~, of~~ and making such investigations as may be necessary~~, and of aiding parolees or probationers in securing employment~~. It shall be the duty of the board personally to study the cases of those inmates whom the board has power to consider so as to determine their ultimate fitness for such relief as the board has power to grant. The board by an affirmative vote of a majority of its members shall have the power to commute a sentence of death to one of life imprisonment.

(b) The board shall provide The Council of Superior Court Clerks of Georgia the data set forth in Code Section 15-12-40.1, without charge and in the electronic format requested."

SECTION 5-84.

Said title is further amended by revising Code Section 42-9-21, relating to supervision of persons placed on parole or other conditional release, contracts for services and programs, and collection of sums for restitution, as follows:

"42-9-21.

(a) The ~~board~~ department shall have the function and responsibility of supervising all persons placed on parole or other conditional release by the board.

(b) The ~~board is~~ department shall be authorized to maintain and operate or to enter into ~~memoranda~~ memorandums of agreement or other written documents evidencing contracts with other state agencies, persons, or any other entities for transitional or intermediate or other services or for programs deemed by the board to be necessary for parolees or others conditionally released from imprisonment by order of the board and to require as a condition of relief that the offender pay directly to the provider a reasonable fee for ~~said~~ such services or programs.

(c) In all cases where restitution is applicable, the ~~board~~ department shall collect during the parole period those sums determined to be owed to the victim."

SECTION 5-85.

Said title is further amended by revising subsection (b) of Code Section 42-9-41, relating to duty of board to obtain and place in records information respecting persons subject to relief or placed on probation, investigations, and rules, as follows:

"(b) The board in its discretion may also obtain and place in its permanent records similar information on each person who may be placed on probation. The board shall immediately examine such records and any other records obtained and make such other investigation as it may deem necessary. It shall be the duty of the court and of all ~~probation~~ community supervision officers and other appropriate officers to furnish to the board, upon its request, such information as may be in their possession or under their control. The Department of Behavioral Health and Developmental Disabilities and all other state, county, and city agencies, all sheriffs and their deputies, and all peace officers shall cooperate with the board and shall aid and assist it in the performance of its duties. The board may make such rules as to the privacy or privilege of such information and as to its use by persons other than the board and its staff as may be deemed expedient in the performance of its duties."

SECTION 5-86.

Said title is further amended by revising subsection (d) of Code Section 42-9-42, relating to procedure for granting relief from sentence, conditions and prerequisites, and violation of parole, as follows:

"(d)(1) Any person who is paroled shall be released on such terms and conditions as the board shall prescribe. The board shall diligently see that no peonage is allowed in the guise of parole relationship or supervision. The parolee shall remain in the legal custody of the board until the expiration of the maximum term specified in his or her sentence or until he or she is pardoned by the board.

(2) The board may require the payment of a parole supervision fee of at least $10.00 per month as a condition of parole or other conditional release. The monthly amount shall be set by rule of the board and shall be uniform state wide. The board may require or the parolee or person under conditional release may request that up to 24 months of the supervision fee be paid in advance of the time to be spent on parole or conditional release. In such cases, any advance payments are nonreimbursable in the event of parole or conditional release revocation or if parole or conditional release is otherwise terminated prior to the expiration of the sentence being served on parole or conditional release. Such fees shall be collected by the ~~board~~ department to be paid into the general fund of the state treasury."

SECTION 5-87.

Said title is further amended by revising Code Section 42-9-44, relating to specification of terms and conditions of parole; adoption of general and special rules, violation of parole, and certain parolees to obtain high school diploma or general educational development (GED) diploma, as follows:

"42-9-44.

(a) The board, upon placing a person on parole, shall specify in writing the terms and conditions thereof. A certified copy of the conditions shall be given to the parolee. Thereafter, a copy shall be sent to the clerk of the court in which the person was convicted. The board shall adopt general rules concerning the terms and conditions of parole and concerning what shall constitute a violation thereof and shall make special rules to govern particular cases. The rules, both general and special, may include, among other things, a requirement that the parolee shall not leave this state or any definite area in this state without the consent of the board; that the parolee shall contribute to the support of his or her dependents to the best of the parolee's ability; that the parolee shall make reparation or restitution for his or her crime; that the parolee shall abandon evil associates and ways; and that the parolee shall carry out the instructions of his or her ~~parole supervisor~~ community supervision officer, and, in general, so comport himself or herself as the parolee's ~~supervisor~~ officer shall determine. A violation of the terms of parole may render the parolee liable to arrest and a return to a penal institution to serve out the term for which the parolee was sentenced.

(b) Each parolee who does not have a high school diploma or a general educational development ~~equivalency diploma~~ (GED) diploma shall be required as a condition of parole to obtain a high school diploma or general educational development ~~equivalency diploma~~ (GED) diploma or to pursue a trade at a vocational or technical school. Any such parolee who demonstrates to the satisfaction of the board an existing ability or skill which does in fact actually furnish the parolee a reliable, regular, and sufficient income shall not be subject to this provision. Any parolee who is determined by the ~~Department of Corrections~~ department or the board to be incapable of completing such requirements shall only be required to attempt to improve ~~their~~ his or her basic educational skills. Failure of any parolee subject to this requirement to attend the necessary schools or courses or to make reasonable progress toward fulfillment of such requirement shall be grounds for revocation of parole. The board shall establish regulations regarding reasonable progress as required by this subsection. This subsection shall apply to paroles granted on or after July 1, 1995."

SECTION 5-88.

Said title is further amended by revising subsections (c) and (d) of Code Section 42-9-48, relating to arrest of parolee or conditional release violator, as follows:

"(c) All officers authorized to serve criminal process, all peace officers of this state, and all employees of the ~~board~~ department whom the ~~board~~ commissioner of community supervision specifically designates in writing shall be authorized to execute the warrant.

(d) Any ~~parole supervisor~~ community supervision officer, when he or she has reasonable ground to believe that a parolee or conditional releasee has violated the terms or conditions of his or her parole or conditional release in a material respect, shall notify the board or some member thereof; and proceedings shall thereupon be had as provided in this Code section."

SECTION 5-89.

Said title is further amended by revising subsection (b) of Code Section 42-9-53, relating to preservation of documents, classification of information and documents, divulgence of confidential state secrets, and conduct of hearings, as follows:

"(b)(1) All information, both oral and written, received by the members of the board in the performance of their duties under this chapter and all records, papers, and documents coming into their possession by reason of the performance of their duties under this chapter shall be classified as confidential state secrets until declassified by the board; provided, however, that the board shall be authorized to disclose to an alleged violator of parole or conditional release the evidence introduced against him or her at a final hearing on the matter of revocation of parole or conditional release~~; provided, further, that the board~~.

(2) The department may make supervision records of the ~~board~~ department available to ~~probation~~ officials employed with the Department of Corrections and the Sexual Offender Registration Review Board, provided that the same shall remain confidential and not available to any other person or subject to subpoena unless declassified by the ~~board~~ commissioner of community supervision."

SECTION 5-90.

Said title is further amended by revising Code Section 42-9-57, relating to effect of chapter on probation power of courts and cooperation by board with local agencies, as follows:

"42-9-57.

Nothing contained in this chapter shall be construed as repealing any power given to any court of this state to place offenders on probation or to ~~supervise the same nor any power of any probation agency set up in any county of the state in conjunction with the courts~~ provide for terms of offender supervison. The board shall be authorized to cooperate with ~~any such agencies~~ the department, except that it shall not assume or pay any financial obligations thereof. ~~The board shall also be authorized to cooperate with the courts for the probation of offenders in those counties in which there is no existing probation agency, when a court so requests.~~"

SECTION 5-91.

Said title is further amended by revising subsection (b) of Code Section 42-9-90, relating to application fee required for transfer consideration, as follows:

"(b) The ~~Department of Corrections~~ department and the State Board of Pardons and Paroles ~~are~~ shall be authorized to require any nonindigent adult offender to pay a $25.00 application fee when applying to transfer his or her supervision from Georgia to any other state or territory pursuant to the provisions of Articles 3 and 4 of this chapter."

SECTION 5-92.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by revising subsection (c) of Code Section 43-12A-5, relating to provider not to operate under any name deceptively similar to another, franchising or licensing to another licensed provider, and restrictions on certain individuals having stake in provider center, as follows:

"(c) A judicial officer, ~~probation~~ community supervision officer, law enforcement officer, or other officer or employee of a court or any person employed by a private company which has contracted to provide private probation services for misdemeanor cases, or any employee of the Department of Driver Services or the Department of Behavioral Health and Developmental Disabilities, and any immediate family member thereof shall be prohibited from owning, operating, being employed by, ~~or~~ acting as an agent or servant for, or having a financial interest in any provider center."

SECTION 5-93.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by revising subsection (e) of Code Section 45-7-9, relating to compensation for line-of-duty injuries of full-time state employees and exceptions, as follows:

"(e) Any employee of the Department of Corrections, employee of the Department of Community Supervision, employee of the State Board of Pardons and Paroles, employee of the Department of Natural Resources, employee of the Department of Revenue, or law enforcement officer who qualifies for disability allowances pursuant to Code Section 47-2-221 shall not be entitled to any benefits provided in this Code section."

SECTION 5-94.

Said title is further amended by revising subsection (a) of Code Section 45-7-21, relating to expense allowance and travel cost reimbursement for members of certain boards and commissions, as follows:

"(a) Each member of the boards and commissions enumerated in this Code section shall receive the same expense allowance per day as that received by a member of the General Assembly for each day such member of a board or commission is in attendance at a meeting of such board or commission, plus reimbursement for actual transportation costs while traveling by public carrier or the legal mileage rate for the use of a personal automobile in connection with such attendance. The expense allowance and reimbursement provided for in this Code section shall be paid in lieu of any per diem, allowance, or other remuneration now received by any such member for such attendance. The existing law relative to any limitation on the number of meeting days and remuneration for service on committees or subcommittees of any such board or commission shall remain in effect. The boards and commissions to which this Code section shall be applicable are as follows:

(1) State Board of Education;

(2) Board of Regents of the University System of Georgia;
(2.1) Board of Community Supervision;
(3) Board of Corrections;
(4) Board of Economic Development;
(5) Board of Natural Resources;
(6) State Transportation Board;
(7) Dental Education Board;
(8) Georgia Student Finance Commission;
(9) Veterans Service Board;
(10) Georgia Agricultural Exposition Authority;
(11) Georgia Board for Physician Workforce;
(12) Georgia Music Hall of Fame Authority;
(13) Georgia Sports Hall of Fame Authority;
(14) Georgia Rail Passenger Authority;
(15) Georgia Tobacco Community Development Board;
(16) State Board of the Technical College System of Georgia;
(17) Civil War Commission; and
(18) The delegation from the State of Georgia to the Southern Dairy Compact Commission."

SECTION 5-95.

Said title is further amended by revising paragraph (10) of Code Section 45-9-81, relating to definitions relative to the Georgia State Indemnification Fund, as follows:

"(10) 'Prison guard' means any person employed by the state or any political subdivision thereof whose principal duties relate to the supervision and incarceration of persons accused or convicted of the violation of the criminal laws of this state or any political subdivision thereof. Such term shall also mean any ~~probation supervisor or parole~~ community supervison officer who is required to be certified under Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' and whose principal duties directly relate to the supervision of ~~adult~~ probationers or ~~adult~~ parolees. Such term also means any person employed by the state or any political subdivision thereof whose principal duties include the supervision of youth who are charged with or adjudicated for an act which if committed by adults would be considered a crime."

SECTION 5-96.

Said title is further amended by revising Code Section 45-9-83, relating to the creation of the Georgia State Indemnification Commission, composition, assignment to Department of Administrative Services for administrative purposes, and meetings, as follows:

"45-9-83.

There is created the Georgia State Indemnification Commission which shall be composed of the Governor, the executive director of the Peace Officer Standards and Training Council, the executive director of the Georgia Firefighter Standards and

Training Council, the commissioner of public safety, the commissioner of transportation, the commissioner of corrections, the commissioner of community supervision, the commissioner of public health, one law enforcement officer who shall be a member of the Peace Officers' Association of Georgia appointed by the Governor from a list of five candidates provided by such organization, and one firefighter who shall be a member of the Georgia State Firemen's Association appointed by the Governor from a list of five candidates provided by such organization. The Governor shall be the chairperson of the commission, and the commission shall be assigned to the department for administrative purposes. The commission shall meet at least semiannually upon the call of the Governor."

SECTION 5-97.

Said title is further amended by revising paragraph (7) of Code Section 45-9-101, relating to definitions relative to the temporary disability compensation program, as follows:

"(7) 'Law enforcement officer' means any agent or officer of this state, or a political subdivision or municipality thereof, who, as a full-time or part-time employee, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws and whose duties include the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime. Such term also includes the employees designated by the commissioner of community supervision who have the duty to supervise children adjudicated for a Class A designated felony act or Class B designated felony act after release from restrictive custody, as such terms are defined in Code Section 15-11-2, and the commissioner of juvenile justice pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8 who have the duty to investigate and apprehend delinquent children, or the supervision of delinquent children under intensive supervision in the community, and any child with a pending juvenile court case alleging the child to be a child in need of services who has escaped from a facility under the jurisdiction of the Department of Juvenile Justice or who has broken the conditions of supervision. Such term also includes members of the Georgia National Guard, the composition of which is set forth in Code Section 38-2-3, who have been called into active state service by the Governor."

SECTION 5-98.

Said title is further amended by revising Code Section 45-18-7, relating to retiring employees, spouses, and dependents and eligibility of employees of state-wide probation system to continue coverage upon retirement from local retirement system, as follows:

"45-18-7.

~~(a)~~ The contract or contracts shall provide for health insurance for retiring state employees and their spouses and dependent children, as defined by the regulations of the board, on such terms as the board may deem appropriate; and the board may authorize the inclusion in the plan of the employees and retiring employees of state authorities covered by the Employees' Retirement System of Georgia and their spouses

and dependent children, as defined by the regulations of the board. Any state authority participating in the plan shall be required to pay the same rate of contribution paid by the state. The board shall adopt regulations prescribing the conditions under which an employee or retiring employee may elect to participate in or withdraw from the plan.
~~(b) Employees of the state-wide probation system administered by the Department of Corrections who were employees of a county probation system of a county having a population of 800,000 or more according to the United States decennial census of 2000 or any future such census and who were members of a local retirement system and had ten or more years of creditable service under the local retirement system at the time the county probation system became a part of the state-wide probation system shall be eligible to continue coverage under the health insurance plan for the state employees upon retirement from a local retirement system by paying a premium set by the board. Such retired persons shall be eligible to enroll their spouses and eligible dependents in accordance with the regulations of the board. Such retirees shall be treated in the same manner as other retirees eligible to continue coverage under the Employees' Retirement System of Georgia. The board may promulgate and adopt rules and regulations governing continuance and discontinuance of coverage for such retired persons and their spouses and eligible dependents.~~"

SECTION 5-99.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising paragraph (1) of Code Section 48-7-161, relating to definitions, as follows:

"(1) 'Claimant agency' means and includes, in the order of priority set forth below:

(A) The Department of Human Services and the Department of Behavioral Health and Developmental Disabilities with respect to collection of debts under Article 1 of Chapter 11 of Title 19, Code Section 49-4-15, and Chapter 9 of Title 37;

(B) The Georgia Student Finance Authority with respect to the collection of debts arising under Part 3 of Article 7 of Chapter 3 of Title 20;

(C) The Georgia Higher Education Assistance Corporation with respect to the collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20;

(D) The Georgia Board for Physician Workforce with respect to the collection of debts arising under Part 6 of Article 7 of Chapter 3 of Title 20;

(E) The Department of Labor with respect to the collection of debts arising under Code Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the exception of Code Sections 34-8-158 through 34-8-161; provided, however, that the Department of Labor establishes that the debtor has been afforded required due process rights by such Department of Labor with respect to the debt and all reasonable collection efforts have been exhausted;

(F) The Department of ~~Corrections~~ Community Supervision with respect to probation fees arising under Code Section 42-8-34 and restitution or reparation ordered by a court as a part of the sentence imposed on a person convicted of a

crime who is in the legal custody of the ~~department;~~ Department of Corrections or the Department of Community Supervision; and

(G) ~~The State Board of Pardons and Paroles with respect to restitution imposed on a person convicted of a crime and subject to the jurisdiction of the board; and~~

~~(H)~~ The Department of Juvenile Justice with respect to restitution imposed on a juvenile for a delinquent act which would constitute a crime if committed by an adult."

SECTION 5-100.

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by revising Code Section 49-3-6, relating to the functions of county family and children services department, as follows:

"49-3-6.

Subject to the rules and regulations of the Board of Human Services, the county department shall be charged with the administration of all forms of public assistance in the county, including home relief; indoor and outdoor care for those in need; temporary assistance for needy families; old-age assistance; aid to the blind and otherwise disabled; the care and treatment of dependent, neglected, delinquent, and disabled children; and such other welfare activities as shall be delegated to it by the Department of Human Services or by the county commissioners. The county department shall also investigate and pass upon all applications for admission to and discharge from county institutions which provide care and treatment for indigents. If so appointed by a court of competent jurisdiction, the Department of Human Services or the county or district department of family and children services shall perform under the supervision of such court the function of juvenile probation officer or agent of the court in any welfare or penal matters which may be before it."

SECTION 5-101.

Said title is further amended by revising subsection (c) of Code Section 49-4A-8, relating to commitment of delinquent children, procedure, cost, return of mentally ill or developmentally disabled children, escapees, discharge, evidence of commitment, records, and restitution, as follows:

"(c) When a court commits a delinquent child to the department, the court shall at once electronically submit a certified copy of the order of commitment to the department, and the court, the juvenile probation officer, the community supervision officer, the prosecuting and police authorities, the school authorities, and other public officials shall make available to the department all pertinent information in their possession pertaining to the case, including, but not limited to, any predisposition investigation report as set forth in Code Section 15-11-590 and any risk assessment. Such reports shall, if the department so requests, be made upon forms furnished by the department or according to an outline provided by the department."

SECTION 5-102.

Said title is further amended by revising subsection (c) of Code Section 49-4A-11, relating to aiding or encouraging child to escape and hindering apprehension of child, as follows:

"(c) Any person who shall knowingly hinder the apprehension of any child under the supervision of the Department of Community Supervision or the lawful control or custody of the department who has been placed by the department in one of its institutions or facilities and who has escaped therefrom or who has been placed under supervision and is alleged to have broken the conditions thereof shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years."

PART VI
EFFECTIVE DATE,
APPLICABILITY, AND REPEALER
SECTION 6-1.

This Act shall become effective July 1, 2015, and shall apply to sentences entered on or after such date.

SECTION 6-2.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Powell of the 32nd offers the following amendment:

Amend the House Committee on Judiciary, Non-civil substitute to HB 310 (LC 29 6496-ECS) by replacing lines 893 through 897 with the following:

(c) If pay-only probation is subsequently converted to a sentence that requires community service, on petition by a probation officer or private probation officer and with the probationer having an opportunity for a hearing, the court may reinstate probation supervision fees as necessary to monitor the probationer's compliance with community service obligations.

By replacing "probation office" *with* "court" *on line 947.*

By replacing line 951 with the following:

rate set forth in the contract between the court and the provider of services; and

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
N Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Floyd	Y Kendrick	Y Reeves	Y Watson
N Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 164, nays 5.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 319. By Representatives Nimmer of the 178th, Dickey of the 140th and Coomer of the 14th:

A BILL to be entitled an Act to amend Code Section 48-8-17 of the Official Code of Georgia Annotated, relating to the temporary suspension of the collection of taxes on gasoline and aviation fuel, so as to provide for legislative findings; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to ratify an executive order of the Governor suspending temporarily the collection of such taxes; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams
Y Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Epps
Y Evans
Y Fleming
Y Floyd
Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
E Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
E Jones, L
Y Jones, S
E Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
E Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, the ayes were 168, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

The following Bill of the House, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

HB 515. By Representatives Mitchell of the 88th, Holcomb of the 81st and Henson of the 86th:

A BILL to be entitled an Act to incorporate the City of Tucker in DeKalb County; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

N Abrams
Y Alexander
N Allison
Y Anderson
N Atwood
Y Ballinger
N Barr
Y Battles
E Beasley-Teague
N Bell
Y Belton
Y Bennett
E Bentley
N Benton
Y Beskin
Y Beverly
N Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Cheokas
N Clark, D
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Douglas
Y Drenner
Y Dudgeon
Y Dukes
N Dunahoo
Y Duncan
Y Ealum
N Efstration
N Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
N Geisinger
E Glanton
E Golick
Y Harbin
Y Harden
N Harrell
Y Hatchett
N Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
E Jones, L
Jones, S
E Jordan
Y Kaiser
N Kelley
Y Kendrick
Y Kidd
N Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Meadows
E Mitchell
N Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
N Pak
Y Parrish
Y Parsons
N Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
N Rhodes
Rice
Y Roberts
Y Rogers, C
Y Rogers, T
N Rutledge
Y Rynders
Y Scott
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
E Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
N Tarvin
Y Taylor, D
N Taylor, T
E Teasley
Y Thomas, A.M.
Y Thomas, E
N Trammell
Y Turner
Y Waites
Y Watson
N Welch
Y Weldon
Y Werkheiser
Y Wilkerson
E Wilkinson
Y Willard
Williams, A
N Williams, C

N Clark, H	Y Gordon	N Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Gravley	Y Mayo	N Sharper	Williamson
Y Coleman	N Greene	Y McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 128, nays 31.

The Bill, having received the requisite constitutional majority, was passed.

HB 374. By Representatives Nix of the 69th, Shaw of the 176th, Carter of the 175th, England of the 116th, Williams of the 119th and others:

A BILL to be entitled an Act to amend Part 5 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to an exemption from ad valorem taxation for certain farm equipment held for sale in dealer inventory, so as to provide for additional qualifications; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	E Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	E Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser

Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	E Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 165, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 464. By Representative Williamson of the 115th:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of, and exemptions from state income taxes, so as to sunset tax credits relating to water conservation facilities and a shift from ground-water usage; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of, and exemptions from state income taxes, so as to sunset tax credits relating to water conservation facilities and a shift from ground-water usage; to provide certain limitations with respect to the income tax credit for qualified donations of real property; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of, and exemptions from state income taxes, is amended by adding a new subsection to Code Section 48-7-40.10, relating to a tax credit for water conservation facilities, as follows:

"(d) This Code section shall stand repealed on December 31, 2016."

SECTION 2.

Said article is further amended by adding a new subsection to Code Section 48-7-40.11, relating to a tax credit for a shift from ground-water usage, as follows:

"(d) This Code section shall stand repealed on December 31, 2016."

SECTION 3.

Said article is further amended by adding a new paragraph to subsection (d) of Code Section 48-7-29.12, relating to qualified donations of real property, to read as follows:

"(3) Beginning on January 1, 2016, the aggregate amount of tax credits allowed under this Code section shall not exceed $30 million per calendar year. The Department of Natural Resources shall accept no new applications for the tax credits allowed under this Code section after December 31, 2016."

SECTION 4.

This Act shall become effective on July 1, 2015.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	E Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites

Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	E Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 171, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The Speaker announced the House in recess until 5:00 o'clock, this afternoon.

The Speaker called the House to order.

The following Resolution of the House was read and referred to the Committee on Rules:

HR 643. By Representatives Stovall of the 74th, Strickland of the 111th, Scott of the 76th, Jones of the 53rd, Mabra of the 63rd and others:

A RESOLUTION commending Chris "Ludacris" Bridges, founder of The Ludacris Foundation, and inviting him to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 644. By Representatives Burns of the 159th and Hitchens of the 161st:

A RESOLUTION commending Mr. Wilson C. "Peck" Lawson, Sr.; and for other purposes.

HR 645. By Representatives Shaw of the 176th, Carter of the 175th and Houston of the 170th:

A RESOLUTION honoring and celebrating the 91st birthday of Mrs. Nell Patten Roquemore; and for other purposes.

HR 646. By Representatives Thomas of the 56th, Thomas of the 39th, Dudgeon of the 25th, Setzler of the 35th and Brooks of the 55th:

A RESOLUTION commending Dr. Thomas Mensah; and for other purposes.

HR 647. By Representatives Frazier of the 126th, Abrams of the 89th, Smith of the 125th, Jackson of the 128th, Bruce of the 61st and others:

A RESOLUTION honoring the life and memory of Mrs. Floree Garnett Johnson; and for other purposes

HR 648. By Representatives O`Neal of the 146th, Abrams of the 89th, Ramsey of the 72nd, Teasley of the 37th and Jones of the 47th:

A RESOLUTION honoring the Georgia Chamber of Commerce in its 100th year; and for other purposes.

HR 649. By Representatives Beskin of the 54th, Wilkinson of the 52nd, Reeves of the 34th, Taylor of the 79th, Kaiser of the 59th and others:

A RESOLUTION commending the third grade classes of Warren T. Jackson Elementary School; and for other purposes.

Representative Tarvin of the 2nd moved that the following Bill of the House be withdrawn from the Committee on Ways & Means and recommitted to the Committee on Intragovernmental Coordination - Local:

HB 424. By Representative Tarvin of the 2nd:

A BILL to be entitled an Act to authorize the governing authority of the City of LaFayette to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 98. By Representatives Coomer of the 14th, Caldwell of the 131st, Atwood of the 179th, Meadows of the 5th, Holcomb of the 81st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to appellate practice, so as to provide for direct appeals and appeals requiring an application for appeals to the appellate courts on matters pertaining to courts-martial; to amend Chapter 2 of Title 38 of the Official Code of Georgia Annotated, relating to military affairs, so as to repeal and reenact Article 5, the "Georgia Code of Military Justice"; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 38 of the Official Code of Georgia Annotated, relating to military affairs, so as to repeal and reenact Article 5, the "Georgia Code of Military Justice"; to provide for a short title; to provide for definitions; to reorganize the Code to match the numbering of the applicable provisions of the federal Code; to provide new rules for the appointment of a State Judge Advocate; to establish jurisdiction over any member on Title 32 of the United States Code orders and provide for prosecutions by civilian or military authorities based on the nature of the offense charged; to create the Office of the State Judge Advocate, provide for qualifications, and appointment of other judge advocates; to establish authority for arresting people who are subject to the article, provide for limitations, and allow for delivering people to civilian authorities for arrest; to create nonjudicial punishment; to establish general, special, and summary courts martial and the punishment each may impose; to create the procedural rules for courts martial, including convening the court, appointing trial and defense counsel, investigating the charges, pretrial confinement, findings of guilt or innocence, and every other aspect of the trial; to establish post-trial procedure, including clemency review, motions for new trial, and appellate review; to provide for punishments; to establish courts of inquiry for general investigations of noncriminal incidents; to designate who may administer oaths; to allow for appointment of marshals; to provide for training; to create a process for subordinates to make complaints against superiors; to provide for the authority of the Adjutant General to issue other written discipline to subordinates; to create boards of inquiry to review civilian complaints of unlawful takings by the state militia; to provide for the Governor to delegate certain authority; to provide for the use of funds; to establish the process for collection of fines; to provide for the purpose of the article; to provide for immunity for official acts of military members and civilian employees of guard; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 38 of the Official Code of Georgia Annotated, relating to military affairs, is amended by repealing in its entirety Article 5, the "Georgia Code of Military Justice," and enacting a new article to read as follows:

"ARTICLE 5
Part 1

38-2-1000.
This article shall be known and may be cited as the 'Georgia Code of Military Justice.'

38-2-1001.
As used in this article, the term:
(1) 'Accuser' means a person who signs and swears to charges, directs that charges nominally be signed and sworn to by another, or has an interest other than an official interest in the prosecution of the accused.
(2) 'Another state' means any one of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.
(3) 'Apprehension' means the taking of a person into custody.
(4) 'Arrest' means the restraint of a person by oral or written order that is not imposed as punishment and that directs such person to remain within specified limits.
(5) 'Arrest in quarters' means a punishment requiring a person to remain within his or her military residence, whether a tent, stateroom, or other quarters assigned, or a private residence when government quarters have not been provided during the period of punishment.
(6) 'Cadet,' 'candidate,' or 'midshipman' means a person enrolled in or attending a military academy, regional training institute, or any other formal education program for the purpose of becoming a commissioned officer in the organized militia.
(7) 'Classified information' means any information or material that has been determined by an official of the United States or of another state, pursuant to law, an executive order, or regulation, to require protection against unauthorized disclosure for reasons of national or state security.
(8) 'Commander' means:
(A) A commissioned officer of the organized militia who is in command or who is in charge;
(B) The Governor; or
(C) The adjutant general.
(9) 'Commanding officer' means a commander.
(10) 'Confinement' means physical restraint imposed by order of competent authority depriving a person of freedom.
(11) 'Convening authority' means the person convening the court, a successor in office, or an authorized designee of the person or successor.

(12) 'Enlisted member' means a person in an enlisted grade.
(13) 'Judge advocate' means an individual who is certified or designated as such by the Judge Advocate General of the United States Army or Air Force or certified by the state judge advocate as competent to perform such military justice duties required by this article. Such individual shall be a commissioned officer of the organized militia.
(14) 'Military court' means a court-martial or court of inquiry.
(15) 'Military judge' means an official of a general or special court-martial detailed by the convening authority.
(16) 'Organized militia' means the National Guard of this state as provided for by Title 32 of the United States Code, the Georgia Naval Militia, and any other military force organized under the constitution and laws of this state when not in a status subjecting such force or forces to exclusive jurisdiction under Chapter 47 of Title 10 of the United States Code.
(17) 'Record,' when used in connection with the proceedings of a court-martial, means:
(A) An official written transcript, written summary, or other writing relating to the proceedings; or
(B) An official audiotape, videotape, digital image or file, or similar material from which sound, or sound and visual images, depicting the proceedings may be reproduced.
(18) 'Senior force commander' means the assistant adjutant general for army, the assistant adjutant general for air, or the brigadier general in charge of the State Defense Force.
(19) 'Superior commissioned officer' means a commissioned officer superior in rank or command.

38-2-1002.
(a) This article shall apply to all members of the organized militia at all times and in all places when not serving as provided for by Title 10 of the United States Code.
(b)(1) Subject matter jurisdiction under this article shall be established if a nexus exists between an offense set forth in Part 10 of this article, except as provided in Code Section 38-2-1111 or 38-2-1112.1, and the organized militia. When a member is in a status as provided for by Title 32 of the United States Code or on state active duty, a rebuttable presumption exists that such nexus is established. As used in this paragraph, the term 'state active duty' means full-time duty in the organized militia under an order of the Governor or otherwise issued by authority of law and paid by funds of this state, including travel to and from such duty.
(2) Courts-martial shall have primary jurisdiction of an offense set forth in Part 10 of this article, except as provided in Code Section 38-2-1111 or 38-2-1112.1.
(3) A proper civilian court shall have primary jurisdiction of a nonmilitary offense when such act or omission violates both this article and local civilian criminal law, foreign or domestic. In such case, a court-martial may be initiated only after the

civilian authority has declined to prosecute or dismissed such charge; provided, however, that jeopardy has not attached.
(4) Jurisdiction over attempted crimes, conspiracy crimes, solicitation, and accessory crimes shall be determined by the underlying offense.

38-2-1003.
(a) Each person discharged from the organized militia who is later charged with having fraudulently obtained such discharge shall be, subject to Code Section 38-2-1043, subject to trial by court-martial on that charge and is, after apprehension, subject to this article while in custody under the direction of the organized militia for that trial. Upon conviction of such charge, such person shall be subject to trial by court-martial for all offenses under this article committed prior to the fraudulent discharge.
(b) No person who has deserted from the organized militia shall be relieved from amenability to the jurisdiction of this article by virtue of a separation from any later period of service.

38-2-1004.
When calculating forfeiture punishments under this article for nonactive duty members of the Georgia National Guard, each unit training assembly shall constitute a day. Otherwise, any punishment authorized by this article which is measured in terms of days shall mean successive days when served in a status of annual field training and shall mean succeeding duty days when served in a status other than annual field training.

38-2-1005.
(a) This article shall be applicable at all times and in all places, provided that either the person subject to this article is in a duty status or, if not in a duty status, that there is a nexus between the act or omission constituting an offense under this article and the efficient functioning of the organized militia. Such grant of military jurisdiction shall neither preclude nor limit civilian jurisdiction over an offense except when the prohibition of double jeopardy is concerned.
(b) Courts-martial and courts of inquiry may be convened and held in units of the organized militia while those units are serving outside of this state with the same jurisdiction and powers as to persons subject to this article as if such proceedings were held inside this state, and offenses committed outside this state may be tried and punished under this article either inside or outside this state.

38-2-1006.
(a) The Governor, on the recommendation of the adjutant general, shall appoint an individual to serve as the state judge advocate. To be eligible for such appointment, such individual shall be a judge advocate, a member of the State Bar of Georgia in good standing for not less than ten years, and have not less than five years of continuous service in the army or air National Guard of this state. The state judge advocate shall

serve as the primary legal advisor to the adjutant general and shall serve as the judge advocate on the joint staff. The state judge advocate shall supervise the Office of the State Judge Advocate and shall have authority for assignment, placement, and billeting of all judge advocates.

(b) The assistant adjutant general for army, the assistant adjutant general for air, and the brigadier general in charge of the State Defense Force, on the recommendation of the state judge advocate, shall each appoint a staff judge advocate for the Army National Guard, a staff judge advocate for the Air National Guard, and a staff judge advocate for the State Defense Force, respectively. Such staff judge advocates shall serve as the respective primary legal advisors to the assistant adjutant general for army, the assistant adjutant general for air, and the brigadier general in charge of the State Defense Force.

(c) The state judge advocate, or his or her assistants, shall make frequent inspections in the field in supervision of the administration of military justice in the organized militia.

(d) Convening authorities shall at all times communicate directly with a judge advocate in the same military service in matters relating to the administration of military justice.

(e) No person who has acted as member, military judge, trial counsel, defense counsel, or investigating officer, or who has been a witness, in any case may later act in any capacity in any reviewing authority upon the same case.

Part 2

38-2-1007.

(a) Any person authorized by this article or Chapter 47 of Title 10 of the United States Code, or by regulations issued under either, to take persons into custody subject to this article, any marshal of a court-martial appointed pursuant to the provisions of this article, and any peace officer or civil officer having authority to take offenders into custody under the laws of the United States or of another state, may do so upon probable cause that an offense has been committed and that the person taken into custody committed it.

(b) Commissioned officers, warrant officers, petty officers, and noncommissioned officers shall have authority to quell quarrels, frays, and disorders among persons subject to this article and to take persons into custody subject to this article who take part therein.

(c) If an offender is taken into custody outside this state, the offender's return to this state shall be in accordance with normal extradition procedures or by reciprocal agreement.

(d) No person authorized by this article to take persons into custody subject to this article, or the place where such offender is confined, restrained, held, or otherwise housed, shall require payment of any fee or charge for so receiving, apprehending, confining, restraining, holding, or otherwise housing a person except as otherwise provided by law.

38-2-1008.
Reserved.

38-2-1009.
(a) An enlisted member may be ordered into arrest or confinement by any commander in the grade of O-4 or above by an order, oral or written, delivered in person or through any other person who is subject to this article. A commander in the grade of O-4 or above may authorize commissioned officers, warrant officers, petty officers, or noncommissioned officers to order enlisted members of the commanding officer's command, or subject to the commanding officer's authority, into arrest or confinement.
(b) A commissioned officer, a warrant officer, or a civilian subject to this article or to trial thereunder may be ordered into arrest or confinement only by a commanding officer in the grade of O-6 or above to whose authority the person is subject by an order, oral or written, delivered in person or by another commissioned officer. The authority to order such persons into arrest or confinement shall not be delegated.
(c) No person may be ordered into arrest or confinement except for probable cause.
(d) This article shall not limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.
(e) The Governor, or the adjutant general under delegation by the Governor, may by written order, or regulations issued pursuant to Part 1 of Article 2 of this chapter, further limit who may order the arrest or confinement of members.

38-2-1010.
Any person subject to this article who is charged with an offense under this article shall be ordered into arrest or confinement by the adjutant general, as circumstances may require. When any person subject to this article is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him or her of the specific wrong of which he or she is accused, and diligent steps shall be taken to try him or her or to dismiss the charges and release him or her.

38-2-1011.
Confinement and imprisonment other than in a guard house, whether prior to, during, or after trial by a military court, shall be executed in jails or correctional institutions designated by the Governor, or by the adjutant general under delegation by the Governor, for that purpose.

38-2-1012.
No member of the organized militia shall be placed in confinement in immediate association with enemy prisoners.

38-2-1013.
No person, while being held for trial or awaiting a verdict, shall be subjected to punishment or penalty other than arrest or confinement upon the charges pending against him or her, nor shall the arrest or confinement imposed upon such person be any more rigorous than the circumstances require to insure his or her presence and the safety of others, but he or she may be subjected to minor punishment during such period for infractions of discipline. Any person placed in confinement while being held for trial or awaiting a verdict shall be given administrative credit for such time to offset any sentence subsequently imposed.

38-2-1014.
(a) A person who is subject to this article and accused of an offense against civil authority shall be delivered, upon request, to the civil authority for trial or confinement.
(b) When delivery under this article is made to any civil authority of a person undergoing sentence of a court-martial, and the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, the offender, after having answered to the civil authorities for the offense, shall, upon the request of competent military authority, be returned to the place of original custody for the completion of his or her sentence.

Part 3

38-2-1015.
(a) Under such regulations as may be prescribed by the Governor pursuant to Part 1 of Article 2 of this chapter, or the adjutant general under delegation by the Governor, any commanding officer may impose disciplinary punishments for minor offenses without the intervention of a court-martial pursuant to this Code section. A commanding officer's authority under this Code section shall not be delegated.
(b) As provided for by subsection (a) of this Code section, any commanding officer may impose upon enlisted members of such commanding officer's command one or more of the following punishments:
(1) An admonition;
(2) A reprimand;
(3) The withholding of privileges for not more than six months, whether or not such withholding is for consecutive months;
(4) Restitution;
(5) The forfeiture of pay of not more than seven-day's pay;
(6) A reduction by one grade of a member in the grade of E-4 and below;
(7) Extra duties, including, but not limited to, fatigue duties, for not more than 14 days, whether or not such days are consecutive; and
(8) Restriction to certain specified limits, with or without suspension from duty, for not more than 14 days, whether or not such days are consecutive.

(c) As provided for by subsection (a) of this Code section, any commanding officer in the grade of O-4 or above may impose upon enlisted members of such commanding officer's command one or more of the following punishments:

(1) Any punishment authorized in paragraphs (1) through (4) of subsection (b) of this Code section;

(2) The forfeiture of not more than one-half of one month's pay per month for two months;

(3) A reduction by one grade of a member in the grade of E-6 and below;

(4) Extra duties, including, but not limited to, fatigue duties, for not more than 45 days, whether or not such days are consecutive; and

(5) Restriction to certain specified limits, with or without suspension from duty, for not more than 60 days, whether or not such days are consecutive.

(d) As provided for by subsection (a) of this Code section, any commanding officer in the grade of O-6 or above may impose upon enlisted members of such commanding officer's command one or more of the following punishments:

(1) Any punishment authorized in paragraphs (1), (2), (4), and (5) of subsection (c) of this Code section; and

(2) A reduction by one grade of a member in the grade of E-7 and below.

(e) As provided for by subsection (a) of this Code section, the adjutant general or an officer of a general or flag rank in command may impose one or more of the following punishments:

(1) Upon commissioned or warrant officers under the command of the adjutant general or officers of a general or flag rank command:

(A) Any punishment authorized in paragraphs (1), (2), and (5) of subsection (c) of this Code section; and

(B) Arrest in quarters for not more than 30 days, whether or not such days are consecutive; and

(2) Upon enlisted members under the command of the adjutant general or officers of a general or flag rank command:

(A) Any punishment authorized in paragraph (1) of subsection (d) of this Code section; and

(B) A reduction by one grade.

(f) Whenever any of the punishments provided for by this Code section are combined to run consecutively, the total length of the combined punishment shall not exceed the authorized duration of the longest punishment in the combination, and there shall be an apportionment of punishments such that no single punishment in the combination exceeds its authorized length under this Code section.

(g)(1) The officer who imposes punishment under this Code section, or such officer's successor in command, may, at any time, suspend, set aside, mitigate, or remit any part or amount of the punishment and restore all rights, privileges, and property affected. Such officer may also:

(A) Mitigate reduction in grade to forfeiture of pay;

(B) Mitigate arrest in quarters to restriction; or

(C) Mitigate extra duties to restriction.

(2) The mitigated punishment under this subsection shall not be for a greater period than the punishment mitigated. When mitigating reduction in grade to forfeiture of pay, the amount of the forfeiture shall not be greater than the amount that could have been imposed initially under this Code section by the officer who imposed the punishment mitigated.

(h) A person punished under this Code section who considers the punishment unjust or disproportionate to the offense may through the proper channel appeal to the next superior authority within 30 days after the punishment is either announced or sent to the accused, as the commander may determine. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority shall exercise the same powers with respect to the punishment imposed as may be exercised under subsection (g) of this Code section by the officer who imposed the punishment. Before acting on an appeal from a punishment, the authority who is to act on the appeal may refer the case to a judge advocate for consideration and advice.

(i) The imposition and enforcement of disciplinary punishment under this Code section for any act or omission shall not be a bar to trial by court-martial or a civilian court of competent jurisdiction for a serious crime or offense growing out of the same act or omission and not properly punishable under this Code section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial and, when so shown, it shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(j) Whenever a punishment of forfeiture of pay is imposed under this Code section, the forfeiture may apply to pay accruing before, on, or after the date that punishment is imposed.

(k) Regulations issued pursuant to Part 1 of Article 2 of this chapter may prescribe the form of records to be kept of proceedings under this Code section and may prescribe that certain categories of those proceedings shall be in writing.

(l) No member has the right to decline nonjudicial punishment under this Code section and to demand any type of court-martial.

Part 4

38-2-1016.

There shall be three kinds of courts-martial in the organized militia:

(1) General courts-martial, which shall consist of:

(A) A military judge and not less than six members; or

(B) Only a military judge, if, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests orally on the record or in writing a court composed of only a military judge and the military judge approves;

(2) Special courts-martial, which shall consist of:

(A) A military judge and not less than six members; or
(B) Only a military judge, if one has been detailed to the court, and the accused under the same conditions as those provided for in subparagraph (B) of paragraph (1) of this Code section so requests; and
(3) Summary courts-martial, consisting of one commissioned officer.

38-2-1017.
Each force of the organized militia has court-martial jurisdiction over all members of the particular force of the organized militia who are subject to this article. The Georgia Army National Guard and the Georgia Air National Guard shall have court-martial jurisdiction over all members subject to this article.

38-2-1018.
Subject to Code Section 38-2-1017, general courts-martial shall have jurisdiction to try persons subject to this article for any offense made punishable by this article, and shall, under such limitations as the Governor may prescribe pursuant to Part 1 of Article 2 of this chapter, adjudge any one or more of the following punishments not otherwise forbidden by this article:
(1) Confinement for a period of not more than ten years;
(2) Restriction to specified limits for not more than six months;
(3) Dismissal, dishonorable discharge, or bad conduct discharge;
(4) Forfeiture of all or a portion of pay and allowances;
(5) Restitution;
(6) Reduction to the lowest or any intermediate pay grade of enlisted persons;
(7) A reprimand; and
(8) No punishment.

38-2-1019.
Subject to Code Section 38-2-1017, special courts-martial shall have jurisdiction to try persons subject to this article for any offense made punishable by this article, and shall, under such limitations as the Governor, or the adjutant general by delegation of the Governor, may prescribe by regulations issued pursuant to Part 1 of Article 2 of this chapter, adjudge any one or more of the following punishments not otherwise forbidden by this article:
(1) Confinement for a period of not more than one year;
(2) Restriction to specified limits for not more than six months;
(3) Bad conduct discharge;
(4) Forfeiture of all or a portion of pay and allowances for not more than one year;
(5) Restitution;
(6) Reduction to the lowest or any intermediate pay grade of enlisted persons;
(7) A reprimand; and
(8) No punishment.

38-2-1020.
(a) Subject to Code Section 38-2-1017, summary courts-martial shall have jurisdiction to try persons subject to this article, except for commissioned or warrant officers, cadets, candidates, and midshipmen, for any offense made punishable by this article under such limitations as the Governor, or the adjutant general by delegation of the Governor, may prescribe by regulations issued pursuant to Part 1 of Article 2 of this chapter.
(b) No person with respect to whom summary courts-martial shall have jurisdiction may be brought to trial before a summary court-martial if he or she objects thereto. If objection to trial by summary court-martial is made by an accused, trial by special or general court-martial shall be ordered, as may be appropriate. Summary courts-martial shall, under such limitations as the Governor, or the adjutant general by delegation of the Governor, may prescribe by regulations issued pursuant to Part 1 of Article 2 of this chapter, adjudge any one or more of the following punishments not otherwise forbidden by this article:
(1) Confinement for a period of not more than one month;
(2) Restriction to specified limits for not more than two months;
(3) Forfeiture of all or a portion of pay and allowances for not more than 60 days;
(4) Restitution;
(5) Reduction of no more than two grades of enlisted persons;
(6) A reprimand; and
(7) No punishment.

38-2-1021.
Reserved.

Part 5

38-2-1022.
(a) General courts-martial may be convened by the Governor. The Governor may delegate the authority to convene general courts-martial to the adjutant general, but such authority shall not be delegated further.
(b) If the Governor is the accuser, the general court-martial shall be convened by the Lieutenant Governor.
(c) For administrative purposes other than the actual convening of a general court-martial, the adjutant general shall be considered the general court-martial convening authority.

38-2-1023.
(a) Special courts-martial may be convened by the Governor, the adjutant general, the assistant adjutant general for army, or the assistant adjutant general for air.

(b) If any individual in subsection (a) of this Code section is an accuser, the special court-martial shall be convened by superior competent authority and may in any case be convened by such superior authority if considered desirable by such authority.

38-2-1024.
(a) Summary courts-martial may be convened by:
(1) Any person authorized to convene a special court-martial under subsection (a) of Code Section 38-2-1023; or
(2) Any commander in the grade of O-6 or above.
(b) If any individual listed in subsection (a) of this Code section is an accuser, the summary court-martial shall be convened by superior competent authority and may in any case be convened by such superior authority if considered desirable by such authority.
(c) The Governor, or the adjutant general by delegation of the Governor, may, by written order, further limit who may convene actions under this Code section.

38-2-1025.
(a) For purposes of this Code section, the term 'unit' means any regularly organized body of the organized militia not larger than a company, a squadron, a division of the naval militia, or a body corresponding to one of them.
(b) Any commissioned officer of the organized militia shall be eligible to serve on all courts-martial for the trial of any person who is subject to this article.
(c) Any warrant officer of the organized militia shall be eligible to serve on general and special courts-martial for the trial of any person who is subject to this article, other than a commissioned officer.
(d) Any enlisted member of the organized militia who is not a member of the same unit as the accused shall be eligible to serve on general and special courts-martial for the trial of any enlisted member who is subject to this article, but such enlisted member shall serve as a member of a court only if, before the conclusion of a session called by the military judge under Code Section 38-2-1039 prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused, the accused personally has requested orally on the record or in writing that enlisted members serve on it. After such a request, the accused shall not be tried by a general or special court-martial the membership of which does not include enlisted members in a number comprising at least one-third of the total membership of the court, unless eligible enlisted members cannot be obtained on account of physical conditions or military exigencies. If such members cannot be obtained, the court shall be assembled and the trial held without such enlisted members, but the convening authority shall make a detailed written statement, to be appended to the record, stating why such number of enlisted members could not be obtained.
(e) No person who is subject to this article shall be tried by a court-martial any member of which is junior to the accused in rank or grade.

(f) When convening a court-martial, the convening authority shall detail as members thereof such members of the organized militia as, in the convening authority's opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of the organized militia shall be eligible to serve as a member of a general or special court-martial when that member is the accuser, a witness, or has acted as investigating officer or as counsel in the same case.
(g) Before a court-martial is assembled for the trial of a case, the convening authority may excuse a member of the court from participating in the case. The convening authority may delegate the authority under this subsection to a judge advocate or to any other principal assistant.

38-2-1026.
(a) A military judge shall be detailed to each general and special court-martial by the authority convening a general or special court-martial. The military judge shall preside over each open session of the court-martial to which the military judge has been detailed.
(b) A military judge shall be:
(1) An active or retired commissioned officer of the organized militia or state military force of another state or of the armed forces of the United States or a reserve component thereof;
(2) A member in good standing of the bar of the highest court of another state or a member of the bar of a federal court for at least five years; and
(3) Certified as qualified for duty as a military judge by the judge advocate general of the army, air force, or navy and the state judge advocate
(c) In the instance when a military judge is not a member of the bar of the highest court of this state, the military judge shall be deemed admitted pro hac vice, subject to filing a certificate with the state judge advocate setting forth such qualifications as provided for in subsection (b) of this Code section.
(d) The military judge of a general or special court-martial shall be designated by the state judge advocate, or a designee, for detail by the convening authority. Neither the convening authority nor any primary staff member of the convening authority shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to performance of duty as a military judge.
(e) Whenever possible, the military judge of a general or special court-martial shall be of the same branch of service as the accused.
(f) No person shall be eligible to act as military judge in a case if that person is the accuser or a witness or has acted as investigating officer or a counsel in the same case.
(g) The military judge of a court-martial shall not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel and shall not vote with the members of the court.
(h) If no person who meets the qualifications to serve as military judge under this Code section is readily available in the sole discretion of the state judge advocate, a law

officer shall be appointed. A law officer may serve in place of a military judge provided he or she meets the qualifications as provided for in paragraphs (1) and (2) of subsection (b) of this Code section and is approved for such service, in writing, by the state judge advocate.

38-2-1027.

(a)(1) For each general and special court-martial the convening authority shall detail a trial counsel and such assistants as appropriate.

(2) For each general and special court-martial, if the United States Army Trial Defense Services or a similar entity exists, such entity shall detail defense counsel and such assistants as are appropriate. If no appropriate such entity exists, the convening authority shall detail defense counsel and such assistants as are appropriate.

(3) No person who has acted as investigating officer, military judge, a witness, or court member in any case may act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant or associate defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense nor may any person who has acted for the defense act later in the same case for the prosecution.

(b) Except as provided in subsection (c) of this Code section, trial counsel or defense counsel detailed for a general or special court-martial shall be a judge advocate.

(c) In the instance where a defense counsel is not a member of the bar of the highest court of this state, the defense counsel shall be deemed admitted pro hac vice, subject to filing a certificate with the military judge setting forth the qualifications that counsel is:

(1) A commissioned officer of the organized militia or state military force of another state or of the armed forces of the United States or a reserve component thereof;

(2) A member in good standing of the bar of the highest court of another state; and

(3) Certified as a judge advocate in the judge advocate general's corps of the army, air force, navy, or the marine corps.

(d) Nothing in this Code section shall preclude the accused from hiring a civilian attorney who is a member of the bar of this state or who has been admitted pro hac vice. Such attorney shall serve the accused at no cost to another state or the federal government.

38-2-1028.

Under such regulations as may be prescribed by the Governor pursuant to Part 1 of Article 2 of this chapter, the convening authority of a general or special court-martial or court of inquiry shall detail or employ qualified court reporters who shall record the proceedings of and testimony taken before that court. Under like regulations, the convening authority may detail or employ interpreters who shall interpret for the court.

38-2-1029.

(a) No member of a general or special court-martial shall be absent or excused after the court has been assembled for the trial of the accused unless excused as a result of a

challenge, excused by the military judge for physical disability or other good cause, or excused by order of the convening authority for good cause.

(b) Whenever a general court-martial, other than a general court-martial composed of a military judge only, is reduced below six members, the trial shall not proceed unless the convening authority details new members sufficient in number to provide not less than six members. The trial shall proceed with the new members present after the recorded evidence previously introduced before the members of the court has been read to the court in the presence of the military judge, the accused, and counsel for both sides.

(c) Whenever a special court-martial, other than a special court-martial composed of a military judge only, is reduced below six members, the trial shall not proceed unless the convening authority details new members sufficient in number to provide not less than six members. The trial shall proceed with the new members present as if no evidence had been introduced previously at the trial, unless a verbatim record of the evidence previously introduced before the members of the court or a stipulation thereof is read to the court in the presence of the military judge, the accused, and counsel for both sides.

(d) If the military judge of a court-martial composed of a military judge only is unable to proceed with the trial because of physical disability, as a result of a challenge, or for other good cause, the trial shall proceed, subject to any applicable conditions of subparagraph (B) of paragraphs (1) and (2) of Code Section 38-2-1016, after the detail of a new military judge as if no evidence had previously been introduced, unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides.

Part 6

38-2-1030.

(a) Charges and specifications shall be signed by a person subject to this article under oath before a commissioned officer authorized by Code Section 38-2-1136 to administer oaths and shall state:

(1) That the signer has personal knowledge of, or has investigated, the matters set forth therein; and

(2) That the same are true in fact to the best of the signer's knowledge and belief.

(b) Upon the preferring of charges, the convening authority shall take immediate steps to determine what disposition should be made thereof in the interest of justice and discipline, and the person accused shall be informed of the charges as soon as practicable.

(c) The preferring of charges and findings and sentence of a general court-martial or special court-martial, or other disposition of the charges of the general court-martial or special court-martial, shall be reported to the Georgia Crime Information Center. The Governor shall prescribe by regulations issued pursuant to Part 1 of Article 2 of this chapter the means, manner, and methods of such reporting to the Georgia Crime Information Center.

38-2-1031.
(a) No person subject to this article shall compel any person to incriminate himself or herself or to answer any question the answer to which may tend to incriminate him or her.
(b) No person subject to this article shall interrogate or request any statement from an accused or a person suspected of an offense without first informing him or her of the nature of the accusation and advising him or her that he or she does not have to make any statement regarding the offense of which he or she is accused or suspected and that any statement made by him or her may be used as evidence against him or her in a trial by court-martial.
(c) No person subject to this article shall compel any person to make a statement or produce evidence before any military court if the statement or evidence is not material to the issue and may tend to degrade him or her.
(d) No statement obtained from any person in violation of this article or through the use of coercion, unlawful influence, or unlawful inducement shall be received in evidence against him or her in a trial by court-martial.

38-2-1032.
(a) No charge or specification shall be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made unless such investigation has been waived in writing by the accused after consultation with his or her defense counsel. Such investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline.
(b) The accused shall be advised of the charges against him or her and of the right to be represented at the investigation provided for by subsection (a) of this Code section by counsel. The accused has the right to be represented at such investigation as provided in Code Section 38-2-1038 and in regulations prescribed under that Code section. At such investigation, full opportunity shall be given to the accused to cross-examine witnesses against him or her, if they are available, and to present anything relevant he or she may desire in his or her own behalf, either in defense or mitigation, and the investigating officer shall examine available relevant witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.
(c) If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b) of this Code section, no further investigation of that charge shall be necessary under this Code section unless it is demanded by the accused after he or she is informed of the charge. A demand for further investigation shall entitle the

accused to recall witnesses for further cross-examination and to offer any new relevant evidence in the accused's own behalf.

(d) If evidence adduced in an investigation under this Code section indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of that offense without the accused having first been charged with the offense if the accused is:

(1) Present at the investigation;

(2) Informed of the nature of each uncharged offense investigated; and

(3) Afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b) of this Code section.

(e) The requirements of this Code section shall be binding on all persons administering this article, but failure to follow them shall not constitute jurisdictional error.

38-2-1033.

When a person is held for trial by general court-martial, the commanding officer shall, within three days after the accused is ordered into arrest or confinement, forward the charges, together with the investigation and allied papers, to the person exercising general court-martial jurisdiction.

38-2-1034.

(a) Before directing the trial of any charge by general or special court-martial, the convening authority shall refer it to the staff judge advocate of the service of the accused for consideration and advice. The convening authority shall not refer a specification under a charge to a general or special court-martial for trial unless the convening authority has been advised in writing by the staff judge advocate of the service of the accused that:

(1) The specification alleges an offense under this article;

(2) The specification is warranted by the evidence indicated in the report of investigation as provided for under Code Section 38-2-1032, if there is such a report; and

(3) A court-martial would have jurisdiction over the accused and the offense.

(b) The advice of the staff judge advocate under subsection (a) of this Code section with respect to a specification under a charge shall include a written and signed statement by the staff judge advocate:

(1) Expressing conclusions with respect to each matter set forth in subsection (a) of this Code section; and

(2) Recommending action that the convening authority take regarding the specification.

If the specification is referred for trial, the recommendation of the staff judge advocate shall accompany the specification.

(c) If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal

corrections, and such changes in the charges and specifications as are needed to make them conform to the evidence, may be made.

38-2-1035.
The trial counsel shall serve or cause to be served upon the accused a copy of the charges. No person shall, against his or her objection, be brought to trial before a general court-martial case within a period of five days after the service of charges upon him or her, or before a special court-martial case within a period of three days after the service of charges upon him or her.

Part 7

38-2-1036.
Pretrial, trial, and post-trial procedures, including, but not limited to, modes of proof, for courts-martial cases arising under this article and for courts of inquiry shall be prescribed by the Governor, or the adjutant general by delegation of the Governor, by regulations issued pursuant to Part 1 of Article 2 of this chapter, or as otherwise provided by law, which shall apply the principles of law generally recognized in military criminal cases in the courts of the armed forces but which may not be contrary to or inconsistent with this article.

38-2-1037.
(a) No authority convening a general, special, or summary court-martial nor any other commanding officer or officer serving on the staff thereof may censure, reprimand, or admonish such court or any member, the military judge, counsel, or witness thereof with respect to the findings or sentence adjudged by the court or with respect to any other exercise of its or his or her functions in the conduct of the proceedings. No person subject to this article shall attempt to coerce or, by any unauthorized means, influence the action of a court-martial or court of inquiry or any member thereof in reaching the findings or sentence in any case or the action of any convening, approving, or reviewing authority with respect to their judicial acts.
(b) Subsection (a) of this Code section shall not apply with respect to:
(1) General instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial; or
(2) Statements and instructions given in open court by the military judge, summary court-martial officer, or counsel.
(c) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the organized militia is qualified to be advanced in grade, of determining the assignment or transfer of a member of the organized militia, or of determining whether a member of the organized militia should be retained on active status, no person subject to this article shall, in preparing any such report:

(1) Consider or evaluate the performance of duty of any such member as a member of a court-martial or witness therein; or

(2) Give a less favorable rating or evaluation of any counsel of the accused because of zealous representation before a court-martial.

38-2-1038.

(a) The trial counsel of a general or special court-martial shall be a member in good standing of the State Bar of Georgia and shall prosecute in the name of this state and shall, under the direction of the court, prepare the record of the proceedings.

(b)(1) The accused shall have the right to be represented in defense before a general or special court-martial or at an investigation under Code Section 38-2-1032 as provided for in this subsection.

(2) The accused may be represented by civilian counsel at the provision and expense of the accused.

(3) Except as otherwise provided in this Code section, the accused shall be represented by:

(A) Military counsel as provided for under Code Section 38-2-1027; or

(B) Military counsel of the accused's own selection if such counsel is reasonably available as determined under paragraph (7) of this subsection.

(4) If the accused is represented by civilian counsel, military counsel detailed or selected under paragraph (3) of this subsection shall act as associate counsel if requested in writing by the accused; provided, however, that if no such request in writing is made, military counsel detailed under paragraph (3) of this subsection shall be excused.

(5) Except as provided under paragraph (6) of this subsection, if the accused is represented by military counsel of his or her own selection under subparagraph (b)(3)(B) of this Code section, any military counsel detailed under subparagraph (b)(3)(A) of this Code section shall be excused.

(6) The accused shall not be entitled to be represented by more than one military counsel; provided, however, that the person authorized under regulations prescribed under Code Section 38-2-1027 to detail counsel, in such person's sole discretion:

(A) May detail additional military counsel as assistant defense counsel; and

(B) If the accused is represented by military counsel of the accused's own selection under subparagraph (b)(3)(B) of this Code section, may approve a request from the accused that military counsel detailed under subparagraph (b)(3)(A) of this Code section act as associate defense counsel.

(7) The staff judge advocate of the same force of the accused shall determine whether the military counsel selected by an accused is reasonably available.

(c) In any court-martial proceeding resulting in a conviction, the defense counsel may:

(1) Forward for attachment to the record of proceedings a brief of such matters as counsel determines should be considered in behalf of the accused on review, including any objection to the contents of the record which such counsel considers appropriate;

(2) Assist the accused in the submission of any matter under Code Section 38-2-1060; and
(3) Take other action as authorized by this article.

38-2-1039.
(a) At any time after the service of charges which have been referred for trial to a court-martial composed of a military judge and members, the military judge shall, subject to Code Section 38-2-1035, call the court into session without the presence of the members for the purpose of:
(1) Hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;
(2) Hearing and ruling upon any matter which may be ruled upon by the military judge under this article, whether or not the matter is appropriate for later consideration or decision by the members of the court;
(3) Holding the arraignment and receiving the pleas of the accused; and
(4) Performing any other procedural function which does not require the presence of the members of the court under this article.
(b) The proceedings as provided for by subsection (a) of this Code section shall be conducted in the presence of the accused, the defense counsel, and the trial counsel and shall be made a part of the record. Such proceedings shall be conducted notwithstanding the number of court members and without regard to Code Section 38-2-1029.
(c) When the members of a court-martial deliberate or vote, only the members shall be present. All other proceedings, including, but not limited to, any other consultation of the members of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and the military judge.

38-2-1040.
The military judge of a court-martial or a summary court-martial officer may, for reasonable cause, grant a continuance to any party for such time and as often as may appear to be just.

38-2-1041.
(a)(1) The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge, if one, or the court shall determine the relevancy and validity of challenges for cause and shall not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.
(2) If exercise of a challenge for cause reduces the court below the minimum number of members required by Code Section 38-2-1016, all parties shall, notwithstanding Code Section 38-2-1029, either exercise or waive any challenge for cause then

apparent against the remaining members of the court before additional members are detailed to the court; provided, however, that peremptory challenges shall not be exercised at such time.

(b)(1) Each accused and the trial counsel are entitled initially to one peremptory challenge of members of the court. The military judge shall not be challenged except for cause.

(2) If exercise of a peremptory challenge reduces the court below the minimum number of members required by Code Section 38-2-1016, the parties shall, notwithstanding Code Section 38-2-1029, either exercise or waive any remaining peremptory challenge, not previously waived, against the remaining members of the court before additional members are detailed to the court.

(3) Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

38-2-1042.

(a) Before performing their respective duties, military judges, general and special courts-martial members, trial counsel, defense counsel, reporters, and interpreters shall take an oath or affirmation to perform their duties faithfully. The form of such oath or affirmation, the time and place of the taking thereof, the manner of recording the same, and whether the oath or affirmation shall be taken for all cases in which such duties are to be performed or for a particular case, shall be as prescribed in regulations issued pursuant to Part 1 of Article 2 of this chapter or as provided by law. Such regulations shall provide that an oath or affirmation to perform faithfully the duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified or designated to be qualified or competent for the duty, and if such an oath or affirmation is taken, it need not again be taken at the time the judge advocate or other person is detailed to that duty.

(b) Each witness before a court-martial shall be examined under oath or affirmation.

38-2-1043.

(a) A person charged with desertion or absence without leave in time of armed conflict or war, whether or not declared, or with aiding the enemy or with mutiny shall be tried and punished at any time without limitation.

(b) Except as otherwise provided in this article, a person charged with any offense shall not be liable to be tried by court-martial or punished under Code Section 38-2-1015 if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising court-martial jurisdiction over the command or before the imposition of punishment under Code Section 38-2-1015.

(c) Periods in which the accused is absent without authority or fleeing from justice shall be excluded in computing the period of limitation prescribed in this Code section.

(d) Periods in which the accused was absent from territory in which this state has the authority to take the accused into custody, or in which such accused is in the custody of civil authorities or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this Code section.

(e)(1) If charges or specifications are dismissed as defective or insufficient for any cause and the period of limitation prescribed by this Code section has expired or will expire within 180 days after the date of dismissal of the charges and specifications, trial and punishment under new charges and specifications shall not be barred by the period of limitation prescribed by this Code section if the conditions specified in paragraph (2) of this subsection are met.

(2) The conditions provided for by paragraph (1) of this subsection shall be that the new charges and specifications shall:

(A) Be received by an officer exercising summary court-martial jurisdiction over the command within 180 days after the dismissal of the charges or specifications; and

(B) Allege the same acts or omissions that were alleged in the dismissed charges or specifications or allege acts or omissions that were included in the dismissed charges or specifications.

38-2-1044.

(a) No person shall, without his or her consent, be tried a second time for the same offense.

(b) No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall be a trial in the sense of this Code section until the finding of guilty has become final after review of the case has been fully completed.

(c) A proceeding which, after the introduction of evidence but before a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused shall be a trial in the sense of this Code section.

38-2-1045.

(a) If an accused after arraignment makes an irregular pleading, or after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though the accused had pleaded not guilty.

(b) With respect to any charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge or by a court-martial without a military judge, a finding of guilty of the charge or specification may be entered immediately without vote. Such finding shall constitute the finding of the court unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event, the proceedings shall continue as though the accused had pleaded not guilty.

38-2-1046.
The trial counsel, the defense counsel, and the summary court-martial officer shall have equal opportunity to obtain witnesses and other evidence as prescribed by regulations issued pursuant to Part 1 of Article 2 of this chapter.

38-2-1046.1.
(a) Military courts are empowered to issue all process and mandates necessary and proper to carry into full effect the powers vested in the courts. The courts shall have power to issue subpoenas for the attendance of witnesses and subpoenas for the production of documentary evidence and to enforce by attachment attendance of witnesses and production of books, records, and other documentary evidence.
(b) Such process and mandates may be issued by military judges, summary courts-martial, provost courts, the president of other military courts, and boards of officers; may be directed to and may be executed by any sheriff, the marshals of the military court, or any peace officer; and shall be in such form as may be prescribed by regulations issued pursuant to Part 1 of Article 2 of this chapter.
(c) It shall be the duty of all officers to whom process or mandate may be so directed to execute the same and make return of their acts thereunder according to the requirements of the same. Except as otherwise specifically provided in this article, no such officer shall demand or require payment of any fee or charge of any nature for receiving, executing, or returning any process or mandate or for any services in connection therewith.

38-2-1047.
(a) Any person not subject to this article who:
(1) Has been duly subpoenaed to appear as a witness or to produce books and records before a court-martial or court of inquiry or before any military or civil officer designated to take a deposition to be read in evidence before such court;
(2) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending a criminal court of this state; and
(3) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpoenaed to produce
shall be punished by the military court in the same manner as a criminal court of this state.
(b) The fees and mileage of witnesses shall be advanced or paid out of the appropriations for the compensation of witnesses or other appropriate funds.

38-2-1048.
(a) A military judge may punish for contempt any person who uses any menacing word, sign, or gesture in his or her presence, or who disturbs the proceedings of the military court by any riot or disorder.

(b) A person subject to this article may be punished for contempt by confinement not to exceed 30 days or a fine of $1,000.00, or both.
(c) A person not subject to this article may be punished for contempt by a military court in the same manner as a criminal court of this state.

38-2-1049.
(a) At any time after charges have been signed as provided for in Code Section 38-2-1030, the military judge or summary court-martial officer, with approval of the state judge advocate, may allow a party to take oral or written depositions for good cause.
(b) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition, and such party may attend and participate in the deposition.
(c) Depositions shall be taken before and authenticated by any military or civil officer authorized by the laws of this state or by the laws of the place where the deposition is taken to administer oaths.
(d) A duly authenticated deposition taken upon reasonable notice to the other parties, so far as otherwise admissible under the rules of evidence, may be read in evidence or, in the case of audiotape, videotape, digital image or file, or similar material, may be played in evidence before any military court, if it appears that:
(1) The witness resides or is beyond another state in which the court is ordered to sit, or beyond 100 miles from the place of trial or hearing;
(2) The witness, by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, nonamenability to process, or other reasonable cause, is unable or refuses to appear and testify in person at the place of trial or hearing; or
(3) The present whereabouts of the witness are unknown.

38-2-1050.
(a) In any case not extending to the dismissal of a commissioned officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained may, if otherwise admissible under the rules of evidence, be read in evidence by any party before a court-martial if the accused was a party before the court of inquiry and if the same issue was involved or if the accused consents to the introduction of such evidence.
(b) In any case extending to the dismissal of a commissioned officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained may, if otherwise admissible under the rules of evidence, be read in evidence only by the defense.
(c) Such testimony as provided for in subsections (a) and (b) of this Code section may be read in evidence before a court of inquiry in like manner as provided for in subsections (a) and (b) of this Code section.

38-2-1050.1.
(a) It shall be an affirmative defense in a trial by court-martial that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his or her acts. Mental disease or defect shall not otherwise constitute a defense.
(b) The accused has the burden of proving the defense as provided for by subsection (a) of this Code section by clear and convincing evidence.
(c) Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue, the military judge shall follow the procedures set forth in Code Section 17-7-131.

38-2-1051.
(a) Voting by members of a general or special court-martial on the findings and on the sentence shall be by secret written ballot. The junior member of the court shall count the votes. The count shall be checked by the president who shall forthwith announce the result of the ballot to the members of the court.
(b) The military judge shall rule upon all questions of law and all interlocutory questions arising during the proceedings. Any such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused shall be final and shall constitute the ruling of the court; provided, however, that the military judge may change the ruling at any time during the trial. Unless the ruling is final, if any member objects thereto, the court shall be cleared and closed and the question decided by a voice vote as provided in Code Section 38-2-1052, beginning with the member junior in rank.
(c) Before a vote is taken on the findings, the military judge shall, in the presence of the accused and counsel, instruct the members of the court as to the elements of the offense and charge them that:
(1) The accused must be presumed to be innocent until his or her guilt is established by legal and competent evidence beyond reasonable doubt;
(2) In the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and the accused must be acquitted;
(3) If there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and
(4) The burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the state.
(d) Subsections (a), (b), and (c) of this Code section shall not apply to a court-martial composed of a military judge only. The military judge of such a court-martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, adjudge an appropriate sentence. The military judge of such a court-martial shall make a general finding and shall in addition, on request, find the

facts specially. If an opinion or memorandum of decision is filed, it shall be sufficient if the findings of fact appear therein.

38-2-1052.
(a) No person shall be convicted of an offense, except:
(1) As provided in Code Section 38-2-1045;
(2) By the vote of two-thirds of the members;
(3) By a summary court-martial officer; or
(4) If a court-martial is composed of a military judge only, by decision of the military judge.
(b) If two-thirds of the members of a court-martial composed of members do not vote for a conviction, the accused shall be acquitted.
(c)(1) All questions other than the questions provided for under subsections (a) and (b) of this Code section to be decided by the members of a general or special court-martial shall be determined by a majority vote; provided, however, that a determination to reconsider a finding of guilty or to reconsider a sentence, with a view toward decreasing it, shall be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence.
(2) A tie vote on a challenge shall disqualify the member challenged.
(3) A tie vote on a motion relating to the question of the sanity of the accused shall be a determination against the accused.
(4) A tie vote on a question other than the questions provided for under paragraphs (2) and (3) of this subsection shall be a determination in favor of the accused.

38-2-1053.
A court-martial shall announce its findings and sentence to the parties as soon as determined.

38-2-1054.
(a) Each general and special court-martial shall keep a separate record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his or her death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by that of a member, if the trial counsel is unable to authenticate it by reason of his or her death, disability, or absence. In a court-martial consisting of only a military judge, the record shall be authenticated by the court reporter under the same conditions which would impose such a duty on a member under this subsection.
(b)(1) A complete verbatim record of the proceedings and testimony shall be prepared in each general and special court-martial case resulting in a conviction.

(2) In all court-martial cases other than as provided for by paragraph (1) of this subsection, the record shall contain such matters as may be prescribed by regulations issued pursuant to Part 1 of Article 2 of this chapter.

(c) Each summary court-martial shall keep a separate record of the proceedings in each case, and the record shall be authenticated in the manner as may be prescribed by regulations issued pursuant to Part 1 of Article 2 of this chapter.

(d) A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as it is authenticated.

Part 8

38-2-1055.

Punishment by flogging or by branding, marking, or tattooing on the body or any other cruel or unusual punishment shall not be adjudged by a court-martial or inflicted upon any person subject to this article. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

38-2-1056.

(a) The punishment which a court-martial may direct for an offense shall not exceed such limits as prescribed by this article, but in no instance shall a sentence exceed more than ten years nor shall a sentence of death be adjudged. A conviction by general court-martial of any offense for which an accused may receive a sentence of confinement for more than one year shall be a felony offense. Except for convictions by a summary court-martial, all other convictions shall be misdemeanors. Any conviction by a summary court-martial shall not be a criminal conviction.

(b) The limits of punishment for violations of this article prescribed herein shall be the lesser of the sentences prescribed by the manual for courts-martial of the United States in effect on January 1, 2015, if such manual contains the offense, and any regulations or manual for courts-martial adopted in this state pursuant to Code Section 38-2-1036, but in no instance shall any punishment exceed that authorized by this article.

38-2-1057.

(a) Whenever a sentence of a court-martial as lawfully adjudged and approved includes a forfeiture of pay or allowances in addition to confinement not suspended, the forfeiture shall apply to pay or allowances becoming due on or after the date the sentence is approved by the convening authority. No forfeiture shall extend to any pay or allowances accrued before that date.

(b) Any period of confinement included in a sentence of a court-martial shall begin to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement.

(c) All sentences of courts-martial, except as provided for by subsections (a) and (b) of this Code section, shall be effective on the date ordered executed.

38-2-1057.1.
(a) On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority or, if the accused is no longer under that person's jurisdiction, the person exercising general court-martial jurisdiction over the command to which the accused is currently assigned may, in that person's sole discretion, defer service of the sentence to confinement. Such deferment shall terminate when the sentence is ordered executed. Such deferment may be rescinded at any time by the person who granted it or, if the accused is no longer under that person's jurisdiction, by the person exercising general court-martial jurisdiction over the command to which the accused is currently assigned.
(b)(1) In any case in which a court-martial sentences an accused as provided for in paragraph (2) of this subsection to confinement, the convening authority shall defer the service of the sentence to confinement, without the consent of the accused, until after the accused has been permanently released to the organized militia by another state, the United States, or a foreign country referred to in that paragraph.
(2) Paragraph (1) of this subsection shall apply to a person subject to this article who:
(A) While in the custody of another state, the United States, or a foreign country is temporarily returned by such state, the United States, or a foreign country to the organized militia for trial by court-martial; and
(B) After the court-martial, is returned to such state, the United States, or a foreign country under the authority of a mutual agreement or treaty, as the case may be.
(c) In any case in which a court-martial sentences an accused to confinement and the sentence to confinement has been ordered executed, but in which review of the case under Code Section 38-2-1067 is pending, the adjutant general may defer further service of the sentence to confinement while that review is pending.

38-2-1058.
(a) A sentence of confinement adjudged by a court-martial, whether or not the sentence includes discharge or dismissal, and whether or not the discharge or dismissal has been executed, shall be carried into execution by confinement in any place authorized by this article. Persons so confined shall be subject to the same discipline and treatment as persons regularly confined or committed to that place of confinement.
(b) The omission of hard labor as a sentence authorized under this article shall not deprive a confinement facility from employing it, if it otherwise is within the authority of that facility to do so.
(c) No place of confinement shall require payment of any fee or charge for so receiving or confining a person except as otherwise provided by law.

38-2-1058.1.
(a) A court-martial sentence of an enlisted member in a pay grade above E-1, as approved by the convening authority, that includes a dishonorable or bad conduct discharge or confinement shall reduce that member to pay grade E-1, effective on the date of that approval.

(b) If the sentence of an enlisted member who is reduced in pay grade under subsection (a) of this Code section is set aside or disapproved, or, as finally approved, does not include any punishment named in paragraphs (1) and (2) of subsection (a) of this Code section, the rights and privileges of which the person was deprived because of that reduction shall be restored, including, but not limited to, pay and allowances.

38-2-1058.2.

(a)(1) A court-martial sentence as provided for in paragraph (2) of this subsection shall result in the forfeiture of pay, or of pay and allowances, due that member during any period of confinement or parole. Such forfeiture pursuant to this Code section shall take effect on the date determined under Code Section 38-2-1057 and may be deferred as provided by that Code section. The pay and allowances forfeited shall be all pay and allowances due that member during such period.

(2) A sentence covered by this subsection shall be any sentence that includes:

(A) Confinement for more than six months; or

(B) Confinement for six months or less and a dishonorable or bad conduct discharge or dismissal.

(b) In a case involving an accused who has dependents, the convening authority or other person acting under Code Section 38-2-1060 may waive any or all of the forfeitures of pay and allowances required by subsection (a) of this Code section for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.

(c) If the sentence of a member who forfeits pay and allowances under subsection (a) of this Code section is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in paragraph (2) of subsection (a) of this Code section, the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.

Part 9

38-2-1059.

(a) A finding or sentence of a court-martial shall not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

(b) Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm, instead, so much of the finding as includes a lesser included offense.

38-2-1060.

(a) The findings and sentence of a court-martial shall be reported promptly to the convening authority after the announcement of the sentence.

(b)(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence. Any such submission shall be in writing. Except in a summary court-martial case, such a submission shall be made within 30 days after the accused has been given an authenticated record of the trial and, if applicable, the recommendation of the staff judge advocate of the service of the accused under subsection (d) of this Code section. In a summary court-martial case, such a submission shall be made within 30 days after the sentence is announced.

(2) If the accused shows that additional time is required for the accused to submit such matters as provided for in paragraph (1) of this subsection, the convening authority or other person taking action under this Code section, for good cause, may extend the applicable period under paragraph (1) of this subsection for not more than an additional 60 days.

(3) In a summary court-martial case, the accused shall be promptly provided a copy of the record of trial for use in preparing the submission as provided for by paragraph (1) of this subsection.

(4) The accused may waive the right to make a submission to the convening authority as provided for by paragraph (1) of this subsection. Such a waiver shall be made in writing and may not be revoked. For the purposes of paragraph (2) of subsection (c) of this Code section, the time within which the accused may make a submission under this subsection shall be deemed to have expired upon the submission of such a waiver to the convening authority.

(c)(1) The authority under this Code section to modify the findings and sentence of a court-martial is a matter of command prerogative involving the sole discretion of the convening authority. If it is impractical for the convening authority to act, the convening authority shall forward the case to a person exercising general court-martial jurisdiction who may take action under this Code section.

(2) Action on the sentence of a court-martial shall be taken by the convening authority or by another person authorized to act under this Code section. Such action may be taken only after consideration of any matters submitted by the accused under subsection (b) of this Code section or after the time for submitting such matters expires, whichever is earlier. The convening authority or other person taking such action, in that person's sole discretion, may approve, disapprove, commute, or suspend the sentence in whole or in part.

(3) Action on the findings of a court-martial by the convening authority or other person acting on the sentence shall not be required; provided, however, that such person, in the person's sole discretion may:

(A) Dismiss any charge or specification by setting aside a finding of guilty thereto; or

(B) Change a finding of guilty to a charge or specification to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge or specification.

(d) Before acting under this Code section on any general or special court-martial case in which there is a finding of guilt, the convening authority or other person taking action under this Code section shall obtain and consider the written recommendation of the staff judge advocate of the service of the accused. The convening authority or other person taking action under this Code section shall refer the record of trial to the staff judge advocate, and the staff judge advocate shall use such record in the preparation of the recommendation. The recommendation of the staff judge advocate shall include such matters as may be prescribed by regulations issued pursuant to Part 1 of Article 2 of this chapter and shall be served on the accused, who may submit any matter as provided for by subsection (b) of this Code section. Failure to object in the response to the recommendation or to any matter attached to the recommendation shall waive the right to object thereto.

(e)(1) The convening authority or other person taking action under this Code section, in the person's sole discretion, may order a proceeding in revision or a rehearing.

(2) A proceeding in revision as provided for by paragraph (1) of this subsection may be ordered if there is an apparent error or omission in the record or if the record shows improper or inconsistent action by a court-martial with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused. In no case, however, may a proceeding in revision:

(A) Reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty;

(B) Reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of this article; or

(C) Increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

(3) A rehearing may be ordered by the convening authority or other person taking action under this Code section if that person disapproves the findings and sentence and states the reasons for disapproval of the findings. If such person disapproves of the findings and sentence and does not order a rehearing, that person shall dismiss the charges. A rehearing as to the findings shall not be ordered where there is a lack of sufficient evidence in the record to support such findings. A rehearing as to the sentence shall be ordered if the convening authority or other person taking action under this subsection disapproves the sentence.

38-2-1061.

(a) In each case subject to appellate review under this article, the accused may file with the convening authority a statement expressly withdrawing the right of the accused to such appeal. Such a withdrawal shall be signed by both the accused and his or her defense counsel and shall be filed in accordance with appellate procedures as provided by law.

(b) The accused may withdraw an appeal at any time in accordance with appellate procedures as provided by law.

38-2-1062.

(a)(1) In a trial by court-martial in which a punitive discharge may be adjudged, the state may appeal the following, other than a finding of not guilty with respect to the charge or specification by the members of the court-martial or by a judge in a bench trial so long as it is not made in reconsideration:

(A) An order or ruling of the military judge which terminates the proceedings with respect to a charge or specification;

(B) An order or ruling which excludes evidence that is substantial proof of a fact material in the proceeding;

(C) An order or ruling which directs the disclosure of classified information;

(D) An order or ruling which imposes sanctions for nondisclosure of classified information;

(E) A refusal of the military judge to issue a protective order sought by the state to prevent the disclosure of classified information; and

(F) A refusal by the military judge to enforce an order described in subparagraph (E) of this paragraph that has previously been issued by appropriate authority.

(2) An appeal of an order or ruling may not be taken unless the trial counsel provides the military judge with written notice of appeal from the order or ruling within 72 hours of the order or ruling. Such notice shall include a certification by the trial counsel that the appeal is not taken for the purpose of delay and, if the order or ruling appealed is one which excludes evidence, that the evidence excluded is substantial proof of a fact material in the proceeding.

(3) An appeal under this Code section shall be diligently prosecuted as provided by law.

(b) An appeal under this Code section shall be forwarded to the court prescribed in Code Section 38-2-1067. In ruling on an appeal under this Code section, such court may act only with respect to matters of law.

(c) Any period of delay resulting from an appeal under this Code section shall be excluded in deciding any issue regarding denial of a speedy trial unless an appropriate authority determines that the appeal was filed solely for the purpose of delay with the knowledge that it was totally frivolous and without merit.

38-2-1063.

Each rehearing under this article shall take place before a court-martial composed of members who were not members of the court-martial which first heard the case. Upon a rehearing, the accused may not be tried for any offense of which the accused was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence may be approved, unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings or unless the sentence prescribed for the offense is mandatory. If the sentence approved after the first court-martial was in accordance with a pretrial agreement and the accused at the rehearing changes a plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with the pretrial

agreement, the approved sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first court-martial.

38-2-1064.

(a) Each general and special court-martial case in which there has been a finding of guilty shall be reviewed by the state judge advocate or his or her designee who shall be a judge advocate. The state judge advocate shall not review a case under this subsection if that person has acted in the same case as an accuser, investigating officer, member of the court, military judge, or counsel, or has otherwise acted on behalf of the prosecution or defense; the state judge advocate shall assign review of such case to a designee who shall not have acted in the same case as an accuser, investigating officer, member of the court, military judge, or counsel, or has otherwise acted on behalf of the prosecution or defense. Such review of the state judge advocate or his or her designee shall be in writing and shall contain the following:

(1) Conclusions as to whether:

(A) The court had jurisdiction over the accused and the offense;

(B) The charge and specification stated an offense; and

(C) The sentence was within the limits prescribed as a matter of law;

(2) A response to each allegation of error made in writing by the accused; and

(3) If the case is sent for action under subsection (b) of this Code section, a recommendation as to the appropriate action to be taken and an opinion as to whether corrective action is required as a matter of law.

(b) The record of trial and related documents in each case reviewed under subsection (a) of this Code section shall be sent for action to the adjutant general, if:

(1) The judge advocate who reviewed the case recommends corrective action;

(2) The sentence approved under Code Section 38-2-1060 extends to dismissal, a bad conduct or dishonorable discharge, or confinement for more than six months; or

(3) Such action is otherwise required by regulations pursuant to Part 1 of Article 2 of this chapter.

(c)(1) If a record of trial is sent to the adjutant general under subsection (b) of this Code section, the adjutant general may:

(A) Disapprove or approve the findings or sentence, in whole or in part;

(B) Remit, commute, or suspend the sentence in whole or in part;

(C) Except where the evidence was insufficient at the trial to support the findings, order a rehearing on the findings or on the sentence, or both; or

(D) Dismiss the charges.

(2) If a rehearing is ordered by the adjutant general but the convening authority finds a rehearing impracticable, the convening authority shall dismiss the charges.

(3) If the opinion of the state judge advocate, or designee, in the state judge advocate's, or designee's, review under subsection (a) of this Code section is that corrective action is required as a matter of law and if the adjutant general does not take action that is at least as favorable to the accused as that recommended by the

state judge advocate, the record of trial and action thereon shall be sent to the Governor for review and action as deemed appropriate.

(d) The state judge advocate, or his or her designee who shall be a judge advocate, may review any case in which there has been a finding of not guilty of all charges and specifications. If the state judge advocate has acted in the same case as an accuser, investigating officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense, the state judge advocate may assign such case to a designee who has not acted in the same case as an accuser, investigating officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense and who shall determine whether a review shall be conducted under this subsection. Such review of the state judge advocate or of his or her designee shall be limited to questions of subject matter jurisdiction.

(e) The record of trial and related documents in each case reviewed under subsection (d) of this Code section shall be sent for action to the adjutant general; the adjutant general may:

(1) When subject matter jurisdiction is found to be lacking, void the court-martial ab initio, with or without prejudice to the state, as the adjutant general deems appropriate; or

(2) Return the record of trial and related documents to the state judge advocate or his or her designee for appeal by the state as provided by law.

38-2-1065.

Except as otherwise required by this article, all records of trial and related documents shall be transmitted and disposed of as prescribed by regulations issued pursuant to Part 1 of Article 2 of this chapter.

38-2-1066.

Reserved.

38-2-1067.

(a)(1) There shall be the court-martial review panel which shall hear appeals of decisions of a court-martial.

(2) The Governor shall appoint five persons to serve as judges on the court-martial review panel. Four such judges shall be retired commissioned officers of the organized militia or state military force of another state or of the armed forces of the United States or a reserve component thereof and a member in good standing of the State Bar of Georgia. One such judge shall be a member in good standing of the State Bar of Georgia and shall not be a member, former member, or retired member of the organized militia or state military force of another state or of the armed forces of the United States or a reserve component thereof.

(3) The Governor shall prescribe by regulations issued pursuant to Part 1 of Article 2 of this chapter the convening and administration of the court-martial review panel and the compensation provided to the judges of such panel.

(b)(1) An appeal to the court-martial review panel shall only be made after action on the sentence of a court-martial by the convening authority or by another person authorized to take such action as provided for in Code Section 38-2-1060 or after a decision of the convening authority to deny a petition for a new trial as provided for by Code Section 38-2-1073 or pursuant to Code Section 38-2-1062. Such appeals shall be made within 30 days after such action or decision.

(2) The court-martial review panel shall dispose of each appeal within 90 days of such appeal made thereto. The court-martial review panel shall deliver its decision to the state judge advocate and, within three days, the state judge advocate shall serve a copy of such decision to the accused by statutory overnight delivery. The decision of the court-martial review panel shall be final for purposes of an appeal to the appellate courts of this state on the date that the state judge advocate mails the decision to the accused.

(c) Any party to a proceeding before the court-martial review panel may secure a review of the final decision of the court-martial review panel by appeal in the manner and form provided by law for appeals from the superior courts to the appellate courts of this state.

38-2-1068.
Reserved.

38-2-1069.
Reserved.

38-2-1070.
(a) The state judge advocate shall detail a judge advocate as appellate government counsel to represent the state in the review or appeal of cases provided for in Code Section 38-2-1067 and before any federal court when requested to do so by the attorney general. Appellate government counsel shall be a member in good standing of the bar of the highest court of this state.

(b) Upon an appeal by the state, the accused shall have the right to be represented by detailed military counsel before any reviewing authority and before any appellate court.

(c) Upon an appeal by an accused, the accused shall have the right to be represented by military counsel before any reviewing authority.

(d) Upon the request of an accused entitled to be so represented, the senior force judge advocate shall appoint a judge advocate to represent the accused in the review or appeal of cases specified in subsections (b) and (c) of this Code section.

(e) An accused may be represented by civilian appellate counsel at no expense to the state.

38-2-1071.
(a) If the sentence of the court-martial extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is not waived and

an appeal is not withdrawn under Code Section 38-2-1061, that part of the sentence extending to dismissal or a dishonorable or bad conduct discharge shall not be executed until there is a final judgment as to the legality of the proceedings. A judgment as to the legality of the proceedings shall be final in such cases when review is completed by an appellate court as provided for in Code Section 38-2-1067 and is deemed final by the law of this state.

(b) If the sentence of the court-martial extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is waived or an appeal is withdrawn under Code Section 38-2-1061, that part of the sentence extending to dismissal or a dishonorable or bad conduct discharge shall not be executed until review of the case by the state judge advocate and any action on that review under Code Section 38-2-1064 is completed. Any other part of a court-martial sentence may be ordered executed by the convening authority or other person acting on the case under Code Section 38-2-1060 when so approved under that Code section.

(c) The convening authority may suspend the execution of any sentence or part thereof.

38-2-1072.

(a) Before the vacation of the suspension of a special court-martial sentence, which as approved includes a bad conduct discharge, or of any general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on an alleged violation of probation. The probationer shall be represented at the hearing by military counsel if the probationer so desires.

(b) The record of the hearing and the recommendation of the officer having special court-martial jurisdiction shall be sent for action to the officer exercising general court-martial jurisdiction over the probationer. If the officer vacates the suspension, any unexecuted part of the sentence, except a dismissal, shall be executed subject to applicable restrictions in this article.

(c) The suspension of any other sentence may be vacated by any authority competent to convene for the command in which the accused is serving or assigned a court of the kind that imposed the sentence.

38-2-1073.

(a) At any time within five years after approval by the convening authority of a court-martial sentence, the accused may petition the convening authority for a new trial. Some good reason, including but not limited to newly discovered evidence or fraud on the court-martial, must be shown as to why the petition should be granted.

(b) The decision of the convening authority provided for under subsection (a) of this Code section shall be appealable as provided for under Code Section 38-2-1067.

38-2-1074.

(a) Any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence may remit or suspend

any part or amount of the unexecuted part of any sentence, including, but not limited to, all uncollected forfeitures, other than a sentence approved by the Governor.
(b) The Governor may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

38-2-1075.
(a) Under such regulations as may be prescribed pursuant to this chapter, all rights, privileges, and property affected by an executed part of a court-martial sentence which has been set aside or disapproved, except an executed dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and such executed part is included in a sentence imposed upon the new trial or rehearing.
(b) If a previously executed sentence of dishonorable or bad conduct discharge is not imposed on a new trial, the Governor may substitute therefor a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of the accused's enlistment.
(c) If a previously executed sentence of dismissal is not imposed on a new trial, the Governor may substitute therefor a form of discharge authorized for administrative issue, and the commissioned officer dismissed by that sentence may be reappointed by the Governor to such commissioned grade and with such rank as in the opinion of the Governor that former officer would have attained had the former officer not been dismissed. The reappointment of such a former officer shall be without regard to the existence of a vacancy and shall affect the promotion status of other officers only insofar as the Governor may direct. All time between the dismissal and the reappointment shall be considered as actual service for all purposes, including, but not limited to, the right to pay and allowances.

38-2-1076.
The appellate review of records of trial provided by this article, the proceedings, findings, and sentences of courts-martial as approved, reviewed, or affirmed as required by this article, and all dismissals and discharges carried into execution under sentences by courts-martial following approval, review, or affirmation as required by this article shall be final and conclusive. Orders publishing the proceedings of courts-martial and all action taken pursuant to those proceedings shall be binding upon all departments, courts, agencies, and officers of the United States and officers of another state subject only to action upon a petition for a new trial as provided in Code Section 38-2-1073 and to action under Code Section 38-2-1074.

38-2-1076.1.
Under regulations prescribed pursuant to Part 1 of Article 2 of this chapter, an accused who has been sentenced by a court-martial shall be required to take leave pending completion of action under this Code section if the sentence as approved under Code Section 38-2-1060 includes an unsuspended dismissal or an unsuspended dishonorable or bad conduct discharge. The accused shall be required to begin such leave on the date

on which the sentence is approved under Code Section 38-2-1060 or at any time after such date, and such leave shall be continued until the date on which action under this Code section is completed or may be terminated at any earlier time.

Part 10

38-2-1077.
Any person subject to this article who:
(1) Commits an offense punishable by this article or aids, abets, counsels, commands, or procures its commission; or
(2) Causes an act to be done which if directly performed by that person would be punishable by this article
is a principal.

38-2-1078.
Any person subject to this article who, knowing that an offense punishable by this article has been committed, receives, comforts, or assists the offender in order to hinder or prevent his or her apprehension, trial, or punishment shall be punished as a court-martial may direct.

38-2-1079.
An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein.

38-2-1080.
(a) An act, done with specific intent to commit an offense under this article, amounting to more than mere preparation and tending, even though failing, to effect its commission is an attempt to commit that offense.
(b) Any person subject to this article who attempts to commit any offense punishable by this article shall be punished as a court-martial may direct, unless otherwise specifically prescribed.
(c) Any person subject to this article may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

38-2-1081.
Any person subject to this article who conspires with any other person to commit an offense under this article shall, if one or more of the conspirators does an act to effect the object of the conspiracy, be punished as a court-martial may direct.

38-2-1082.
(a) Any person subject to this article who solicits or advises another or others to desert in violation of Code Section 38-2-1085 or mutiny in violation of Code Section 38-2-

1094 shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense; but, if the offense solicited or advised is not committed or attempted, the person shall be punished as a court-martial may direct.

(b) Any person subject to this article who solicits or advises another or others to commit an act of misbehavior before the enemy in violation of Code Section 38-2-1099 or sedition in violation of Code Section 38-2-1094 shall, if the offense solicited or advised is committed, be punished with the punishment provided for the commission of the offense; but, if the offense solicited or advised is not committed, the person shall be punished as a court-martial may direct.

38-2-1083.

Any person who:

(1) Procures his or her own enlistment or appointment in the organized militia by knowingly false representation or deliberate concealment as to his or her qualifications for that enlistment or appointment and receives pay or allowances thereunder; or

(2) Procures his or her own separation from the organized militia by knowingly false representation or deliberate concealment as to his or her eligibility for that separation

shall be punished as a court-martial may direct.

38-2-1084.

Any person subject to this article who effects an enlistment or appointment in or a separation from the organized militia of any person who is known to him or her to be ineligible for that enlistment, appointment, or separation because it is prohibited by law, regulation, or order shall be punished as a court-martial may direct.

38-2-1085.

(a) Any member of the organized militia shall be guilty of desertion who:

(1) Without authority goes or remains absent from his or her unit, organization, or place of duty with intent to remain away therefrom permanently;

(2) Quits his or her unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service; or

(3) Without being regularly separated from the organized militia, enlists or accepts another appointment in the organized militia, or in one of the armed forces of the United States, without fully disclosing the fact that the member has not been regularly separated, or enters any foreign armed service except when authorized by the United States.

(b) Any commissioned officer of the organized militia who, after tender of his or her resignation and before notice of its acceptance, quits his or her post or proper duties without leave and with intent to remain away therefrom permanently shall be guilty of desertion.

(c) Any person found guilty of desertion or attempt to desert shall be punished by:

(1) Confinement of not more than ten years or such other punishment as a court-martial may direct if the offense is committed in time of war; or
(2) Punishment as a court-martial may direct if the offense occurs at any time other than in time of war.

38-2-1086.
Any person subject to this article shall be punished as a court-martial may direct who, without authority:
(1) Fails to go to his or her appointed place of duty at the time prescribed;
(2) Goes from his or her place of duty; or
(3) Absents himself or herself or remains absent from his or her unit, organization, or place of duty at which the person is required to be at the time prescribed.

38-2-1087.
Any person subject to this article who through neglect or design misses the movement of a ship, aircraft, or unit with which the person is required in the course of duty to move shall be punished as a court-martial may direct.

38-2-1088.
Any commissioned officer who uses contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the secretary of a military department, the Secretary of Homeland Security, or the Governor or General Assembly shall be punished as a court-martial may direct.

38-2-1089.
Any person subject to this article who behaves with disrespect toward his or her superior commissioned officer shall be punished as a court-martial may direct.

38-2-1090.
Any person subject to this article who:
(1) Strikes his or her superior commissioned officer or draws or lifts up any weapon or offers any violence against said superior commissioned officer while he or she is in the execution of his or her office; or
(2) Willfully disobeys a lawful command of his or her superior commissioned officer
shall be punished, if the offense is committed in time of war, by confinement of not more than ten years or such other punishment as a court-martial may direct, or if the offense is committed at any time other than a time of war, by such punishment as a court-martial may direct.

38-2-1091.
Any warrant officer or enlisted member shall be punished as a court-martial may direct who:

(1) Strikes or assaults a warrant officer, noncommissioned officer, or petty officer while that officer is in the execution of his or her office;
(2) Willfully disobeys the lawful order of a warrant officer, noncommissioned officer, or petty officer; or
(3) Treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer while that officer is in the execution of his or her office.

38-2-1092.
Any person subject to this article shall be punished as a court-martial may direct who:
(1) Violates or fails to obey any lawful general order or regulation;
(2) Having knowledge of any other lawful order issued by a member of the organized militia, which it is his or her duty to obey, fails to obey the order; or
(3) Is derelict in the performance of his or her duties.

38-2-1093.
Any person subject to this article who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his or her orders shall be punished as a court-martial may direct.

38-2-1094.
(a) Any person subject to this article who:
(1) With intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do his or her duty or creates any violence or disturbance shall be guilty of mutiny;
(2) With intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person, revolt, violence, or other disturbance against that authority shall be guilty of sedition; or
(3) Fails to do his or her utmost to prevent and suppress a mutiny or sedition being committed in his or her presence, or fails to take all reasonable means to inform his or her superior commissioned officer or commanding officer of a mutiny or sedition which the person knows or has reason to believe is taking place, shall be guilty of a failure to suppress or report a mutiny or sedition.
(b) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished as a court-martial may direct.

38-2-1095.
Any person subject to this article shall be punished as a court-martial may direct who:
(1) Resists apprehension;
(2) Flees from apprehension;
(3) Breaks arrest; or
(4) Escapes from custody or confinement.

38-2-1096.
Any person subject to this article who, without proper authority, releases any prisoner committed to his or her charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with law.

38-2-1097.
Any person subject to this article who, except as provided by law or regulation, apprehends, arrests, or confines any person shall be punished as a court-martial may direct.

38-2-1098.
Any person subject to this article shall be punished as a court-martial may direct who:
(1) Is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this article; or
(2) Knowingly and intentionally fails to enforce or comply with any provision of this article regulating the proceedings before, during, or after trial of an accused.

38-2-1099.
Any person subject to this article shall be punished as a court-martial may direct who before or in the presence of the enemy:
(1) Runs away;
(2) Shamefully abandons, surrenders, or delivers up any command, unit, place, or military property which it is his or her duty to defend;
(3) Through disobedience, neglect, or intentional misconduct endangers the safety of any such command, unit, place, or military property;
(4) Casts away his or her arms or ammunition;
(5) Is guilty of cowardly conduct;
(6) Quits his or her place of duty to plunder or pillage;
(7) Causes false alarms in any command, unit, or place under control of the armed forces of the United States or the organized militia;
(8) Willfully fails to do his or her utmost to encounter, engage, capture, or destroy any enemy troops, combatants, vessels, aircraft, or any other thing which it is his or her duty so to encounter, engage, capture, or destroy; or
(9) Does not afford all practicable relief and assistance to any troops, combatants, vessels, or aircraft of the armed forces belonging to the United States or their allies, to this state, or to another state, when engaged in battle.

38-2-1100.
Any person subject to this article who compels or attempts to compel a commander, an individual in command of the National Guard of another state, or an individual in command of a vessel, aircraft, or other military property or of any body of members of the armed forces, to give it up to an enemy or to abandon it, or who strikes the colors or

flag to an enemy without proper authority, shall be punished as a court-martial may direct.

38-2-1101.
Any person subject to this article who in time of war discloses the parole or countersign to any person not entitled to receive it or who gives to another, who is entitled to receive and use the parole or countersign, a different parole or countersign from that which, to his or her knowledge, the person was authorized and required to give, shall be punished as a court-martial may direct.

38-2-1102.
Any person subject to this article who forces a safeguard shall be punished as a court-martial may direct.

38-2-1103.
(a) All persons subject to this article shall secure all public property taken for the service of the United States or this state or another state and shall give notice and turn over to the proper authority without delay all captured or abandoned property in their possession, custody, or control.
(b) Any person subject to this article shall be punished as a court-martial may direct who:
(1) Fails to carry out the duties prescribed in subsection (a);
(2) Buys, sells, trades, or in any way deals in or disposes of taken, captured, or abandoned property, whereby the person receives or expects any profit, benefit, or advantage to himself or herself or another directly or indirectly connected with himself or herself; or
(3) Engages in looting or pillaging.

38-2-1104.
Any person subject to this article shall be punished as a court-martial may direct who:
(1) Aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things; or
(2) Without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly.

38-2-1105.
Any person subject to this article shall be punished as a court-martial may direct who, while in the hands of the enemy in time of war:
(1) For the purpose of securing favorable treatment by his or her captors acts without proper authority in a manner contrary to law, custom, or regulation to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners; or

(2) While in a position of authority over such persons maltreats them without justifiable cause.

38-2-1106.
Reserved.

38-2-1107.
Any person subject to this article who, with intent to deceive, signs any false record, return, regulation, order, or other official document made in the line of duty, knowing it to be false, or makes any other false official statement made in the line of duty, knowing it to be false, shall be punished as a court-martial may direct.

38-2-1108.
Any person subject to this article shall be punished as a court-martial may direct who, without proper authority:
(1) Takes, sells, or otherwise disposes of any military property of the United States or of another state;
(2) Willfully or through neglect damages, destroys, or loses any military property of the United States or of another state; or
(3) Willfully or through neglect suffers to be lost, damaged, destroyed, sold, or wrongfully disposed of any military property of the United States or of another state.

38-2-1109.
Any person subject to this article who willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully takes, sells, destroys, or damages any property of another other than military property of the United States or of another state shall be punished as a court-martial may direct.

38-2-1110.
(a) Any person subject to this article who willfully and wrongfully hazards or suffers to be hazarded any vessel of the armed forces of the United States or any organized militia shall be punished as a court-martial may direct.
(b) Any person subject to this article who negligently hazards or suffers to be hazarded any vessel of the armed forces of the United States or the organized militia shall be punished as a court-martial may direct.

38-2-1111.
Any person subject to this article shall be punished as a court-martial may direct who:
(1) Drives, operates, or physically controls any vehicle, aircraft, or vessel in a reckless or wanton manner or while impaired by a substance as described in subsection (b) of Code Section 38-2-1112.1; or
(2) Drives, operates, or is in actual physical control of any vehicle, aircraft or vessel while drunk or when the alcohol concentration in the person's blood is equal to or

exceeds 0.08 grams of alcohol per 100 milliliters of blood, as shown by chemical analysis, within three hours after such operation or control, or the person's breath is equal to or exceeds 0.08 grams of alcohol per 210 liters of breath, as shown by chemical analysis, within three hours after such operation or control.

38-2-1112.
Any person subject to this article, other than a sentinel or lookout, who is found under the influence of alcohol sufficient to impair the rational and full exercise of his or her mental or physical faculties on duty shall be punished as a court-martial may direct.

38-2-1112.1.
(a) Any person subject to this article who wrongfully uses, possesses, manufactures, distributes, imports into the customs territory of the United States, exports from the United States, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces of the United States or of the organized militia a substance described in subsection (b) of this Code section shall be punished as a court-martial may direct.
(b) The substances provided for by subsection (a) of this Code section shall be:
(1) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance;
(2) Any substance not specified in paragraph (1) of this subsection that is listed on a schedule of controlled substances prescribed by the President for the purposes of the Uniform Code of Military Justice of the armed forces of the United States, 10 U.S.C. Section 801 et seq.; and
(3) Any other substance not specified in paragraph (1) of this subsection or contained on a list prescribed by the President under paragraph (2) of this subsection that is listed in schedules I through V of the Controlled Substances Act, 21 U.S.C. Section 812.

38-2-1113.
Any sentinel or lookout who is found under the influence of alcohol sufficient to impair the rational and full exercise of his or her mental or physical faculties or sleeping upon his or her post or leaves it before being regularly relieved shall be punished, if the offense is committed in time of war, by confinement of not more than ten years or other punishment as a court-martial may direct, but if the offense is committed at any time other than in time of war, by such punishment as a court-martial may direct.

38-2-1114.
Reserved.

38-2-1115.
Any person subject to this article shall be punished as a court-martial may direct who for the purpose of avoiding work, duty, or service:
(1) Feigns illness, physical disablement, mental lapse, or derangement; or
(2) Intentionally inflicts self-injury.

38-2-1116.
Any person subject to this article who causes or participates in any riot or breach of the peace shall be punished as a court-martial may direct.

38-2-1117.
Any person subject to this article who uses provoking or reproachful words or gestures toward any other person subject to this article shall be punished as a court-martial may direct.

38-2-1118.
Reserved.

38-2-1119.
Reserved.

38-2-1120.
Reserved.

38-2-1121.
Reserved.

38-2-1122.
Reserved.

38-2-1123.
Reserved.

38-2-1124.
Reserved.

38-2-1125.
Reserved.

38-2-1126.
Reserved.

38-2-1127.
Reserved.

38-2-1128.
Reserved.

38-2-1129.
Reserved.

38-2-1130.
Reserved.

38-2-1131.
Any person subject to this article is guilty of perjury and shall be punished as a court-martial may direct who in a judicial proceeding or in a course of justice willfully and corruptly:

(1) Upon a lawful oath or in any form allowed by law to be substituted for an oath, gives any false testimony material to the issue or matter of inquiry; or

(2) In any declaration, certificate, verification, or statement under penalty of perjury, subscribes any false statement material to the issue or matter of inquiry.

38-2-1132.
Any person subject to this article shall, upon conviction, be punished as a court-martial may direct:

(1) Who, knowing it to be false or fraudulent:

(A) Makes any claim against the United States, this state, or any officer thereof; or

(B) Presents to any person in the civil or military service thereof, for approval or payment, any claim against the United States, this state, or any officer thereof;

(2) Who, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States, this state, or any officer thereof:

(A) Makes or uses any writing or other paper or electronic submission knowing it to contain any false or fraudulent statements;

(B) Makes any oath, affirmation, or certification to any fact or to any writing or other paper or electronic submission knowing the oath, affirmation, or certification to be false; or

(C) Forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged or counterfeited;

(3) Who, having charge, possession, custody, or control of any money or other property of the United States or this state, furnished or intended for the armed forces of the United States or the organized militia, knowingly delivers to any person having authority to receive it, any amount thereof less than that for which the person receives a certificate or receipt; or

(4) Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States or this state, furnished or intended for the armed forces of the United States or the organized militia, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States or this state.

38-2-1133.
Any commissioned officer, cadet, candidate, or midshipman who is convicted of conduct unbecoming an officer shall be punished as a court-martial may direct.

38-2-1134.
Though not specifically mentioned in this article, all disorders and neglects to the prejudice of good order and discipline in the organized militia and all conduct of a nature to bring discredit upon the organized militia shall be taken cognizance of by a court-martial and punished at the discretion of a military court. However, where a crime constitutes an offense that violates both this article and the criminal laws of the state where the offense occurs or criminal laws of the United States, jurisdiction of the military court shall be determined in accordance with subsection (b) of Code Section 38-2-1002.

Part 11

38-2-1135.
(a) Courts of inquiry to investigate any matter of concern to the organized militia may be convened by any person authorized to convene a general court-martial, whether or not the persons involved have requested such an inquiry.
(b) A court of inquiry shall consist of three or more commissioned officers. For each court of inquiry, the convening authority shall also appoint counsel for the court.
(c) Any person subject to this article whose conduct is subject to inquiry shall be designated as a party. Any person subject to this article who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.
(d) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.
(e) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath to faithfully perform their duties.
(f) Witnesses may be summoned to appear and testify and be examined before courts of inquiry as provided for courts-martial.
(g) Courts of inquiry shall make findings of fact but shall not express opinions or make recommendations unless required to do so by the convening authority.

(h) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

38-2-1136.

(a) The following persons shall have the power to administer oaths for the purposes of military administration, including military justice:

(1) All judge advocates;

(2) All summary courts-martial;

(3) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants;

(4) All commanding officers of the naval militia; and

(5) All other persons designated by regulations of the armed forces of the United States or by law.

(b) The following persons shall have the power to administer oaths necessary in the performance of their duties:

(1) The president, military judge, and trial counsel for all general and special courts-martial;

(2) The president and the counsel for the court of any court of inquiry;

(3) All officers designated to take a deposition;

(4) All persons detailed to conduct an investigation;

(5) All recruiting officers; and

(6) All other persons designated by regulations of the armed forces of the United States or by law.

(c) The signature without seal of any such person provided for by subsections (a) and (b) of this Code section, together with the title of his or her office, is prima facie evidence of the person's authority.

38-2-1136.1.

(a) Military judges may appoint and, at any time, remove one or more marshals who shall execute any process, mandate, or order issued by the judge and shall perform all acts and duties by this chapter imposed on or authorized to be performed by any sheriff as defined in Code Section 15-16-10.

(b) All such marshals shall be deemed peace officers and for the purposes of this article shall have all the powers and immunities of peace officers.

38-2-1137.

(a)(1) The Code sections specified in paragraph (3) of this subsection shall be carefully explained to each enlisted member at the time of, or within 90 days after, the member's initial entrance into a duty status with the organized militia.

(2) Such articles as provided for by paragraph (1) of this subsection shall be explained again:

(A) After the member has completed basic or recruit training; and

(B) At the time when the member reenlists.

(3) This subsection shall apply with respect to this Code section and Code Sections 38-2-1002 through 38-2-1005, 38-2-1007 through 38-2-1014, 38-2-1015, 38-2-1025, 38-2-1027, 38-2-1031, 38-2-1037, 38-2-1038, 38-2-1055, 38-2-1077 through 38-2-1134, 38-2-1138, and 38-2-1139.

(b) The text of this article and of the regulations prescribed hereunder shall be made available to a member of the organized militia, upon request by the member, for the member's personal examination.

(c) Failure to provide the explanations of this article as provided for by this Code section shall not be a defense to a court-martial proceeding, the administration of nonjudicial punishment, or any other action.

38-2-1138.

Any member of the organized militia who believes himself or herself wronged by a commanding officer and who, upon due application to that commanding officer, is refused redress may complain to the assistant adjutant general for army, the assistant adjutant general for air, or the brigadier general in charge of the State Defense Force, as applicable, who shall forward the complaint to the senior force commander over the officer against whom such complaint is made. The senior force commander shall examine into the complaint and take proper measures for redressing the wrong complained of and shall, as soon as possible, send to the adjutant general a true statement of such complaint with the proceedings had thereon. Any complaint against a senior force commander shall be made to the adjutant general who shall examine into the complaint and take proper measures for redressing the wrong complained of.

38-2-1138.1.

(a) The adjutant general, assistant adjutant general for army, or assistant adjutant general for air may issue to any member under his or her authority a state administrative letter of reprimand.

(b) A state administrative letter of reprimand shall not be filed in the member's federal personnel records unless it meets the requirements for filing under the applicable regulations or instructions of the affected member.

(c) A state administrative letter of reprimand shall be included for consideration when determining future assignments within the state for the affected member.

(d) The member against whom a state administrative letter of reprimand is issued shall have the same rights to review evidence and present a rebuttal as he or she would have if the state administrative letter of reprimand were to be filed in his or her federal personnel file.

38-2-1139.
(a) Whenever a complaint is made to any commanding officer that willful damage has been done to the property of any person or that the person's property has been wrongfully taken by members of the organized militia, such commanding officer may, under such regulations prescribed pursuant to Part 1 of Article 2 of this chapter, convene a board to investigate the complaint. The board shall consist of from one to three commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board shall be subject to the approval of the commanding officer and, in the amount approved by such commanding officer, shall be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized shall be conclusive on any disbursing officer for payment to the injured parties of the damages so assessed and approved.
(b) If the offenders cannot be ascertained but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be made in such proportion as may be considered just upon the individual members thereof who are shown to have been present at the scene at the time the damages complained of were inflicted, as determined by the approved findings of the board.

38-2-1140.
Except as provided in Code Section 38-2-1022, the Governor may delegate any authority vested in the Governor under this article and provide for the sub delegation of any such authority.

38-2-1141.
The fees and authorized travel expenses of all witnesses, experts, victims, court reporters, and interpreters, fees for the service of process, the costs of collection, apprehension, detention, and confinement, and all other necessary expenses of prosecution and the administration of military justice, not otherwise payable by any other source, shall be paid out of the military fund as described in Code Section 38-2-170.

38-2-1142.
(a) Fines collected as a result of being found in contempt shall be collected in the following manner:
(1) By cash or money order;
(2) By retention of any pay or allowances due or to become due to the person fined from another state or the United States; or
(3) By garnishment or levy, together with costs, on the wages, goods, and chattels of a person delinquent in paying a fine, as provided by law.

(b) Any sum so received or retained shall be deposited in the military justice fund as provided in Code Section 38-2-170.

38-2-1143.
This article shall be so construed as to effectuate its general purpose to make it uniform, so far as practical, with the Uniform Code of Military Justice, Chapter 47 of Title 10 of the United States Code.

38-2-1144.
All persons acting under the provisions of this article, whether as a member of the military or as a civilian, shall be immune from any personal liability for any of the acts or omissions which they did or failed to do as part of their duties under this article.

38-2-1145.
The provisions of this article are hereby declared to be severable, and if any provision of this article or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this article."

SECTION 4.

This Act shall become effective on July 1, 2015, and shall apply to offenses which occur on or after that date. Any offense occurring before July 1, 2015, shall be governed by the statutes in effect at the time of such offense. The enactment of this Act shall not affect any prosecutions for acts occurring before July 1, 2015, and shall not act as an abatement of any such prosecutions.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
E Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall

Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	E Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	E Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 168, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 225. By Representatives Powell of the 32nd, Dunahoo of the 30th, Carson of the 46th, Rutledge of the 109th, Hitchens of the 161st and others:

A BILL to be entitled an Act to amend Titles 36 and 40 of the Official Code of Georgia Annotated, relating to local government and motor vehicles and traffic, respectively, so as to provide for definitions; to require all for-hire drivers to obtain a for-hire license endorsement before driving for hire; to require that all for-hire drivers have certain insurance; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding provisions applicable to counties and municipal corporations, so as to preserve existing certificates of public necessity and convenience and medallion systems for taxicabs and to restrict the future use thereof; to provide that operators of taxicabs have for-hire license endorsements; to prohibit the staging of certain vehicles; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to provide for the comprehensive regulation of transportation referral services, transportation referral service providers, ride share network services, and ride share drivers; to provide for definitions; to provide for legislative intent; to provide for registration and licensing of such providers; to provide for certain disclosures; to prohibit certain practices and to provide penalties for violations; to prohibit the waiver of rights by passengers under certain conditions; to provide for billing methods; to provide for master license fees for for-hire vehicles in lieu of sales and use taxes on fares; to provide for for-hire license endorsements; to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide an exemption; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding provisions applicable to counties and municipal corporations, is amended by revising subsection (a) of Code Section 36-60-25, relating to certificates of public necessity and convenience and medallions for taxicabs, and by adding new subsections to read as follows:

"(a) Each county and municipal corporation may require the owner or operator of a taxicab ~~or vehicle for hire~~ to obtain a certificate of public necessity and convenience or medallion in order to operate such taxicab ~~or vehicle for hire~~ within the unincorporated areas of the county or within the corporate limits of the municipal corporation, respectively, and may exercise its authority under Code Section 48-13-9 to require such owners or operators to pay a regulatory fee to the county or municipal corporation. The General Assembly finds and declares that any county or municipality exercising the powers granted in this Code section is legitimately concerned with the qualifications and records of drivers of taxicabs ~~and other vehicles for hire~~; with the location, accessibility, and insured state of companies operating taxicabs ~~and other vehicles for hire~~; and with the safety and comfort of taxicabs ~~and other vehicles for hire~~. Without limitation, each such county or municipality may exercise the powers granted in this Code section by ordinance to the same extent as the ordinances reviewed by the Georgia Court of Appeals in the case of Hadley v. City of Atlanta, 232 Ga. App. 871, 875 (1998), and each certificate of public convenience and necessity issued under those ordinances shall remain in full force and effect."

"(c) Counties and municipalities which have adopted and have valid ordinances as of July 1, 2014, requiring taxicabs to have certificates of public necessity and convenience or medallions to operate within each such county or municipality may continue to require such certificates or medallions. Except as otherwise provided in this subsection, no county or municipality shall enact, adopt, or enforce any ordinance or regulation which requires taxicabs to have certificates of public necessity and convenience or medallions to operate within such county or municipality.

(d) No person shall operate a taxicab for the purpose of carrying or transporting passengers for hire unless such person has a for-hire license endorsement or private background check certification pursuant to Code Section 40-5-39. Counties and municipalities shall not impose further licensing requirements or background checks on such persons to operate taxicabs in their jurisdictions.

(e) As used in this subsection, the term 'stage' means to stop, park, or otherwise place a vehicle for hire, other than a taxicab, in the loading or curbside area of any business when such vehicle is not engaged in a prearranged round-trip or prearranged one-way fare. It shall be illegal to stage limousine carriers, as defined in paragraph (5) of Code Section 40-1-151, or ride share drivers, as defined in paragraph (2) of Code Section 40-1-190. A person who violates this subsection shall be guilty of a misdemeanor."

SECTION 2.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended by revising Code Section 40-1-158, relating to limousine chauffeur authorization and license endorsement, as follows:

"40-1-158.

Pursuant to rules and regulations prescribed by the commissioner of driver services, each chauffeur employed by a limousine carrier shall secure from the Department of Driver Services a ~~limousine chauffeur authorization and~~ for-hire license endorsement or private background check certification pursuant to Code Section 40-5-39."

SECTION 3.

Said title is further amended by adding a new part to Article 3 of Chapter 1, relating to motor carriers, to read as follows:

"Part 4

40-1-190.

As used in this part, the term:

(1) 'Limousine carrier' means any limousine company or provider which is licensed with the state pursuant to paragraph (5) of Code Section 40-1-151.

(2) 'Metering device' means an instrument or device which is utilized for the purpose of calculating for-hire fares based upon distance, time, mileage, and administrative fees and which is not a taximeter.

(3) 'Ride share driver' means an individual who uses his or her personal passenger car, as defined in paragraph (41) of Code Section 40-1-1, to provide transportation for passengers arranged through a ride share network service.
(4) 'Ride share network service' means any person or entity that uses a digital network or Internet network to connect passengers to ride share drivers for the purpose of prearranged transportation for hire or for donation.
(5) 'Taxi service' means any taxicab company or provider which utilizes a motor vehicle or similar vehicle, device, machine, or conveyance to transport passengers; uses a taximeter; and is authorized to provide taxicab services pursuant to an ordinance of a local government in this state.
(6) 'Taximeter' means an instrument or device approved by the applicable local government which is utilized by a taxi service for the purpose of calculating fares based upon distance, time, and mileage.
(7) 'Transportation referral service' means any person or entity that books, refers clients to, collects money for, or advertises transportation services provided by a limousine carrier or taxi service by means of a telephone, through cellular telephone software, through the Internet, in person, by written instrument, by any person, or by any other means, and does not own or lease any motor vehicle required to be registered with the Department of Public Safety as a limousine carrier or a taxi service. A transportation referral service shall not include emergency or nonemergency medical transports.
(8) 'Transportation referral service provider' means any person or entity that books, refers clients to, collects money for, or advertises transportation services provided by a limousine carrier or taxi service by means of a telephone, through cellular telephone software, through the Internet, in person, by written instrument, by any person, or by any other means and owns or leases one or more motor vehicles required to be registered with the Department of Public Safety as a limousine carrier or a local government in this state as a taxi service. A transportation referral service provider shall not include emergency or nonemergency medical transports.

40-1-191.
The General Assembly finds that it is in the public interest to provide uniform administration and parity among ride share network services, transportation referral services, and transportation referral service providers, including taxi services, that operate in this state for the safety and protection of the public. The General Assembly fully occupies and preempts the entire field of administration and regulation over ride share network services, transportation referral services, transportation referral service providers, and taxi services as governed by this part; provided, however, that the governing authority of any county or municipal airport shall be authorized to regulate any ride share network service, transportation referral service, transportation referral service provider, and taxi service consistent with the process used for limousine carriers, as set forth in Code Section 40-1-162, who are doing business at any such airport and may establish fees as part of such regulation process; provided, further, that

such fees shall not exceed the airport's approximate cost of permitting and regulating ride share network services, transportation referral services, transportation referral service providers, and taxi services; and provided, further, that such governing authorities of such airports shall accept a for-hire license endorsement or private background check certification pursuant to Code Section 40-5-39 as adequate evidence of sufficient criminal background investigations and shall not require any fee for any further criminal background investigation; and provided, further, that local governments may maintain certificates of public necessity and convenience and medallion requirements and company requirements for taxi services as provided in this part and may establish maximum fares for taxi services. The list of ride share network services, transportation referral services, transportation referral service providers, and taxi services on the website of the department shall be sufficient evidence that such services have licenses issued by the department.

40-1-192.

(a) A transportation referral service or transportation referral service provider that only refers business to limousine carriers and taxi services that are licensed or registered as transportation referral service providers shall be exempt from registration under this Code section.

(b) Each transportation referral service provider doing business, operating, or providing transportation services in this state shall register with the department. Upon receipt of registration by the department, the department shall issue a license to such transportation referral service provider which shall be renewed on an annual basis. The department may charge a fee for such license and registration not to exceed $100.00. Limousine carriers, as a part of the licensure and permitting process for limousine carriers, shall be registered and licensed as a transportation referral service provider under this part. A transportation referral service provider that receives referrals from a transportation referral service or a transportation referral service provider shall be required to disclose to the department that it is receiving referrals from such transportation referral service or transportation referral service provider; provided, however, that the limousine carrier or taxi service shall be required to comply with the requirements of this part.

(c) Each transportation referral service provider doing business, operating, or providing transportation services in this state shall file and keep current monthly with the department a list of all limousine carriers and taxi services which it utilizes to provide transportation services in this state. Such lists shall not be subject to inspection or disclosure under Article 4 of Chapter 18 of Title 50.

(d) Each transportation referral service provider doing business, operating, or providing transportation services in this state shall:

(1) Either obtain directly or determine that each taxi service to which it refers business possesses either a certificate of public necessity and convenience or medallion authorizing the provision of taxicab services in such local government if

the certificate of public necessity and convenience or medallion is required by an ordinance of the local government where such taxi service is to be provided;

(2) Either obtain directly or determine that each taxi service to which it refers business is registered with the department and possesses and maintains a permit authorizing the provision of taxicab services in such local government if a company permit is required by an ordinance of the local government where such taxi service is to be provided;

(3) Either obtain directly or determine that each limousine carrier to which it refers business is properly and currently registered and licensed pursuant to Part 3 of this article;

(4) Take all necessary steps to determine that:

(A) Any driver either directly employed by or contracted with a limousine carrier which the limousine carrier contracts with or utilizes for the provision of transportation services in this state possesses and maintains any required permits or licenses required by the federal government or this state; and

(B) Any driver either directly employed by or contracted with a taxi service which the taxi service contracts with or utilizes for the provision of transportation services in this state possesses and maintains any required permits or licenses required by the federal government or the local government where the transportation services are to be provided;

(5) Ensure that each driver utilized by such transportation referral service provider, whether such driver is employed directly by the transportation referral service provider or by a limousine carrier or taxi service which the transportation referral service provider contracts with or utilizes for the provision of transportation services in this state, has a current for-hire license endorsement or current private background check certification pursuant to Code Section 40-5-39;

(6) Have a zero tolerance policy with regard to the use of drugs or alcohol while on duty in place for drivers utilized by such limousine carrier or taxi service in the provision of transportation services, whether such driver is employed directly by the transportation referral service provider or by a limousine carrier or taxi service which the transportation referral service provider contracts with or utilizes for the provision of transportation services in this state;

(7) Shall ensure that each limousine carrier with which such transportation referral service provider contracts or utilizes for the provision of transportation services in this state has the commercial indemnity and liability insurance required by Code Section 40-1-166 or each taxi service with which such transportation referral service provider contracts or utilizes for the provision of transportation services in this state has the minimum amount of commercial liability insurance prescribed by the local government where such taxi service is provided or by state law, whichever is greater;

(8) Have, as to taxi services, complied with or ensured that any taxi service which it contracts with or utilizes for the provision of transportation services complies with any fare structure or regulation prescribed by ordinance of the local government where such taxi service is to be provided; provided, however, that any fares specified

in local ordinances shall be the maximum fare which may be charged but shall not prohibit a taxi service from charging lower fares;

(9) Have complied with or determined that the limousine carrier or taxi service with which the provider contracts with or utilizes for the provision of transportation services in this state is in compliance with any and all other applicable requirements prescribed by the laws of the state, the rules and regulations of the department, and the ordinances of local governments where such transportation services are provided; and

(10) Comply with the provisions of Code Section 40-8-7. No additional vehicle inspections shall be required for taxi services or limousine carriers.

(e) Failure to register according to the provisions of this Code section shall be a misdemeanor.

40-1-193.

(a) Each ride share network service doing business or operating in this state shall register with the department. Upon receipt of registration by the department, the department shall issue a license to such ride share network service which shall be renewed on an annual basis. The department may charge a fee for such license and registration not to exceed $100.00.

(b) Each ride share network service doing business or operating in this state shall maintain a current list of all ride share drivers who are enrolled in its network in this state. Such lists shall not be subject to inspection or disclosure under Article 4 of Chapter 18 of Title 50 but shall be made available for inspection by law enforcement officers and representatives of other government agencies upon request to ascertain compliance with law.

(c) Each ride share network service doing business or operating in this state shall:

(1) Take all necessary steps to determine that each driver contracted with such ride share network service possesses and maintains any required permits or licenses required by the federal government or this state;

(2) Ensure that each driver utilized by such ride share network service, whether such driver is employed directly by the ride share network service or operates as an independent contractor, has a current for-hire license endorsement or current private background check certification pursuant to Code Section 40-5-39;

(3) Have a zero tolerance policy with regard to the use of drugs or alcohol while on duty in place for drivers contracted with such ride share network service;

(4) Have for each ride share driver contracted with such ride share network service in this state insurance coverage in effect with respect to personal injury liability, property damage liability, and personal injury protection liability benefits available to drivers, passengers, pedestrians, and others in the same coverages as required by law; and

(5) Comply with the provisions of Code Section 40-8-7. No vehicle inspections shall be required for vehicles used by ride share drivers.

(d) Each ride share driver utilized by such ride share network service, whether such driver is employed directly by the ride share network service or operates as an independent contractor, shall maintain on his or her smartphone digital identification containing the following information while active on the ride share network service's digital network:

(1) The name and photograph of the driver;

(2) The make and model of the motor vehicle being driven;

(3) The license plate number of the motor vehicle being driven;

(4) Certificates of insurance for the motor vehicle being driven; and

(5) Such other information as may be required by the Department of Public Safety.

Upon reasonable suspicion of a law enforcement officer of improper operation by a ride share driver, the ride share driver, upon request, shall provide the law enforcement officer with access to the smartphone containing the digital information required by this subsection and the electronic record of the trips sufficient to establish that the trip in question was prearranged through digital dispatch of the ride share network service. The ride share driver shall not be required to relinquish custody of the smartphone containing the digital information required by this subsection and the electronic record of the trips arranged through digital dispatch of the ride share network service.

(e) A violation of the provisions of this Code section shall constitute a misdemeanor.

40-1-194.

(a)(1)(A) No transportation referral service or transportation referral service provider subject to this part shall contract with, utilize, or refer individuals or entities to limousine carriers that are not properly licensed by this state or are not properly insured under state law.

(B) No ride share network service subject to this part shall contract with, utilize, or refer individuals or entities to ride share drivers who are not properly licensed by this state or are not properly insured under state law.

(2) No transportation referral service or transportation referral service provider subject to this part shall contract with, utilize, or refer individuals or entities to taxi services that are not registered with the department and properly licensed by the applicable political subdivision of this state, are not properly insured under local law, or use drivers that are not properly licensed under state and local law to carry passengers for hire.

(b)(1)(A) No person who is not licensed under the laws of this state to provide limousine services shall contract with or accept referrals from a transportation referral service, transportation referral service provider, or ride share network service for transportation services. This paragraph shall not apply to passengers.

(B) No ride share driver who does not have an appropriate driver's license and either a for-hire endorsement or current private background check certification pursuant to Code Section 40-5-39 shall contract with or accept referrals from a transportation referral service, transportation referral service provider, or ride share network service for transportation services.

(2) No person who does not have the licensing required by the appropriate local government of this state to provide taxi services shall contract with or accept referrals from a transportation referral service or transportation referral service provider for transportation services. This paragraph shall not apply to passengers.

(c)(1) A transportation referral service that violates subsection (a) of this Code section shall be guilty of a misdemeanor.

(2) A transportation referral service provider or ride share network service that violates subsection (a) of this Code section shall be guilty of a misdemeanor and additionally shall be subject to having such provider's or service's registration suspended or revoked by the department.

(d) A person who violates subsection (b) of this Code section shall be guilty of a misdemeanor and additionally shall be subject to a suspension for one year or revocation of such person's driver's license.

40-1-195.

(a) Each taxi service, transportation referral service, transportation referral service provider, and ride share network service doing business, operating, or providing transportation services in this state shall include its license number issued by the department in any advertising in this state; provided, however, that this Code section shall not apply to Internet advertisements. Limousine carriers which register as transportation referral service providers under this part shall be subject to the advertising requirements of this Code Section and not the provisions of Code Section 40-1-165. Failure to provide such license number shall result in the imposition of a civil penalty not to exceed $5,000.00 for each violation.

(b) Each ride share driver shall display a consistent and distinctive signage or emblem that is approved by the Department of Public Safety on such ride share driver's vehicle at all times while the ride share driver is active on the ride share network service's digital network. The signage or emblem shall be:

(1) Sufficiently large and color contrasted to be readable during daylight hours from a distance of at least 50 feet;

(2) Reflective, illuminated, or otherwise visible in darkness; and

(3) Sufficient to identify a vehicle as being associated with the ride share network service with which the ride share driver is affiliated.

Any person who violates this subsection shall be guilty of a misdemeanor.

40-1-196.

(a) Rates for taxi services set by a local government shall constitute the maximum fare which may be charged but shall not prohibit a taxi service from charging lower fares. Transportation services provided by taxi services and arranged by a transportation referral service or transportation referral service provider doing business in this state shall be billed in accordance with the fare rates prescribed by the local government where such taxi services are to be provided. The use of Internet or cellular telephone software to calculate rates shall not be permitted unless such software complies with

and conforms to the weights and measures standards of the local government that licenses such taxi service.

(b) Transportation services provided by limousine carriers and arranged by a transportation referral service or transportation referral service provider shall only be billed in accordance with the rates of such limousine carriers on an hourly basis or upon one or more of the following factors: distance, flat fee, base fee, waiting time, cancellation fee, stop fee, event pricing, demand pricing, or time. The charge for such transportation services shall not be calculated solely by the use of a metering device in or affixed to the motor vehicle.

(c) A ride share driver contracted with a ride share network service may offer transportation services at no charge, suggest a donation, or charge a fare. If a ride share driver contracted with a ride share network service charges a fare, such fare shall be calculated based upon one or more of the following factors: distance, flat fee, base fee, waiting time, cancellation fee, stop fee, event pricing, demand pricing, or time. The fare shall not be calculated solely by the use of a metering device in or affixed to the motor vehicle.

(d) Each transportation referral service, transportation referral service provider, and ride share network service shall make available to the person being transported prior to receiving transportation services either the amount of the charge for such services or the rates under which the charge will be determined.

(e) A violation of this Code section shall be a misdemeanor.

40-1-197.

The department is authorized to promulgate such rules and regulations as the department shall find necessary to implement the provisions of this part.

40-1-198.

(a) Each transportation referral service provider shall maintain a current list of all drivers that such provider employs directly or as independent contractors in this state. Such lists shall not be subject to inspection or disclosure under Article 4 of Chapter 18 of Title 50 but shall be made available for inspection by law enforcement officers and representatives of other government agencies upon request to ascertain compliance with law.

(b) A violation of this Code section shall be punished by the imposition of a civil penalty not to exceed $5,000.00 for each violation.

40-1-199.

A waiver of any rights with regard to personal injuries as the result of any transportation services provided by such ride share network service, transportation referral service, transportation referral service provider, limousine carrier, or taxi service by any person utilizing the services of a ride share network service, transportation referral service, transportation referral service provider, limousine carrier, or taxi service in this state shall not be valid unless such person is given written

or electronic notice of such waiver prior to receiving such services and knowingly and willfully agrees to such waiver.

40-1-200.
This part shall not be applicable to equine drawn vehicles or nonmotorized vehicles."

SECTION 4.

Said title is further amended by revising Code Section 40-2-168, relating to registration and licensing of taxicabs and limousines, as follows:

"40-2-168.

(a) Owners of a taxicab or limousine, prior to commencing operation in this state, shall, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and the payment of an annual registration fee of $25.00, be issued a distinctive license plate by the commissioner. Such distinctive license plate shall be designed by the commissioner and displayed on the vehicle as provided in Code Section 40-2-41. The certificate of registration shall be kept in the vehicle. Revalidation decals shall be issued, upon payment of fees required by law, in the same manner as provided for general issue license plates. Such license plates shall be transferred from one vehicle to another vehicle of the same class and acquired by the same person as provided in Code Section 40-2-42. ~~The transition period shall commence on May 20, 2010, and conclude no later than December 31, 2010, for all existing registrations.~~ For all existing registrations, except during the owner's registration period as provided in Code Section 40-2-21, the commissioner shall exchange and replace any current and valid registration and license plate at no charge to the owner. Such license plates shall not be issued to any owner of a taxicab or limousine, as such term is defined in paragraph (4) of Code Section 40-1-151, that is not properly licensed as such by the Department of Public Safety or a political subdivision of this state.

(b)(1) As used in this subsection, the term 'for-hire vehicle' means a motor vehicle used in this state by a limousine carrier, ride share network, ride share network driver, or taxi service, as such terms are defined in Code Section 40-1-190, for the purpose of transporting passengers for compensation or donation.

(2) On and after July 1, 2016, an owner of each for-hire vehicle, prior to commencing operations in this state and annually thereafter, shall either obtain a for-hire vehicle master license from the department or shall elect to continue to pay sales and use taxes pursuant to Chapter 8 of Title 48 on all fares collected by such owner. If the owner elects to purchase a master license, the department shall issue a decal or certificate for each motor vehicle covered under such master license, and the owner shall display such decal on such vehicle at all times in the manner prescribed by the department by rule or regulation or shall maintain a copy of the certificate in the covered vehicle or electronically on the driver's smartphone which certificate shall be displayed to law enforcement personnel or agents of the department upon request. With regard to ride share drivers who are employed directly by a ride share network

service or who operate as independent contractors for a ride share network service, the ride share network service shall be responsible for either obtaining a master license for all of its affiliated ride share drivers or for paying the sales and use tax on such fares pursuant to Chapter 8 of Title 48 on all fares collected. The obtaining of a master license shall not operate to relieve the owner of a for-hire vehicle from sales and use taxes on fares which were previously incurred.

(3) The owner of each for-hire vehicle in operation in this state on July 1, 2016, who chooses to obtain a for-hire master license in lieu of paying sales and use taxes on fares shall obtain a for-hire master license from the department prior to such date and shall obtain a decal or certificate for each motor vehicle covered under such master license, and the owner shall either display such decal on such vehicle at all times in the manner prescribed by the department by rule or regulation or shall maintain a copy of the certificate in the covered vehicle or electronically on the driver's smartphone which certificate shall be displayed to law enforcement personnel or agents of the department upon request.

(4) The annual fee for such master license shall be as follows:

(A) For 1 to 5 for-hire vehicles	$1,500.00
(B) For 6 to 59 for-hire vehicles	12,050.00
(C) For 60 to 100 for-hire vehicles	25,000.00
(D) For 101 to 150 for-hire vehicles	40,000.00
(E) For 151 to 200 for-hire vehicles	56,000.00
(F) For 201 to 250 for-hire vehicles	75,000.00
(G) For 251 to 300 for-hire vehicles	90,000.00
(H) For 301 to 350 for-hire vehicles	105,000.00
(I) For 351 to 500 for-hire vehicles	150,000.00
(J) For 501 to 1,000 for-hire vehicles	300,000.00
(K) For 1,001 and greater for-hire vehicles	300,000.00 plus $250,000.00 for each additional 1,000 vehicles or fraction thereof.

Decals or certificates shall be issued in connection with the master license at no charge by the department. The number of vehicles shall be determined by adding the number of for-hire vehicles utilized by the owner during each of the preceding months in the immediately preceding 12 month period and dividing such sum by 12.

(5) Of this fee, 57 percent shall be retained by the state for deposit in the general fund of the state treasury and 43 percent shall be forwarded to the county tag agent to allocate and distribute to the county governing authority and to municipal governing authorities, the board of education of the county school system, and the board of education of any independent school system located in such county in the manner provided in this paragraph:

(A) An amount equal to one-third of such proceeds shall be distributed to the board of education of the county school system and the board of education of each independent school system located in such county in the same manner as required

for any local sales and use tax for educational purposes levied pursuant to Part 2 of Article 3 of Chapter 8 of Title 48 currently in effect. If such tax is not currently in effect, such proceeds shall be distributed to such board or boards of education in the same manner as if such tax were in effect;

(B)(i) Except as otherwise provided in this subparagraph, an amount equal to one-third of such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as specified under the distribution certificate for the joint county and municipal sales and use tax under Article 2 of Chapter 8 of Title 48 currently in effect;

(ii) If such tax were never in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county on a pro rata basis according to the ratio of the population that each such municipality bears to the population of the entire county;

(iii) If such tax is currently in effect as well as a local option sales and use tax for educational purposes levied pursuant to a local constitutional amendment, an amount equal to one-third of such proceeds shall be distributed in the same manner as required under division (i) of this subparagraph and an amount equal to one-third of such proceeds shall be distributed to the board of education of the county school system;

(iv) If such tax is not currently in effect and a local option sales and use tax for educational purposes levied pursuant to a local constitutional amendment is currently in effect, such proceeds shall be distributed to the board of education of the county school system and the board of education of any independent school system in the same manner as required under such local constitutional amendment; and

(v) If such tax is not currently in effect and a homestead option sales and use tax under Article 2A of Chapter 8 of Title 48 is in effect, such proceeds shall be distributed to the governing authority of the county, each qualified municipality, and each existing municipality in the same proportion as otherwise required under Code Section 48-8-104; and

(C)(i) An amount equal to one-third of such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as specified under an intergovernmental agreement or as otherwise required under the county special purpose local option sales and use tax under Part 1 of Article 3 of Chapter 8 of Title 48 currently in effect; provided, however, that this division shall not apply if division (iii) of subparagraph (B) of this paragraph is applicable;

(ii) If such tax were in effect but expired and is not currently in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as if such tax were still in effect according to an intergovernmental agreement or as otherwise required under the county special purpose local option

sales and use tax under Part 1 of Article 3 of Chapter 8 of Title 48 for the 12 month period commencing at the expiration of such tax. If such tax is not renewed prior to the expiration of such 12 month period, such amount shall be distributed in accordance with division (i) of subparagraph (B) of this paragraph; provided, however, that if a tax under Article 2 of Chapter 8 of Title 48 is not in effect, such amount shall be distributed in accordance with division (ii) of subparagraph (B) of this paragraph;

(iii) If such tax is not currently in effect in a county in which a tax is levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment, such proceeds shall be distributed to the governing body of the authority created by local Act to operate such metropolitan area system of public transportation; and

(iv) If such tax were never in effect, such proceeds shall be distributed in the same manner as specified under the distribution certificate for the joint county and municipal sales and use tax under Article 2 of Chapter 8 of Title 48 currently in effect; provided, however, that if such tax under such article is not in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county on a pro rata basis according to the ratio of the population that each such municipality bears to the population of the entire county.

(6) On and after July 1, 2016, it shall be illegal for an owner of a for-hire vehicle who chooses to obtain a master license in lieu of paying sales and use taxes on fares and who is providing transportation services to fail to display a current tax decal or maintain a physical or electronic certificate in such vehicle as prescribed by this subsection and as may be required by the department by rule or regulation. Any person who violates this paragraph shall be guilty of a misdemeanor of a high and aggravated nature and additionally shall be subject to a civil fine of not more than $5,000.00 per violation."

SECTION 5.

Said title is further amended by revising paragraphs (9) and (11) of Code Section 40-5-1, relating to definitions, and adding new paragraphs to read as follows:

"(9) ~~Reserved~~ 'For hire' means to operate a motor vehicle in this state for the purpose of transporting passengers for compensation or donation as a limousine carrier, ride share network or driver, or taxi service as such terms are defined in Code Section 40-1-190.

(9.1) 'For-hire license endorsement' means an endorsement to a driver's license pursuant to Code Section 40-5-39 that authorizes the holder of the license to operate a motor vehicle for the purpose of transporting passengers in this state for compensation or donation as a limousine carrier, ride share network or driver, or taxi service as such terms are defined in Code Section 40-1-190."

"(11) ~~Reserved~~ 'Limousine carrier' means any limousine company or provider which is licensed with this state pursuant to paragraph (5) of Code Section 40-1-151."

"(16.01) 'Ride share driver' means an individual who uses his or her personal passenger car, as defined in paragraph (41) of Code Section 40-1-1, to provide transportation for passengers arranged through a ride share network service.

(16.02) 'Ride share network service' means any person or entity that uses a digital network or Internet network to connect passengers to ride share drivers for the purpose of prearranged transportation for hire or for donation."

"(18) 'Taxi service' means any taxicab company or provider which utilizes a motor vehicle or similar vehicle, device, machine, or conveyance to transport passengers; uses a taximeter; and is registered with the Department of Public Safety and, if applicable, is authorized to provide taxicab services pursuant to an ordinance of a local government in this state."

SECTION 6.

Said title is further amended by revising Code Section 40-5-39, relating to endorsement on license of limousine chauffeur, requirements, and term, as follows:

"40-5-39.

(a) No person shall operate a motor vehicle for hire in this state unless such person:

(1) Has a for-hire license endorsement pursuant to this Code section and has liability insurance coverage in the amounts required by law for the class of motor vehicle being operated for hire and the requirements for limousine carriers, ride share networks and drivers, and taxi services, as applicable; or

(2) Has a private background check certification pursuant to this Code section and has liability insurance coverage in the amounts required by law for the class of motor vehicle being operated for hire and the requirements for limousine carriers, ride share networks and drivers, and taxi services, as applicable.

This shall include, but not be limited to, ride share drivers and persons operating motor vehicles for limousine carriers and taxicabs for taxi services.

~~(a)~~(b) The department shall ~~endorse the driver's license of any approved limousine chauffeur employed by a limousine carrier~~ provide a for-hire license endorsement for any qualified person under this Code section. In order to be eligible for such endorsement, an applicant shall:

(1) Be at least 18 years of age;

(2) Possess a valid Georgia driver's license which is not limited as defined in Code Section 40-5-64;

(3) Not have been convicted, been on probation or parole, or served time on a sentence for a period of ~~ten~~ seven years previous to the date of application for any felony or any other crime of moral turpitude or a pattern of misdemeanors that evidences a disregard for the law unless he or she has received a pardon and can produce evidence of same. For the purposes of this paragraph, a plea of nolo contendere shall be considered to be a conviction, and a conviction for which a person has been free from custody and free from supervision for at least ~~ten~~ seven years shall

not be considered a conviction unless the conviction is for a dangerous sexual offense which is contained in Code Section 42-1-12 or the criminal offense was committed against a victim who was a minor at the time of the offense;

(4) Submit at least one set of classifiable electronically recorded fingerprints to the department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation. The department shall transmit the fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report and promptly conduct a search of state records based upon the fingerprints. After receiving the report from the Georgia Crime Information Center and the Federal Bureau of Investigation, the department shall determine whether the applicant may be certified; ~~and~~

(5) Be a United States citizen, or if not a citizen, present federal documentation verified by the United States Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law; and

(6) Provide proof of liability insurance coverage in such amounts as provided by law for the class of motor vehicle being operated for hire and the requirements for limousine carriers, ride share networks and drivers, and taxi services, as applicable.

~~(b)~~(c) Such endorsement shall be valid for the same term as such person's driver's license, provided that each person seeking renewal of a driver's license with such endorsement shall submit to a review of his or her criminal history for verification of his or her continued eligibility for such endorsement prior to making application for such renewal using the same process set forth in subsection ~~(a)~~ (b) of this Code section. If such person no longer satisfies the background requirements set forth herein, he or she shall not be eligible for the inclusion of such endorsement on his or her driver's license, and it shall be renewed without the endorsement.

~~(c)~~(d) Every ~~chauffeur employed by a limousine carrier~~ person who operates a motor vehicle for hire in this state shall have his or her Georgia driver's license with the prescribed for-hire license endorsement in his or her possession at all times while operating a motor vehicle ~~of a limousine carrier~~ for hire in this state or shall have his or her Georgia driver's license and a private background check certification pursuant to subsection (e) of this Code section in his or her possession. Such driver's license with a for-hire endorsement or such driver's license and private background check certification shall be presented to a law enforcement officer upon request by such officer.

(e)(1) A person operating a motor vehicle for hire in this state may obtain a private background check in lieu of obtaining a for-hire endorsement. Such background check shall be conducted by the taxi service, limousine carrier, or ride share network service that employs such driver.

(2) The taxi service, limousine carrier, or ride share network service shall require such person to submit an application to the taxi service, limousine carrier, or ride share network service which includes, but is not limited to, information regarding such person's address, age, driver's license information and number, driving history,

motor vehicle registration, automobile liability insurance, and other information necessary to complete a background check on such person.

(3) The taxi service, limousine carrier, or ride share network service shall conduct or cause to be conducted a local and national criminal background check on such person which shall include:

(A) A search of a multistate, multijurisdiction criminal records locator or similar nation-wide data base with validation or primary source search;

(B) A search of the national sex offender registry data base; and

(C) The obtaining and review of a driving history research report.

(4) The taxi service, limousine carrier, or ride share network service shall review the background check and issue a private background check certification to such person; provided, however, that no such certification shall be issued to a person whose background check discloses that such person:

(A) Has had more than three moving violations in the prior three-year period or has one major traffic violation, as such term is defined in Code Section 40-5-142, in the prior three-year period;

(B) Has been convicted within the past seven years of driving under the influence of drugs or alcohol or has been convicted at any time of fraud, a sexual offense, the use of a motor vehicle to commit a felony, a crime involving property damage, a crime involving theft, a crime involving an act of violence, or a crime involving an act of terror;

(C) Has a match on the national sex offender registry data base;

(D) Does not have a valid driver's license;

(E) If such person will be using such person's vehicle as the motor vehicle to be operated for hire, does not possess proof of registration for such vehicle;

(F) Does not possess proof of liability insurance coverage in such amounts as provided by law for the class of motor vehicle being operated for hire and the requirements for limousine carriers, ride share networks and drivers, and taxi services, as applicable; and

(G) Is not at least 18 years of age.

(5) Such private background check certification shall be issued in written form or in a form which may be displayed electronically on a smartphone. Such private background check certification shall be valid for a period of five years from the date of its issuance.

~~(d)~~(f) The department is authorized to promulgate rules and regulations as necessary to implement this Code section.

(g) Any person who violates the provisions of this Code section shall be guilty of a misdemeanor."

SECTION 7.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, is amended by revising paragraph (25), which was previously reserved, as follows:

"(25) ~~Reserved~~ Fares of for-hire vehicles for which the owners of such vehicles have chosen to purchase a for-hire master license in lieu of paying sales and use taxes on fares pursuant to the provisions of subsection (b) of Code Section 40-2-168. This provision shall not relieve taxi services, limousine carriers, transportation referral services, transportation referral service providers, or ride share service networks of sales and use tax liability on fares incurred prior to the purchase of such for-hire master license;".

SECTION 8.

Sections 2, 3, 5, and 6 of this Act shall become effective on July 1, 2015. Sections 4 and 7 shall be come effective on July 1, 2016. The remaining sections of this Act shall become effective upon the approval of this Act by the Governor or upon this Act becoming law without such approval.

SECTION 9.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Powell of the 32nd et al. offer the following amendment:

*Amend the House Committee on Regulated Industries substitute to HB 225 (LC 36 2752S) by inserting after "*business*" on line 52 "*for the purpose of soliciting a fare*".*

*By striking "*law*" on lines 219 and 344 and inserting in lieu thereof "*this title*".*

*By striking "*coverages*" on line 233 and inserting in lieu thereof "*coverage amounts*".*

*By striking "*shall*" on line 287 and inserting in lieu thereof "*may*".*

By striking lines 322 and 323 and inserting in lieu thereof the following:
pricing, demand pricing, or time. The charge for such transportation services may be calculated by the use of a metering device in or affixed to the motor vehicle.

By striking line 329 and inserting in lieu thereof the following:
may be calculated by the use of a metering device in or affixed to the motor

By striking "$250,000.00*" on line 420 and inserting in lieu thereof "*$25,000.00*" and by striking "*1,000*" on line 421 and inserting in lieu thereof "*100*".*

*By inserting after "*smartphone.*" on line 631 the following:*
A digital identification properly issued pursuant to subsection (d) of Code Section 40-1-193 shall constitute sufficient certification of a private background check.

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
E Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	N Holcomb	N Pak	Y Stephenson
Y Bell	N Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	N Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	E Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	N Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Burns	Y Fleming	N Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	N Roberts	Y Werkheiser
Y Carter	N Gardner	Y LaRiccia	N Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	N Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	E Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 160, nays 10.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 457. By Representatives Hawkins of the 27th, Rogers of the 29th, Clark of the 98th, Dunahoo of the 30th, Coleman of the 97th and others:

A BILL to be entitled an Act to amend Part 7 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to watercraft held in inventory, so as to provide that watercraft held in inventory shall be exempt from ad valorem taxation; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Part 7 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to watercraft held in inventory, so as to provide that watercraft held in inventory shall be exempt from ad valorem taxation; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 7 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to watercraft held in inventory, is amended by revising Code Section 48-5-504.40, relating to watercraft held in inventory for resale exempt from taxation for limited period of time, as follows:

"48-5-504.40.

(a) As used in this Code section, the term:

(1) 'Dealer' means any person who is engaged in the business of selling watercraft at retail.

(2) 'Watercraft' means any vehicle which is self-propelled or which is capable of self-propelled water transportation, or both.

(b) Watercraft ~~which is~~ owned by a dealer and held in inventory for sale or resale shall constitute a separate classification of tangible property for ad valorem taxation purposes. The procedures prescribed in this chapter for returning watercraft for ad valorem taxation, determining the application rates for taxation, and collecting the ad valorem taxes imposed on watercraft do not apply to watercraft ~~which is~~ owned by a dealer and held in inventory for sale or resale. ~~For the period commencing January 1, 2009, and concluding December 31, 2013, such~~ Such watercraft ~~which is~~ owned by a dealer and held in inventory for sale or resale shall not be returned for ad valorem taxation~~,~~ and shall not be taxed, and no taxes shall be collected on such watercraft until

it is transferred and then otherwise, if at all, becomes subject to taxation as provided in this chapter."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to all tax years beginning on and after January 1, 2016.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams
Y Alexander
Y Allison
Y Anderson
E Atwood
Y Ballinger
Y Barr
Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
E Golick
Y Gordon
Y Gravley
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
E Jones, L
Y Jones, S
E Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y Meadows
Y Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Rynders
Y Scott
Y Setzler
Y Sharper
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson

Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 168, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 428. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to extend a sales tax exemption for materials to be used in certain construction projects of zoological institutions; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to extend a sales tax exemption for materials to be used in certain construction projects of zoological institutions; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, is amended by revising paragraph (87) as follows:

"(87)(A) ~~Notwithstanding any provision of Code Section 48-8-63 to the contrary, from July 1, 2013, until June 30, 2015, sales of tangible personal property used for and in the renovation or expansion of a zoological institution. (B)~~ <u>The sale or use of tangible personal property used for or in the renovation or expansion of a zoological institution to the extent provided in subparagraphs (B) and (C) of this paragraph.</u> As used in this paragraph, the term 'zoological institution' means a nonprofit wildlife park, terrestrial institution, or facility which:

(i) Is open to the public, <u>charges for admission,</u> exhibits and cares for a collection consisting primarily of animals other than fish, and has received accreditation from the Association of Zoos and Aquariums; and

(ii) Is located in this state and owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

(B) This exemption shall apply from July 1, 2015, until January 1, 2017, and until the aggregate state sales and use tax refunded pursuant to this paragraph exceeds $350,000.00. A qualifying zoological institution shall pay sales and use tax on all purchases and uses of tangible personal property and may obtain the benefit of this exemption from state sales and use tax by filing a claim for refund of tax paid on qualifying items. All refunds made pursuant to this paragraph shall not include interest.

(C) ~~Any person making a sale of tangible personal property for the purpose specified in this paragraph shall collect the tax imposed on this sale unless the purchaser furnishes such person with an exemption determination letter issued by the commissioner certifying that the purchaser is entitled to purchase the tangible personal property without paying the tax;~~ (i) This exemption shall apply from July 1, 2015, until January 1, 2017. A qualifying zoological institution shall pay sales and use tax on all purchases and uses of tangible personal property and may obtain the benefit of this exemption from local sales and use tax by filing a claim for refund of tax paid on qualifying items. All refunds made pursuant to this paragraph shall not include interest.

(ii) For purposes of this subparagraph, local sales and use tax shall be defined as any local sales and use tax levied or imposed at any time in any area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' or such taxes as authorized by or pursuant to Article 2, 2A, 3, 4, or 5 of this chapter.

(D) Notwithstanding any provision of Code Section 48-8-63 to the contrary, purchases by a contractor may qualify for the exemption provided for in this paragraph. However, when a contractor purchases qualifying tangible personal property, the contractor shall pay the tax at the time of purchase or at the time of first use in this state; and the ultimate owner of the property may file a claim for refund of the tax paid on the qualifying property.

(E) Items qualifying for exemption include all tangible personal property that will remain at the zoological institution after completion of construction and all tangible personal property that becomes incorporated into the real property structures of the zoological institution. This exemption excludes all items that remain tangible personal property in the possession of a contractor after the completion of construction;"

SECTION 2.

This Act shall become effective on July 1, 2015.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
N Allison	Y Corbett	N Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
N Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	N Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Powell, A	N Tarvin
Y Beverly	N Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
N Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	N Teasley
Brooks	Y Ehrhart	E Jones, L	N Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	N Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	N Turner
Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
N Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	N Werkheiser
Y Carter	Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
N Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
N Clark, D	E Golick	N Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	N Gravley	Y Mayo	Y Sharper	N Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 147, nays 22.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 408. By Representatives Willard of the 51st, Raffensperger of the 50th, Geisinger of the 48th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to an excise tax on rooms, lodging, and accommodations, so as to clarify the application of certain provisions to certain municipalities; to provide for conditions and limitations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Turner
Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	E Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 170, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

The following report of the Committee on Rules was read and adopted:

HOUSE SUPPLEMENTAL RULES CALENDAR #2
WEDNESDAY, MARCH 11, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 29th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HB 232 State Board of Hearing Aid Dealers and Dispensers; change certain provisions (Substitute)(RegI-Carter-175th)
HB 338 Courts; collection of a fee to defray costs associated with electronic citations; provisions (PS&HS-Lumsden-12th)
HB 524 Trade names; require registration with clerk of superior court; provisions (Judy-Fleming-121st)

Modified Structured Rule

HB 303 Uninsured motorist coverage; recovery when an insurer refuses to pay for a loss within 60 days after a demand has been made by the insured and a finding has been made that such refusal was made in bad faith; change provisions (Substitute)(Judy-Hightower-68th)
HB 313 Public employees; limited paid leave for purpose of promoting education; authorize (Ed-Dickey-140th)
HB 502 Elementary and secondary education; update and clarify provisions and repeal obsolete provisions (Substitute)(Ed-Dudgeon-25th)
HB 527 Counties; provide budget for population of two hundred thousand or more; repeal Act (Substitute)(IGC-Willard-51st)

Structured Rule

HB 238 Sales and use tax; tangible personal property used for or in renovation or expansion of an aquarium owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of Internal Revenue Code; provide exemption (Substitute)(W&M-Harbin-122nd)

HB 308 Income tax; revise tax credit for rehabilitation of historic structures; provisions (Substitute)(W&M-Stephens-164th)

HR 394 Sales and use tax; distribution of net proceeds for educational purposes between a county school system and one or more independent school systems; provide - CA (Substitute)(Ed-Nix-69th)

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bills and Resolution of the House were taken up for consideration and read the third time:

HB 232. By Representatives Carter of the 175th, Maxwell of the 17th, Shaw of the 176th and Corbett of the 174th:

A BILL to be entitled an Act to amend Chapter 20 of Title 43 of the Official Code of Georgia Annotated, relating to hearing aid dealers and dispensers, so as to change certain provisions relative to the creation of the State Board of Hearing Aid Dealers and Dispensers, composition, qualifications of members, terms of office, vacancies, and selection of officers; to change certain provisions relating to the issuance of licenses and fees; to change the number of hours of continuing education required for the renewal of a hearing aid specialist license; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 20 of Title 43 of the Official Code of Georgia Annotated, relating to hearing aid dealers and dispensers, so as change certain provisions relative to the creation

of the State Board of Hearing Aid Dealers and Dispensers, composition, qualifications of members, terms of office, vacancies, and selection of officers; to change certain provisions relating to the issuance of licenses and fees; to change the number of hours of continuing education required for the renewal of a hearing aid specialist license; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 20 of Title 43 of the Official Code of Georgia Annotated, relating to hearing aid dealers and dispensers, is amended by revising Code Section 43-20-4, relating to creation of board, composition, qualifications of members, terms of office, vacancies, and selection of officers, as follows:

"43-20-4.

(a) There shall be established ~~a~~ the State Board of Hearing Aid Dealers and Dispensers, which shall administer and enforce this chapter.

(b) ~~Members of the board shall be residents of the state.~~ The board shall consist of seven members,~~;~~ four of whom shall hold dispenser's licenses issued by the board and each shall have no less than three years' experience ~~as a hearing aid dispenser;~~ in the practice of dispensing hearing aids, one of whom shall be a diplomate or eligible for certification by the American Board of Otolaryngology and licensed to practice medicine in this state~~;~~, one of whom shall be an audiologist licensed under Chapter 44 of this title~~;~~, and one of whom shall be appointed from the public at large, shall be an individual to whom neither this state nor any other state has ever issued a license, permit, certificate, or registration to engage in the practice of dispensing hearing aids, and shall not employ any individual to engage in the practice of dispensing hearing aids. Each member of the board shall be a resident of this state.

(c) Each member of the board shall be appointed by the Governor with the approval of the Secretary of State. The term of office for each member shall be three years or until his or her successor has been appointed and qualified ~~except that, for the first board appointed under this chapter, two members shall be appointed for a two-year term and three members shall be appointed for a three-year term~~. Upon the expiration of each term, the Governor, with the approval of the Secretary of State, shall appoint a successor as provided above. Any vacancy on the board arising from death, resignation, or other cause shall be filled by such appointment for the unexpired term.

(d) The members of the board shall annually designate one such member to serve as ~~chairman~~ chairperson and another to serve as ~~vice-chairman~~ vice chairperson and may select such additional officers as the board deems necessary. The chairperson and vice chairperson shall each hold a dispenser's license."

SECTION 2.

Said chapter is further amended by revising Code Section 43-20-8, relating to issuance of licenses and fees, as follows:

"43-20-8.

(a) The board may issue a dealer's license to any applicant for a dealer's license upon compliance with this chapter, upon payment of the appropriate license fee for a dealer's license, and upon the presentation of evidence satisfactory to the board that ~~he~~ such applicant has established or will establish and maintain a regular office, store, or location for the dispensing of hearing aid devices or instruments, and that a person who possesses a valid Georgia dispenser's license will be responsible for the dispensing of hearing aids under such dealer's license.

(b)(1) The board may issue a dispenser's license to an applicant only when:

(A) The ~~the~~ applicant has satisfactorily completed a board approved examination; ~~and~~

(B) Proof ~~when proof~~ of age has been verified; and

(C) The applicant has satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. An application for a dispenser's license by examination under this chapter shall constitute express consent and authorization for the board or its representative to perform a criminal background check. Each applicant who submits an application to the board for a dispenser's license by examination agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such background check. This subparagraph shall not apply to an application for a renewal of a dispenser's license.

(2) The dispenser's license shall authorize the holder to dispense hearing aids under the general supervision of a licensed dealer.

(c) The dealer's license fee shall be in an amount determined by the board and must be paid for each office or location established by the dealer.

(d) The dispenser's license fee shall be in an amount determined by the board."

SECTION 3.

Said chapter is further amended by revising Code Section 43-20-15, relating to continuing education requirement, as follows:

"43-20-15.

(a) As a prerequisite for the renewal of a dispenser's license on or before December 31, 2015, the ~~dispenser~~ individual must provide proof to the board that ~~the dispenser~~ such individual has successfully completed 14 hours of continuing education in a program approved by the board.

(b) As a prerequisite for the renewal of a dispenser's license on or after January 1, 2016, the individual must provide proof to the board that such individual has successfully completed 20 hours of continuing education in a program approved by the board.

(c) The board may promulgate such rules and regulations as are necessary to implement the continuing education requirement."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams
Y Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
N Caldwell, M
Y Cantrell
Y Carson
Y Carter
Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
E Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
Y Harbin
Y Harden
Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
E Jones, L
Y Jones, S
E Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Y Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
Y Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
N Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
N Stover
Y Strickland
Y Tankersley
Y Tanner
N Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
N Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 5.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 313. By Representatives Dickey of the 140th, Nimmer of the 178th, Coomer of the 14th, Mayo of the 84th and Howard of the 124th:

A BILL to be entitled an Act to amend Article 2 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated, relating to leaves of absence for certain public employees, so as to authorize the application for limited paid leave for the purpose of promoting education in this state; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams
Y Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
Y Carson
Y Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Y Cooper
Y Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
E Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
Y Harbin
Y Harden
Y Harrell
Y Hatchett
Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
E Jones, L
Y Jones, S
E Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Y Knight
Y LaRiccia
Y Lumsden
Y Mabra
Y Marin
Martin
Maxwell
Y Mayo
Y McCall
Y McClain
Y Meadows
Y Mitchell
Y Morris
Y Mosby
Y Nimmer
Y Nix
Y Oliver
Y O'Neal
Y Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
N Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
Y Shaw
Y Sims
Y Smith, E
Y Smith, L
Y Smith, M
Y Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
Y Tarvin
Y Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
N Turner
Y Waites
Y Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
Y Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
Y Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, the ayes were 168, nays 2.

The Bill, having received the requisite constitutional majority, was passed.

HB 238. By Representatives Harbin of the 122nd, Wilkinson of the 52nd, Geisinger of the 48th, Sims of the 123rd, Parrish of the 158th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to state sales and use tax exemptions, so as to provide a sales tax exemption for tangible personal property used for or in the renovation or expansion of an aquarium owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to state sales and use tax exemptions, so as to provide a state and local sales tax exemption for tangible personal property used for or in the renovation or expansion of an aquarium owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to state sales and use tax exemptions, is amended by revising paragraph (76) as follows:

"(76)<u>(A) The sale or use of tangible personal property used for or in the renovation or expansion of an aquarium located in this state that charges for admission and that is owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, to the extent provided in subparagraphs (B) and (C) of this paragraph.</u>

<u>(B) This exemption shall apply from July 1, 2015, until January 1, 2017, and until the aggregate state sales and use tax refunded pursuant to this paragraph exceeds $750,000.00. A qualifying aquarium must pay sales and use tax on all purchases and uses of tangible personal property and may obtain the benefit of this exemption from state sales and use tax by filing a claim for refund of tax paid on qualifying items. All refunds made pursuant to this paragraph will not include interest.</u>

(C) This exemption shall apply from July 1, 2015, until January 1, 2017, to any local sales and use tax levied or imposed at any time in any area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' or such taxes as authorized by or pursuant to Article 2, 2A, 3, 4, or 5 of this chapter.

(D) Notwithstanding any provision of Code Section 48-8-63 to the contrary, purchases by a contractor may qualify for the exemption provided for in this paragraph. However, when a contractor purchases qualifying tangible personal property, the contractor shall pay the tax at the time of purchase or at the time of first use in this state; and the ultimate owner of the property may file a claim for refund of the tax paid on the qualifying property.

(E) Items qualifying for exemption include all tangible personal property that will remain at the aquarium facility after completion of construction and all tangible personal property that becomes incorporated into the real property structures of the aquarium facility. The exemption excludes all items that remain tangible personal property in the possession of a contractor after the completion of construction;

~~Notwithstanding any provision of Code Section 48-8-63 to the contrary, from June 4, 2003, until January 1, 2007, sales of tangible personal property to, or used in the construction of, an aquarium owned or operated by an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code;~~"

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
N Allison	Y Corbett	N Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Dempsey	Y Henson	Y Nix	N Spencer
N Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	N Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	N Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner

Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	N Tarvin
Y Beverly	N Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
N Brockway	N Efstration	Y Jones, J.B.	N Pruett	N Teasley
Y Brooks	Y Ehrhart	E Jones, L	N Quick	N Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Ramsey	N Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
N Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
N Cantrell	Y Frazier	N Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	N Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	N Rynders	Y Williams, A
Y Clark, D	E Golick	N Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	N Gravley	Y Mayo	Y Sharper	N Williamson
Y Coleman	Y Greene	N McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 142, nays 28.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 308. By Representatives Stephens of the 164th, Peake of the 141st and Harbin of the 122nd:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, computation, rate, and exemptions from state income taxes, so as to revise the tax credit for the rehabilitation of historic structures; to provide for procedures, conditions, and limitations; to provide for a sunset date; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, computation, rate, and exemptions from state income taxes, so as to revise the tax credit for the rehabilitation of historic structures; to provide for procedures, conditions, and limitations; to provide for a sunset date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, computation, rate, and exemptions from state income taxes, is amended by revising Code Section 48-7-29.8, relating to a tax credit for the rehabilitation of historic structures, as follows:

"48-7-29.8.

(a) As used in this Code section, the term:

(1) 'Certified rehabilitation' means repairs or alterations to a certified structure which are certified by the Department of Natural Resources as meeting the United States Secretary of the Interior's Standards for Rehabilitation or the Georgia Standards for Rehabilitation as provided by the Department of Natural Resources.

(2) 'Certified structure' means a historic building or structure that is located within a national historic district, individually listed on the National Register of Historic Places, individually listed in the Georgia Register of Historic Places, or is certified by the Department of Natural Resources as contributing to the historic significance of a Georgia Register Historic District.

(3) 'Historic home' means a certified structure which, or any portion of which is or will, within a reasonable period, be owned and used as the principal residence of the person claiming the tax credit allowed under this Code section. Historic home shall include any structure or group of structures that constitute a multifamily or multipurpose structure, including a cooperative or condominium. If only a portion of a building is used as such person's principal residence, only those qualified rehabilitation expenditures that are properly allocable to such portion shall be deemed to be made to a historic home.

(4) 'Qualified rehabilitation expenditure' means any qualified rehabilitation expenditure as defined by Section 47(c)(2) of the Internal Revenue Code of 1986 and any amount properly chargeable to a capital account expended in the substantial rehabilitation of a structure that by the end of the taxable year in which the certified rehabilitation is completed is a certified structure. This term does not include the cost of acquisition of the certified structure, the cost attributable to enlargement or additions to an existing building, site preparation, or personal property.

(5) 'Substantial rehabilitation' means rehabilitation of a certified structure for which the qualified rehabilitation expenditures, at least 5 percent of which must be allocable to the exterior during the 24 month period selected by the taxpayer ending with or within the taxable year, exceed:

(A) For a historic home, the lesser of $25,000.00 or 50 percent of the adjusted basis of the property as defined in subparagraph (a)(1)(B) of Code Section 48-5-7.2; or, in the case of a historic home located in a target area $5,000.00; or

(B) For any other certified structure, the greater of $5,000.00 or the adjusted basis of the property.

(6) 'Target area' means a qualified census tract under Section 42 of the Internal Revenue Code of 1986, found in the United States Department of Housing and Urban Development document number N-94-3821; FR-3796-N-01.

(b) A taxpayer shall be allowed a tax credit against the tax imposed by this chapter for the taxable year in which the certified rehabilitation is completed:

(1) In the case of a historic home, equal to 25 percent of qualified rehabilitation expenditures, except that, in the case of a historic home located within a target area, an additional credit equal to 5 percent of qualified rehabilitation expenditures shall be allowed; and

(2) In the case of any other certified structure, equal to 25 percent of qualified rehabilitation expenditures.

Qualified rehabilitation expenditures may only be counted once in determining the amount of the tax credit available, and more than one entity may not claim a credit for the same qualified rehabilitation expenditures.

(c)(1) In no event shall credits for a historic home exceed $100,000.00 in ~~any 120 month period~~ an individual certified structure.

(2) In no event shall credits for a certified structure exceed ~~$300,000.00~~ $5 million in ~~any 120 month period~~ an individual certified structure.

(3) In no event shall credits issued under this Code section exceed $25 million per calendar year.

(d)(1) A taxpayer seeking to claim a tax credit under subsection (b) of this Code section shall submit an application to the commissioner for preapproval of such tax credit. Such application shall include a precertification from the Department of Natural Resources certifying that the improvements to the certified structure are to be consistent with the Department of Natural Resources Standards for Rehabilitation. The Department shall have the authority to require electronic submission of such application in the manner specified by the department. The commissioner shall preapprove the tax credits within 30 days based on the order in which properly completed applications were submitted. In the event that two or more applications were submitted on the same day and the amount of funds available will not be sufficient to fully fund the tax credits requested, the commissioner shall prorate the available funds between or among the applicants.

(2) In order to be eligible to receive the credit authorized under subsection (b) of this Code section, a taxpayer must attach to the taxpayer's state tax return a copy of the completed certification of the Department of Natural Resources verifying that the improvements to the certified structure are consistent with the Department of Natural Resources Standards for Rehabilitation.

(e)(1) If the credit allowed under paragraph (1) of subsection (b) of this Code section in any taxable year exceeds the total tax otherwise payable by the taxpayer for that taxable year, the taxpayer may apply the excess as a credit for succeeding years until the earlier of:

(A) The full amount of the excess is used; or

(B) The expiration of the tenth taxable year after the taxable year in which the certified rehabilitation has been completed.

(2) Any tax credits with respect to credits earned by a taxpayer under paragraph (2) of subsection (b) of this Code section and previously claimed but not used by such taxpayer against its income tax may be transferred or sold in whole or in part by such taxpayer to another Georgia taxpayer, subject to the following conditions:

(A) A taxpayer who makes qualified rehabilitation expenditures may sell or assign all or part of the tax credit that may be claimed for such costs and expenses to one or more entities, and any entity to which all or part of the credit is sold or assigned may sell or assign all or part of the tax credit to another entity. There is no limit on the total number of transactions for the sale or assignment of all or part of the total tax credit authorized under this subsection; provided, however, that collectively, all transfers are subject to the maximum total limits provided by subsection (b) of this Code section;

(B) A taxpayer who sells or assigns a credit under this Code section and the entity to which the credit is sold or assigned shall jointly submit written notice of the sale or assignment to the department not later than 30 days after the date of the sale or assignment. The notice must include:

(i) The date of the sale or assignment;

(ii) The amount of the credit sold or assigned;

(iii) The names and federal tax identification numbers of the entity that sold or assigned the credit or part of the credit and the entity to which the credit or part of the credit was sold or assigned; and

(iv) The amount of the credit owned by the selling or assigning entity before the sale or assignment and the amount the selling or assigning entity retained, if any, after the sale or assignment;

(C) The sale or assignment of a credit in accordance with this Code section does not extend the period for which a credit may be carried forward and does not increase the total amount of the credit that may be claimed. After an entity claims a credit for eligible costs and expenses, another entity may not use the same costs and expenses as the basis for claiming a credit; and

(D) Notwithstanding the requirements of this subsection, a credit earned or purchased by, or assigned to, a partnership, limited liability company, Subchapter 'S' corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of that entity and claimed under this Code section in accordance with the provisions of any agreement among the partners, members, or shareholders of that entity and without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified structure, provided that:

(i) The entity or person that claims the credit must be subject to Georgia tax; and

(ii) The entity and the allocatee meet the requirements of subsection (l) of this Code section.

~~(2)~~(3) No such credit shall be allowed the taxpayer against prior years' tax liability.

(f) In the case of any rehabilitation which may reasonably be expected to be completed in phases set forth in architectural plans and specifications completed before the rehabilitation begins, a 60 month period may be substituted for the 24 month period provided for in paragraph (5) of subsection (a) of this Code section.

(g)(1) Except as otherwise provided in subsection (h) of this Code section, in the event a tax credit under this Code section has been claimed and allowed the taxpayer, upon the sale or transfer of the certified structure, the taxpayer shall be authorized to transfer the remaining unused amount of such credit to the purchaser of such certified structure. If a historic home for which a certified rehabilitation has been completed by a nonprofit corporation is sold or transferred, the full amount of the credit to which the nonprofit corporation would be entitled if taxable shall be transferred to the purchaser or transferee at the time of sale or transfer.

(2) Such purchaser shall be subject to the limitations of subsection (e) of this Code section. Such purchaser shall file with such purchaser's tax return a copy of the approval of the rehabilitation by the Department of Natural Resources as provided in subsection (d) and a copy of the form evidencing the transfer of the tax credit.

(3) Such purchaser shall be entitled to rely in good faith on the information contained in and used in connection with obtaining the approval of the credit including, without limitation, the amount of qualified rehabilitation expenditures.

(h)(1) If an owner other than a nonprofit corporation sells a historic home within three years of receiving the credit, the seller shall recapture the credit to the Department of Revenue as follows:

(A) If the property is sold within one year of receiving the credit, the recapture amount will equal the lesser of the credit or the net profit of the sale;

(B) If the property is sold within two years of receiving the credit, the recapture amount will equal the lesser of two-thirds of the credit or the net profit of the sale; or

(C) If the property is sold within three years of receiving the credit, the recapture amount will equal the lesser of one-third of the credit or the net profit of the sale.

(2) The recapture provisions of this subsection shall not apply to a sale resulting from the death of the owner.

(i) Any taxpayer claiming credits under paragraph (2) of subsection (b) of this Code section shall not be eligible for any other state subsidy, including, but not limited to, any other credit under this chapter, or any state sales and use tax exemption or refund under Chapter 8 of this title.

(j)(1) In the event that a taxpayer claims the tax credit under paragraph (2) of subsection (b) of this Code section and leases such certified structure, the department shall aggregate all total sales tax receipts from the certified structure.

(2) Any taxpayer claiming credits under paragraph (2) of subsection (b) of this Code section shall report to the department the average full-time employees employed at the certified structure. A full-time employee for the purposes of this Code section shall mean a person who works a job that requires 30 or more hours per week. Such

reports must be submitted to the department for five calendar years following the year in which the credit is claimed by the taxpayer.

(3) In the event that a taxpayer claims the tax credit under paragraph (2) of subsection (b) of this Code section and leases such certified structure, the department shall aggregate all total full-time employees at the certified structure.

(k) Notwithstanding Code Sections 48-2-15, 48-7-60, and 48-7-61, the department shall furnish a report to the chairperson of House Committee on Ways and Means and the chairperson of the Senate Finance Committee by June 30 of each year. Such report shall contain the total sales tax collected in the prior calendar year and the average number of full-time employees at the certified structure and the total value of credits claimed for each taxpayer claiming credits under paragraph (2) of subsection (b) of this Code section.

~~(i)~~(l) The tax credit allowed under paragraph (2) of subsection (b) of this Code section, and any recaptured tax credit, shall be allocated among some or all of the partners, members, or shareholders of the entity owning the project in any manner agreed to by such persons, whether or not such persons are allocated or allowed any portion of any other tax credit with respect to the project.

~~(j)~~(m) The Department of Natural Resources and the Department of Revenue shall prescribe such regulations as may be appropriate to carry out the purposes of this Code section.

~~(k)~~(n) The Department of Natural Resources shall report, on an annual basis, on the overall economic activity, usage, and impact to the state from the rehabilitation of eligible properties for which credits provided by this Code section have been allowed."

SECTION 2.

The amendments enacted in this Act shall take effect on January 1, 2016, and shall be applicable to certified rehabilitation completed on or after January 1, 2017, and shall stand repealed on December 31, 2021, unless otherwise modified by the General Assembly. In the event the amendments provided for in this Act are repealed, the provisions of Code Section 48-7-29.8 as they existed prior to this Act shall remain in full force and effect.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	N Harrell	Y Morris	Y Smith, M

Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
N Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	N Holcomb	N Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	N Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	N Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	N Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
N Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	N Teasley
Y Brooks	Y Ehrhart	E Jones, L	N Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	N Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Ramsey	N Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
N Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
N Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	N Rynders	Y Williams, A
N Clark, D	E Golick	Y Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	N Setzler	Y Williams, E
Y Clark, V	Y Gravley	Mayo	Y Sharper	Williamson
Coleman	Y Greene	N McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 147, nays 22.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 524. By Representative Fleming of the 121st:

A BILL to be entitled an Act to amend Code Section 10-1-490 of the Official Code of Georgia Annotated, relating to registration of businesses using trade names, so as to require registration of trade names with the clerk of superior court; to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to establish a trade name registry; to provide for duties of clerks of superior courts; to provide for fees; to correct cross-references; to provide for an automatic repeal; to provide for revised fees on and after January 1, 2021; to provide

for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Jasperse	Y Powell, J	Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	N Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	E Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 163, nays 3.

The Bill, having received the requisite constitutional majority, was passed.

HB 502. By Representatives Dudgeon of the 25th, Coleman of the 97th, Clark of the 101st, Dickson of the 6th, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to update and clarify provisions in law and to repeal obsolete provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to update and clarify provisions in law and to repeal obsolete provisions; to repeal a population act provision; to revise provisions relating to flexibility for school systems; to provide that annual performance evaluations cannot be waived; to revise provisions relating to state required content standards; to remove the middle grades program; to revise provisions relating to contracts by the State School Superintendent; to revise a process for student requests for waivers and variances of state requirements; to revise definitions relating to capitol outlay funds; to revise provisions relating to state required assessments; to revise provisions relating to the honors program; to revise a provision relating to a report on gender discrimination; to revise provisions relating to courses taken through the Georgia Virtual School; to revise provisions relating to virtual instruction opportunities provided by local school systems; to repeal an obsolete provision relating to acquiring digital learning; to revise a provision relating to home study reporting; to revise provisions relating to health insurance for public school teachers and employees; to revise provisions relating to nonrenewal of a teacher's contract; to revise provisions relating to appeals to the State Board of Education; to revise provisions relating to state charter schools; to repeal an Act to provide in all counties of 500,000 or more population according to the United States Census of 1960 or any future United States Census that the pension board of the board of education in such counties shall recompute the pension paid to those teachers and employees who had retired as a matter of right prior to April 1, 1955, and who had been awarded a basic pension for 20 years of service, approved March 21, 1963 (Ga. L. 1963, p. 2469); to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by repealing subsection (d) of Code Section 20-2-51, relating to election of local board of education members, persons ineligible to be members or superintendent, ineligibility for local boards of education, and ineligibility for other elective offices, and designating said subsection as reserved.

SECTION 1A.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-80, relating to requests for increased flexibility, as follows:

"(b) A local school system may elect not to request increased flexibility in exchange for increased accountability and defined consequences and ~~opt~~ elect to remain under all current laws, rules, regulations, policies, and procedures, and such local school system shall:

(1) Conduct a public hearing for the purpose of providing public notice that such local school system is ~~opting for the status quo~~ electing not to request increased flexibility pursuant to this article. The public hearing shall be advertised in a local newspaper of general circulation which shall be the same newspaper in which other legal announcements of the local board of education are advertised; and

(2) Sign a statement on a form provided by the state board that such local school system is ~~opting for the status quo~~ electing not to request increased flexibility pursuant to this article."

SECTION 1B.

Said chapter is further amended in Code Section 20-2-81, relating to strategic plan and proposed contract for local school systems requesting flexibility, by adding a new subsection to read as follows:

"(f) A local school system which elects to request increased flexibility pursuant to this article shall be known as a strategic school system."

SECTION 2.

Said chapter is further amended by revising subsection (e) of Code Section 20-2-82, relating to contract terms for local school systems requesting flexibility, as follows:

"(e) The state board shall be authorized to approve a waiver or variance request of specifically identified state rules, regulations, policies, and procedures or provisions of this chapter upon the inclusion of such request in the local school system's proposed contract and in accordance with subsection (b) of Code Section 20-2-84. The goal for each waiver and variance shall be improvement of student performance. The state board shall not be authorized to waive or approve variances on any federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in or near a public school; any reporting requirements pursuant to Code Section 20-2-320 or Chapter 14 of this title; the requirements of Code Section 20-2-210; the requirements of Code Section 20-2-211.1; or the requirements in subsection (c) of Code Section 20-2-327. A local school system that has received a waiver or variance shall remain subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not charge tuition or fees to its students except as may be authorized for local boards by Code Section 20-2-133, and shall remain open to enrollment in the same manner as before the waiver request."

SECTION 2A.

Said chapter is further amended by revising Code Section 20-2-84.3, relating to a limit on the number of local school systems entering into a flexibility contract, as follows:

"20-2-84.3.

~~(a) No more than five local school systems in the first calendar year may enter into a contract with the State Board of Education pursuant to this article.~~

~~(b)~~ No later than June 30, 2015, each local school system shall either notify the department of its intention to ~~request increased flexibility~~ become a strategic school system pursuant to this article or shall comply with subsection (b) of Code Section 20-2-80, electing not to request increased flexibility pursuant to this article."

SECTION 3.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2-131, relating to objectives and purposes of the Quality Basic Education Program, as follows:

"(1) Implementing a ~~quality basic education~~ highly rigorous curriculum to encompass content standards in public schools state wide which ensures that each student is provided ample opportunity to develop competencies necessary for lifelong learning as well as the competencies needed to maintain good physical and mental health, to participate actively in the governing process and community activities, to protect the environment and conserve public and private resources, and to be an effective worker and responsible citizen of high character;"

SECTION 4.

Said chapter is further amended by revising Code Section 20-2-140, relating to the State Board of Education establishing competencies and a uniformly sequenced core curriculum and college and career readiness competency standards, as follows:

"20-2-140.

(a) The State Board of Education shall establish ~~competencies~~ uniformly sequenced content standards that each student is expected to master prior to completion of the student's public school education. ~~The state board shall also establish competencies for which each student should be provided opportunities, at the discretion of the student and the student's parents, to master. Based upon these foregoing competencies, the~~ The state board shall adopt ~~a uniformly sequenced core curriculum~~ content standards for ~~grades~~ students in kindergarten through grade 12. Each local unit of administration ~~shall include this uniformly sequenced core curriculum as the basis for its own curriculum, although each local unit may sequence, expand, and enrich this curriculum~~ may expand and enrich the content standards to the extent it deems necessary and appropriate for its students and communities. Each local school system shall adopt its own curriculum which shall include appropriate instruction in the content standards.

(b) The State Board of Education, working with the Board of Regents of the University System of Georgia and the State Board of the Technical College System of Georgia, shall establish college and career readiness ~~competency~~ standards to demonstrate competency in reading, writing, and mathematics aligned with the ~~core curriculum~~

content standards adopted by the state board pursuant to subsection (a) of this Code section with the level of performance necessary to meet college-readiness standards in the state's technical colleges, community colleges, state colleges, and universities and in other advanced training programs.

(c) The State Board of the Technical College System of Georgia shall require its institutions to accept core ~~curriculum~~ coursework completed by high school students for purposes of admission into its institutions. ~~This Code section shall apply beginning with students entering such postsecondary institutions in the fall of 2013.~~"

SECTION 5.

Said chapter is further amended by revising Code Section 20-2-140.1, relating to online learning, as follows:

"20-2-140.1.

The State Board of Education shall establish rules and regulations to maximize the number of students, beginning with students entering ninth grade in the 2014-2015 school year, who complete prior to graduation at least one course containing online learning. This shall be met through an online course offered by the Georgia Virtual School established pursuant to Code Section 20-2-319.1, through the clearing-house established pursuant to Code Section 20-2-319.3, through an online dual enrollment course offered by a postsecondary institution, or through a provider ~~approved~~ pursuant to ~~subsection (c) of~~ Code Section 20-2-319.4. This shall also include enrollment in a full-time or part-time virtual instruction program pursuant to Code Section 20-2-319.4."

SECTION 6.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-142, relating to prescribed courses, as follows:

"(a)(1) All elementary and secondary schools which receive in any manner funds from the state shall provide the following course offerings in the manner and at the grade level prescribed by the State Board of Education ~~in its quality core curriculum~~:

(A) A course of study in the background, history, and development of the federal and state governments and a study of Georgia county and municipal governments; and

(B) A course of study in the history of the United States and in the history of Georgia and in the essentials of the United States and Georgia Constitutions, including the study of American institutions and ideals which shall include a study of the Pledge of Allegiance to the flag of the United States and the Georgia flag in addition to other institutions and ideals.

(2) No student shall be eligible to receive a diploma from a high school unless such student has successfully completed the courses in history and government provided for by this subsection, except as provided in paragraphs (3) and (4) of this subsection. For students moving to Georgia and unable to take the course or courses available to fulfill these requirements in the grade level in which such course or courses are ordinarily offered, the State Board of Education may develop alternative methods,

which may include but shall not be limited to an on-line course of study, for such students to learn about and demonstrate an adequate understanding of federal or Georgia history and government.

(3) Disabled students who are otherwise eligible for a special education diploma pursuant to subsection (c) of Code Section 20-2-281 shall not be denied this diploma if they have not successfully completed either or both of these courses; provided, however, that their Individualized Education Programs have not specified that the disabled students must enroll in and successfully complete both of these courses.

(4) The State Board of Education shall promulgate rules and regulations governing the required course of study in the history of Georgia and in the essentials of the Georgia Constitution for students who transfer from another state after having completed the year in which such course or courses are ordinarily offered. The State Board of Education is authorized to provide for exemptions to the required course of study for such students and for students whose parent or parents serve in the armed forces of the United States."

SECTION 7.

Said chapter is further amended by revising subsection (a) and paragraph (2) of subsection (b) of Code Section 20-2-151, relating to general and career education programs, as follows:

"(a) The primary purpose for the general and career education programs is to provide the children and youth of Georgia with a quality opportunity to master ~~student competencies~~ uniformly sequenced content standards adopted by the State Board of Education ~~through instruction which is based upon the uniformly sequenced core curriculum~~."

"(2) It is the policy of this state that the purpose of the primary grades program shall be mastery by enrolled students of the essential basic skills and knowledge which will enable them to achieve more advanced skills and knowledge offered at the higher grade levels. For purposes of funding under this article, the primary grades program shall include grades one, two, and three. To be eligible for enrollment in the first grade of a state supported primary grades program, a child must attain the age of six by September 1, except as otherwise provided by subsection (b) of Code Section 20-2-150. The State Board of Education shall adopt an instrument or instruments, procedures, and policies necessary to assess the first grade readiness of children enrolled in Georgia's public school kindergarten programs pursuant to Code Section 20-2-281. Readiness information obtained by the instrument or instruments adopted by the state board shall be used by local school systems in concert with teacher recommendations and other relevant information to make appropriate student grade placement decisions. The Department of Education shall develop guidelines for utilization of the instrument or instruments in grade placement decisions and shall provide such guidelines to local school systems. The guidelines shall include information pertinent to consideration of the placement of students who have been identified as being disabled or limited-English-proficient. Whenever the decision is

made not to promote a child to the first grade, the local school system shall document the reasons for the decision not to promote, according to guidelines established by the board. The State School Superintendent ~~shall~~ may annually provide a report summarizing the results of the readiness of first grade Georgia public school kindergarten children. No student shall remain in kindergarten for more than two years;"

SECTION 8.

Said chapter is further amended by revising subsections (a) and (h) of Code Section 20-2-154.1, relating to alternative education programs, as follows:

"(a) It is the policy of this state that the alternative education program shall provide a learning environment that includes the objectives of the ~~quality core curriculum~~ content standards and that the instruction in an alternative education program shall enable students to return to a general or career education program as quickly as possible. Course credit shall be earned in an alternative education program in the same manner as in other education programs. It is the policy of this state that it is preferable to reassign disruptive students to an alternative education program rather than suspending or expelling such students from school."

"(h) ~~For the 2000-2001 and 2001-2002 school years, state funding of alternative education programs shall be based upon a full-time equivalent program count that equals 2.5 percent of the sum of the full-time equivalent program count of the middle grades program, the middle school program as defined in Code Section 20-2-290, the high school general education program (grades nine through 12), and the career, technical, and agricultural education laboratory program (grades nine through 12). For the 2002-2003 school year and thereafter, the~~ The amount of state funds appropriated and allocated for the alternative education program provided for in this Code section shall be based on the actual count of students served during the preceding year, except that the count of students served shall not exceed 2.5 percent of the sum of the full-time equivalent program count of the ~~middle grades program, the~~ middle school program ~~as defined in Code Section 20-2-290~~, the high school general education program (grades nine through 12), and the career, technical, and agricultural education laboratory program (grades nine through 12). Funds earned may be expended in kindergarten and in grades one through 12."

SECTION 9.

Said chapter is further amended by revising Code Section 20-2-159.1, relating to focused programs of study, as follows:

"20-2-159.1.

No later than July 1, 2013, the Department of Education shall develop, and the State Board of Education shall approve, state models and ~~curriculum framework~~ content standards for the following focused programs of study, as defined in Code Section 20-2-326, including, but not limited to:

(1) Agriculture, food, and natural resources;

(2) Architecture and construction;
(3) Arts, audio-video technology, and communications;
(4) Business, management, and administration;
(5) Education and training;
(6) Finance;
(7) Health science;
(8) Hospitality and tourism;
(9) Human services;
(10) Information technology;
(11) Law, public safety, and security;
(12) Manufacturing;
(13) Government and public administration;
(14) Marketing, sales, and service;
(15) Science, technology, engineering, and mathematics; and
(16) Transportation, distribution, and logistics.

Such focused programs of study may be combined around these and other related clusters."

SECTION 10.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2-159.2, relating to coordination between high schools and postsecondary institutions to minimize the need for remedial course work for students in postsecondary institutions, as follows:

"(1) Develop policies to ensure that students who ~~complete the core curriculum~~ master the content standards established pursuant to Code Section 20-2-140 will meet the requirements for purposes of admission into a postsecondary institution, such as grade point average and readiness levels in reading, writing, and mathematics, without having to take remedial coursework. Such policies shall:

(A) Establish the benchmarks for college readiness and the method in which students can demonstrate readiness in reading, writing, and mathematics for postsecondary coursework upon completing the ~~core curriculum~~ content standards; and

(B) Set the conditions for ensuring college readiness;"

SECTION 11.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-159.3, relating to academic core standards to be embedded in career, technical, and agricultural education courses, as follows:

"(a) The ~~competencies and curricula~~ content standards established for career, technical, and agricultural education courses pursuant to Code Section 20-2-140 shall include embedded standards in academic core subject areas, as appropriate. In establishing such ~~competencies and curricula~~ content standards, the state board shall work to ensure that the coursework meets postsecondary requirements for acceptance of credit for such coursework at the postsecondary level. Such courses shall be taught by a highly

qualified teacher in the academic content and trained or experienced in contextualized learning using project based methods; by a highly qualified career, technical, and agricultural education teacher who has completed a state-approved training program to strengthen academic content and has passed a state-approved exam for demonstrating mastery of academic content; or by a team made up of a highly qualified teacher in the academic content and a highly qualified career, technical, and agricultural education teacher working together to teach the course."

SECTION 12.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-160, relating to determination of enrollment by institutional programs, as follows:

"(a) The State Board of Education shall designate the specific dates upon which two counts of students enrolled in each instructional program authorized under this article shall be made each school year and by which the counts shall be reported to the Department of Education. The initial enrollment count shall be made after October 1 but prior to November 17 and the final enrollment count after March 1 but prior to May 1. The report shall indicate the student's specific assigned program for each one-sixth segment of the school day on the designated reporting date. No program shall be indicated for a student for any one-sixth segment of the school day that the student is assigned to a study hall; a noncredit course; a course recognized under this article or by state board policy as an enrichment course, except a driver education course; a course which requires participation in an extracurricular activity for which enrollment is on a competitive basis; a course in which the student serves as a student assistant to a teacher, in a school office, or in the media center, except when such placement is an approved work site of a recognized career, technical, and agricultural education laboratory program; an individual study course for which no outline of course objectives is prepared in writing prior to the beginning of the course; or any other course or activity so designated by the state board. For the purpose of this Code section, the term 'enrichment course' means a course which does not dedicate a major portion of the class time toward the development and enhancement of one or more ~~student competencies~~ content standards as adopted by the state board under Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the school day for which the student is not enrolled in an instructional program or has not attended a class or classes within the preceding ten days; nor shall a program be indicated for a student for any one-sixth segment of the school day for which the student is charged tuition or fees or is required to provide materials or equipment beyond those authorized pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other appropriate program for each segment in which the student is attending such dual credit course. The state board shall adopt such regulations and criteria as necessary to ensure objective and true counts of students in state approved instructional programs. The state board shall also establish criteria by which students shall be counted as resident or nonresident students, including specific

circumstances which may include, but not be limited to, students attending another local school system under court order or under the terms of a contract between two local school systems. If a local school system has a justifiable reason, it may seek authority from the state board to shift full-time equivalent program counts from the designated date to a requested alternate date."

SECTION 13.

Said chapter is further amended by revising subsections (b) and (b.1) of Code Section 20-2-161, relating to the Quality Basic Education Formula, as follows:

"(b) As the cost of instructional programs varies depending upon the teacher-student ratios and specific services typically required to address the special needs of students enrolled, state authorized instructional programs shall have the following program weights and teacher-student ratios:

(1) Kindergarten program ..... 1.6508 weight and 1 to 15 ratio

(2) Kindergarten early intervention program ..... 2.0348 weight and 1 to 11 ratio

(3) Primary grades program (1-3) ..... 1.2849 weight and 1 to 17 ratio

(4) Primary grades early intervention program (1-3) ..... 1.7931 weight and 1 to 11 ratio

(5) Upper elementary grades program (4-5) ..... 1.0355 weight and 1 to 23 ratio

(6) Upper elementary grades early intervention program (4-5)..... 1.7867 weight and 1 to 11 ratio

~~(7) Middle grades program (6-8) ..... 1.0186 weight and 1 to 23 ratio~~

~~(8)~~(7) Middle school program (6-8) ~~as defined in Code Section 20-2-290~~... 1.1310 weight and 1 to 20 ratio

~~(9)~~(8) High school general education program (9-12) ..... 1.0000 weight and 1 to 23 ratio

~~(10)~~(9) Career, technical, and agricultural education laboratory program (9-12)..... 1.1916 weight and 1 to 20 ratio

~~(11)~~(10) Program for persons with disabilities: Category I..... 2.3798 weight and 1 to 8 ratio

(12)(11) Program for persons with disabilities: Category II ..... 2.7883 weight and 1 to 6.5 ratio

~~(13)~~(12) Program for persons with disabilities:
Category III 3.5493
weight and
1 to 5
ratio

~~(14)~~(13) Program for persons with disabilities:
Category IV 5.7509
weight and
1 to 3
ratio

~~(15)~~(14) Program for persons with disabilities:
Category V 2.4511
weight and
1 to 8
ratio

~~(16)~~(15) Program for intellectually gifted students:
Category VI 1.6589
weight and
1 to 12
ratio

~~(17)~~(16) Remedial education program 1.3087
weight and
1 to 15
ratio

~~(18)~~(17) Alternative education program 1.4711
weight and
1 to 15
ratio

~~(19)~~(18) English for speakers of other languages (ESOL) program 2.5049
weight and
1 to 7
ratio

~~(b.1) Notwithstanding the provisions of subsection (b) of this Code section and the requirements of Code Section 20-2-290, beginning July 1, 2014, a nonvirtual middle school shall have the funding weight included in paragraph (8) of subsection (b) of this Code section for the middle school program, regardless of whether such middle school meets the requirements of Code Section 20-2-290.~~"

SECTION 14.

Said chapter is further amended by revising Code Section 20-2-181, relating to calculation of program weights to reflect base size school, as follows:

"20-2-181.

The calculation of all program weights shall reflect a base size local school system of 3,300 full-time equivalent students. The calculation of program weights for the kindergarten program, the kindergarten early intervention program, the primary grades (1-3) early intervention program, the primary grades (1-3) program, the upper elementary grades (4-5) early intervention program, and the upper elementary grades (4-5) program shall reflect a base school size of 450 full-time equivalent students. The calculation of program weights for the ~~middle grades (6-8) program, the~~ middle school (6-8) program, the special education programs, the remedial education program, and the English for speakers of other languages program shall reflect a base school size of 624 full-time equivalent students. The calculation of ~~the~~ program weights for the high school general education program and the high school career, technical, and agricultural education laboratory program shall reflect a base school size of 970 full-time equivalent students. The calculation of program weights for the alternative education program shall reflect a base school size of 100 full-time equivalent students, except that the calculations for secretaries and media personnel shall reflect a base school size of 624 full-time equivalent students."

SECTION 15.

Said chapter is further amended by revising subsections (b) and (c) and paragraph (1) of subsection (i) of Code Section 20-2-182, relating to program weights to reflect funds for payment of salaries and benefits, as follows:

"(b) The program weights for the primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, ~~middle grades,~~ and middle school programs, when multiplied by the base amount, shall reflect sufficient funds to pay at least the beginning salaries of specialists qualified to teach art, music, foreign language, and physical education, subject to appropriation by the General Assembly.

(c) The program weights for the kindergarten, kindergarten early intervention, primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, ~~middle grades,~~ middle school, and alternative education programs and the program weights for the high school programs authorized pursuant to paragraph (4) of subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries for at least one school counselor for every 450 full-time equivalent students. Beginning in Fiscal Year 2015 and

thereafter, the program weights for the English for speakers of other languages program and the programs for persons with disabilities shall also earn school counselor funding. Further, beginning in Fiscal Year 2016 and thereafter, the program weights for the program for intellectually gifted students and the remedial education program shall also earn school counselor funding. The duties and responsibilities for such school counselors shall be established by the state board to require a minimum of five of the six full-time equivalent program count segments of the counselor's time to be spent counseling or advising students or parents."

"(i)(1) It is the intent of this paragraph to provide a clear expectation to parents and guardians as to the maximum number of students that may be in their child's classroom in kindergarten through eighth grade. Beginning with the 2006-2007 school year, for the following regular education programs, the maximum individual class size for mathematics, science, social studies, and language arts classes shall be:

(A) Kindergarten program (without full-time aide)..... 18

(B) Kindergarten program (with full-time aide) 20

(C) Primary grades program (1-3) 21

(D) Upper elementary grades program (4-5) 28

(E) Middle ~~grades program (6-8) and middle~~ school program (6-8) ~~as defined in Code Section 20-2-290~~ 28

For school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only, the system average maximum class size for each instructional program covered under this paragraph shall be the same as the maximum individual class size for each such program, and local boards of education shall be considered in compliance with this paragraph so long as the system average maximum class size is not exceeded; provided, however, that if the State Board of Education approves a blanket waiver or variance pursuant to subsection (h) of Code Section 20-2-244, such maximum individual class sizes shall be the system average maximum class sizes for purposes of this paragraph."

SECTION 16.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-184.1, relating to funding for additional days of instruction, as follows:

"(a) The program weights for the kindergarten, kindergarten early intervention, primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, ~~middle grades,~~ middle school, and remedial programs and the program weights for the high school programs authorized pursuant to paragraph (4) of subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries for instructors needed to provide 20 additional days of instruction for 10 percent of the full-time equivalent count of the respective program. Such funds shall be used for addressing the academic needs of

low-performing students with programs including, but not limited to, instructional opportunities for students beyond the regular school day, Saturday classes, intersession classes, summer school classes, and additional instructional programs during the regular school day. Following the midterm adjustment, the state board shall issue allotment sheets for each local school system. Each local school system shall spend 100 percent of the funds designated for additional days of instruction for such costs at the system level, which may include transportation costs incurred for transporting students who are attending additional classes funded by these designated funds."

SECTION 17.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-190, relating to professional development centered on state-wide strategic initiatives, as follows:

"(a) Subject to appropriations by the General Assembly, the State Board of Education shall provide professional development centered on state-wide strategic initiatives. Such strategic initiatives may include, but are not limited to, training on ~~the new common core curriculum~~ content standards, support for under-performing educators, and mentoring programs in specific subject areas."

SECTION 18.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-200, relating to regulation of certificated professional personnel by the Professional Standards Commission, as follows:

"(a) The Professional Standards Commission shall provide, by regulation, for certifying and classifying all certificated professional personnel employed in the public schools of this state, including personnel who provide virtual instruction to public schools of this state, whether such personnel are located within or outside of this state or whether such personnel are employed by a local unit of administration. No such personnel shall be employed in the public schools of this state unless they hold certificates issued by the commission certifying their qualifications and classification in accordance with such regulations. The commission shall establish such number of classifications of other certificated professional personnel as it may find reasonably necessary or desirable for the operation of the public schools; provided, however, that such classifications shall be based only upon academic, technical, and professional training, experience, and competency of such personnel. The commission is authorized to provide for denying a certificate to an applicant, suspending or revoking a certificate, or otherwise disciplining the holder of a certificate for good cause after an investigation is held and notice and an opportunity for a hearing are provided the certificate holder or applicant in accordance with subsection (d) of Code Section 20-2-984.5. The commission shall designate and define the various classifications of professional personnel employed in the public schools of this state that shall be required to be certificated under this Code section or under Code Section 20-2-206. Without limiting the generality of the foregoing, the term 'certificated professional personnel' is defined

as all professional personnel certificated by the commission and county or regional librarians."

SECTION 19.

Said chapter is further amended by revising subsection (c) of Code Section 20-2-241, relating to the State School Superintendent, as follows:

"(c) The State School Superintendent shall have the authority to enter into contracts for the amount of $50,000.00 or less on behalf of the Department of Education. The State School Superintendent may delegate to the chief financial officer the authority to execute such contracts on behalf of the State School Superintendent."

SECTION 20.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2-242, relating to local school systems, local units of administration, and local governing bodies, as follows:

"(1) The instructional programs authorized pursuant to Part 3 of this article and the uniformly sequenced ~~core curriculum~~ content standards authorized pursuant to Part 2 of this article are fully and effectively implemented;"

SECTION 21.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-244, relating to waivers to improve student performance, as follows:

"(b) The State Board of Education is not authorized to waive any federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in or near a public school; any reporting requirements pursuant to Code Section 20-2-320 or Chapter 14 of this title; the requirements of Code Section 20-2-210; the requirements of Code Section 20-2-211.1; or the requirements in subsection (c) of Code Section 20-2-327. A school or school system that has received a waiver shall remain subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not charge tuition or fees to its students except as may be authorized for local boards by Code Section 20-2-133, and shall remain open to enrollment in the same manner as before the waiver request."

SECTION 22.

Said chapter is further amended by adding a new Code section to read as follows:

"20-2-244.1.

(a) As used in this Code section, the term:

(1) 'Student' means a student who is or was enrolled in a public school in this state.

(2) 'Substantial hardship' means a significant, unique, and demonstrable economic, technological, legal, or other type of hardship to the student requesting a variance or waiver.

(3) 'Variance' means a modification granted by the State Board of Education to all or part of the literal requirements of a rule to a person who is subject to the rule.

(4) 'Waiver' means a decision by the State Board of Education not to apply all or part of a rule to a person who is subject to the rule.

(b) Except as provided in subsection (f) of this Code section, the State Board of Education is authorized to grant a variance or waiver to a rule when a student subject to that rule demonstrates that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the variance or waiver and that strict application of the rule would create a substantial hardship to such person.

(c) Except as provided in subsection (f) of this Code section, a student who is subject to regulation by a State Board of Education rule may file a petition with the state board requesting a variance or waiver from the state board's rule. In addition to any other requirements which may be imposed by the state board, each petition shall specify:

(1) The rule from which a variance or waiver is requested;

(2) The type of action requested;

(3) The specific facts of substantial hardship which would justify a variance or waiver for the petitioner, including the alternative standards which the person seeking the variance or waiver agrees to meet and a showing that such alternative standards will afford adequate protection for the public health, safety, and welfare; and

(4) The reason why the variance or waiver requested would serve the purpose of the underlying statute.

(d) The state board shall grant or deny a petition for variance or waiver in writing no later than 60 days after the receipt of the petition. The state board's decision to grant or deny the petition shall be in writing and shall contain a statement of the relevant facts and the reasons supporting the state board's action.

(e) The state board's decision to deny a petition for variance or waiver shall be subject to judicial review in accordance with Code Section 50-13-19. The validity of any variance or waiver which is granted by the state board may be determined in an action for declaratory judgment in accordance with Code Section 50-13-10.

(f) This Code section shall not apply, and no variance or waiver shall be sought or authorized, when a state board rule or regulation has been adopted or promulgated in order to implement or promote a federally delegated program.

(g) An aggregated report of all waivers granted pursuant to this Code section shall be prepared and shall contain a description of the waiver granted, including a detail of the variance from any rule or regulation, but shall not include any identifying information of the student.

(h) The State Board of Education shall not be subject to Code Section 50-13-9.1 with respect to petitions for variances or waivers of rules by students."

SECTION 23.

Said chapter is further amended in subsection (b) of Code Section 20-2-260, relating to capital outlay funds generally, by revising paragraph (3) and by adding a new paragraph as follows:

"(3) 'Capital outlay' includes, but is not necessarily limited to, expenditures which result in the acquisition of fixed assets, existing buildings, improvements to sites, construction of buildings, construction of additions to buildings, retrofitting of existing buildings for energy conservation, and initial and additional equipment and furnishings for educational facilities. This term also includes expenditures for computer equipment and operating system software for the school that is integral to the implementation of the school's curriculum, instruction, or administration."

"(9.1) 'Local school system' means any entity defined as a local educational agency by the Department of Education."

SECTION 24.

Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section 20-2-270.1, relating to services to member local school systems by regional educational service agencies, as follows:

"(3) Developing and implementing curricula and instruction of the highest quality possible, including implementing the uniformly sequenced ~~core curriculum~~ content standards adopted by the state board;"

SECTION 25.

Said chapter is further amended by revising Code Section 20-2-281, relating to assessment of effectiveness of educational programs, as follows:

"20-2-281.

(a) The State Board of Education shall adopt a student assessment program consisting of instruments, procedures, and policies necessary to implement the program and shall fund all costs of providing and scoring such instruments, subject to appropriation by the General Assembly. Each local school system may elect to administer, with state funding, nationally norm-referenced instruments in reading, mathematics, science, or social studies in grade three, four, or five and in grade six, seven, or eight, subject to available appropriations, with assistance to such school systems by the State Board of Education with regard to administration guidance, scoring, and reporting of such ~~assessments~~ instruments. The State Board of Education shall review, revise, and upgrade the ~~quality core curriculum~~ content standards. Following the adoption of ~~this revised curriculum~~ such content standards, the State Board of Education shall contract for development of ~~criterion-referenced competency tests~~ end-of-grade assessments to measure the ~~quality core curriculum~~ content standards. Such tests in English, ~~and~~ language arts/reading, and~~,~~ mathematics~~, and reading~~ shall be administered annually to students in grades three through eight, and such tests in science and social studies shall be administered annually to students in grades three through eight. These tests shall contain features that allow for comparability to other states with whom establishing

such comparison would be statistically sound; provided, however, that no such comparison shall be conducted which would relinquish any measure of control over assessments to any individual or entity outside the state. This action shall be completed according to a schedule established by the State Board of Education. ~~A curriculum based assessment shall be administered in grade 11 for graduation purposes.~~ Writing ~~assessments~~ performance shall be ~~administered to~~ assessed, at a minimum, for students in grades three, five, eight, and 11 and may be assessed for students in additional grade levels as designated by the State Board of Education. ~~The writing assessments~~ Writing performance results shall ~~provide~~ be provided to students and their parents ~~with performance outcome measures resulting from the administration of such tests~~.

(b) The nationally ~~normed assessments~~ norm-referenced instruments provided for in subsection (a) of this Code section shall provide students and their parents with grade equivalencies and percentile ranks which result from the administration of such ~~tests~~ instruments. ~~Criterion-referenced tests and the high school graduation test~~ End-of-grade assessments provided for in subsection (a) of this Code section shall provide for results that reflect student achievement at the individual student, classroom, school, system, ~~and~~ state, and national levels. The State Board of Education shall participate in the National Assessment of Educational Progress (NAEP) and may participate in any other tests that will allow benchmarking this state's performance against national or international performance. The results of such testing shall be provided to the Governor, the General Assembly, and the State Board of Education and shall be reported to the citizens of Georgia. Further, the state board shall adopt a school readiness assessment for students entering first grade and shall administer such assessment pursuant to paragraph (2) of subsection (b) of Code Section 20-2-151. One of the components in the awarding of salary supplements as part of a pay for performance or related plan under this article may be assessments of student achievement.

(b.1) The State Board of Education shall notify local school systems and individual schools of the results of the assessment instruments administered under this Code section at the earliest possible date determined by the state board, but not later than the beginning of the subsequent school year. In the event the state board is unable to provide timely results in the first year of implementation of a substantially new assessment instrument, the provisions in paragraphs (2) and (3) of subsection (b) of Code Section 20-2-283 shall not apply.

(c) The State Board of Education shall have the authority to condition the awarding of a high school diploma to a student upon achievement of satisfactory scores on instruments ~~or tests~~ adopted and administered by the state board pursuant to subsection (a) of this Code section and the end-of-course assessments adopted and administered by the state board pursuant to subsections (f) and (h) of this Code section. The state board is authorized and directed to adopt regulations providing that any disabled child, as defined by the provisions of this article, shall be afforded opportunities to take any test adopted by the state board as a condition for the awarding of a high school diploma. ~~Said~~ Such regulations shall further provide for appropriate accommodations in the

administration of such test. ~~Said~~ Such regulations shall further provide for the awarding of a special education diploma to any disabled student who is lawfully assigned to a special education program and who does not achieve a passing score on ~~said~~ such test or who has not completed all of the requirements for a high school diploma but who has nevertheless completed his or her Individualized Education Program.

(d)(1) The State Board of Education shall develop or adopt alternate assessments to be administered to ~~each student receiving special education services pursuant to Code Section 20-2-152 who does not receive instruction in the essential knowledge and skills identified in the quality core curriculum developed pursuant to Code Section 20-2-140~~ those students with significant cognitive disabilities, receiving special education services pursuant to Code Section 20-2-152, who cannot access the state adopted content standards without appropriate accommodations to those standards and for whom the assessment instruments adopted under ~~subsection~~ subsections (a) and (f) of this Code section, even with allowable ~~modifications~~ accommodations, would not provide an appropriate measure of student achievement, as determined by the student's Individualized Education Program team. ~~A student's Individualized Education Program may serve as an alternate assessment for that student.~~

(2) A student's Individualized Education Program team shall determine appropriate participation in assessment and identify necessary accommodations in accordance with the federal Individuals with Disabilities Education Act and state board regulations.

(e) The State Board of Education is authorized to adopt rules, regulations, policies, and procedures regarding accommodations and the participation of limited-English-proficient students, as defined in Code Section 20-2-156, in the assessments described in this Code section.

(f) The State Board of Education shall adopt end-of-course assessments for students in grades nine through 12 for all core subjects to be determined by the state board. For those students with an Individualized Education Program, the student's Individualized Education Program team shall determine appropriate participation in assessments and identify necessary accommodations in accordance with the federal Individuals with Disabilities Education Act and state board regulations.

(g) Under rules adopted by the State Board of Education, the Department of Education shall, subject to appropriations by the General Assembly, release some or all of the questions and answers to each ~~criterion-referenced competency test~~ end-of-grade assessment administered under subsection (a) of this Code section and each end-of-course assessment administered under subsection ~~(e)~~ (h) of this Code section after the last time ~~the instrument~~ such assessment is administered for a school year.

(h) The State Board of Education, through the Department of Education, shall administer the end-of-course assessments for core subject areas as defined by state board policy. ~~The state board shall promulgate a schedule for the development and administration of all end-of-course tests.~~ By the 2015-2016 school year, the State Board of Education shall make all end-of-course assessments available online and shall

establish rules and regulations to maximize the number of students and school systems utilizing such online assessments.

(i) The Department of Education shall develop study guides for the ~~criterion-referenced tests~~ end-of-grade assessments and end-of-course assessments administered pursuant to subsections (a) and ~~(f)~~ (h) of this Code section. Each school system shall distribute the study guides to students who do not perform satisfactorily on one or more parts of an assessment instrument administered under this Code section and to the parents or guardians of such students.

(j)~~(1) The high school graduation test provided for in subsection (a) of this Code section shall continue in effect until all high school core subject end-of-course assessments have been developed and implemented, at which time the state board shall discontinue the test according to a schedule to be determined by the state board.~~

~~(2)~~ The State Board of Education shall adopt rules and regulations requiring the results of core subject end-of-course assessments to be included as a factor in a student's final grade in the core subject course for which the end-of-course assessment is given.

(k)~~(1)~~ In addition to the assessment instruments adopted by the State Board of Education and administered by the Department of Education, a local school system may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. Such locally adopted assessment instruments may not replace the state's adopted assessment instruments for purposes of state accountability programs~~, except as otherwise provided in paragraph (2) of this subsection~~. A local school system shall be responsible for all costs and expenses incurred for locally adopted assessment instruments. Students with Individualized Education Programs must be included in the locally adopted assessments or provided an alternate assessment in accordance with the federal Individuals with Disabilities Education Act.

~~(2) The State Board of Education shall have the authority to grant waivers until Fiscal Year 2003 to local boards of education exempting said boards from the administration of the state criterion-referenced competency tests at any or all of the subject areas and grade levels for which the local board of education implements a locally developed criterion-referenced competency test or tests based on the Quality Core Curriculum which increases the expectations for student achievement beyond that of the applicable state criterion-referenced competency test or tests and meets all other requirements of this Code section, including reliability and validity requirements, with the exception of subsection (g) of this Code section. Local boards of education with such waivers shall submit to the State Board of Education school and local school system score reports of the locally developed criterion-referenced competency tests.~~

(l) In adopting academic skills assessment instruments under this Code section, the State Board of Education or local school system shall ensure the security of the instruments in their preparation, administration, and scoring. Notwithstanding any other provision of law, meetings or portions of meetings held by the state board or a local board of education at which individual assessment instruments or assessment

instrument items are discussed or adopted shall not be open to the public, and the assessment instruments or assessment instrument items shall be confidential.

(m) The results of individual student performance on academic skills assessment instruments administered under this Code section shall be confidential and may be released only in accordance with the federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g.

(n) Overall student performance data shall be disaggregated by ethnicity, sex, socioeconomic status, disability, language proficiency, grade level, subject area, school, system, and other categories determined by policies established by the Office of Student Achievement.

(o) Student performance data shall be made available to the public, with appropriate interpretations, by the State Board of Education, the Office of Student Achievement, and local school system. The information made available to the public shall not contain the names of individual students or teachers.

(p) Teachers in ~~grades one~~ kindergarten through grade 12 shall be offered the opportunity to participate annually in a staff development program on the use of tests within the instructional program designed to improve students' academic achievement. This program shall instruct teachers on curriculum alignment related to tests, disaggregated student test data to identify student academic weaknesses by subtests, and other appropriate applications as determined by the State Board of Education.

(q) The State Board of Education shall consider the passage by a student of an industry certification examination or a state licensure examination which is approved by the State Board of Education or a COMPASS score approved by the State Board of Education when considering whether to grant such student a variance ~~for~~ or a waiver of one or more portions of the high school graduation test required by the State Board of Education pursuant to subsection (a) of this Code section in order to obtain a Georgia high school diploma; provided, however, that the state board shall not grant a variance to a student unless the student has attempted and failed to pass the relevant portion of the high school graduation test at least four times."

SECTION 26.

Said chapter is further amended by revising Code Section 20-2-290, relating to organization of schools, middle school programs, and schedule, as follows:

"20-2-290.

(a)~~(1)~~ The board of education of any local school system is authorized to organize or reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction. ~~Schools which house grades six, seven, or eight, or any combination thereof, shall qualify for the middle school program for students; provided, however, that such schools also meet all other provisions of this Code section and criteria and standards prescribed by the State Board of Education. Further, two or more adjacent local school systems shall qualify for the middle school program if through their contractual arrangement they jointly meet the requirements of this Code section and the criteria and standards prescribed by the state board.~~

~~(2)~~(b) The board of education of any local school system shall be authorized to employ school administrative managers in lieu of or in addition to assistant principals. Such school administrative managers shall not be required to be certificated by the Professional Standards Commission but shall have such qualifications as determined by the local board with a minimum requirement of a bachelor's degree or satisfactory business experience. The duties of school administrative managers shall be to oversee and manage the financial and business affairs of the school. The principal shall retain authority over the curriculum and instructional areas. The school administrative manager shall report directly to the principal. In the event that a local board considers hiring or utilizing school administrative managers pursuant to this subsection, it shall receive and give all due consideration to recommendations by the school council as to whether or not to utilize such position and as to selection of the manager. Existing employees of the local board shall be eligible to serve as school administrative managers if they meet other qualifications and requirements established by the local board for such position. For purposes of earning funds for such positions, school administrative managers shall be treated in all respects the same as assistant principals.

~~(b) Local boards of education shall schedule each middle school so as to provide the following:~~

~~(1) A minimum of five hours of instruction in English and language arts, reading, mathematics, science, social studies, and such other academic subjects as the State Board of Education shall prescribe;~~

~~(2) Beyond the minimum of five hours of academic instruction, the local board shall have the authority to schedule for the remainder of the day such academic or exploratory classes as the State Board of Education shall prescribe; provided, however, that a student shall be allowed to take additional academic classes instead of exploratory classes if the parent or guardian of such a student requests such assignment, subject to availability; and~~

~~(3) An interdisciplinary team of academic teachers with common planning time of a minimum of 55 minutes.~~

~~(c) Local school systems shall comply with subsection (b) of this Code section in order to qualify for the middle school program.~~

~~(d) If a local school system has a combination of qualified and nonqualified schools, it shall qualify for the middle school program only for those students counted in the full-time equivalent count for the middle school program in qualified middle schools.~~"

SECTION 27.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-306, relating to honors program and residential high school program, as follows:

"(a) The ~~State Board of Education~~ Office of Student Achievement is authorized to ~~inaugurate~~ continue and administer an honors program for students in the public and private high schools of this state and for resident students who attend a home ~~school~~ study program who have manifested exceptional abilities or unique potentials or who

have made exceptional academic achievements. This program shall be conducted during summer months between normal school year terms at institutions of higher learning or other appropriate centers within this state with facilities adequate to provide challenging opportunities for advanced study and accomplishments by such students. The student honors program shall be implemented and operated in accordance with criteria established by the ~~state board~~ Office of Student Achievement, and operating costs shall be paid by the ~~state board~~ Office of Student Achievement from funds made available for this purpose by the General Assembly. The ~~state board~~ Office of Student Achievement is authorized to enter into cooperative agreements with the Board of Regents of the University System of Georgia for operating and sharing the costs of such programs."

SECTION 28.

Said chapter is further amended by revising Code Section 20-2-314, relating to development of rape prevention, personal safety education, and teen dating violence prevention program, as follows:

"20-2-314.

The State Board of Education shall develop, with input from appropriate experts, such as rape crisis centers and family violence shelters, a rape prevention and personal safety education program and a program for preventing teen dating violence for grade eight through grade 12 which are consistent with the ~~core curriculum~~ content standards provided for in Code Section 20-2-140. Local boards may implement such programs at any time and for any grade level local boards find appropriate, and the state board shall encourage the implementation of such programs. In addition, the state board shall make information regarding such programs available to the Board of Regents of the University System of Georgia."

SECTION 29.

Said chapter is further amended by revising subsection (j) of Code Section 20-2-315, relating to the prohibition of gender discrimination, as follows:

"(j) The Department of Education ~~shall~~ may publish an annual report of local school systems to include information regarding expenditures and participation rates for each gender and such other information as the state board and department deem relevant."

SECTION 30.

Said chapter is further amended by revising Code Section 20-2-319.1, relating to the Georgia Virtual School, as follows:

"20-2-319.1.

(a) The State Board of Education is authorized to establish the Georgia Virtual School whereby students may enroll in ~~state funded~~ courses via the Internet or in any other manner not involving on-site interaction with a teacher. Any Georgia student who is age 21 or younger shall be eligible to enroll in the Georgia Virtual School~~, at no cost to the student~~. The State Board of Education is authorized to promulgate rules and

regulations pertaining to the Georgia Virtual School. Such rules and regulations, if established, shall include, at a minimum, a process for students to enroll in Georgia Virtual School courses and a process whereby a student's grade in the course is reported on the student's transcript. All teachers who provide instruction through the Georgia Virtual School shall be certified by the Professional Standards Commission. A local school system shall not prohibit any student from taking a course through the Georgia Virtual School, regardless of whether the school in which the student is enrolled offers the same course.

(b)(1) The department is authorized to establish a Georgia Virtual School grant account with funds appropriated by the General Assembly. The department shall use funds from ~~this~~ such grant account to pay for costs associated with the Georgia Virtual School incurred by the department, including, but not limited to, actual costs associated with the maintenance of the Georgia Virtual School, such as new course development, credit recovery, blended learning training, and operating a ~~clearinghouse~~ clearing-house, and costs for tuition, materials, and fees for courses taken through the Georgia Virtual School by students in home study programs or private schools in this state.

(2) The local school system shall pay to the department costs for tuition, materials, and fees directly related to the approved course taken by a student in its school system through the Georgia Virtual School; provided, however, that in no event shall the amount of tuition charged to and paid by the local school system on behalf of such student exceed $250.00 per student per semester course; and provided, further, that if a student participates in courses through the Georgia Virtual School that are in excess of the maximum number of courses a student may be enrolled in during a school day, such student shall be subject to the cost of tuition not to exceed $250.00 per student per semester course.

(3) Students in home study programs and private schools in this state may enroll in courses through the Georgia Virtual School at no cost, if appropriations are provided for such purpose in accordance with paragraph (1) of this subsection. If appropriations are not provided or if appropriations are provided but have been expended for such purpose, students in home study programs and private schools in this state may enroll in courses through the Georgia Virtual School based on availability of slots; provided, however, that such students shall be subject to the cost of tuition not to exceed $250.00 per student per semester course.

(c) The Georgia Virtual School shall not be considered a school for purposes of Article 2 of Chapter 14 of this title."

SECTION 31.

Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section 20-2-319.3, relating to the online clearing-house of interactive distance learning courses, as follows:

"(2) 'Clearing-house' means the clearing-house established pursuant to subsection ~~(b)~~(c) of this Code section."

SECTION 32.

Said chapter is further amended by revising Code Section 20-2-319.4, relating to virtual instruction programs, notice of opportunities, mechanisms for compliance, approved providers, approval status, and curriculum plan, as follows:

"20-2-319.4.

(a) Beginning with the 2013-2014 school year, each local school system shall provide opportunities to all students in grades three through 12 enrolled in public schools within its boundaries for participation in part-time and full-time virtual instruction program options. Written notice of such opportunities, including an open enrollment period for full-time students of at least 90 days and not ending earlier than 30 days prior to the first day of the school year, shall be provided directly to parents of all students. The purpose of the program shall be to make quality virtual instruction available to students using online and distance learning technology in the nontraditional classroom. The program shall provide at least three options for:

(1) Full-time virtual instruction for students enrolled in grades three through 12; and

(2) Part-time virtual instruction for students enrolled in grades three through 12.

A virtual instruction program conducted by a local school system shall include specific ~~provision~~ provisions for at least two full-time options and one part-time option for students enrolled in dropout prevention and academic intervention programs or Department of Juvenile Justice education programs under Code Section 20-2-133.

(b) To provide students with the option of participating in virtual instruction programs as required by subsection (a) of this Code section, a local school system may apply one or all of the following mechanisms:

(1) Facilitate enrollment in the Georgia Virtual School established pursuant to Code Section 20-2-319.1;

(2) Facilitate enrollment in one or more courses pursuant to the clearing-house established pursuant to Code Section 20-2-319.3;

~~(2)~~(3) Enter into a contract with ~~an approved~~ a provider ~~under subsection (c) of this Code section~~ for the provision of a full-time program under paragraph (1) of subsection (a) of this Code section or a part-time program under paragraph (2) of subsection (a) of this Code section; or

~~(3)~~(4) Enter into an agreement with another local school system or systems to allow the participation of its students in an approved virtual instruction program provided by such other local school system or systems. The agreement shall indicate a process for the transfer of funds.

Contracts and agreements entered into pursuant to paragraph ~~(2)~~(3) or ~~(3)~~(4) of this subsection may include multidistrict contractual arrangements that may be executed by a regional educational service agency for its member school systems.

~~(c) The department shall annually provide local school systems with a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider shall document that it:~~

~~(1) Possesses prior, successful experience offering online courses to elementary, middle, or high school students, as demonstrated through quantified student~~

~~performance improvements for each subject area and grade level provided for consideration as instructional program options;~~

~~(2) Assures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level intended for provision within local school system contracts, including:~~

~~(A) Courses and programs that meet the nationally recognized standards for K-12 online learning;~~

~~(B) Instructional content and services that align with and measure student attainment of proficiency in the state-approved curriculum; and~~

~~(C) Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate; and~~

~~(3) Publishes, in accordance with disclosure requirements adopted by the State Board of Education, for the general public, as part of its application as a provider, and in all contracts negotiated pursuant to this Code section:~~

~~(A) Information and data about each full-time and part-time program regarding its curriculum;~~

~~(B) School policies and procedures;~~

~~(C) Certification status of all administrative and instructional personnel;~~

~~(D) Teacher-student ratios;~~

~~(E) Student completion and promotion rates; and~~

~~(F) Student, educator, and school performance accountability outcomes.~~

~~(d) An approved provider shall retain its approved status for a period of five years after the date of the department's approval pursuant to subsection (c) of this Code section as long as the provider continues to comply with all requirements of this Code section; provided, however, that each provider approved by the department for the 2013-2014 school year shall reapply for approval to provide a part-time program for students in grades three through 12.~~

~~(e)~~(c) Each contract entered into pursuant to paragraph (3) of subsection (b) of this Code section with ~~an approved~~ a provider shall at a minimum set forth a detailed curriculum plan that illustrates how students will be provided services for, and be measured for attainment of, proficiency in state ~~curriculum~~ requirements for content standards for each grade level and subject."

SECTION 33.

Said chapter is further amended by repealing Code Section 20-2-319.5, relating to report on assisting local boards of education in acquiring digital learning, and designating said Code section as reserved.

SECTION 34.

Said chapter is further amended by revising paragraph (5) of Code Section 20-2-326, relating to definitions relative to the "Building Resourceful Individuals to Develop Georgia's Economy Act," as follows:

"(5) 'Focused program of study' means a rigorous academic core combined with a focus in mathematics and science; a focus in humanities, fine arts, and foreign language; or a coherent sequence of career pathway courses that is aligned with graduation requirements established by the State Board of Education and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this article that prepares a student for postsecondary education or immediate employment after high school graduation."

SECTION 35.

Said chapter is further amended by revising paragraph (1) of Code Section 20-2-329, relating to requirements for high schools that receive a reform grant, as follows:

"(1) Provide focused programs of study which are designed to provide a well-rounded education for students by fostering artistic creativity, critical thinking, and self-discipline through the teaching of academic content, knowledge, and skills that students will use in the workplace, further education, and life. The focused programs of study, whether provided at a choice technical high school, a college and career academy, a traditional high school, or on site at a technical school or college or a public college or university, shall be aligned with graduation requirements established by the State Board of Education and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this article, including, at a minimum, four years of mathematics, Algebra I and higher, and four years of English, with an emphasis on developing reading and writing skills to meet college and career readiness standards;"

SECTION 36.

Said chapter is further amended by revising subsection (c) of Code Section 20-2-690, relating to educational entities and requirements for private schools and home study programs, as follows:

"(c) Parents or guardians may teach their children at home in a home study program which meets the following requirements:

(1) The parent, parents, or guardian must submit within 30 days after the establishment of a home study program and by September 1 annually thereafter a declaration of intent to utilize a home study program to the Department of Education, which shall provide for written or electronic submittal of such declaration of intent;

(2) The declaration shall include a list of the names and ages of the students who are enrolled in the home study program, the address where the home study program is located, the local school system in which the home study program is located, and a statement of the 12 month period that is to be considered the school year for that home study program. Enrollment records and reports shall not be used for any purpose except providing necessary enrollment information, except with the permission of the parent or guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;

(3) Parents or guardians may teach only their own children in the home study program, provided the teaching parent or guardian possesses at least a high school

diploma or a general educational development diploma, but the parents or guardians may employ a tutor who holds a high school diploma or a general educational development diploma to teach such children;

(4) The home study program shall provide a basic academic educational program which includes, but is not limited to, reading, language arts, mathematics, social studies, and science;

(5) The home study program must provide instruction each 12 months to home study students equivalent to 180 school days of education with each school day consisting of at least four and one-half school hours unless the child is physically unable to comply with the rule provided for in this paragraph;

(6) The parent or guardian shall have the authority to execute any document required by law, rule, regulation, or policy to evidence the enrollment of a child in a home study program, the student's full-time or part-time status, the student's grades, or any other required educational information. This shall include, but not be limited to, documents for purposes of verification of attendance by the Department of Driver Services, for the purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents required to apply for the receipt of state or federal public assistance;

(7) Students in home study programs shall be subject to an appropriate nationally standardized testing program administered in consultation with a person trained in the administration and interpretation of norm reference tests to evaluate their educational progress at least every three years beginning at the end of the third grade and records of such tests and scores shall be retained but shall not be required to be submitted to public educational authorities; and

(8) The home study program instructor shall write an annual progress assessment report which shall include the instructor's individualized assessment of the student's academic progress in each of the subject areas specified in paragraph (4) of this subsection, and such progress reports shall be retained by the parent, parents, or guardian of children in the home study program for a period of at least three years."

SECTION 37.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-892, relating to contributions by employees, state, and local employers and withholding or deducting employees' contributions for health insurance for public school teachers, as follows:

"(b) As the local employer's share, the local employer shall contribute to the health insurance fund such portion of the cost of such benefits as may be established by the Governor and the board and, in addition thereto, an amount to be established by the board to defray the cost of administration. The board shall determine whether such portion shall be determined based upon a percentage of the total outlay for the salaries of teachers employed by the local employer or determined on an amount per employee electing coverage under the plan based on the coverage elected, in accordance with the

appropriation of funds. If a local employer fails to remit the employer's share as calculated by the commissioner, as provided in this Code section, it shall be the duty of the commissioner to notify the State Board of Education of such failure and it shall be the duty of the State Board of Education to, with reasonable promptness, withhold from the employer which has failed to comply ~~all appropriations allotted to such employer until such employer has fully complied with the provisions of this Code section by making remittance of the sums required~~ sufficient state funds as calculated by the commissioner to fully satisfy the outstanding obligation of the local employer to the health insurance fund. Such withheld funds shall be promptly transmitted by the state board to the Department of Community Health."

SECTION 38.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-920, relating to withholding or deducting employees' contributions for health insurance for public school employees, as follows:

"(b) The Department of Education and local school systems shall contribute to the health insurance fund such portion of the costs of such benefits as may be established by the board to maintain the employee contributions consistent with other health insurance plans administered by the board. In the event that the commissioner shall determine that a local employer has failed to contribute the full amount of such portion, as calculated by the commissioner, it shall be the duty of the commissioner to notify the State Board of Education of such failure and it shall be the duty of the State Board of Education to, with reasonable promptness, withhold from the employer which has failed to comply ~~all appropriations allotted to such employer until such employer has fully complied with the provisions of this Code section by making remittance of the sums required~~ sufficient state funds as calculated by the commissioner to fully satisfy the outstanding obligation of the local employer to the health insurance fund. Such withheld funds shall be promptly transmitted by the state board to the Department of Community Health."

SECTION 39.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-942, relating to procedure for nonrenewal after acceptance by teacher of school year contract for fourth consecutive school year, as follows:

"(b)(1) A teacher who accepts a school year contract for the fourth consecutive school year from the same local board of education may be demoted or the teacher's contract may not be renewed only for those reasons set forth in subsection (a) of Code Section 20-2-940.

(2) In order to demote or fail to renew the contract of a teacher who accepts a school year contract for the fourth or subsequent consecutive school year from the same local board of education, the teacher must be given written notice of the intention to demote or not renew the contract of the teacher. Such notice shall be given by certified mail or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-

940. Such notice shall contain a conspicuous statement in substantially the following form:

> You have the right to certain procedural safeguards before you can be demoted or dismissed. These safeguards include the right to notice of the reasons for the action against you and the right to a hearing. If you desire these rights you must send to the school superintendent by certified mail or statutory overnight delivery a statement that you wish to have a hearing; and such statement must be mailed to the school superintendent within 20 days after this notice was mailed to you. Your rights are governed by subsection (b) of Code Section 20-2-211, Code Section 20-2-940, and Code Sections 20-2-942 through 20-2-947, and a copy of this law is enclosed.

A copy of subsection (b) of Code Section 20-2-211, Code Section 20-2-940, this Code section, and Code Sections 20-2-943 through 20-2-947 shall be enclosed with the notice. A teacher who is so notified that he or she is to be demoted or that his or her contract will not be renewed has the right to the procedures set forth in subsections (b) through (f) of Code Section 20-2-940 before the intended action is taken. A teacher who has the right to these procedures must serve written notice on the superintendent of the local board employing the teacher within 20 days of the day the notice of the intended action is served that he or she requests a hearing. In order to be effective, such written notice that the teacher requests implementation of such procedures must be served by certified mail or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940. Within 14 days of service of the request to implement the procedures, the local board must furnish the teacher a notice that complies with the requirements of subsection (b) of Code Section 20-2-940.

(3) A teacher is deemed to have accepted a fourth consecutive school year contract if, while the teacher is serving under the third consecutive school year contract, the local board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's contract for the ensuing school year, and the teacher does not serve notice in writing on the local board of education by ~~May 1~~ June 1 of the third consecutive school year that he or she does not accept the fourth consecutive school year contract.

(4) A teacher who has satisfied the conditions set forth in paragraph (1) of this subsection who is subsequently employed by another local board of education and who accepts a second consecutive school year contract from the local board at which the teacher is subsequently employed may be demoted or the teacher's contract may not be renewed only for those reasons set forth in subsection (a) of Code Section 20-2-940. The provisions set forth in paragraph (2) of this subsection shall likewise apply to such a teacher.

(5) A teacher is deemed to have accepted a second consecutive school year contract if, while the teacher is serving under the first school year contract, the local board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's contract for the ensuing school year, and the teacher does not serve

notice in writing on the local board of education by ~~May 1~~ June 1 of the first school year that he or she does not accept the second consecutive school year contract.

(6) Local boards shall make contract offers available to teachers for a minimum ten-day review period. A teacher accepts the contract by signing and returning it any time during the ten-day period.

(7)(A) Professional certificated personnel employed by a county or independent local school system that becomes consolidated with or merged into another county or independent local school system as provided in Article 8 of this chapter or otherwise shall retain their employment, except as provided in subparagraph (B) of this paragraph, in the newly created, or surviving, school system. ~~Said~~ Such professional certificated personnel shall retain and carry over all the rights already accrued and earned in the professional certificated personnel's prior school system and as set forth in this paragraph.

(B) Any reductions in staff due to loss of students or cancellation of programs in the newly created, or surviving, school system necessitated by the consolidation or merger shall be made first in preference of retaining professional certificated personnel on the basis of uniformly applied criteria set forth in local school board policies of the newly created, or surviving, school system."

SECTION 40.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-1160, relating to local board tribunals to determine school law controversies, appeals, and special provisions for disabled children, as follows:

"(b) Any party aggrieved by a decision of the local board rendered on a contested issue after a hearing shall have the right to appeal therefrom to the State Board of Education. The appeal shall be in writing and shall distinctly set forth the question in dispute, the decision of the local board, and a concise statement of the reasons why the decision is complained of; and the party taking the appeal shall also file with the appeal a transcript of testimony certified as true and correct by the local school superintendent. The appeal shall be filed with the superintendent within 30 days of the decision of the local board, and within ten days thereafter it shall be the duty of the superintendent to transmit a copy of the appeal together with the transcript of evidence and proceedings, the decision of the local board, and other matters in the file relating to the appeal to the state board. The state board shall adopt regulations governing the procedure for hearings before the local board and proceedings before it. The state board may affirm, reverse, or remand the local board decision or may refer the matter to mediation."

SECTION 41.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-2065, relating to waiver of provisions of Title 20, as follows:

"(b) In determining whether to approve a charter petition or renew an existing charter, the local board and state board shall ensure that a charter school, or for charter systems, each school within the system, shall be:

(1) A public, nonsectarian, nonreligious, nonprofit school that is not home based, provided that a charter school's nonprofit status shall not prevent the school from contracting for the services of a for profit entity and that nothing in this Code section shall preclude the use of computer and Internet based instruction for students in a virtual or remote setting;
(2) Subject to the control and management of the local board of the local school system in which the charter school is located, as provided in the charter and in a manner consistent with the Constitution, if a local charter school;
(3) Subject to the supervision of the state board, as provided in the charter and in a manner consistent with the Constitution, if a state chartered special school;
(4) Organized and operated as a nonprofit corporation under the laws of this state; provided, however, that this paragraph shall not apply to any charter petitioner that is a local school, local school system, or state or local public entity;
(5) Subject to all federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; and the prevention of unlawful conduct; provided, however, that if:
(A) A facility used for a charter school is owned or operated by any state agency or entity, and such facility or equipment purchased or used by the facility meets the safety standards of the state agency or entity that owns or operates such facility; or
(B) A facility used for a charter school is owned by a local educational agency and operated utilizing standards of a state agency or entity, and such facility or equipment purchased or used by the facility meets the safety standards of the state agency or entity with respect to structural soundness and sufficient maintenance,
the facility or equipment or both shall be deemed to meet the safety requirements of this paragraph; provided, further, that in no event shall the state agency or entity or local educational agency owner or operator of a charter school with such facility or equipment be disqualified from eligibility for state grants or for federal grants awarded pursuant to state regulations due to such facility or equipment;
(6) Subject to all laws relating to unlawful conduct in or near a public school;
(7) Subject to an annual financial audit conducted by the state auditor or, if specified in the charter, by an independent certified public accountant licensed in this state; provided, however, that a separate audit shall not be required for a charter school if the charter school is included in the local school system audit conducted by the state auditor pursuant to Code Section 50-6-6;
(8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such provisions shall apply with respect to charter schools whose charters are granted or renewed on or after July 1, 2000;
(9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;
(10) Subject to the requirement that it shall not charge tuition or fees to its students except as may be authorized for local boards by Code Section 20-2-133;

(11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of quiet reflection;

(12) Subject to the provisions of Code Section 20-2-210 relating to annual performance evaluations;

(13) Subject to the provisions of Code Section 20-2-211.1 relating to fingerprint and criminal background checks; and

~~(13)~~(14) Subject to the provisions of subsection (c) of Code Section 20-2-327 relating to individual graduation plans."

SECTION 42.

Said chapter is further amended in Code Section 20-2-2067.1, relating to amendment of terms of charter for charter schools, initial term of charter, and annual report by revising the introductory language of subsection (c) as follows:

"(c) Each start-up and conversion charter school and each charter system shall submit an annual report outlining the previous year's progress to the authorizing local board or state board, as appropriate; to parents and guardians of students enrolled in the school, or, for a charter system, to parents and guardians of students enrolled in school within the local school system; and to the Department of Education no later than ~~October 1~~ November 1 of each year. The report submitted by a charter system shall include, but not limited to, data on all of its system charter schools. The report shall contain, but is not limited to:"

SECTION 43.

Said chapter is further amended by revising paragraph (2) of subsection (c) of Code Section 20-2-2084, relating to petition for charter schools, requirements of school, governing board membership, and annual training, as follows:

"(2) For petitions for state charter schools with a defined attendance zone, the petitioner shall concurrently submit such petition to the commission, to the local board of education in which the school is proposed to be located, and to each local school system from which the proposed school plans to enroll students. The commission shall not act on a petition unless the local board of education in which the school is proposed to be located denies the petition; provided, however, that such local board shall approve or deny the petition no later than ~~60~~ 90 days after its submission, as required pursuant to subsection (b) of Code Section 20-2-2064, unless the petitioner requested an extension. Failure to approve or deny such petition by such local board, in violation of Code Section 20-2-2064, shall be deemed a denial for purposes of this paragraph. A local board that has denied a petition for a state charter school shall be permitted to present to the commission in writing or in person the reasons for denial and the deficiencies in such petition resulting in such denial."

SECTION 44.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-2089, relating to funding for state charter schools, as follows:

"(a)(1) The earnings for a student in a state charter school shall be equal to the earnings for any other student with similar student characteristics in a state charter school, regardless of the local school system in which the student resides or the school system in which the state charter school is located, and, except as otherwise provided in paragraph (2) of this subsection, the department shall pay to each state charter school through appropriation of state funds an amount equal to the sum of:

(A)(i) QBE formula earnings and QBE grants earned by the state charter school based on the school's enrollment, school profile, and student characteristics. For purposes of this subparagraph, the term 'QBE formula earnings' means funds earned for the Quality Basic Education Formula pursuant to Code Section 20-2-161, including the portion of such funds that are calculated in accordance with Code Section 20-2-164. QBE formula earnings shall include the salary portion of direct instructional costs, the adjustment for training and experience, the nonsalary portion of direct instructional costs, and earnings for psychologists and school social workers, school administration, facility maintenance and operation, media centers, additional days of instruction in accordance with Code Section 20-2-184.1, and staff development, as determined by the department.

(ii) A proportional share of earned state categorical grants, non-QBE state grants, transportation grants, school nutrition grants, and all other state grants, except state equalization grants, as determined by the department;

(B) The average amount of the total revenues less federal revenues less state revenues other than equalization grants per full-time equivalent for the lowest five school systems ranked by assessed valuation per weighted full-time equivalent count, as determined by the department; and

(C) The state-wide average total capital revenue per full-time equivalent, as determined by the department.

(2) In the event that a state charter school offers virtual instruction:

(A) The amount of funds received pursuant to subparagraph (B) of paragraph (1) of this subsection shall be equal to two-thirds of such calculated amount; provided, however, that this two-thirds amount may be increased by any amount up to the originally calculated amount in the discretion of the commission if relevant factors warrant such increase; and

(B) The commission may reduce the amount of funds received pursuant to subparagraph (C) of paragraph (1) of this subsection ~~in proportion to the amount of virtual instruction provided and based on factors that affect the cost of providing instruction~~ <u>on a proportional basis if the school fails to provide documentation confirming its capital expenditures per full-time equivalent are greater than or equal to the state-wide average</u>.

<u>(3) Any funds deducted from a state charter school pursuant to Code Section 20-2-164, representing the equivalent of a local school system's five mill share, shall be calculated based only on funds received pursuant to subparagraph (B) of paragraph (1) of this subsection. For a state charter school that offers virtual instruction, the amount of the deduction shall be reduced by one-third, unless the commission has</u>

increased the school's calculated amount pursuant to subparagraph (A) of paragraph (2) of this subsection, in which case the deduction shall be proportionate to the amount of funding received.

~~(3)~~(4) For purposes of this subsection, the terms:

(A) 'Assessed valuation' is defined as 40 percent of the equalized adjusted property tax digest reduced by the amount calculated pursuant to subsection (g) of Code Section 20-2-164.

(B) 'Assessed valuation per weighted full-time equivalent count' is defined as the assessed valuation for the most recent year available divided by the weighted full-time equivalent count for the year of the digest."

SECTION 45.

An Act to provide in all counties of 500,000 or more population according to the United States Census of 1960 or any future United States Census that the pension board of the board of education in such counties shall recompute the pension paid to those teachers and employees who had retired as a matter of right prior to April 1, 1955, and who had been awarded a basic pension for 20 years of service, approved March 21, 1963 (Ga. L. 1963, p. 2469), is repealed in its entirety.

SECTION 46.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.

Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	E Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 170, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 527. By Representatives Willard of the 51st, Jones of the 47th, Bruce of the 61st, Wilkinson of the 52nd, Beskin of the 54th and others:

A BILL to be entitled an Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act to provide for a budget in all counties in this state having a population of two hundred thousand or more by the United States census of 1930, or by any future census; to define the word 'authorities' as used herein; for the publication of the proposed budget, the adoption of the budget and publication of the final budget as adopted... and for other purposes,' approved March 16, 1939, appearing in Georgia Laws 1939 pp. 272-276, and all Acts amendatory thereto; and for other purposes" approved March 2, 1953 (Ga. L. 1953, p. 2815), and all Acts amendatory thereto; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To repeal an Act entitled "An Act to repeal an Act entitled 'An Act to provide for a budget in all counties in this state having a population of two hundred thousand or more by the United States census of 1930, or by any future census; to define the word 'authorities' as used herein; for the publication of the proposed budget, the adoption of the budget and publication of the final budget as adopted... and for other purposes,' approved

March 16, 1939, appearing in Georgia Laws 1939 pp. 272-276, and all Acts amendatory thereto; and for other purposes" approved March 2, 1953 (Ga. L. 1953, p. 2815), and all Acts amendatory thereto; to provide for the nonrevival of a previously repealed Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act entitled "An Act to repeal an Act entitled 'An Act to provide for a budget in all counties in this state having a population of two hundred thousand or more by the United States census of 1930, or by any future census; to define the word 'authorities' as used herein; for the publication of the proposed budget, the adoption of the budget and publication of the final budget as adopted... and for other purposes,' approved March 16, 1939, appearing in Georgia Laws 1939 pp. 272-276, and all Acts amendatory thereto; and for other purposes" approved March 2, 1953 (Ga. L. 1953, p. 2815), and all Acts amendatory thereto, are hereby repealed.

SECTION 2.

The repeal of Act No. 350, approved March 2, 1953 (Ga. L. 1953, p. 2815), as provided by Section 1 of this Act shall not have the effect of reviving Act No. 194, approved March 16, 1939 (Ga. L. 1939, p. 272).

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
E Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D

Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	E Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	E Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 169, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HR 394. By Representatives Nix of the 69th, Ehrhart of the 36th, Rogers of the 29th, Battles of the 15th, Dickson of the 6th and others:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to provide for distribution of the net proceeds of a sales and use tax for educational purposes between a county school system and one or more independent school systems located in such county; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Proposing an amendment to the Constitution of the State of Georgia so as to provide for distribution of the net proceeds of a sales and use tax for educational purposes between a county school system and one or more independent school systems located in such county; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VIII, Section VI, Paragraph IV of the Constitution is amended by revising subparagraph (g) as follows:

"(g) The net proceeds of the tax shall be distributed to the school system or systems in which the tax is collected; provided, however, that if such a tax is simultaneously collected by a county school system and one or more participating independent school systems within such county, then the net proceeds of the tax shall be distributed between the county school ~~district~~ system and the participating independent school ~~districts~~ system or systems, or portion thereof, located in such county according to an agreement between the county school system and the independent school system or systems or, if no agreement can be reached, according to the ratio the student enrollment in each school ~~district~~ system, or portion thereof, bears to the total student enrollment of all school ~~districts~~ systems in the county ~~or upon such other formula for distribution as may be authorized by local law~~. For purposes of this subparagraph, student enrollment shall be based on the latest ~~FTE~~ full-time equivalent count prior to the referendum on imposing the tax."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"( ) YES Shall the Constitution of Georgia be amended so as to assure that the sales and use tax for education is distributed fairly on a per student basis
( ) NO among all the school systems within a county unless an agreement is reached among such school systems for a different distribution?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

The report of the Committee, which was favorable to the adoption of the Resolution, by substitute, was agreed to.

On the adoption of the Resolution, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	N Coomer	Y Harbin	Y Meadows	N Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	Y Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R

E Beasley-Teague	Y Dickson	Y Holcomb	Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	E Jordan	Y Rakestraw	Y Trammell
Y Buckner	Y Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	N Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	Y Wilkerson
N Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	E Glanton	Y Marin	Y Rynders	Y Williams, A
N Clark, D	E Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	Y Mayo	Y Sharper	Y Williamson
N Coleman	Y Greene	Y McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 164, nays 8.

The Resolution, having received the requisite constitutional majority, was adopted, by substitute.

HB 338. By Representatives Lumsden of the 12th, Hitchens of the 161st, Tanner of the 9th, Caldwell of the 131st, Powell of the 32nd and others:

A BILL to be entitled an Act to amend Title 15 and Article 1 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to courts and the uniform traffic citation and complaint form, respectively, so as to provide for the collection of a fee to defray the costs associated with using electronic citations; to provide for definitions; to provide for the Electronic Citation Fund; to provide for procedures; to provide for a cause of action under certain circumstances; to provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representatives Lumsden of the 12th, Ramsey of the 72nd, and Rice of the 95th offer the following amendment:

Amend HB 338 (LC 29 6267ER) by replacing line 69 with the following:
implementation of the electronic citation system, including the

By replacing "2024" *with* "2020" *on line 91.*

The report of the Committee, which was favorable to the passage of the Bill, was agreed to, as amended.

On the passage of the Bill, as amended, the roll call was ordered and the vote was as follows:

N Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
N Alexander	N Cooper	N Harden	N Mitchell	N Smith, L
N Allison	Y Corbett	N Harrell	N Morris	N Smith, M
N Anderson	N Dawkins-Haigler	Y Hatchett	N Mosby	Y Smith, R
Atwood	N Deffenbaugh	N Hawkins	Y Nimmer	N Smyre
N Ballinger	Y Dempsey	N Henson	N Nix	N Spencer
N Barr	N Dickerson	N Hightower	N Oliver	N Stephens, M
N Battles	N Dickey	Y Hitchens	O'Neal	Stephens, R
E Beasley-Teague	Y Dickson	N Holcomb	N Pak	N Stephenson
N Bell	N Dollar	N Holmes	N Parrish	N Stovall
N Belton	N Douglas	N Houston	N Parsons	N Stover
N Bennett	N Drenner	N Howard	Y Peake	Y Strickland
E Bentley	N Dudgeon	N Hugley	N Petrea	N Tankersley
N Benton	N Dukes	N Jackson	N Pezold	Y Tanner
N Beskin	N Dunahoo	N Jacobs	Y Powell, A	N Tarvin
Y Beverly	N Duncan	Y Jasperse	Y Powell, J	Taylor, D
Y Broadrick	N Ealum	Y Jones, J	Y Prince	Y Taylor, T
N Brockway	N Efstration	N Jones, J.B.	N Pruett	N Teasley
N Brooks	N Ehrhart	E Jones, L	N Quick	N Thomas, A.M.
N Bruce	N England	N Jones, S	N Raffensperger	N Thomas, E
N Bryant	Y Epps	E Jordan	N Rakestraw	N Trammell
N Buckner	N Evans	N Kaiser	Y Ramsey	N Turner
N Burns	Y Fleming	N Kelley	N Randall	N Waites
N Caldwell, J	N Floyd	N Kendrick	Y Reeves	N Watson
N Caldwell, M	N Fludd	N Kidd	N Rhodes	N Welch
N Cantrell	N Frazier	N Kirby	Y Rice	N Weldon
N Carson	Y Frye	Y Knight	N Roberts	N Werkheiser
Y Carter	N Gardner	Y LaRiccia	N Rogers, C	N Wilkerson
N Casas	N Gasaway	Y Lumsden	N Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	N Mabra	N Rutledge	Willard
N Cheokas	E Glanton	Marin	N Rynders	N Williams, A
N Clark, D	E Golick	N Martin	N Scott	N Williams, C
N Clark, H	N Gordon	Y Maxwell	Y Setzler	N Williams, E
N Clark, V	Y Gravley	N Mayo	N Sharper	N Williamson
N Coleman	N Greene	N McCall	N Shaw	Y Yates
N Cooke	N Hamilton	N McClain	Sims	Ralston, Speaker

On the passage of the Bill, as amended, the ayes were 39, nays 127.

The Bill, having failed to receive the requisite constitutional majority, was lost.

HB 303. By Representatives Hightower of the 68th, Mabra of the 63rd, Kelley of the 16th, Atwood of the 179th, Weldon of the 3rd and others:

A BILL to be entitled an Act to amend Code Section 33-7-11 of the Official Code of Georgia Annotated, relating to uninsured motorist coverage under motor vehicle liability policies, so as to change provisions relating to the recovery when an insurer refuses to pay for a loss within 60 days after a demand has been made by the insured and a finding has been made that such refusal was made in bad faith; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 33-7-11 of the Official Code of Georgia Annotated, relating to uninsured motorist coverage under motor vehicle liability policies, so as to change provisions relating to the recovery when an insurer refuses to pay for a loss within 60 days after a demand has been made by the insured and a finding has been made that such refusal was made in bad faith; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 33-7-11 of the Official Code of Georgia Annotated, relating to uninsured motorist coverage under motor vehicle liability policies, is amended by revising subsection (j) as follows:

"(j)(1) If the insurer shall refuse to pay any insured any loss covered by this Code section and the applicable automobile liability or motor vehicle liability policy within 60 days after a written demand has been made by the insured ~~and a finding has been made that such refusal was made in bad faith~~, the insurer shall be liable to the insured ~~in addition to any recovery under this Code section for not more than 25 percent of the recovery and all reasonable attorney's fees for the prosecution of the case under this Code section.~~ for:

(A) Damages equal to the applicable policy limits or the principal balance of the judgment rendered against the uninsured motorist in the original tort action, whichever amount is less;

(B) If the fact finder determines that the insurer's refusal to pay the insured was made in bad faith, a penalty of $25,000.00 or 25 percent of the damages set forth in subparagraph (A) of this paragraph, whichever amount is greater; and

(C) Postjudgment interest on the damages provided in subparagraph (A) of this paragraph pursuant to Code Section 7-4-12 calculated from the date of entry of the judgment against the uninsured motorist in the original tort action.

(2) When an insured has prevailed on a claim pursuant to subparagraph (B) of paragraph (1) of this subsection, the court in its discretion may hold the insurer liable to the insured for reasonable attorney's fees and expenses of litigation for the prosecution of the case under this Code section that were incurred after the sixtieth day of the demand made by the insured.

(3) The amounts set forth in paragraph (1) of this subsection and the question of bad faith~~, the amount of the penalty, if any, and the reasonable attorney's fees, if any,~~ shall be determined in a separate action filed by the insured against the insurer after a judgment has been rendered against the uninsured motorist in the original tort action. ~~The attorney's fees shall be fixed on the basis of competent expert evidence as to the reasonable value of the services, based on the time spent and legal and factual issues involved, in accordance with prevailing fees in the locality where the action is pending. The trial court shall have the discretion, if it finds such jury verdict fixing attorney's fees to be greatly excessive or inadequate, to review and amend such portion of the verdict fixing attorney's fees without the necessity of disapproving the entire verdict. The limitations contained in this subsection in reference to the amount of attorney's fees are not controlling as to the fees which may be agreed upon by the plaintiff and his attorney for the services of the attorney in the action against the insurer.~~

(4) Payment of the amounts provided in paragraph (1) of this subsection shall fully discharge the insurer's obligations under the judgment entered against the uninsured motorist in the original tort action. Payment of the damages provided in subparagraph (A) of paragraph (1) of this subsection shall reduce the principal amount of such judgment. Payment of the postjudgment interest provided in subparagraph (C) of paragraph (1) of this subsection shall reduce the postjudgment interest owed on such judgment."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams
Y Alexander
Y Allison
Y Anderson
Y Atwood
Y Ballinger
Y Barr
Y Battles
E Beasley-Teague
Y Bell
Y Belton
Y Bennett
E Bentley
Y Benton
Y Beskin
Y Beverly
Y Broadrick
Y Brockway
Y Brooks
Y Bruce
Y Bryant
Y Buckner
Y Burns
Y Caldwell, J
Y Caldwell, M
Y Cantrell
N Carson
N Carter
Y Casas
Y Chandler
Y Cheokas
Y Clark, D
Y Clark, H
Y Clark, V
Y Coleman
Y Cooke
Y Coomer
Cooper
N Corbett
Y Dawkins-Haigler
Y Deffenbaugh
Y Dempsey
Y Dickerson
Y Dickey
Y Dickson
Y Dollar
Y Douglas
Y Drenner
Y Dudgeon
Y Dukes
Y Dunahoo
Y Duncan
Y Ealum
Y Efstration
Y Ehrhart
Y England
Y Epps
Y Evans
Y Fleming
Y Floyd
Y Fludd
Y Frazier
Y Frye
Y Gardner
Y Gasaway
Y Geisinger
E Glanton
E Golick
Y Gordon
Y Gravley
Y Greene
Y Hamilton
N Harbin
Y Harden
Y Harrell
Y Hatchett
Y Hawkins
Y Henson
Y Hightower
Y Hitchens
Y Holcomb
Y Holmes
Y Houston
Y Howard
Y Hugley
Y Jackson
Y Jacobs
Y Jasperse
Y Jones, J
Y Jones, J.B.
Y Jones, L
Y Jones, S
E Jordan
Y Kaiser
Y Kelley
Y Kendrick
Y Kidd
Y Kirby
Knight
N LaRiccia
Y Lumsden
Y Mabra
Y Marin
Y Martin
Maxwell
Y Mayo
N McCall
Y McClain
Meadows
Y Mitchell
N Morris
Y Mosby
N Nimmer
Y Nix
Y Oliver
O'Neal
N Pak
Y Parrish
Y Parsons
Y Peake
Y Petrea
Y Pezold
Y Powell, A
Y Powell, J
Y Prince
Y Pruett
Y Quick
Y Raffensperger
Y Rakestraw
Y Ramsey
Y Randall
Y Reeves
Y Rhodes
Y Rice
Y Roberts
Y Rogers, C
Y Rogers, T
Y Rutledge
Y Rynders
Y Scott
Y Setzler
Y Sharper
N Shaw
Y Sims
Y Smith, E
Y Smith, L
Y Smith, M
E Smith, R
Y Smyre
Y Spencer
Y Stephens, M
Y Stephens, R
Y Stephenson
Y Stovall
Y Stover
Y Strickland
Y Tankersley
Y Tanner
N Tarvin
Taylor, D
Y Taylor, T
Y Teasley
Y Thomas, A.M.
Y Thomas, E
Y Trammell
Y Turner
Y Waites
N Watson
Y Welch
Y Weldon
Y Werkheiser
Y Wilkerson
N Wilkinson
Y Willard
Y Williams, A
Y Williams, C
Y Williams, E
N Williamson
Y Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 153, nays 14.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

House of Representatives
State Capitol Room 436
Atlanta, GA 30334

March 11, 2015

Mr. William Reilly, Clerk of the House
Georgia House of Representatives
Office of the Clerk

309 State Capitol
Atlanta, GA 30334

Dear Mr. Reilly,

This letter is to ask that it be recorded in the Legislative Record that I would like to be noted as a "yes" vote on HB 303 – Uninsured motorist coverage.

Thank you for your time and consideration.

Sincerely,

/s/ Sharon Cooper
District 43

By unanimous consent, the following Bills of the House, having been previously postponed, were again postponed until the next legislative day:

HB 16. By Representative Prince of the 127th:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under Article 6 of Chapter 2 of Title 20, the "Quality Basic Education Act," shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the association allows students enrolled in magnet schools to tryout for and participate on athletic teams of their resident school under certain conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 476. By Representatives Fludd of the 64th, Bruce of the 61st, Bell of the 58th, Mabra of the 63rd, Kaiser of the 59th and others:

A BILL to be entitled an Act to repeal the amendment to the Constitution of Georgia creating within Fulton County the Fulton County Industrial District and prohibiting the governing authority of Fulton County from levying any tax for educational purposes within such district; to provide for a referendum with respect to the effectiveness of the foregoing; to provide for contingent effective dates; to repeal conflicting laws; and for other purposes.

HB 514. By Representatives Bruce of the 61st, Fludd of the 64th, Kaiser of the 59th, Mabra of the 63rd, Jones of the 53rd and others:

A BILL to be entitled an Act to incorporate the City of South Fulton in Fulton County; to repeal conflicting laws; and for other purposes.

Representative O'Neal of the 146th moved that the House do now adjourn until 9:30 o'clock, A.M., Friday, March 13, 2015, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 9:30 o'clock, A.M., Friday, March 13, 2015.