

**Representative Hall, Atlanta, Georgia****Tuesday, March 24, 2015****Thirty-Fifth 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	Cooke	Hamilton	Meadows	Smith, E
Alexander	Coomer	E Harbin	Mitchell	Smith, L
Allison	Cooper	Harden	Morris	Smith, R
Anderson	Corbett	Harrell	Mosby	Smyre
Atwood	E Dawkins-Haigler	Hatchett	Nimmer	Spencer
Ballinger	Deffenbaugh	Hawkins	O'Neal	Stephens, M
Barr	Dempsey	E Henson	Pak	Stephens, R
Battles	Dickerson	Hightower	Parrish	Stovall
E Beasley-Teague	Dickey	Hitchcomb	Parsons	Stover
Bell	Dickson	Holcomb	Peake	Strickland
Belton	Dollar	Holmes	Petrea	Tankersley
E Bennett	Douglas	Houston	Pezold	Tanner
E Bentley	Drenner	Howard	Powell, A	Tarvin
Benton	Dudgeon	Hugley	Powell, J	Taylor, D
Beskin	Dukes	Jackson	Prince	Taylor, T
Beverly	Dunahoo	Jasperse	Pruett	Teasley
Broadrick	Duncan	Jones, J	Quick	Thomas, A.M.
Brockway	Ealum	Jones, J.B.	Raffensperger	Thomas, E
Brooks	Efstration	E Jones, L	Rakestraw	Trammell
Bruce	E Ehrhart	E Jones, S	Ramsey	Turner
Bryant	England	Kelley	Randall	Waites
Buckner	Epps	Kendrick	Reeves	Watson
Burns	Evans	Kidd	Rhodes	Welch
Caldwell, J	Fleming	Kirby	Rice	Weldon
Caldwell, M	Fludd	Knight	E Roberts	Werkheiser
Cantrell	Frazier	LaRiccica	Rogers, C	Wilkerson
Carson	Frye	Lumsden	Rogers, T	Wilkinson
Carter	Gardner	Mabra	Rutledge	Willard
E Casas	Gasaway	Marin	Rynders	Williams, A
Chandler	E Geisinger	E Martin	Scott	Williams, C
Cheokas	Glanton	Maxwell	Setzler	Williams, E
Clark, D	Golick	Mayo	Sharper	Williamson
Clark, H	Gordon	McCall	Shaw	Yates
Clark, V	Gravley	McClain	Sims	Ralston, Speaker
Coleman	Greene			

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

Representatives Jacobs of the 80th, Jordan of the 77th, Nix of the 69th, Oliver of the 82nd, and Stephenson of the 90th.

They wished to be recorded as present.

Prayer was offered by Reverend Hutch Garmany, Pastor, Grace Community Trenton Church, Trenton, Georgia.

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 643. By Representatives Clark of the 147th, Harden of the 148th, Dickey of the 140th, O`Neal of the 146th and Epps of the 144th:

A BILL to be entitled an Act to amend an Act authorizing the governing authority of the City of Warner Robins to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A., approved May 11, 2009, (Ga. L. 2009, p. 3981), so as to change a reference to a resolution passed by the city council; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 644. By Representatives Clark of the 147th, Dickey of the 140th, Epps of the 144th, O`Neal of the 146th and Harden of the 148th:

A BILL to be entitled an Act to amend an Act providing for a homestead exemption from all City of Warner Robins ad valorem taxes for any city purposes, including, but not limited to, taxes to retire bonded indebtedness for certain persons who have been residents of the City of Warner Robins for at least the immediately preceding five years and who are 65 years of age or older, approved April 5, 1995 (Ga. L. 1995, p. 4189), as amended, so as to change the date for filing an application for such homestead exemption; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 645. By Representatives Scott of the 76th, Stovall of the 74th, Mabra of the 63rd, Jordan of the 77th, Glanton of the 75th and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Clayton County, approved February 8, 1955 (Ga. L. 1955, p. 2064), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 4321), so as to provide the salaries of the members of the Clayton County Board of Commissioners; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 646. By Representatives Scott of the 76th, Stovall of the 74th, Mabra of the 63rd, Jordan of the 77th, Glanton of the 75th and others:

A BILL to be entitled an Act to amend an Act providing for a supplement to the salaries of the judges of the superior court of the Clayton Judicial Circuit, approved April 10, 1969 (Ga. L. 1969, p. 353), as amended, particularly by an Act approved May 5, 2006 (Ga. L. 2006, p. 4683), so as to increase the county supplement to the state salary of said judges; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 647. By Representatives Scott of the 76th, Stovall of the 74th, Mabra of the 63rd, Jordan of the 77th, Glanton of the 75th and others:

A BILL to be entitled an Act to amend an Act providing for the appointment of the chief magistrate of Clayton County, approved March 21, 1984 (Ga. L. 1984, p. 4411), as amended, particularly by an Act approved May 4, 2006 (Ga. L. 2006, p. 4136), so as to change the salary of the chief magistrate; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 648. By Representatives Scott of the 76th, Jordan of the 77th, Waites of the 60th, Douglas of the 78th, Stovall of the 74th and others:

A BILL to be entitled an Act to amend an Act placing the sheriff and clerk of the Superior Court of Clayton County on an annual salary, approved February 25, 1949 (Ga. L. 1949, p. 1910), as amended, particularly by an Act approved May 5, 2006 (Ga. L. 2006, p. 4656), so as to change the provisions relating to the compensation of the sheriff; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 649. By Representatives Cooper of the 43rd, Clark of the 101st, Knight of the 130th, Jones of the 53rd and Stephenson of the 90th:

A BILL to be entitled an Act to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncturists, and others, so as to require licensure of lactation consultants; to provide for a short title; to provide for legislative findings; to provide for definitions; to provide for an advisory committee; to provide for licensure application and qualifications; to provide for license renewal; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 650. By Representatives Waites of the 60th, Bruce of the 61st, Gardner of the 57th, and Brooks of the 55th:

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 provide for public safety access assessments; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 651. By Representatives Maxwell of the 17th, Gravley of the 67th, Alexander of the 66th and Rakestraw of the 19th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for the election of members of the board of education of Paulding County," approved March 21, 1968 (Ga. L. 1968, p. 2381), as amended, so as to change the method of filling vacancies on the board of education; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 652. By Representatives O`Neal of the 146th, Dickey of the 140th and Harden of the 148th:

A BILL to be entitled an Act to create the Perry Public Facilities Authority; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 745. By Representatives Cooper of the 43rd, Clark of the 101st, Sims of the 123rd, Rogers of the 29th and Jones of the 53rd:

A RESOLUTION encouraging the United States Congress to provide for the continuation of Ryan White CARE Act funding at levels appropriate to meet the needs of the citizens of the State of Georgia; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 746. By Representatives Randall of the 142nd, Bell of the 58th, Hugley of the 136th, Fludd of the 64th and Abrams of the 89th:

A RESOLUTION expressing the sense of the General Assembly regarding public policies that will help Georgia families thrive; and for other purposes.

Referred to the Committee on Health & Human Services.

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

HB 655. By Representatives Willard of the 51st, Jones of the 47th, Dudgeon of the 25th, Wilkinson of the 52nd, Jacobs of the 80th and others:

A BILL to be entitled an Act to provide for the administration of the budget of the Magistrate Court of Fulton County; to provide that the court administrator shall be the chief magistrate or his or her designee; to provide that such court administrator shall have oversight of the budget; to provide that such court administrator is authorized to make changes to line item appropriations; to provide that any unexpended funds at the end of the fiscal year shall lapse to the general fund of Fulton County; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 656. By Representative Pruett of the 149th:

A BILL to be entitled an Act to amend an Act creating the office of Commissioner of Dodge County, approved August 19, 1912 (Ga. L. 1912, p. 367), as amended, so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office for current members; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 657. By Representatives Rhodes of the 120th and O`Neal of the 146th:

A BILL to be entitled an Act to repeal an Act creating the Greene County Family Connection Commission, approved March 27, 1998 (Ga. L. 1998, p. 3748), and all amendatory acts thereto; 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.

HR 768. By Representatives Chandler of the 105th, Ballinger of the 23rd, Welch of the 110th, Quick of the 117th, Dickerson of the 113th and others:

A RESOLUTION creating the House Study Committee on Mandatory Reporting of Child Abuse; and for other purposes.

Referred to the Committee on Juvenile Justice.

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

HB 639	HB 640
HB 641	HB 642
HR 724	HR 725
HR 743	HR 744

Representative Coleman of the 97th District, Chairman of the Committee on Education, submitted the following report:

Mr. Speaker:

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

SB 133	Do Pass, by Substitute
SR 287	Do Pass

Respectfully submitted,  
/s/ Coleman of the 97th  
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 and Resolutions of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HR 612	Do Pass	HR 640	Do Pass, by Substitute
HR 641	Do Pass, by Substitute	SB 109	Do Pass, by Substitute
SB 114	Do Pass	SB 131	Do Pass, by Substitute
SB 194	Do Pass, by Substitute		

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

Representative Benton of the 31st District, Chairman of the Committee on Human Relations and Aging, submitted the following report:

Mr. Speaker:

Your Committee on Human Relations and Aging has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 618      Do Pass, by Substitute

Respectfully submitted,  
/s/ Benton of the 31st  
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 627	Do Pass	HB 631	Do Pass
HB 633	Do Pass	HB 634	Do Pass
HB 636	Do Pass	HB 637	Do Pass

Respectfully submitted,  
/s/ Tankersley of the 160th  
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 Bills of the Senate and has instructed me to report the same back to the House with the following recommendations:

SB 99	Do Pass	SB 134	Do Pass, by Substitute
SB 154	Do Pass, by Substitute	SB 160	Do Pass, by Substitute
SB 195	Do Pass, by Substitute		

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

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

HOUSE RULES CALENDAR  
TUESDAY, MARCH 24, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 35th Legislative Day as enumerated below:

DEBATE CALENDAR

**Open Rule**

None

**Modified Open Rule**

- HR 419 United States Congress; extend authorization for Augusta Canal National Heritage Area to receive federal funding from the National Park Service through 2021; encourage (SProp-Sims-123rd)
- SB 2 Education; student who completes certain requirements relating to postsecondary coursework awarded a high school diploma (Ed-Nix-69th) Tippins-37th

**Modified Structured Rule**

- HR 613 United States Environmental Protection Agency (EPA); withdraw the proposed Clean Air Plan; encourage (NR&E-Martin-49th)
- SB 72 "Tanja's Law"; provide measure of equivalency in punishment of crimes committed against police dogs in performance of their official duties (Substitute)(JudyNC-Weldon-3rd) Mullis-53rd
- SB 94 Criminal Procedure; require a procedure for enhancing witness identification accuracy (Substitute)(JudyNC-Atwood-179th) Bethel-54th

**Structured Rule**

None

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

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

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 224. By Senators Martin of the 9th and Thompson of the 5th:

A BILL to be entitled an Act to create the Lawrenceville Building Authority as a public corporation and an instrumentality of the State of Georgia; to provide for the separate enactment of each provision of this Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 164. By Representatives Martin of the 49th and Casas of the 107th:

A BILL to be entitled an Act to amend Code Section 20-2-200 of the Official Code of Georgia Annotated, relating to the regulation of certificated professional personnel by the Professional Standards Commission, so as to extend the suspension of professional learning requirements for certification renewal; to extend the timeline for revision of certification renewal rules for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 174. By Representatives Jones of the 62nd, Bruce of the 61st, Gravley of the 67th, Hightower of the 68th and Alexander of the 66th:

A BILL to be entitled an Act to amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, the "Urban Redevelopment Law," so as to include blighted areas; to modernize terminology; to provide for the use of surface transportation projects in urban redevelopment areas; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 366. By Representatives Strickland of the 111th, Hamilton of the 24th, Bryant of the 162nd, Pruett of the 149th, Stephens of the 164th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 39 of the Official Code of Georgia Annotated, relating to regulation of employment of minors, so as to change certain provisions related to the employment of minors; to change certain provisions relating to the issuance of employment certificates for minors; to change certain provisions related to identification cards required for the employment of minors; to provide for gender neutrality; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required, so as to provide that certain documents relating to the employment of minors as actors or performers shall be exempt from such disclosure; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 368. By Representatives Strickland of the 111th, Hamilton of the 24th, Bryant of the 162nd, Pruett of the 149th, Broadrick of the 4th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to buildings relative to the standards and requirements for construction, alteration, and other matters, so as to repeal and reserve Part 5 of said article, relating to glass installations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- 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.

- 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.

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.

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.

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.

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.

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.

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.

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

HR 730. By Representative Marin of the 96th:

A RESOLUTION commending Latino media and recognizing March 24, 2015, as Latino Media Day at the state capitol; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 477. By Representative Jones of the 47th:

A BILL to be entitled an Act to amend Code Section 32-7-4 of the Official Code of Georgia Annotated, relating to procedures for disposition of property formerly acquired for public road purposes but later abandoned, so as to provide for notice and right to acquire when such property is located within a subdivision; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed as amended, by the requisite constitutional majority, the following bill of the House:

HB 246. By Representatives Knight of the 130th, Carson of the 46th, Mosby of the 83rd and Wilkerson of the 38th:

A BILL to be entitled an Act to amend Chapter 3 of Title 43 of the Official Code of Georgia Annotated, relating to accountants, so as to provide for powers and actions granted to other licensing boards; to revise and add definitions; to provide that the State Board of Accountancy is administratively attached to the State Accounting Office; to change provisions relating to foreign registered accountants; to change the standard of proof; to provide for confidentiality of certain information; to amend Chapter 5B of Title 50 of the Official Code of Georgia Annotated, relating to the State Accounting Office, so as to remove the State Board of Accountancy as a division of the State Accounting office; to provide for related matters; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bill of the Senate was read the first time and referred to the Committee:

SB 224. By Senators Martin of the 9th and Thompson of the 5th:

A BILL to be entitled an Act to create the Lawrenceville Building Authority as a public corporation and an instrumentality of the State of Georgia; to provide for the separate enactment of each provision of this Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

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

Representatives Hitchens of the 161st, Wilkinson of the 52nd et al., Abrams of the 89th, Clark of the 147th, Hugley of the 136th, Waites of the 60th, Efstrotation of the 104th, Marin of the 96th, Pruett of the 149th, and Thomas of the 56th.

Representative Setzler of the 35th moved that the following Bill of the House be withdrawn from the Local Calendar and recommitted to the Committee on Intragovernmental Coordination - Local:

HB 627. By Representatives Turner of the 21st, Battles of the 15th, Caldwell of the 20th, Ballinger of the 23rd and Setzler of the 35th:

A BILL to be entitled an Act to repeal an Act creating the Lake Allatoona Preservation Authority, approved April 22, 1999 (Ga. L. 1999, p. 4827); to provide for the assets thereof; to provide for severability and applicability; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

The motion prevailed.

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

HB 631. By Representatives Cantrell of the 22nd, Turner of the 21st, Caldwell of the 20th, Ballinger of the 23rd and Carson of the 46th:

A BILL to be entitled an Act to amend an Act creating the Board of Ethics of Cherokee County, approved September 18, 1991 (Ga. L. 1991, Ex. Sess., p. 411), so as to define a term; to provide for limitation of liability; 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 633. By Representatives Beskin of the 54th, Wilkinson of the 52nd, Golick of the 40th, Bruce of the 61st, Jacobs of the 80th and others:

A BILL to be entitled an Act to provide a homestead exemption from City of Atlanta independent school district ad valorem taxes for educational purposes in the amount of the assessed value of the homestead for residents of that school district who are 70 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; 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 634. By Representatives Clark of the 101st, Coleman of the 97th, Chandler of the 105th, Floyd of the 99th, Harrell of the 106th and others:

A BILL to be entitled an Act to amend an Act incorporating the City of Lawrenceville, approved March 28, 1986 (Ga. L. 1986, p. 4961), as amended, particularly by an Act approved April 5, 1995 (Ga. L. 1995, p. 4128), so as to amend corporate boundaries 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 636. By Representative Morris of the 156th:

A BILL to be entitled an Act to authorize the governing authority of the City of Vidalia 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 report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 637. By Representatives Morris of the 156th, Pruett of the 149th and LaRiccia of the 169th:

A BILL to be entitled an Act to provide a new charter for the City of Hazlehurst; to provide for severability; to provide for other matters relative to the foregoing; to provide a specific repealer; to provide 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.

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:

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

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

On the passage of the Bills, the ayes were 113, nays 42.

HB 631, HB 634, HB 636, HB 637, having received the requisite constitutional majority, were passed.

HB 633, having failed to receive the requisite constitutional majority, was lost.

Representative Beskin of the 54th moved that the House reconsider its action in failing to give the requisite constitutional majority to HB 633.

On the motion, the roll call was ordered and the vote was as follows:

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

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

On the motion, the ayes were 112, nays 39.

The motion prevailed.

Representative Beskin of the 54th moved that HB 633 be placed upon the table.

The motion prevailed.

Pursuant to HR 657, the House recognized Jack Dunn as the Willard B. Simmons National Community Pharmacists Association Independent Pharmacist of the Year and invited him to be recognized by the House of Representatives.

Pursuant to HR 451, the House commended the Social Circle High School wrestling team and invited them to be recognized by the House of Representatives.

Pursuant to HR 709, the House congratulated the McEachern High School Lady Indians Basketball Team for their excellent performance at the Class AAAAAA State Championship game and invited them to be recognized by the House of Representatives.

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

HR 419. By Representatives Sims of the 123rd, Frazier of the 126th, Howard of the 124th, Prince of the 127th and Smith of the 125th:

A RESOLUTION encouraging the United States Congress to extend authorization for the Augusta Canal National Heritage Area to receive federal funding from the National Park Service through 2021; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	E Harbin	Y Meadows	Y Smith, E
Y Alexander	Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatcher	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
E Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E 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 Efrstration	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	E 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	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 LaRiccica	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	E Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	E Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Grayley	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 adoption of the Resolution, the ayes were 164, nays 0.

The Resolution, having received the requisite constitutional majority, was adopted.

SB 2. By Senators Tippins of the 37th, Sims of the 12th, Cowser of the 46th, Wilkinson of the 50th, Millar of the 40th and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum in elementary and secondary education, so as to provide that a student who completes certain requirements relating to postsecondary

coursework may be awarded a high school diploma; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Roberts of the 155th offers the following amendment:

*Amend SB 2 (LC 33 5850S (SCS)) by striking line 16 and inserting in lieu thereof the following:*

(2) Has completed at least the following state required ninth

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:

Y Abrams	Y Coomer	E 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	E Dawkins-Haigler	Y Hatcher	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
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
E Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E 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 Efrstration	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	E 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	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 LaRiccica	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	E Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	E 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, as amended, the ayes were 165, nays 0.

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

By unanimous consent, the following Resolution of the House was postponed until the next legislative day:

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.

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

SB 94. By Senators Bethel of the 54th and Cowser of the 46th:

A BILL to be entitled an Act to amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to require a procedure for enhancing witness identification accuracy; to provide for definitions; to provide for written policies relating to witness identification protocol; to provide for policy requirements; 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:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to search and seizure, so as to revise and modernize the law relating to search and seizure; to provide for definitions; to provide for seizure of intangible property; to change provisions relating to searches without warrants; to authorize the recording of the execution of a search warrant; to provide for a procedure for sealing and delaying disclosure of search warrants, supporting documentation thereof, and returns under certain circumstances; to change the standard for suppressing evidence; to reorganize the use of wiretapping and surveillance into the search and seizure chapter; to provide for a procedure for the installation and use of tracking devices, pen registers, and trap and trace devices; to amend Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to invasions of privacy, so as to repeal provisions relating to wiretapping and surveillance now contained in Chapter 5 of Title 17; to amend Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to prosecuting attorneys, so as to change provisions relating to investigators in District Attorney and Solicitor-General Offices; to amend Code Sections 2-2-11, 2-15-14, 12-2-2, 15-18-15, 27-4-263, 49-4-146.3, and Title 16 of the Official Code of Georgia Annotated, relating to inspection warrants for the Department of Agriculture, inspection warrants for pacific white shrimp aquaculture; inspection warrants for the environmental protection division, the chief assistant district attorney, inspection warrants for the Aquaculture Development Commission, forfeiture of property and proceeds obtained through Medicaid fraud, and crimes and offenses, respectively, so as to conform cross-references; to amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to require a procedure for enhancing witness identification accuracy; to provide for definitions; to provide for written policies relating to witness identification protocol; to provide for policy requirements; to prohibit suppression of evidence under certain circumstances; to provide for related matters; to provide for an effective date, a delayed effective date, and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**  
**SEARCH, SEIZURE, WIRETAP**  
**SECTION 1-1.**

Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to search and seizure, is amended by revising Article 1, relating to searches without warrants, as follows:

"ARTICLE 1

17-5-1.

As used in this article, the term:

(1) 'Another state' means:

(A) A state of the United States other than Georgia;

- (B) The District of Columbia; and
- (C) Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, including an Indian tribe or band or Alaskan native village, which is recognized by federal law or formally acknowledged by a state.
- (2) 'Certified peace officer' means any individual who has been subject to the requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' and has completed the training required by such chapter.
- (3) 'Contraband' means any item, substance, object, thing, or matter, the possession of which is unlawful under the laws of this state or of the United States.
- (4) 'Judicial officer' means:
- (A) Any judge of a court of this state;
- (B) Any other official authorized to hold a court of inquiry to examine into an arrest of an offender for a violation of the criminal laws of this state; or
- (C) Any retired or senior judge or judge emeritus of a court of record when an active judge of a court of record in the jurisdiction wherein a search warrant is sought authorizes such judge, in writing, to issue search warrants or conduct hearings provided for in Article 1 or 2 of this chapter.
- (5) 'Peace officer' shall have the same meaning as set forth in Code Section 35-8-2 and shall also mean:
- (A) A certified peace officer employed by a university, college, or school pursuant to Code Section 20-3-72 or Chapter 8 of Title 20;
- (B) A certified peace officer employed by a district attorney or solicitor-general; or
- (C) A probation supervisor or probation officer employed by the Department of Corrections, the Department of Juvenile Justice, or any political subdivision of this state.
- (6) 'Property' means instruments, articles or things, any information or data, and anything that is tangible or intangible, corporeal or incorporeal, visible or invisible.
- (7) 'Stolen property' means any property unlawfully taken, converted, embezzled, or otherwise obtained without permission or right, in violation of the laws of this state, another state, the United States, or any foreign nation.

17-5-2.

- (a) ~~A~~ ~~When a lawful arrest is effected~~ a peace officer may reasonably search ~~the person~~ ~~an individual lawfully~~ arrested and the area within ~~the~~ such person's immediate presence for the purpose of:
- (1) Protecting the peace officer from attack;
- (2) Preventing the ~~person~~ individual from escaping;
- (3) Discovering or seizing the fruits of the crime for which the person has been arrested; or
- (4) Discovering or seizing any ~~instruments, articles, or things~~ property which ~~are~~ is being used or which may have been used in the commission of the crime for which the person has been arrested.

(b) ~~Nothing~~ ~~When the peace officer is in the process of effecting a lawful search,~~ ~~nothing~~ in this Code section shall be construed to preclude ~~him~~ a peace officer, in the course of a lawful search, from discovering or seizing any stolen ~~or embezzled~~ property, any item, substance, object, thing, or matter, ~~the possession of which is unlawful, or any item, substance, object, thing, or matter, other than the private papers of any person, which is tangible~~ contraband, or any other property that is evidence of the commission of a crime against the laws of this state, the United States, or another state.

~~17-5-2.~~ 17-5-3.

An inventory of all ~~instruments, articles, or things~~ property that is seized in a search without a search warrant shall be given to the ~~person~~ individual arrested and a copy thereof delivered to the judicial officer before whom the ~~person~~ individual arrested is taken. If the ~~person~~ individual arrested is released without a charge being preferred against ~~him~~, ~~all instruments, articles, or things~~ such individual, all property seized, other than contraband or stolen property, shall be returned to ~~him~~ such individual upon release."

#### SECTION 1-2.

Said chapter is further amended by revising Article 2, relating to searches with warrants, as follows:

#### "ARTICLE 2 Part 1

17-5-20.

As used in this article, the term:

(1) 'Another state' shall have the same meaning as set forth in Code Section 17-5-1.

(2) 'Contraband' shall have the same meaning as set forth in Code Section 17-5-1.

(3) 'Device' means an instrument or apparatus used for overhearing, recording, intercepting, or transmitting sounds or for observing, photographing, videotaping, recording, or transmitting visual images and which involves in its operation electricity, electronics, or infrared, laser, or similar beams. Without limiting the generality of the foregoing, the term 'device' shall specifically include any camera, photographic equipment, video equipment, or other similar equipment or any electronic, mechanical, or other apparatus which can be used to intercept a wire communication, oral communication, or electronic communication other than:

(A) Any telephone or telegraph instrument, equipment, or facility or any component thereof:

(i) Furnished to the subscriber or user by a provider of electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by such subscriber or user

for connection to the facilities of such service and used in the ordinary course of its business; or

(ii) Being used by a provider of electronic communication service in the ordinary course of its business or by an investigative or peace officer in the ordinary course of his or her duties; or

(B) A hearing aid or similar device being used to correct subnormal hearing to not better than normal;

(C) Focusing, lighting, or illuminating equipment or optical magnifying equipment; and

(D) A pen register or trap and trace device.

(4) 'Electronic communication' means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system that affects interstate or foreign commerce, but shall not include:

(A) Any wire communication or oral communication;

(B) Any communication made through a tone-only paging device;

(C) Any communication from a tracking device; or

(D) Electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.

(5) 'Electronic communication service' means any service which provides to users thereof the ability to send or receive wire communications or electronic communications.

(6) 'Judicial officer' shall have the same meaning as set forth in Code Section 17-5-1.

(7) 'Oral communication' means any oral communication uttered by an individual exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, but such term shall not include any electronic communication.

(8) 'Peace officer' shall have the same meaning as set forth in Code Section 17-5-1.

(9) 'Pen register' means a device or process that records or decodes dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which an electronic communication or wire communication is transmitted; provided, however, that such information shall not include the contents of any communication. Such term shall not include any device or process used by a provider or customer of an electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider nor any device or process used by a provider or customer of an electronic communication service for cost accounting or similar purposes in the ordinary course of its business.

(10) 'Property' shall have the same meaning as set forth in Code Section 17-5-1.

(11) 'Remote computing service' means the provision to the public of computer storage or processing services by means of an electronic communications system.

(12) 'Stolen property' shall have the same meaning as set forth in Code Section 17-5-1.

(13) 'Tracking device' means any device that permits the tracking of the movement of an individual or physical object.

(14) 'Trap and trace device' means a device or process that captures the incoming electronic or other impulses which identify the originating number or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire communication or electronic communication; provided, however, that such information shall not include the contents of any communication.

(15) 'Wire communication' means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of such connection in a switching station, furnished or operated by persons engaged in providing or operating such facilities for the transmission of interstate or foreign communications or communications affecting interstate or foreign commerce.

17-5-21.

~~(a) A search warrant may shall be issued only upon the application of an officer of this state or its political subdivisions charged with the duty of enforcing the criminal laws or a currently certified request of a peace officer engaged in the course of official duty; whether said officer is employed by a law enforcement unit of:~~

~~(1) The state or a political subdivision of the state; or~~

~~(2) A university, college, or school.~~

(b) A search warrant shall not be issued upon the application of a private citizen or for his a private citizen's aid in the enforcement of personal, civil, or property rights.

~~17-5-21.~~ 17-5-22.

(a) Any peace officer seeking a search warrant while engaged in the course of official duty shall submit a written request for such warrant. Upon the written complaint of any certified peace officer of this state or its political subdivisions charged with the duty of enforcing the criminal laws and otherwise as authorized in Code Section 17-5-20 under oath or affirmation, which states facts sufficient to show probable cause that a crime is being committed, ~~or~~ has been committed, or is about to be committed and which particularly describes the place or person, or both, to be searched and ~~things the~~ individuals or property to be seized, any. Such request for a search warrant may include related documents and oral testimony. Any judicial officer ~~authorized to hold a court of inquiry to examine into an arrest of an offender against the penal laws, referred to in this Code section as 'judicial officer,'~~ may issue a search warrant for the search or seizure of the following:

(1) Any instruments, articles, or things, including the private papers of any person, which are property that is designed, intended for use, or which have ~~has~~ been used in the commission of the offense ~~in connection with~~ for which the search warrant is issued;

(2) Any ~~person~~ individual who has been kidnapped or unlawfully restrained in violation of the laws of this state, who has been kidnapped in another jurisdiction state and is now concealed within this state, or any human fetus or human corpse;

(3) Stolen ~~or embezzled~~ property;

(4) Any ~~item, substance, object, thing, or matter, the possession of which is unlawful contraband;~~ ~~or~~

(5) Any ~~item, substance, object, thing, or matter, other than the private papers of any person, which is tangible property that is~~ evidence of the commission of the crime for which probable cause is shown; or

(6) Another person's property when an arrest warrant has been issued for an individual who is located within such other person's property.

(b) When the peace officer is in the process of effecting a lawful search, nothing in this Code section shall ~~be construed to preclude him~~ preclude such officer from discovering or seizing any stolen ~~or embezzled~~ property, any ~~item, substance, object, thing, or matter, the possession of which is unlawful, or any item, substance, object, thing, or matter, other than the private papers of any person, which is tangible~~ contraband, or any other property that is evidence of the commission of a crime against the laws of this state, the United States, or another state.

(c) Other personnel, sworn or unsworn, acting under the direction of a peace officer executing a search warrant may assist in the execution of such warrant. While in the process of effecting a lawful arrest or search, nothing in this Code section nor in Code Section 16-11-62 shall be construed to preclude the use of any device by the peace officer executing the search warrant or other personnel assisting in the execution of such warrant. Any retired judge or judge emeritus of a state court may issue search warrants as authorized by this Code section if authorized in writing to do so by an active judge of the state court of the county wherein the warrants are to be issued.

(d) Notwithstanding any provisions of Code Section ~~17-5-20~~ 17-5-21 or other provisions of this Code section to the contrary, with respect to the execution of a search warrant by a ~~certified~~ peace officer employed by a university, college, or school, which search warrant will be executed beyond the arrest jurisdiction of a campus ~~police officer~~ police officer pursuant to Code Section 20-3-72, the execution of such search warrant shall be made jointly by the ~~certified~~ peace officer employed by a university, college, or school and a ~~certified~~ peace officer of a law enforcement unit of the political subdivision wherein the search will be conducted.

~~17-5-21.1.~~ 17-5-23.

(a) A ~~judge of any court in this state~~ judicial officer authorized to issue search warrants may, in lieu of receiving a written request pursuant to Code Section ~~17-5-21~~ 17-5-22 may, as an alternative to other laws relating to the issuance of search warrants, receive and conduct such applications requests for the issuance of search warrants by video conference. The issuance of a search warrant by video conference shall be valid irrespective of the physical location of the ~~judge~~ judicial officer at the time of the video conference, provided that the ~~judge~~ judicial officer issuing the search warrant is

authorized by law to issue such warrant, and, at the time such warrant is issued, he or she is physically located within this state.

(b) Search warrant ~~applications~~ requests heard by video conference shall be conducted in a manner to ensure that the ~~judge~~ judicial officer conducting the hearing has visual and audible contact with all affiants and witnesses giving testimony.

(c) The affiant participating in a search warrant ~~application~~ request by video conference shall sign the affidavit for a search warrant and any related documents by any reasonable means which identifies the affiant, including, but not limited to, his or her typewritten name, signature affixed by electronic stylus, or any other reasonable means ~~which that~~ identifies the ~~person~~ individual signing the affidavit and any related documents. The ~~judge~~ judicial officer participating in a search warrant ~~application~~ request by video conference shall sign the affidavit for a search warrant, the search warrant, and any related documents by any reasonable means which identifies the ~~judge~~ judicial officer, including, but not limited to, his or her typewritten name, signature affixed by electronic stylus, or any other reasonable means ~~which that~~ identifies the judicial officer signing the affidavit and warrant and any related documents. Such ~~applications~~ requests shall be deemed to be written within the meaning of Code Section ~~17-5-21~~ 17-5-22. Such authorization shall be deemed to comply with the issuance requirements provided for in Code Section ~~17-5-22~~ 17-5-24.

(d) A ~~judge~~ judicial officer hearing matters pursuant to this Code section shall administer an oath to any ~~person~~ individual testifying by means of a video conference.

(e) A video recording of the ~~application~~ search warrant request hearing and any documents submitted in conjunction with ~~the application~~ such request shall be maintained as part of the record.

~~17-5-22.~~ 17-5-24.

(a) All search warrants shall state the time and date of issuance and are the warrants of the judicial officer issuing the same and not the warrants of the court in which ~~he~~ such officer is then sitting. Such warrants need not bear the seal of the court or clerk thereof. Until the search warrant has been executed or has been returned as not executed, the search warrant and all supporting documents, recordings, and transcripts shall not be subject to public inspection. The search warrant, the complaint on which the warrant is issued, the affidavit or affidavits and all supporting the documentation for such warrant, and the returns shall be filed with the clerk of the court of the judicial officer issuing the same, or with the court if there is no clerk, at the time the within a reasonable time after the search warrant has been executed or has been returned or has been returned 'not executed'; provided, however, that the judicial officer shall keep a docket record of all search warrants issued by him, and upon issuing any warrant he shall immediately record the same, within a reasonable time, on the docket.

(b)(1) The prosecuting attorney may petition the court ex parte for a search warrant and all supporting documentation therefor, including recordings or transcripts supporting such warrant, to be filed under seal with the clerk when the prosecuting

attorney can show reasonable cause to believe that disclosure of the search warrant and supporting documentation therefor may:

- (A) Endanger the life or physical safety of an individual;
- (B) Result in the flight of an individual from prosecution;
- (C) Lead to the destruction of or tampering with evidence;
- (D) Cause the intimidation of potential witnesses;
- (E) Seriously jeopardize an investigation; or
- (F) Unduly delay a trial.

(2) A judicial officer may order that a search warrant and all supporting documentation therefor, including recordings or transcripts supporting such warrant, the return for such warrant, and the petition of the prosecuting attorney requesting sealing be filed under seal with the clerk until such time as the judicial officer may direct, up to an initial period of 60 days. Upon application by the prosecuting attorney, the judicial officer may extend the initial sealing for additional periods not to exceed 60 days; provided, however, that such sealing shall not extend beyond the return of the indictment or the filing of an accusation in which property or evidence seized may be admitted into evidence.

~~17-5-23.~~ 17-5-25.

A ~~The~~ search warrant shall command the peace officer directed to execute the same to search the place or person particularly described in the warrant and to seize ~~the instruments, articles, or things~~ individuals or property particularly described in the search warrant. A search warrant may be executed at any reasonable time.

~~17-5-24.~~ 17-5-26.

(a) ~~A~~ ~~The~~ search warrant shall be issued in duplicate and shall be directed for execution to all peace officers ~~of this state.~~ However,; provided, however, that the judicial officer may direct the search warrant to be executed by any peace officer named specially therein.

~~17-5-25.~~

(b) ~~A~~ ~~The~~ search warrant shall be executed within ten days from the time of issuance. If the search warrant is executed, the duplicate copy shall be left with any person from whom any ~~instruments, articles, or things are~~ individual or property was seized; or, if no ~~person~~ individual is available, the copy shall be left in a conspicuous place on the premises from which the ~~instruments, articles, or things were seized~~ individual or property was seized; provided, however, that no copy shall be left in a conspicuous place if the judicial officer issuing such warrant has ordered the search warrant to be sealed pursuant to Code Section 17-5-24.

(c) Any search warrant not executed within ten days from the time of issuance shall be void and shall be returned to the court of the judicial officer issuing the same as 'not executed.'

~~17-5-26.~~

~~The search warrant may be executed at any reasonable time.~~

17-5-27.

(a) All necessary and reasonable force may be used to effect an entry into any building or ~~property place to be searched~~ or part thereof to execute a search warrant if, after verbal notice or an attempt in good faith to give verbal notice by the peace officer directed to execute the same of ~~his~~ the peace officer's authority and purpose:

- (1) The peace officer ~~He~~ is refused admittance;
- (2) The ~~person or persons~~ individuals within the building or ~~property place to be searched~~ or part thereof refuse to acknowledge and answer the verbal notice or the presence of the ~~person or persons~~ individuals therein is unknown to the peace officer;  
or
- (3) The building or ~~property place to be searched~~ or part thereof is not then occupied by any person.

~~17-5-28.~~

(b) In the execution of the search warrant the peace officer executing the same may reasonably detain or search any ~~person~~ individual in the place at the time:

- (1) To protect ~~himself~~ the peace officer and any other individual assisting in the execution of such warrant from attack; or
- (2) To prevent the disposal or concealment of any ~~instruments, articles, or things particularly described in the search warrant~~ property or contraband.

~~17-5-29.~~ 17-5-28.

A written return of all ~~instruments, articles, or things~~ property seized shall be made without unnecessary delay before ~~the any~~ judicial officer named in the warrant or before any court of competent jurisdiction of the same court as the judicial officer that issued the search warrant. An inventory of any ~~instruments, articles, or things seized~~ property seized shall be filed with the return and signed under oath by the peace officer executing the warrant. If the return has been sealed pursuant to Code Section 17-5-24, the inventory shall also be sealed. Unless the return has been sealed, the ~~The~~ judicial officer or court shall, upon request, deliver a copy of the inventory to the persons from whom or from whose premises the instruments, articles, or things were property was taken and to the applicant for the search warrant.

~~17-5-30.~~ 17-5-29.

(a) A defendant aggrieved by an unlawful search and seizure may move the court for the return of property, the possession of which is not otherwise unlawful, and to suppress as evidence anything so obtained on the grounds that:

- (1) The search and seizure without a warrant was illegal; or

(2) The search and seizure with a warrant was illegal because the warrant is insufficient on its face, there was not probable cause for the issuance of the warrant, or the warrant was illegally executed.

(b) The motion shall be in writing and state facts showing that the search and seizure ~~were was~~ unlawful. Such motion shall be filed within ten days after arraignment, unless the time for filing such motion is extended by the court. The ~~judge~~ court shall conduct and receive evidence out of the presence at a hearing on such motion prior to the empaneling of the jury on any issue of fact necessary to determine the motion; and the such motion. The burden of proving that the search and seizure ~~were was~~ lawful shall be on the state. If the motion is granted, the state may appeal as provided in Code Section 5-7-1. The property shall be restored, if the state does not appeal or if the order is affirmed on appeal unless such property is otherwise subject to lawful detention; and it shall not be admissible in evidence against the movant in any trial except as impeachment or rebuttal evidence.

(c) The motion shall be made only before a court with jurisdiction to try the offense. If a criminal accusation is filed or if an indictment or special presentment is returned by a grand jury, the motion shall be made only before the court in which the accusation, indictment, or special presentment is filed and pending.

~~17-5-31.~~

(d) ~~No search warrant shall be quashed or evidence shall be suppressed or property returned~~ because of a technical irregularity not affecting the substantial rights of the accused.

~~17-5-32.~~ 17-5-30.

(a) As used in this Code section, the term 'documentary evidence' includes but ~~is~~ shall not be limited to writings, documents, blueprints, drawings, photographs, computer printouts, microfilms, X-rays, files, diagrams, ledgers, books, tapes, audio and video recordings, and papers of any type or description.

(b) Notwithstanding any other provision of law, no search and seizure without a search warrant shall be conducted and no search warrant shall be issued for any documentary evidence in the possession of an attorney who is not a criminal suspect, unless the ~~application~~ request for the search warrant specifies that the place to be searched is in the possession or custody of an attorney and also shows that there is probable cause to believe that the documentary evidence will be destroyed or secreted in the event a search warrant is not issued. This Code section shall not impair the ability to serve search warrants in cases in which the search is directed against an attorney if there is probable cause to suspect such attorney has committed a crime. This Code section shall not impair the ability to serve subpoenas on nonsuspect attorneys.

(c) In any case in which there is probable cause to believe that documentary evidence will be destroyed or secreted if a search warrant is not issued, no search warrant shall be issued or be executed for any documentary evidence in the possession or custody of an attorney who is not a criminal suspect, unless:

(1) ~~At~~ at the time the search warrant is issued, the court shall appoint judicial officer appoints a special master to accompany the ~~person~~ peace officer who will serve the search warrant. The special master shall be an attorney who is a member in good standing of the State Bar of Georgia and who has been selected from a list of qualified attorneys maintained by the State Bar of Georgia. An attorney shall not be appointed as a special master if there is a significant risk that his or her own interests or duties to another client, former client, or a third person will be materially and adversely affected by such appointment. Upon service of the search warrant, the special master shall inform the ~~party~~ person served of the ~~specific items~~ property being sought and that the ~~party~~ person shall have the opportunity to provide the ~~items~~ property requested. If the ~~party~~ person, in the judgment of the special master, fails to provide the ~~items~~ property requested, the special master shall conduct a search for the ~~items~~ property in the areas indicated in the search warrant;

(2)(d) If the ~~party~~ person who has been served with a search warrant states that ~~an item or items~~ property should not be disclosed, such ~~item or items~~ property shall be sealed by the special master and taken to the ~~superior~~ court in which the accusation, indictment, or special presentment is filed and pending for a hearing in such court. At the hearing the ~~party~~ person whose premises has been searched shall be entitled to raise any issues which may be raised pursuant to Code Section ~~17-5-30~~ 17-5-29 as well as claims that the ~~item or items are~~ property is privileged or claims that the ~~item or items are~~ property is inadmissible because ~~they were~~ it was obtained in violation of this Code section. ~~Any such hearing shall be held in the superior court;~~

(3)(e) A search warrant issued pursuant to this Code section shall: ~~Any such warrant must, whenever~~

(1) Whenever practicable, be served during normal business hours. The ~~law enforcement officer or prosecutor~~ peace officer serving the search warrant shall not participate in the search but may accompany the special master when the special master is conducting the search. The prosecuting attorney may designate an attorney or investigator employed by such prosecuting attorney to observe the execution of such search warrant;

(4)(2) ~~Be~~ Any such warrant must be served upon a ~~party~~ person who appears to have possession or control of the ~~items~~ property sought. If, after reasonable efforts, the ~~party~~ person serving the warrant is unable to locate any such person, the special master shall seal and return to the court for determination by the court any ~~items~~ property which ~~appear~~ appears to be privileged; and

(5)(3) ~~Be~~ Any such warrant shall be issued only by ~~the~~ a state or superior court judge. At the time of applying for such a warrant, the ~~law enforcement officer or prosecutor~~ peace officer or prosecuting attorney shall submit a written search plan designed to minimize the intrusiveness of the search.

(f) When ~~the~~ a search warrant is executed pursuant to this Code section, the special master carrying out the search shall have a duty to make reasonable efforts to minimize the intrusiveness of the search.

~~(d)~~(g) Notwithstanding subsection (b) of Code Section 17-5-29 or any provision of law to the contrary, evidence obtained in violation of this Code section shall be excluded and suppressed from the prosecution's case-in-chief or in rebuttal, and such evidence shall not be admissible either as substantive evidence or for impeachment purposes.

## Part 2

### 17-5-40.

(a) The General Assembly recognizes that the rights of citizens of this state to be secure in their persons, homes, papers, and effects from unreasonable searches conducted by government agents is essential to the concepts of personal liberty and privacy.

(b) The General Assembly further recognizes that electronic communication devices, including, but not limited to, mobile telephones, e-mail, social media, and other evolving forms of communication, are used and exploited with increasing frequency and sophistication to conduct criminal activity in this state.

(c) It is the intent of the General Assembly in enacting this part to provide peace officers and prosecuting attorneys with the means to conduct legitimate investigations of criminal activity in which electronic communications are being used under appropriate judicial supervision in order to protect the rights of the citizens of this state.

### 17-5-41.

As used in this part, the term 'district attorney' includes an acting district attorney or a chief assistant district attorney designated to act for the district attorney during the temporary absence of such district attorney pursuant to Code Section 15-18-15.

### 17-5-42.

(a) A peace officer, a prosecuting attorney, or the Attorney General may require the disclosure of stored wire communications or electronic communications, as well as transactional records pertaining thereto by subpoena, court order, or search warrant as provided by the laws of the United States.

(b) A provider of electronic communication service or remote computing service shall provide the contents of, and transactional records pertaining to, wire communications and electronic communications in its possession or reasonably accessible thereto when a requesting peace officer, a prosecuting attorney, or the Attorney General complies with the provisions for access thereto set forth by the laws of the United States.

(c) Search warrants for production of stored wire communications or electronic communications and transactional records pertaining thereto shall have state-wide application or application as provided by the laws of the United States when issued by a judicial officer with jurisdiction over the criminal offense under investigation and to which such records relate.

(d) A judicial officer with jurisdiction over the criminal offense under investigation and to which transactional records relate may issue an order requiring the disclosure of

stored wire communications or electronic communications, as well as transactional records pertaining thereto, to the extent and under the procedures and conditions provided for by the laws of the United States. Such orders for production of stored wire communications or electronic communications and transactional records pertaining thereto shall have state-wide application or application as provided by the laws of the United States when issued by a judicial officer with jurisdiction over the criminal offense under investigation and to which such records relate.

(e) A subpoena for the production of stored wire communications or electronic communications and transactional records pertaining thereto may be issued at any time upon a showing by a peace officer, a prosecuting attorney, or the Attorney General that the subpoenaed material relates to a pending criminal investigation.

(f) A violation of this Code section shall be punishable as contempt.

17-5-43.

(a) A search warrant issued by a judge of the superior court having jurisdiction over the crime under investigation or a full-time judge of a state court having jurisdiction over the crime under investigation may authorize the installation or monitoring of a tracking device, provided that such warrant identifies the individual or physical object to be tracked and specifies a reasonable length of time that the tracking device is to be used, which time shall not exceed 45 days from the date such warrant was issued. The court may, for good cause, grant one or more extensions for a reasonable length of time not to exceed 45 days each.

(b) Any required installation of a tracking device shall take place in any county within the jurisdiction of such judge, but such device may be monitored from any location within the jurisdiction of this state. Unless otherwise prohibited by federal law, such device may be monitored from within this state even if such device is transported outside this state.

(c) A tracking device search warrant shall command a peace officer to:

(1) Complete any installation or activation authorized by such warrant within ten days from the date such warrant was issued; and

(2) Make a written return of such warrant before the judicial officer named in such warrant or before any court of competent jurisdiction to the judge designated in such warrant.

(d) A peace officer executing a tracking device search warrant shall enter on the return the exact date and time the tracking device was installed, or monitoring commenced if no installation was required, and dates and times during which it was used.

(e) Within ten days after use of the tracking device has ended, the peace officer executing the tracking device search warrant shall return it to the judicial officer named in such warrant or to any court of competent jurisdiction. A peace officer may make such return by reliable electronic means.

(f)(1) Within ten days after use of the tracking device has ended, the peace officer executing a tracking device search warrant shall serve a copy of such warrant on the

person who was tracked or whose physical object was tracked. Service may be accomplished by:

(A) Personally delivering a copy of such warrant to the person who, or whose physical object, was tracked;

(B) Leaving a copy of such warrant at the person's residence or usual place of abode with an individual of suitable age and discretion who resides at that location;  
or

(C) Mailing a copy of such warrant to the person's last known address.

(2) Upon request of the prosecuting attorney, the judge to whom the return of the tracking device search warrant is made may delay service of a copy of such warrant as provided in subsection (g) of this Code section.

(g) The judge to whom the return of the tracking device search warrant is made may order a delay of service of a copy of such warrant on the person who was tracked or whose physical object was tracked. The judge shall enter such an order if the judge determines that there is reason to believe that notification of the tracking device search warrant may:

(1) Endanger the life or physical safety of an individual;

(2) Result in the flight of an individual from prosecution;

(3) Lead to the destruction of or tampering with evidence;

(4) Cause the intimidation of potential witnesses;

(5) Seriously jeopardize an investigation; or

(6) Unduly delay a trial.

17-5-44.

Any district attorney having jurisdiction over the prosecution of a crime under investigation or the Attorney General is authorized to make application for an order or an extension of an order authorizing or approving the installation and use of a pen register or a trap and trace device to a judge of the superior court of the same judicial circuit as the district attorney, or in the case of the Attorney General, in any judicial circuit; and such court shall be authorized to enter an order approving the use of a pen register or a trap and trace device, to the extent the same is consistent with and permitted by the laws of the United States. Such order shall have state-wide application and the monitoring of a pen register or trap and trace device shall be permitted in any location in this state.

17-5-45.

Any peace officer, specially designated in writing for such purpose by the Attorney General or by a district attorney, who requires the installation and use of a pen register or a trap and trace device, before an order authorizing such installation and use can, with due diligence, be obtained, may have installed and use a pen register or trap and trace device if he or she reasonably determines that there are grounds upon which an order could be entered under the laws of the United States to authorize such installation and use if, within 48 hours of the time the pen register or trap and trace device is

installed, an order approving the installation and use is issued in accordance with Code Section 17-5-44 and he or she reasonably determines that a situation exists that involves:

- (1) Immediate danger of death or serious bodily injury to any individual; or
- (2) Conspiratorial activities characteristic of organized crime.

17-5-46.

(a) Except only as provided in subsection (b) of this Code section, nothing in this part or Part 1 of Article 3 of Chapter 11 of Title 16 shall apply to a duly constituted peace officer in the performance of his or her official duties in ferreting out offenders or suspected offenders of the law or in secretly watching an individual suspected of violating the laws of this state, another state, or the United States, or any subdivision thereof, for the purpose of apprehending such suspected violator.

(b) When in the course of his or her official duties, a peace officer who uses any device, when such use would otherwise constitute a violation of Code Section 16-11-62, shall act in compliance with the provisions provided for in this part.

(c) Upon written application, under oath, of the district attorney having jurisdiction over prosecution of a crime under investigation or the Attorney General made before a judge of superior court having jurisdiction over prosecution of a crime under investigation, such court may issue an investigation warrant permitting the use of a device for the surveillance of an individual or place to the extent the same is consistent with and subject to the terms, conditions, and procedures provided for under the laws of the United States. Such warrant shall have state-wide application and monitoring of communications shall be permitted in any location in this state.

(d) Evidence obtained in conformity with this part shall be admissible only in the courts of this state having felony and misdemeanor jurisdiction.

(e) A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under this part or under any other law.

17-5-47.

(a) As used in this Code section, the term 'emergency situation' means a situation that involves the immediate danger of death or serious bodily injury to any individual.

(b) Notwithstanding any other provision of this part, in the event that the Attorney General or a district attorney of the judicial circuit having jurisdiction over an emergency situation determines that such emergency situation requires the immediate interception of wire communications, oral communications, or electronic communications or the immediate observation, monitoring, or recording of the activities of any individual involved in such emergency situation in violation of the provisions of Code Section 16-11-62 before an order authorizing such surveillance or monitoring can, with due diligence, be obtained, then any peace officer specifically designated by the individual making such determination may utilize any device to intercept the wire communications, oral communications, or electronic communications

or to observe, monitor, or record the activities of the person or persons involved in such emergency situation, provided that grounds exist upon which an investigation warrant pursuant to Code Section 17-5-46 could be issued and that an application for such warrant is made within 48 hours after such surveillance or monitoring commences.

(c) In the event that an application for an investigation warrant made pursuant to this Code section is granted, then the surveillance or monitoring shall be conducted in accordance with Code Section 17-5-46, except that such surveillance or monitoring shall continue only so long as the emergency situation exists.

(d) In the event that an application for an investigation warrant made pursuant to this Code section is denied or in any event where the surveillance or monitoring is terminated without an investigation warrant having been issued, the contents of any intercepted communications or other surveillance effected pursuant to this Code section shall be confidential and shall not be disclosed or admissible in any court of this state except to prove violations of this part.

17-5-48.

(a) Nothing in Code Section 16-11-62 shall prohibit an individual from intercepting a wire communication, oral communication, or electronic communication when such individual is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(b) In accordance with subsection (c) or (d) of this Code section, the wire communication, oral communication, or electronic communication to which a child under the age of 18 years is a party may be recorded and divulged, and such recording and dissemination may be done by a private citizen, law enforcement agency, or prosecuting attorney's office. Nothing in this subsection shall be construed to require that the recording device be activated by such child. The authorization for the recording or divulging of the conversations of a child under the age of 18 years conducted by wire communication, oral communication, or electronic communication shall be given only by order of a judge of a superior court upon written application, as provided in subsection (c) of this Code section, or by a parent, guardian, or legal custodian of such child as provided in subsection (d) of this Code section. Such recording shall not be used in any prosecution of the child in any delinquency or criminal proceeding. An application to a judge of the superior court made pursuant to this Code section need not comply with the procedures set forth in Code Section 17-5-46.

(c)(1) A judge to whom a written application has been made shall issue the order provided by subsection (b) of this Code section only upon:

(A) Finding probable cause that a crime has been committed;

(B) Finding that the child understands that the conversation is to be recorded and that such child agrees to participate; and

(C) Determining that participation is not harmful to such child.

(2) A true and correct copy of the recording provided for in subsection (b) of this Code section shall be returned to the superior court judge who issued the order, and such copy of the recording shall be kept under seal until further order of the court.

(d) The provisions of this article shall not be construed to prohibit a parent, guardian, or legal custodian of a child under 18 years of age, with or without the consent of such child, from monitoring or intercepting wire communications, oral communications, or electronic communications of such minor child with another person by use of an extension phone located within the family home, or electronic or other communications of such minor child from within the family home, for the purpose of ensuring the welfare of such minor child. If the parent, guardian, or legal custodian has a reasonable or good faith belief that such communication is evidence of criminal conduct involving such child as a victim or an attempt, conspiracy, or solicitation to involve such child in criminal activity affecting the welfare or best interest of such child, the parent, guardian, or legal custodian may disclose the contents of such communications to the district attorney or a peace officer. A recording or other record of any such communication made by a parent, guardian, or legal custodian in accordance with this subsection that contains evidence of criminal conduct involving such child as a victim or an attempt, conspiracy, or solicitation to involve such child in criminal activity shall be admissible in a judicial proceeding except as otherwise provided in subsection (b) of this Code section.

17-5-49.

(a) No evidence obtained in a manner that violates this part shall be admissible in any court of this state except to prove violations of this part.

(b) Nothing contained in this part shall permit the introduction into evidence of any communication which is privileged by the laws of this state or by the decisions of the appellate courts thereof.

(c) Except as otherwise provided in subsection (f) of Code Section 17-5-42, any person violating this part 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 or a fine not to exceed \$10,000.00, or both."

**PART II**  
**WIRETAP CORRECTIONS**  
**SECTION 2-1.**

Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to invasions of privacy, is amended by revising Part 1, relating to wiretapping, eavesdropping, surveillance, and related offenses, as follows:

## "Part 1

16-11-60.

As used ~~within~~ in this part, the term:

(1) 'Device' means an instrument or apparatus used for overhearing, recording, intercepting, or transmitting sounds or for observing, photographing, videotaping, recording, or transmitting visual images and which involves in its operation electricity, electronics, or infrared, laser, or similar beams. Without limiting the generality of the foregoing, the term 'device' shall specifically include any camera, photographic equipment, video equipment, or other similar equipment or any electronic, mechanical, or other apparatus which can be used to intercept a wire communication, oral communication, or electronic communication other than:

(A) Any telephone or telegraph instrument, equipment, or facility or any component thereof:

(i) Furnished to the subscriber or user by a provider of ~~wire or~~ electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business; or

(ii) Being used by a provider of ~~wire or~~ electronic communication service in the ordinary course of its business or by an investigative or law enforcement officer in the ordinary course of his or her duties; or

(B) A hearing aid or similar device being used to correct subnormal hearing to not better than normal; and

(C) Focusing, lighting, or illuminating equipment; or optical magnifying equipment; and

~~(D) A 'pen register' or 'trap and trace device' as defined in this Code section.~~

~~(2) 'Pen register' means a device or process which records or decodes dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted; provided, however, that such information shall not include the contents of any communication; but such term does not include any device or process used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device or process used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course its business.~~

(2) 'Electronic communication' shall have the same meaning as set forth in Code Section 17-5-20.

(3) 'Electronic communication service' shall have the same meaning as set forth in Code Section 17-5-20.

(4) 'Oral communication' shall have the same meaning as set forth in Code Section 17-5-20.

~~(3)~~(5) 'Private place' means a place where ~~one is entitled reasonably to expect to be safe from casual or hostile intrusion or surveillance~~ there is a reasonable expectation of privacy.

~~(4) 'Trap and trace device' means a device or process which captures the incoming electronic or other impulses which identify the originating number or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication; provided, however, that such information shall not include the contents of any communication.~~

~~(6) 'Wire communication' shall have the same meaning as set forth in Code Section 17-5-20.~~

16-11-61.

(a) It shall be unlawful for any person to be a 'peeping Tom' on or about the premises of another or to go about or upon the premises of another for the purpose of becoming a 'peeping Tom.'

(b) As used in this Code section, the term 'peeping Tom' means a person who peeps through windows or doors, or other like places, on or about the premises of another for the purpose of spying upon or invading the privacy of the persons spied upon and the doing of any other acts of a similar nature which invade the privacy of such persons.

16-11-62.

It shall be unlawful for:

(1) Any person in a clandestine manner intentionally to overhear, transmit, or record or attempt to overhear, transmit, or record the private conversation of another which shall originate in any private place;

(2) Any person, through the use of any device, without the consent of all persons observed, to observe, photograph, or record the activities of another which occur in any private place and out of public view; provided, however, that it shall not be unlawful:

(A) To use any device to observe, photograph, or record the activities of persons incarcerated in any jail, correctional institution, or any other facility in which persons who are charged with or who have been convicted of the commission of a crime are incarcerated, provided that such equipment shall not be used while the prisoner is discussing his or her case with his or her attorney;

(B) For an owner or occupier of real property to use for security purposes, crime prevention, or crime detection any device to observe, photograph, or record the activities of persons who are on the property or an approach thereto in areas where there is no reasonable expectation of privacy; ~~or~~

(C) To use for security purposes, crime prevention, or crime detection any device to observe, photograph, or record the activities of persons who are within the curtilage of the residence of the person using such device. A photograph, videotape, or record made in accordance with this subparagraph, or a copy thereof, may be disclosed by such resident to the district attorney or a law enforcement officer and

shall be admissible in a judicial proceeding, without the consent of any person observed, photographed, or recorded; or

(D) For a law enforcement officer or his or her agent to use a device in the lawful performance of his or her official duties to observe, photograph, videotape, or record the activities of persons that occur in the presence of such officer or his or her agent;

(3) Any person to go on or about the premises of another or any private place, except as otherwise provided by law, for the purpose of invading the privacy of others by eavesdropping upon their conversations or secretly observing their activities;

(4) Any person intentionally and secretly to intercept by the use of any device, instrument, or apparatus the contents of a message sent by telephone, telegraph, letter, or by any other means of private communication;

(5) Any person to divulge to any unauthorized person or authority the content or substance of any private message intercepted lawfully in the manner provided for in Code Section ~~16-11-65~~ 16-11-64 or 17-5-46;

(6) Any person to sell, give, or distribute, without legal authority, to any person or entity any photograph, videotape, or record, or copies thereof, of the activities of another which occur in any private place and out of public view without the consent of all persons observed; or

(7) Any person to commit any other acts of a nature similar to those set out in paragraphs (1) through (6) of this Code section which invade the privacy of another.

16-11-63.

(a) Other than law enforcement officers permitted by this part to employ such devices, it shall be unlawful for any person to possess, sell, offer for sale, or distribute any eavesdropping device.

(b) An 'eavesdropping device' shall mean any instrument or apparatus which by virtue of its size, design, and method of operation has no normal or customary function or purpose other than to permit the user thereof secretly to intercept, transmit, listen to, or record private conversations of others.

~~16-11-64.~~

~~(a) **Application of part to law enforcement officers.** Except only as provided in subsection (b) of this Code section, nothing in this part shall apply to a duly constituted law enforcement officer in the performance of his official duties in ferreting out offenders or suspected offenders of the law or in secretly watching a person suspected of violating the laws of the United States or of this state, or any subdivision thereof, for the purpose of apprehending such suspected violator.~~

~~(b) When in the course of his or her official duties, a law enforcement officer desiring to make use of any device, but only as such term is defined in Code Section 16-11-60, and such use would otherwise constitute a violation of Code Section 16-11-62, the law enforcement official shall act in compliance with the provisions provided for in this part.~~

~~(c) Upon written application, under oath, of the district attorney having jurisdiction over prosecution of the crime under investigation or the Attorney General made before a judge of superior court having jurisdiction over the crime under investigation, such court may issue an investigation warrant permitting the use of a device for the surveillance of a person or place to the extent the same is consistent with and subject to the terms, conditions, and procedures provided for by 18 U.S.C. Chapter 119. Such warrant shall have state wide application and interception of communications shall be permitted in any location in this state.~~

~~(d) Evidence obtained in conformity with this part shall be admissible only in the courts of this state having felony and misdemeanor jurisdiction.~~

~~(e) **Defenses.** A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under this part or under any other law.~~

#### ~~16-11-64.1.~~

~~Any district attorney having jurisdiction over the prosecution of the crime under investigation or the Attorney General is authorized to make application for an order or an extension of an order authorizing or approving the installation and use of a pen register or a trap and trace device to a judge of the superior court of the same judicial circuit as the district attorney, or, in the case of the Attorney General, in any judicial circuit; and such court shall be authorized to enter an order authorizing the use of a pen register or a trap and trace device, to the extent the same is consistent with and permitted by the laws of the United States. Such order shall have state wide application and the interception by use of a pen register or trap and trace device shall be permitted in any location in this state.~~

#### ~~16-11-64.2.~~

~~Any investigative or law enforcement officer, specially designated in writing for such purpose by the Attorney General or by a district attorney, who reasonably determines that:~~

~~(1) An emergency situation exists that involves:~~

~~(A) Immediate danger of death or serious bodily injury to any person; or~~

~~(B) Conspiratorial activities characteristic of organized crime~~

~~that requires the installation and use of a pen register or a trap and trace device before an order authorizing such installation and use can, with due diligence, be obtained; and~~

~~(2) There are grounds upon which an order could be entered under the laws of the United States to authorize such installation and use~~

~~may have installed and use a pen register or trap and trace device if, within 48 hours of the time the pen register or trap and trace device is installed, an order approving the installation or use is issued in accordance with Code Section 16-11-64.1.~~

~~16-11-64.3.~~

~~(a) Notwithstanding any other provision of this part, in the event that the Attorney General or a district attorney of the judicial circuit having jurisdiction over the emergency situation described herein or where the observation, monitoring, or recording of the activities of any person may occur as provided in this subsection determines that:~~

~~(1) An emergency situation exists involving the immediate danger of death or serious physical injury to any person;~~

~~(2) The said emergency situation requires the immediate interception of a wire, oral, or electronic communications or the immediate observation, monitoring, or recording of the activities of any person involved in said emergency situation in violation of the provisions of Code Section 16-11-62 before an order authorizing such interception or surveillance can, with due diligence, be obtained; and~~

~~(3) There are grounds upon which an investigation warrant pursuant to Code Section 16-11-64 could be issued,~~

~~then any investigative or law enforcement officer specifically designated by the prosecuting official making such determination may utilize any device as defined in Code Section 16-11-60 to intercept the wire, oral, or electronic communications or to observe, monitor, or record the activities of the person or persons involved in said emergency situation, provided that an application for an investigation warrant is made pursuant to Code Section 16-11-64 within 48 hours after said interception or surveillance commences.~~

~~(b) In the event that an application for an investigation warrant made pursuant to this Code section is granted, then the interception or surveillance shall be conducted in accordance with the provisions of Code Section 16-11-64, except that said interception or surveillance shall continue only so long as the emergency situation exists.~~

~~(c) In the event that an application for an investigation warrant made pursuant to this Code section is denied or in any event where the interception or surveillance is terminated without an investigation warrant having been issued, the contents of any intercepted communications or other surveillance effected pursuant to this Code section shall not be admissible in any court of this state except to prove violations of this part. The contents of any such intercepted communications or other surveillance effected pursuant to this Code section without an investigation warrant having been issued shall be confidential and shall not be disclosed except to prove violations of this part.~~

~~16-11-65. 16-11-64.~~

~~(a) Nothing contained within Code Section 16-11-62 shall prohibit the employment and use of any equipment or device which is owned by any person or is furnished by any telephone company authorized to do business in this state under proper tariffs filed with and approved by the Georgia Public Service Commission which may be attached to any telephonic equipment of any user of or subscriber to such equipment which permits the interception of telephonic communications solely for the purposes of business service improvement when the user of or subscriber to such facilities and~~

equipment has duly applied for and obtained from the Georgia Public Service Commission a license for the employment and installation of the equipment. No license shall be issued until the applicant has demonstrated to the commission a clear, apparent, and logically reasonable need for the use of the equipment in connection with a legitimate business activity of the user or subscriber and demonstrated to the satisfaction of the commission that it will be operated by persons of good moral character and that the equipment will be used in a lawful manner and in conformity with the tariffs filed for the equipment. The commission is authorized to establish the necessary procedures to be employed and followed in applying for such permits and to require from the user or subscriber of such equipment the furnishing of any reasonable information required by the commission in regard to the intended and actual use of the equipment.

(b) The Georgia Public Service Commission is authorized to revoke any license and to order any owner of such equipment or any telephone company supplying such equipment to remove from the premises of the licensee the equipment when it is established to the satisfaction of the commission that the equipment is being used in an unlawful manner contrary to the tariff applicable to the equipment or in a manner contrary to the purposes and uses for which the license had been issued. Such licenses may also be revoked by the commission if it is subsequently discovered that a material misrepresentation of fact has been made in applying for the license. The commission is authorized to promulgate such rules and regulations in connection with the licensing and revocation thereof of such users of such equipment as will enable it to carry out the purposes, duties, and responsibilities imposed upon the commission by this Code section. Such rules and regulations shall afford to any aggrieved licensee an opportunity to a full and impartial hearing before the commission. The commission shall further have the authority to adopt any and all appropriate rules and regulations of any sort to ensure the privacy of telephonic and telegraphic communications. A violation of such rules and regulations shall be a violation of this part.

(c) All telephone companies shall have printed in a conspicuously accessible location within their directories a notice to the public that there is available without cost at the business office of the telephone company served by the directory a list of subscribers of such equipment which will be made available to any member of the general public requesting the same from such companies.

(d) The provisions of this part shall not apply to acts by duly authorized employees of any telephone company regulated by the Georgia Public Service Commission, with regard to the reasonable and limited intercepting of telephone communications under circumstances reasonably calculated to assure the privacy of telephone communications when such interception is accomplished solely for the purpose of maintaining the quality of service furnished to the public or for the purpose of preventing the unlawful use of telephone service. All such telephone companies shall adopt regulations and procedures consistent with the requirements of this Code section governing the use of equipment which permits the interception of telephone messages by their employees

and file the same with the commission. After being filed with the commission, such regulations and procedures shall be public records.

~~16-11-66.~~

~~(a) Nothing in Code Section 16-11-62 shall prohibit a person from intercepting a wire, oral, or electronic communication where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.~~

~~(b) After obtaining the consent required by this subsection, the telephonic conversations or electronic communications to which a child under the age of 18 years is a party may be recorded and divulged, and such recording and dissemination may be done by a private citizen, law enforcement agency, or prosecutor's office. Nothing in this subsection shall be construed to require that the recording device be activated by the child. Consent for the recording or divulging of the conversations of a child under the age of 18 years conducted by telephone or electronic communication shall be given only by order of a judge of a superior court upon written application, as provided in subsection (c) of this Code section, or by a parent or guardian of said child as provided in subsection (d) of this Code section. Said recording shall not be used in any prosecution of the child in any delinquency or criminal proceeding. An application to a judge of the superior court made pursuant to this Code section need not comply with the procedures set out in Code Section 16-11-64.~~

~~(c) A judge to whom a written application has been made shall issue the order provided by subsection (b) of this Code section only:~~

~~(1) Upon finding probable cause that a crime has been committed;~~

~~(2) Upon finding that the child understands that the conversation is to be recorded and that such child agrees to participate; and~~

~~(3) Upon determining that participation is not harmful to such child.~~

~~A true and correct copy of the recording provided for in subsection (b) of this Code section shall be returned to the superior court judge who issued the order and such copy of the recording shall be kept under seal until further order of the court.~~

~~(d) The provisions of this article shall not be construed to prohibit a parent or guardian of a child under 18 years of age, with or without the consent of such minor child, from monitoring or intercepting telephonic conversations of such minor child with another person by use of an extension phone located within the family home, or electronic or other communications of such minor child from within the family home, for the purpose of ensuring the welfare of such minor child. If the parent or guardian has a reasonable or good faith belief that such conversation or communication is evidence of criminal conduct involving such child as a victim or an attempt, conspiracy, or solicitation to involve such child in criminal activity affecting the welfare or best interest of such child, the parent or guardian may disclose the content of such telephonic conversation or electronic communication to the district attorney or a law enforcement officer. A recording or other record of any such conversation or communication made by a parent or guardian in accordance with this subsection that contains evidence of criminal conduct involving such child as a victim or an attempt,~~

~~conspiracy, or solicitation to involve such child in criminal activity shall be admissible in a judicial proceeding except as otherwise provided in subsection (b) of this Code section.~~

~~16-11-66.1.~~

~~(a) A law enforcement officer, a prosecuting attorney, or the Attorney General may require the disclosure of stored wire or electronic communications, as well as transactional records pertaining thereto, to the extent and under the procedures and conditions provided for by the laws of the United States.~~

~~(b) A provider of electronic communication service or remote computing service shall provide the contents of, and transactional records pertaining to, wire and electronic communications in its possession or reasonably accessible thereto when a requesting law enforcement officer, a prosecuting attorney, or the Attorney General complies with the provisions for access thereto set forth by the laws of the United States.~~

~~(c) Search warrants for production of stored wire or electronic communications and transactional records pertaining thereto shall have state wide application or application as provided by the laws of the United States when issued by a judge with jurisdiction over the criminal offense under investigation and to which such records relate.~~

~~(d) A subpoena for the production of stored wire or electronic communications and transactional records pertaining thereto may be issued at any time upon a showing by a law enforcement official, a prosecuting attorney, or the Attorney General that the subpoenaed material relates to a pending criminal investigation.~~

~~(e) Violation of this Code section shall be punishable as contempt.~~

~~16-11-67.~~ 16-11-65.

(a) No evidence obtained in a manner which violates this part shall be admissible in any court of this state except to prove violations of this part.

~~16-11-68.~~

(b) Nothing contained in this part shall permit the introduction into evidence of any communication which is privileged by the laws of this state or by the decisions of the appellate courts thereof.

~~16-11-69.~~ 16-11-66.

Except as otherwise provided in ~~subsection (d) of Code Section 16-11-66.1~~ 16-11-67, any person violating this part 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 or a fine not to exceed \$10,000.00, or both.

~~16-11-70.~~ 16-11-67.

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

~~(1) 'End user' means any person, corporation, partnership, firm, municipality, cooperative, organization, governmental agency, building owner, or other entity~~

~~provided with a telecommunications service for its own consumption and not for resale.~~

~~(2)~~(1) 'Telephone record' means information retained by a telecommunications company that relates to the telephone number dialed by the customer, the number of telephone calls directed to a customer, or other data related to the telephone calls typically contained on a customer telephone bill, such as the time the calls started and ended, the duration of the calls, the time of day the calls were made, and any charges applied. For purposes of this Code section, any information collected and retained by, or on behalf of, customers utilizing caller identification or other similar technology does not constitute a telephone record.

~~(3)~~(2) 'Telephone records broker' means any person or organization that is neither a telecommunications company nor a vendor or supplier for a telecommunications company obligated by contract to protect the confidentiality of telephone records and that purchases, acquires, sells, or releases the telephone record of any third party with whom it has no prior or existing business relationship or that attempts to purchase, acquire, sell, or release the telephone record of any party with whom it has no prior or existing business relationship.

(b) It ~~is~~ shall be unlawful for any telephone records broker to purchase, acquire, sell, or release the telephone records of any person who is a Georgia resident or to attempt to purchase, acquire, sell, or release the telephone record of any third party who is a Georgia resident. This Code section ~~applies~~ shall apply whether the customer's telephone record is obtained by the telephone records broker directly from a telecommunications company or from any other third-party source. For purposes of this Code section, a person is a Georgia resident if the individual has a Georgia billing address.

(c) A violation of any provision of this Code section shall be punishable by a civil fine in an amount not to exceed \$10,000.00 for each violation. The prosecuting attorney or the Attorney General shall be authorized to prosecute the civil case. Each telephone record purchased, acquired, sold, or released and each attempt to purchase, acquire, sell, or release a telephone record constitutes a separate violation of this Code section.

(d) Any violation of this Code section shall constitute a tort and shall create a right of action in the person or entity whose telephone records have been purchased, acquired, sold, or released for which damages may be recovered. Special damages may be inferred by the violation. Reasonable attorney's fees shall be awarded to the plaintiff ~~where~~ when the plaintiff has prevailed in the underlying action.

(e) No provision of this Code section shall be construed to prevent any action by a law enforcement agency or any officer, employee, or agent of a law enforcement agency to obtain the telephone records or personal identifying information of any third party who is a Georgia resident in connection with the performance of the official duties of the agency, officer, employee, or agent."

**PART III**  
**ARREST POWER OF INVESTIGATORS IN**  
**DISTRICT ATTORNEY AND SOLICITOR-GENERAL OFFICES**  
**SECTION 3-1.**

Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to prosecuting attorneys, is amended by revising subsection (c) of Code Section 15-18-21, relating to qualifications of attorneys and investigators employed by the district attorney, as follows:

"(c) Any investigator employed by the district attorney's office ~~and~~ may, when authorized by the district attorney to and Article 4 of Chapter 11 of Title 16, carry weapons ~~or to and~~ exercise any of the powers of a peace officer of this state. Such investigator shall meet the requirements of Chapter 8 of Title 35 and shall serve at the pleasure of the district attorney."

**SECTION 3-2.**

Said chapter is further amended by revising subsection (b) of Code Section 15-18-72, relating to qualifications of personnel, as follows:

"(b) Any investigator employed by the solicitor-general's office who is authorized by the solicitor-general and by Article 4 of Chapter 11 of Title 16, relating to firearms, to carry weapons ~~or authorized by local law to~~ may exercise ~~any of the powers of a peace officer of this state.~~ Such investigator shall meet the requirements of Chapter 8 of Title 35 and shall serve at the pleasure of the solicitor-general."

**PART IV**  
**CROSS-REFERENCES**  
**SECTION 4-1.**

Code Section 2-2-11 of the Official Code of Georgia Annotated, relating to inspection warrants, is amended by revising paragraph (1) as follows:

"(1) The ~~Commissioner~~ commissioner or any person authorized to make inspections for the ~~Commissioner~~ commissioner shall make application for an inspection warrant to a person who is a judicial officer ~~within the meaning of Code Section 17-5-21~~ as such term is defined in Code Section 17-5-1."

**SECTION 4-2.**

Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to the environmental protection division, is amended by revising paragraph (1) of subsection (d) as follows:

"(1) The director or any person authorized to make inspections for the division shall make application for an inspection warrant to a person who is a judicial officer ~~within the meaning of Code Section 17-5-21~~ as such term is defined in Code Section 17-5-1."

**SECTION 4-3.**

Code Section 15-18-15 of the Official Code of Georgia Annotated, relating to the chief assistant district attorney, is amended by revising paragraph (2) of subsection (b) as follows:

"(2) If the district attorney will be temporarily absent from the judicial circuit such that he or she is not available to perform the duties of his or her office, the district attorney may authorize, in writing, the chief assistant district attorney to exercise any of the powers, duties, and responsibilities of the district attorney during such absence, including but not limited to such powers and duties as the district attorney may have pursuant to this title, ~~Code Section 16-11-64, and Code Section~~ Sections 17-5-46 and 24-5-507, and the laws of this state relating to the validation of bonds."

**SECTION 4-4.**

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising subparagraph (b)(1)(A) of Code Section 16-9-109, relating to disclosure by service providers pursuant to investigation, as follows:

"(A) Obtains a search warrant as provided in Part 1 of Article 2 of Chapter 5 of Title 17;"

**SECTION 4-5.**

Said title is further amended by revising paragraph (1) of subsection (s) of Code Section 16-13-49, relating to forfeitures, as follows:

"(1) The court may receive and consider, in making any determination of probable cause or reasonable cause, all evidence admissible in determining probable cause at a preliminary hearing ~~or by a magistrate~~ pursuant to ~~Article 1~~ Part 1 of Article 2 of Chapter 5 of Title 17, together with inferences therefrom;"

**SECTION 4-6.**

Said title is further amended by revising paragraph (3) of subsection (c) of Code Section 16-13-60, relating to privacy and confidentiality, as follows:

"(3) To local, state, or federal law enforcement or prosecutorial officials pursuant to the issuance of a search warrant pursuant to Part 1 of Article 2 of Chapter 5 of Title 17; and"

**SECTION 4-7.**

Code Section 27-4-263 of the Official Code of Georgia Annotated, relating to inspections, is amended by revising paragraph (1) of subsection (b) as follows:

"(1) Any application for an inspection warrant shall be made to a person who is a judicial officer ~~within the meaning of Code Section 17-5-21~~ as such term is defined in Code Section 17-5-1;"

**SECTION 4-8.**

Code Section 49-4-146.3 of the Official Code of Georgia Annotated, relating to forfeiture of property and proceeds obtained through Medicaid fraud, is amended by revising paragraph (1) of subsection (s), as follow:

"(1) The court may receive and consider, in making any determination of probable cause or reasonable cause, all evidence admissible in determining probable cause at a preliminary hearing ~~or by a magistrate pursuant to Article 1~~ Part 1 of Article 2 of Chapter 5 of Title 17, together with inferences therefrom; and"

**PART V  
CROSS-REFERENCE AND DELAYED EFFECTIVE DATE  
SECTION 5-1.**

Code Section 2-15-14 of the Official Code of Georgia Annotated, relating to inspection of premises and warrant for inspection, is amended by revising paragraph (1) of subsection (b), as follows:

"(1) Any application for an inspection warrant shall be made to a person who is a judicial officer ~~within the meaning of Code Section 17-5-21~~ as such term is defined in Code Section 17-5-1;"

**PART VI  
ENHANCING WITNESS IDENTIFICATION ACCURACY  
SECTION 6-1.**

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by adding a new chapter to read as follows:

"CHAPTER 20

17-20-1.

As used in this chapter, the term:

- (1) 'Fillers' means individuals who are not suspects.
- (2) 'Law enforcement agency' means a governmental unit of one or more individuals employed full time or part time by the state, a state agency or department, or a political subdivision which performs as its principal function activities relating to preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.
- (3) 'Live lineup' means an identification procedure in which a suspect and fillers are displayed in person to a witness.
- (4) 'Photo lineup' means an identification procedure in which a photograph of a suspect and photographs of fillers are displayed to a witness, either in hard copy form or via computer.

(5) 'Showup' means an identification procedure in which a witness is presented with a single individual.

(6) 'Suspect' means the individual believed by law enforcement to be the possible perpetrator of an alleged crime.

(7) 'Witness' means an individual who observes an alleged crime.

17-20-2.

(a) Not later than July 1, 2016, any law enforcement agency that conducts live lineups, photo lineups, or showups shall adopt written policies for using such procedures for the purpose of determining whether a witness identifies someone as the perpetrator of an alleged crime.

(b) Live lineup, photo lineup, and showup policies shall include the following:

(1) With respect to a live lineup, having an individual who does not know the identity of the suspect conduct the live procedure;

(2) With respect to a photo lineup, having an individual:

(A) Who does not know the identity of the suspect conduct the photo lineup; or

(B) Who knows the identity of the suspect use a procedure in which photographs are placed in folders, randomly shuffled, and then presented to the witness so that the individual conducting such procedure cannot physically see which photograph is being viewed by the witness until the procedure is complete;

(3) Providing the witness with instruction that the perpetrator of the alleged crime may or may not be present in the live lineup or photo lineup;

(4) Composing a live lineup or photo lineup so that the fillers generally resemble the witness's description of the perpetrator of the alleged crime;

(5) Using a minimum of four fillers in a live lineup and a minimum of five fillers in a photo lineup; and

(6) Having the individual conducting a live lineup, photo lineup, or showup seek and document, at the time that an identification of an individual or photograph is made, and in the witness's own words without necessarily referencing a numeric or percentage standard, a clear statement from the witness as to the witness's confidence level that the individual or photograph identified is the individual or photograph of the individual who committed the alleged crime.

(c) All law enforcement agency written policies adopted pursuant to this Code section shall be subject to public disclosure and inspection notwithstanding any provision to the contrary in Article 4 of Chapter 18 of Title 50.

17-20-3.

The court may consider the failure to comply with the requirements of this chapter with respect to any challenge to an identification; provided, however, that such failure shall not mandate the exclusion of identification evidence."

**PART VII**  
**EFFECTIVE DATE, APPLICABILITY, AND REPEALER**  
**SECTION 7-1.**

(a) Except as provided in subsections (b) and (c) of this section, this Act shall become effective on July 1, 2015, and shall apply to all offenses that occur on and after that date. This Act shall not affect any investigation or prosecution for acts occurring before July 1, 2015, and shall not act as an abatement of any such prosecutions. Any evidence obtained in accordance with the former provisions of Articles 1 and 2 of Chapter 5 of Title 17 and Part 1 of Article 3 of Chapter 11 of Title 16 shall be admissible in any civil or criminal proceeding commenced on or after July 1, 2015.

(b) Part V of this Act shall become effective only upon the effective date of a specific appropriation of funds for purposes of Chapter 15 of Title 2 as expressed in a line item of an appropriations Act enacted by the General Assembly.

(c) Part VI of this Act shall become effective on July 1, 2016.

**SECTION 7-2.**

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

The following amendment was read and adopted:

Representatives Efstration of the 104th, Cooper of the 43rd, and Golick of the 40th offer the following amendment:

*Amend the House Committee on Judiciary, Non-civil substitute to SB 94 (LC 29 6596ERS) by revising lines 12 through 14 as follows:*

*to amend Code Sections 2-2-11, 2-15-14, 12-2-2, 15-18-15,*

*By deleting lines 1012 through 1031.*

*By redesignating Sections 4-1 through 4-8 as Sections 3-1 through 3-8, respectively.*

*By redesignating Parts V through VII as Parts IV through VI, respectively.*

*By redesignating Section 5-1 as Section 5-2.*

*By redesignating Section 6-1 as Section 5-1.*

*By redesignating Sections 7-1 and 7-2 as Sections 6-1 and 6-2, respectively.*

*By replacing "V" with "IV" on line 1165.*

*By replacing "VI" with "V" on line 1168.*

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	E Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
N Allison	Y Corbett	Y Harrell	N Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
Y Atwood	N Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	N Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	N Hitchens	Y O'Neal	Stephens, R
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
E Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	N Petrea	Y Tankersley
N Benton	Y Dukes	E Jackson	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	N Tarvin
Y Beverly	Y Duncan	N Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	N Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efration	Y Jones, J.B.	Y Pruet	Y Teasley
N Brooks	N Ehrhart	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	N Rakestraw	Y Trammell
Y Buckner	Y Evans	Kaiser	Y Ramsey	N Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	N Waites
N Caldwell, J	N 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	N Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRicca	Y Rogers, C	Y Wilkerson
Y Casas	Y Gasaway	Y Lumsden	E Rogers, T	Y Wilkinson
Y Chandler	E Geisinger	Y Mabra	N Rutledge	Y Willard
Y Cheokas	Y Glanton	Y Marin	N Rynders	Y Williams, A
Y Clark, D	Y Golick	E Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	N Gravley	N Mayo	Y Sharper	Y 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, as amended, the ayes were 137, nays 29.

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

SB 72. By Senators Mullis of the 53rd, Harper of the 7th, Watson of the 1st, Albers of the 56th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Title 16 of the O.C.G.A., relating to crimes and offenses, so as to provide a measure of equivalency in the punishment of crimes committed against police dogs in the performance of their official duties as to that of peace officers; to provide 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 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to change provisions relating to the relationships between relatives which constitute incest; to change the offense of harassing phone calls to the offense of harassing communications; to provide for penalties; to provide for venue; to provide for exceptions; to change provisions relating to destroying or injuring a police dog or police horse; to provided for definitions; to create degrees of an offense relating to harming law enforcement animals; to provide for exceptions; to provide for the necropsy of law enforcement animals killed in the performance of official duties; 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:

**PART I**  
**SECTION 1-1.**

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising subsection (a) of Code Section 16-6-22, relating to incest, as follows:

"(a) A person commits the offense of incest when such person engages in sexual intercourse or sodomy, as such term is defined in Code Section 16-6-2, with a person whom he or she knows he or she is related to either by blood or by marriage as follows:

- (1) Father and child or stepchild;
- (2) Mother and child or stepchild;
- (3) Siblings of the whole blood or of the half blood;
- (4) Grandparent and grandchild of the whole blood or of the half blood;
- (5) Aunt and niece or nephew of the whole blood or of the half blood; or
- (6) Uncle and niece or nephew of the whole blood or of the half blood."

**PART II**  
**SECTION 2-1.**

Said title is further amended by revising Code Section 16-11-39.1, relating to harassing phone calls, as follows:

"16-11-39.1.

(a) A person commits the offense of harassing ~~phone calls~~ communications if such person ~~telephones~~:

(1) Contacts another person repeatedly via telecommunication, e-mail, text messaging, or any other form of electronic communication, whether or not conversation ensues, for the purpose of annoying, harassing, or molesting, threatening, or intimidating another such person or the family of such other person; uses over the telephone language threatening

(2) Threatens bodily harm via telecommunication, e-mail, text messaging, or any other form of electronic communication; telephones

(3) Telephones another person and intentionally fails to hang up or disengage the connection; or knowingly

(4) Knowingly permits any telephone device used for telecommunication, e-mail, text messaging, or any other form of electronic communication under such person's control to be used for any purpose prohibited by this subsection.

(b) Any person who commits the offense of harassing ~~phone calls~~ communications shall be guilty of a misdemeanor.

(c) The offense of harassing communications shall be considered to have been committed in the county where:

(1) The defendant was located when he or she placed the telephone call or transmitted, sent, or posted an electronic communication; or

(2) The telephone call or electronic communication was received.

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

(e) This Code section shall not apply to constitutionally protected speech."

**PART III**  
**SECTION 3-1.**

This part of this Act shall be known and may be cited as "Tanja's Law."

**SECTION 3-2.**

Said title is further amended by revising subsection (e) of Code Section 16-5-23, relating to simple battery, as follows:

"(e) Any person who commits the offense of simple battery against a police officer, ~~law enforcement dog~~, correction officer, or detention officer engaged in carrying out official duties shall, upon conviction thereof, be punished for a misdemeanor of a high and aggravated nature."

**SECTION 3-3.**

Said title is further amended by revising Code Section 16-11-107, relating to destroying or injuring a police dog or police horse, as follows:

"16-11-107.

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

(1) 'Accelerant detection dog' means a dog trained to detect hydrocarbon substances.

(2) 'Bomb detection dog' means a dog trained to locate bombs or explosives by scent.

(2.1) 'Dangerous weapon' shall have the same meaning as provided for in Code Section 16-11-121.

(2.2) 'Firearm' means any handgun, rifle, shotgun, stun gun, taser, or dangerous weapon.

(3) 'Firearms detection dog' means a dog trained to locate firearms by scent.

(3.1) 'Knowingly' means having knowledge that an animal is a law enforcement animal.

(3.2) 'Law enforcement animal' means a police dog, police horse, or any other animal trained to support a peace officer, fire department, or the state fire marshal in performance of law enforcement duties.

(4) 'Narcotic detection dog' means a dog trained to locate narcotics by scent.

(5) 'Narcotics' means any controlled substance as defined in paragraph (4) of Code Section 16-13-21 and shall include marijuana as defined by paragraph (16) of Code Section 16-13-21.

(6) 'Patrol dog' means a dog trained to protect a peace officer and to apprehend or hold without excessive force a person in violation of the criminal statutes of this state.

(6.1) 'Performance of its duties' means performing law enforcement, fire department, or state fire marshal duties as trained.

(7) 'Police dog' means a bomb detection dog, a firearms detection dog, a narcotic detection dog, a patrol dog, an accelerant detection dog, or a tracking dog used by a law enforcement agency. Such term 'Police dog' also means a search and rescue dog.

(8) 'Police horse' means a horse trained to transport, carry, or be ridden by a law enforcement officer and used by a law enforcement agency.

(8.1) 'Search and rescue dog' means any dog that is owned or the services of which are employed by a fire department or the state fire marshal for the principal purpose of aiding in the detection of missing persons, including but not limited to persons who are lost, who are trapped under debris as a result of a natural or manmade disaster, or who are drowning victims.

(9) 'Tracking dog' means a dog trained to track and find a missing person, escaped inmate, or fleeing felon.

~~(b) Any person who knowingly and intentionally destroys or causes serious or debilitating physical injury to a police dog or police horse, knowing said dog to be a police dog or said horse to be a police horse, 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, or a fine not to exceed \$10,000.00, or both. This subsection shall not apply to the destruction of a police dog or police horse for humane purposes.~~

(b) A person commits the offense of harming a law enforcement animal in the fourth degree when he or she knowingly and intentionally causes physical harm to such law enforcement animal while such law enforcement animal is in performance of its duties or because of such law enforcement animal's performance of its duties. Any person convicted of a violation of this subsection shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$5,000.00, or both.

(c) A person commits the offense of harming a law enforcement animal in the third degree when he or she knowingly and intentionally and with a deadly weapon causes, or with any object, device, instrument, or body part which, when used offensively against such law enforcement animal, is likely to or actually does cause, serious physical injury to such law enforcement animal while such law enforcement animal is in performance of its duties or because of such law enforcement animal's performance of its duties. Any person convicted of a violation of this subsection shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be punished by imprisonment for not less than six nor more than 12 months, a fine not to exceed \$5,000.00, or both.

(d) A person commits the offense of harming a law enforcement animal in the second degree when he or she knowingly and intentionally shoots a law enforcement animal with a firearm or causes debilitating physical injury to a law enforcement animal while such law enforcement animal is in performance of its duties or because of such law enforcement animal's performance of its duties. Any person convicted of a violation of this subsection 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, a fine not to exceed \$25,000.00, or both.

(e) A person commits the offense of harming a law enforcement animal in the first degree when he or she knowingly and intentionally causes the death of a law enforcement animal while such law enforcement animal is in performance of its duties or because of such law enforcement animal's performance of its duties. Any person convicted of a violation of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than 18 months nor more than five years, a fine not to exceed \$50,000.00, or both.

(f) In addition to any other penalty provided for under this Code section, any person convicted of a violation under this Code section shall pay restitution to the law enforcement agency, fire department, or the state fire marshal which is the owner of, or which owned, such law enforcement animal in the amount of associated veterinary expenses incurred in the treatment of such law enforcement animal pursuant to Article 1 of Chapter 14 of Title 17; provided, however, that if such law enforcement animal died or is no longer able to engage in performance of its duties as a result of a violation of this Code section, the amount paid in restitution shall additionally include the amount of the actual replacement value of the law enforcement animal, which shall include the value of an animal to replace the law enforcement animal and all costs associated with training such animal and its handler or handlers.

(g) Nothing in this Code section shall prohibit the killing or euthanasia of a law enforcement animal for humane purposes.

(h) Nothing in this Code section shall prohibit the defense of a person against a law enforcement animal that attacks such person without or in spite of commands given by its handler.

(i) The Division of Forensic Sciences of the Georgia Bureau of Investigation shall perform forensic pathology services upon any law enforcement animal whose death occurred while in performance of its duties or because of such law enforcement animal's performance of its duties."

#### PART IV SECTION 4-1.

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	E Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
N Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E 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	Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	Y Pak	Y Stephenson
Y Bell	Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
E Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
E Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	E Jackson	N 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	E Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	E 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
Caldwell, J	Y Floyd	Y Kendrick	Y Reeves	Y Watson
Y Caldwell, M	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	E Rogers, T	Y Wilkinson

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

On the passage of the Bill, by substitute, the ayes were 155, nays 5.

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

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 170. By Representatives Roberts of the 155th, Burns of the 159th, Hamilton of the 24th, England of the 116th, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend various provisions of the O.C.G.A., so as to provide for additional revenue necessary for funding transportation purposes in this state; to amend Title 40 of the O.C.G.A., relating to motor vehicles and traffic; to amend Chapter 12 of Title 45 of the O.C.G.A., relating to the Governor, so as to limit the Governor's power to suspend the collection of certain motor fuel taxes and require ratification by the General Assembly; to amend Title 48 of the O.C.G.A., relating to revenue and taxation; to amend Part 3 of Article 2 of Chapter 10 of Title 32 of the O.C.G.A., the "Georgia Transportation Infrastructure Bank Act," so as to provide new criteria for determination of eligible projects by the Transportation Infrastructure Bank; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To amend various provisions of the Official Code of Georgia Annotated so as to provide for additional revenue necessary for funding transportation purposes in this state; to amend Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, so as to create the Special Joint Committee on Georgia Revenue Structure; to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to require an annual report from the Department of Transportation; to provide for payment of certain liabilities of the Department of Transportation; to amend

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to levy a registration fee on alternative fueled vehicles; to amend Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, so as to limit the Governor's power to suspend the collection of certain motor fuel taxes and require ratification by the General Assembly; to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to reduce the state income tax credits for low-emission vehicles to zero; to provide an income tax credit for local sales taxes paid on motor fuel; to provide for the elimination of state sales and use taxes with respect to certain sales of motor fuels; to revise the exemption from sales and use taxes for jet fuel and certain tax holidays; to provide for revised definitions of certain terms relating to prepaid motor fuel taxes; to provide a limit on local sales taxes on motor fuels; to change the rate and method of computation of the excise tax on motor fuels; to repeal the second motor fuel tax; to provide for editorial revision; to provide for a state fee on rental motor vehicles; to amend Part 3 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, the "Georgia Transportation Infrastructure Bank Act," so as to provide revised criteria for determination of eligible projects by the Transportation Infrastructure Bank; to provide for a short title; 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**  
**SECTION 1-1.**

This Act shall be known and may be cited as the "Transportation Funding Act of 2015."

**SECTION 1-2.**

Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is amended by adding a new chapter to read as follows:

"CHAPTER 12

28-12-1.

(a) There is created the Special Joint Committee on Georgia Revenue Structure which shall consist of 12 members as follows:

(1) The President Pro Tempore of the Senate and the Speaker Pro Tempore of the House of Representatives;

(2) The majority leader of the Senate and the majority leader of the House of Representatives;

(3) The minority leader of the Senate and the minority leader of the House of Representatives;

(4) The chairpersons of the Senate Finance Committee and the House Committee on Ways and Means;

(5) Two members of the Senate to be appointed by the President of the Senate, one from the majority party and one from the minority party; and

(6) Two members of the House of Representatives to be appointed by the Speaker of the House of Representatives, one from the majority party and one from the minority party.

(b) The Special Joint Committee on Georgia Revenue Structure shall elect two persons, one Senator and one Representative, to serve as co-chairpersons of the special joint committee.

28-12-2.

(a) The Special Joint Committee on Georgia Revenue Structure created in Code Section 28-12-1 shall during the 2016 legislative session cause to be introduced in the House of Representatives one or more bills or resolutions relating to tax reform, and such legislation shall, after its introduction, be referred directly and only to the special joint committee.

(b) If the special joint committee recommends that one or more bills or resolutions referred to it do pass or do pass by committee substitute, the measure or measures recommended by the special joint committee shall then be in order for consideration only by the House of Representatives at any time fixed by the Speaker of the House of Representatives. Any such bill or resolution shall be reported directly to the floor of the House of Representatives and shall receive an up or down vote as reported from the special joint committee without amendment.

(c) If one or more bills or resolutions referred by the special joint committee are passed by the House of Representatives, the measure or measures shall then be in order for consideration only by the Senate at any time fixed by the President of the Senate. Any such bill or resolution shall be reported directly to the floor of the Senate and shall receive an up or down vote as reported from the House of Representatives without amendment.

(d) Any bills or resolutions considered as provided for in this Code section shall be read three times on three separate days in each house and shall be considered in compliance with all other requirements of the Constitution.

(e) The rules of the Senate and the House of Representatives for the 2016 legislative session may, as adopted or as amended, contain such provisions as may be necessary or appropriate to comply with the legislative process specified by this Code section.

28-12-3.

This chapter shall stand repealed by operation of law on July 1, 2016."

**PART II**  
**SECTION 2-1.**

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended by adding a new Code section to read as follows:

"32-5-27.1.

(a) In addition to the requirements contained in Code Section 32-5-27, the department shall annually prepare and submit to the General Assembly, for approval by the Senate Transportation Committee and the House Committee on Transportation, a ten-year strategic plan that outlines the use of department resources for the upcoming fiscal years. The plan shall categorize and prioritize the specific projects within each category and the percentage of resources to be expended in each of the following areas:

- (1) Construction of new highway projects;
- (2) Maintenance of existing infrastructure;
- (3) Bridge repairs and replacement;
- (4) Safety enhancements; and
- (5) Administrative expenses.

(b) Such plan shall also detail the source of the revenue dedicated to each category listed in subsection (a) of this Code section.

(c) Priority shall be given to expenditure of available resources for maintenance, expansion, and improvement of highway infrastructure in the areas of this state most impacted by traffic congestion and to areas of this state in need of highway infrastructure to aid in attracting economic development to the area.

(d) Such plan shall also bring forward all efficiencies found within the bureaucracy of the Department and how those funds have been redirected to road construction".

### **SECTION 2-2.**

Said title is further amended by adding a new Code section to read as follows:

"32-5-32.

It is the intention of the General Assembly, subject to appropriations, to make available to the department on an annual basis \$250 million to be used exclusively for payment of any debt service the department has accrued. It is further the intention of the General Assembly that this investment will allow the department to allocate more of the proceeds from the motor fuel tax to building and maintaining roads and bridges throughout this state."

### **PART III SECTION 3-1.**

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising paragraph (7) of subsection (1) of Code Section 40-2-86.1, relating to certain special license plates, as follows:

"(7)(A) A special license plate to be issued for alternative fueled vehicles, which license plate shall be similar in design to the license plate issued to all other residents of ~~the~~ this state except that the commissioner shall place a distinctive logo or emblem on the license plate which shall distinguish the vehicle as an alternative

fueled vehicle eligible to travel in travel lanes designated for such vehicles under paragraph (4) of subsection (a) of Code Section 32-9-4. The words 'alternative fueled vehicle' shall be imprinted on such special license plate in lieu of the county name decal. The funds raised by the sale of this license plate shall be deposited in the general fund.

(B) As used in this paragraph, the term:

(i) 'Alternative fuel' means ~~methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more or such other percentage, but not less than 70 percent, as determined by the United States secretary of energy, by rule as it existed on January 1, 1997, to provide for requirements relating to cold start, safety, or vehicle functions, by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal derived liquid fuels; fuels other than alcohol derived from biological materials; electricity including electricity from solar energy; and any other fuel the United States secretary of energy determined by rule as it existed on January 1, 1997, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits~~ electricity, natural gas, and propane.

(ii) 'Alternative fueled vehicle' means: ~~(I) Any any vehicle fueled solely by alternative fuel as defined in division (i) of this subparagraph, bi-fuel, or dual fuel;~~  
or

~~(II) A hybrid vehicle, which means a motor vehicle which draws propulsion energy from onboard sources of stored energy which include an internal combustion or heat engine using combustible fuel and a rechargeable energy storage system; and, in the case of a passenger automobile or light truck, means for any 2000 and later model, a vehicle which has received a certificate of conformity under the Clean Air Act, 42 U.S.C. Section 7401, et seq., and meets or exceeds the equivalent qualifying California low emission vehicle standard under Section 243(e)(2) of the Clean Air Act, 42 U.S.C. Section 7583(e)(2), for that make and model year or, for any 2004 and later model, a vehicle which has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the administrator of the Environmental Protection Agency under Section 202(i) of the Clean Air Act, 42 U.S.C. Section 7521(i), for that make and model year vehicle and which achieves a composite label fuel economy greater than or equal to 1.5 times the Model Year 2002 EPA composite class average for the same vehicle class and which is made by a manufacturer.~~

(C) Pursuant to paragraph (19) of subsection (a) of Code Section 40-2-151, the applicant for a special license plate for any alternative fueled vehicle shall provide proof that he or she has paid the registration fee prescribed therein prior to the issuance of any special license plate under this paragraph."

**SECTION 3-2.**

Said title is further amended by revising the introductory language of and adding a new paragraph to subsection (a) of Code Section 40-2-151, relating to the annual license fees for the operation of vehicles, to read as follows:

"(a) The In conjunction with the payment of highway user impact fees pursuant to Code Section 40-2-151.1, the annual fees for the licensing of the operation of vehicles shall be as follows for each vehicle registered:"

"(19)(A)(i) Upon registration of an alternative fueled vehicle not operated for commercial purposes ..... 200.00

(ii) Upon registration of an alternative fueled vehicle operated for commercial purposes ..... 300.00

(B)(i) As used in this paragraph, the term 'alternative fueled vehicle' shall have the same meaning as in division (1)(7)(B)(ii) of Code Section 40-2-86.1; provided, however, that the fees in this paragraph shall not be assessed on vehicles which operate primarily on compressed natural gas, liquefied natural gas, or liquefied petroleum gas.

(ii) The fees in this paragraph shall be in addition to any other fee imposed on the vehicle by this Code section.

(iii) The fees in this paragraph shall be automatically adjusted on an annual basis by multiplying the percentage of increase or decrease in a given year in the Consumer Price Index by the current fee. The resulting calculation shall be added to the fees assessed by this paragraph. The first adjustment shall be calculated and implemented on July 1, 2016."

**PART IV  
SECTION 4-1.**

Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, is amended by revising Code Section 45-12-22, relating to the Governor's authority to suspend the collection of taxes, as follows:

"45-12-22.

(a) Except as provided in subsection (b) of this Code section, the ~~The~~ Governor may suspend the collection of taxes, or any part thereof, due the state until the meeting of the next General Assembly but no longer; but he or she shall not otherwise interfere with the collection of taxes.

(b) Unless there has been a state of emergency declaration by the Governor, the Governor shall not suspend or modify in any manner the collection of any rate of state motor fuel under Code Section 48-9-3 as it applies to sales of motor fuel and aviation gasoline as such terms are defined in Code Section 48-9-2. Any suspension or modification of any rate of state motor fuel taxes under this subsection by the Governor shall be effective only until the next meeting of the General Assembly which must ratify such suspension or modification by a two-thirds' vote of both chambers. In the

event the General Assembly fails to ratify the Governor's actions, state motor fuel taxes under this subsection shall be collected at the rate specified absent such suspension or modification and any amounts unpaid due to such suspension or modification shall be collected using such rate."

**PART V**  
**SECTION 5-1.**

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising subsection (b) of Code Section 48-7-40.16, relating to state income tax credits for low-emission vehicles, as follows:

"(b)~~(1)~~ A tax credit is allowed against the tax imposed under this article to a taxpayer for the purchase or lease of a new low-emission vehicle or new zero emission vehicle that is registered in the State of Georgia. The amount of the credit shall be:

~~(1)(A)~~ For any new low-emission vehicle, 10 percent of the cost of such vehicle or \$2,500.00, whichever is less; and

~~(2)(B)~~ For any new zero emission vehicle, 20 percent of the cost of such vehicle or \$5,000.00, whichever is less.

(2) For any new low-emission vehicle or new zero emission vehicle purchased or leased on or after July 1, 2015, the amount of the credit shall be \$0.00."

**SECTION 5-1A.**

Said title is further amended by adding a new Code section to read as follows:

"48-7-40.31.

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

(1) 'Diesel fuel' means a fuel oil as defined under paragraph (6) of Code Section 48-9-2 used to propel a qualified motor vehicle on the public highways.

(2) 'Local sales and use taxes' means any sales tax, use tax, or local sales and use tax which is levied and imposed in an area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, known as the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; or by or pursuant to Article 2, 2A, 3, or 4 of Chapter 8 of this title.

(3) 'Qualified motor carrier' means any person who operates or causes to be operated any qualified motor vehicle on any highway in this state and during the taxable year for which the credit under this Code section is claimed was a licensee holding a valid, uncanceled license issued by a base jurisdiction. The terms 'licensee,' 'license,' and 'base jurisdiction' as used in this Code section shall have the same meaning as those terms are defined under the International Fuel Tax Agreement, as amended.

(4) 'Qualified motor vehicle' means a motor vehicle used, designed, or maintained for transportation of persons or property and:

(A) Having two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms;

(B) Having three or more axles regardless of weight; or

(C) Used in combination, when the weight of such combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle or registered gross vehicle weight.

The qualified motor vehicle must also have a valid license and proper vehicle identification markers, including decals, issued pursuant to the International Fuel Tax Agreement, as amended, properly affixed to the motor vehicle. The term 'qualified motor vehicle' does not include recreational vehicles as defined under the International Fuel Tax Agreement, as amended.

(b) For taxable years beginning on or after January 1, 2016, any qualified motor carrier subject to the road tax under Code Section 48-9-31 and subject to the road tax reporting requirements under the International Fuel Tax Agreement, as amended, shall be entitled to a credit against the tax imposed under this chapter equivalent to the amount of local sales and use taxes on diesel fuel purchased and placed in the supply tank of a qualified motor vehicle by the qualified motor carrier within this state during the taxable year for use in operations either within or outside this state when the local sales and use taxes imposed in this state have been paid by the qualified motor carrier, and where such purchases of diesel fuel were reported as tax paid gallons on the qualified motor carrier's motor fuel tax returns submitted under the International Fuel Tax Agreement, as amended. Evidence of the payments of the local sales and use taxes in the form required by the commissioner shall be furnished by each qualified motor carrier claiming the credit allowed.

(c) In no event shall the amount of the tax credit under this Code section for a taxable year exceed the taxpayer's 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 purchase of diesel fuel occurred. No such credit shall be allowed the taxpayer against prior years' tax liability.

(d) No credit shall be allowed under this Code section with respect to any amount deducted from taxable net income by the taxpayer.

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

#### **SECTION 5-2.**

Said title is further amended by revising paragraphs (23) and (24) of Code Section 48-8-2, relating to definitions regarding state sales and use taxes, as follows:

"(23) 'Prepaid local tax' means any local sales and use tax which is levied on the sale or use of motor fuel and imposed in an area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, known as the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; or by or pursuant to Article 2, 2A, 3, or 4 of this chapter. Such tax is based on the same average retail

sales price as set forth in subparagraph (b)(2)(B) of Code Section 48-9-14 as compiled by the Energy Information Agency of the United States Department of Energy, the Oil Pricing Information Service, or a similar reliable published index less taxes imposed under Code Section 48-9-3 and all local sales and use or excise taxes levied on motor fuel. Such price shall be used to compute the prepaid sales tax rate for local jurisdictions by multiplying such retail price by the applicable rate imposed by the jurisdiction. The person collecting and reporting the prepaid local tax for the local jurisdiction shall provide a schedule as to which jurisdiction these collections relate. This determination shall be based upon the shipping papers of the conveyance that delivered the motor fuel to the dealer or consumer in the local jurisdiction. A seller may rely upon the representation made by the purchaser as to which jurisdiction the shipment is bound and prepare shipping papers in accordance with those instructions.

(24) ~~'Prepaid state tax' means the tax levied under Code Section 48-8-30 in conjunction with Code Section 48-8-3.1 and Code Section 48-9-14 on the retail sale of motor fuels for highway use and collected prior to that retail sale. This tax is based upon the average retail sales price as set forth in Code Section 48-9-14~~ Reserved."

### SECTION 5-3.

Said title is further amended by revising paragraphs (33.1), (75), and (82) of Code Section 48-8-3, relating to exemptions from state sales and use taxes, as follows:

"(33.1)(A) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport, to the extent provided in subparagraphs (B) and (C) of this paragraph.

(B)(i) ~~For the period of time beginning July 1, 2011, and ending June 30, 2012, the sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt from state sales and use tax until the aggregate state sales and use tax liability of the taxpayer during such period with respect to jet fuel exceeds \$20 million, computed as if the exemption provided in this division was not in effect during such period. Thereafter during such period, the exemption provided by this division shall not apply to the sale or use of jet fuel to or by the qualifying airline. For purposes of this division, the terms 'qualifying airline' and 'qualifying airport' shall have the same meanings as those terms were defined under the prior provisions of this paragraph as it existed immediately prior to July 1, 2012.~~

(ii) For the period of time beginning July 1, 2012, and ending on June 30, 2015, the sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt from 1 percent of the 4 percent state sales and use tax.

(C) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt at all times from the sales or use tax levied and imposed as authorized pursuant to Part 1 of Article 3 of this chapter. As used in this subparagraph, the term 'qualifying airport' means any airport in this state that has had more than 750,000 takeoffs and landings during a calendar year, and the term 'qualifying airline' shall have the same meaning as set forth in subparagraph (E) of this paragraph.

(D) Except as provided for in subparagraph (C) of this paragraph, this exemption shall not apply to any other local sales and use tax levied or imposed at any time in any area consisting of less than the entire state, however authorized, not to exceed the rate at which such taxes were levied as of January 1, 2014, 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 Part 2 of Article 3 or Article 2, 2A, or 4 of this chapter.

(E) For purposes of ~~division (ii)~~ of subparagraph (B) of this paragraph and paragraph (2) of subsection (d) of Code Section 48-8-241, a 'qualifying airline' shall mean any person which is authorized by the Federal Aviation Administration or appropriate agency of the United States to operate as an air carrier under an air carrier operating certificate and which provides regularly scheduled flights for the transportation of passengers or cargo for hire.

(F) For purposes of ~~division (ii)~~ of subparagraph (B) of this paragraph and paragraph (2) of subsection (d) of Code Section 48-8-241, the term 'qualifying airport' means a certificated air carrier airport in Georgia.

(G) On or after July 1, 2017, revenue derived from the levy of sales and use taxes on jet fuel shall be used for a state aviation program or airport related purposes to the extent required to comply with 49 U.S.C. Sections 47107(b) and 47113. Any portion of such revenue so derived which is in excess of the amount required for purposes of such compliance with federal law may be appropriated by the General Assembly for other purposes.

~~(G)~~(H) The commissioner shall adopt rules and regulations to carry out the provisions of this paragraph;"

~~"(75)(A) The sale of eligible property. The exemption provided by this paragraph applies only to sales occurring during periods:~~

~~(i) Commencing at 12:01 A.M. on August 1, 2014, and concluding at 12:00 Midnight on August 2, 2014; and~~

~~(ii) Commencing at 12:01 A.M. on July 31, 2015, and concluding at 12:00 Midnight on August 1, 2015.~~

~~(B) As used in this paragraph, the term:~~

~~(i) 'Clothing' means all human wearing apparel suitable for general use and includes footwear. The term 'clothing' excludes belt buckles sold separately; costume masks sold separately; patches and emblems sold separately; sewing equipment and supplies, including but not limited to knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; sewing materials that become part of clothing, including but not limited to buttons, fabric, lace, thread, yarn, and zippers; and clothing accessories or equipment.~~

~~(ii) 'Clothing accessories or equipment' means incidental items worn on the person or in conjunction with clothing.~~

~~(iii) 'Computer' means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions. The term 'computer' excludes cellular phones.~~

~~(iv) 'Computer software' means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.~~

~~(v) 'Eligible property' means:~~

~~(I) Articles of clothing with a sales price of \$100.00 or less per item;~~

~~(II) Computers, computer components, and prewritten computer software purchased for noncommercial home or personal use with a sales price of \$1,000.00 or less per item; and~~

~~(III) School supplies, school art supplies, school computer supplies, and school instructional materials purchased for noncommercial use with a sales price of \$20.00 or less per item.~~

~~(vi) 'Prewritten computer software' means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.~~

~~(vii) 'School art supply' means an item commonly used by a student in a course of study for artwork.~~

~~(viii) 'School computer supply' means an item commonly used by a student in a course of study in which a computer is used.~~

~~(ix) 'School instructional material' means written material commonly used by a student in a course of study as a reference and to learn the subject being taught.~~

~~(x) 'School supply' means an item commonly used by a student in a course of study.~~

~~(C) The commissioner shall promulgate any rules and regulations necessary to implement and administer this paragraph including but not be limited to a list of those articles and items qualifying for the exemption pursuant to this paragraph Reserved;"~~

~~"(82)(A) Purchase of Energy Star Qualified Products or WaterSense Products with a sales price of \$1,500.00 or less per product purchased for noncommercial home or personal use. The exemption provided by this paragraph shall apply only to sales:~~

~~(i) Commencing at 12:01 A.M. on October 3, 2014, and concluding at 12:00 Midnight on October 5, 2014; and~~

~~(ii) Commencing at 12:01 A.M. on October 2, 2015, and concluding at 12:00 Midnight on October 4, 2015.~~

~~(B) As used in this paragraph, the term:~~

~~(i) 'Energy Star Qualified Product' means any dishwasher, clothes washer, air conditioner, ceiling fan, fluorescent light bulb, dehumidifier, programmable thermostat, refrigerator, door, or window that meets the energy efficient guidelines set by the United States Environmental Protection Agency and the United States Department of Energy and is authorized to carry the Energy Star label.~~

~~(ii) 'WaterSense Product' means a product authorized to bear the United States Environmental Protection Agency WaterSense label.~~

~~(C) The exemption provided for in subparagraph (A) of this paragraph shall not apply to purchases of Energy Star Qualified Products or WaterSense Products purchased for trade, business, or resale.~~

~~(D) The commissioner shall promulgate any rules and regulations necessary to implement and administer this paragraph Reserved."~~

#### SECTION 5-4.

Said title is further amended by revising subsections (a) and (b) of Code Section 48-8-3.1, relating to sales tax exemptions as applied to motor fuels, as follows:

"(a) Except as provided in subsection (b) of this Code section, sales of motor fuels as defined in paragraph (9) of Code Section 48-9-2 shall be exempt from the ~~first 3 percent of the~~ state sales and use taxes levied or imposed by this article ~~and shall be subject to the remaining 1 percent of the sales and use taxes levied or imposed by this article.~~

(b) Sales of motor fuel, other than gasoline, ~~which motor fuel other than gasoline is~~ purchased for purposes other than propelling motor vehicles on public highways as defined in Article 1 of Chapter 9 of this title shall be fully subject to the ~~4 percent~~ state sales and use taxes levied or imposed by this article unless otherwise specifically exempted by this article."

#### SECTION 5-5.

Said title is further amended by revising subsection (k) of Code Section 48-8-30, relating to the imposition, rate, and collection of state sales tax, as follows:

"(k) The prepaid local tax shall be imposed at the time tax is imposed ~~under~~ subparagraph (b)(2)(B) of Code Section 48-9-14 under Code Section 48-9-3."

**SECTION 5-6.**

Said title is further amended by revising paragraph (2) of subsection (b) of Code Section 48-8-49, relating to dealers' returns as gross proceeds of sales and purchases, as follows:

"(2) If the tax liability of a dealer in the preceding calendar year was greater than \$60,000.00 excluding local sales taxes, the dealer shall file a return and remit to the commissioner not less than 50 percent of the estimated tax liability for the taxable period on or before the twentieth day of the period. The amount of the payment of the estimated tax liability shall be credited against the amount to be due on the return required under subsection (a) of this Code section. ~~This subsection shall not apply to any dealer whose primary business is the sale of motor fuels who is remitting prepaid state tax under paragraph (2) of subsection (b) of Code Section 48-9-14.~~"

**SECTION 5-7.**

Said title is further amended by revising paragraphs (2), (3), and (4) of subsection (b) of Code Section 48-8-50, relating to compensation of dealers for reporting and paying tax, as follows:

"(2) With respect to each certificate of registration number on such return, a deduction of one-half of 1 percent of that portion exceeding \$3,000.00 of the combined total amount of all sales and use taxes reported due on such return for each location other than the taxes specified in paragraph (3) of this subsection; and

(3) With respect to each certificate of registration number on such return, a deduction of 3 percent of the combined total amount due of all sales and use taxes on motor fuel as defined under paragraph (9) of Code Section 48-9-2, which are imposed under any provision of this title, including, but not limited to, sales and use taxes on motor fuel imposed under any of the provisions described in subsection (f) of this Code section, but not including Code Section 48-9-14; and

~~(4) A deduction with respect to Code Section 48-9-14, as defined in Code Section 48-8-2, shall be at the rate of one-half of 1 percent of the total amount due of the prepaid state tax reported due on such return, so long as the return and payment are timely, regardless of the classification of tax return upon which the remittance is made."~~

**SECTION 5-8.**

Said title is further amended by revising Code Section 48-8-82, relating to authorization of counties and municipalities to impose a joint sales and use tax, as follows:

"48-8-82.

(a) When the imposition of a joint county and municipal sales and use tax is authorized according to the procedures provided in this article within a special district, the county whose geographical boundary is conterminous with that of the special district and each qualified municipality located wholly or partially within the special district shall levy a joint sales and use tax at the rate of 1 percent, except as provided in subsection (b) of this Code section. Except as to rate, the joint tax shall correspond to the tax imposed and administered by Article 1 of this chapter. No item or transaction which is not subject to taxation by Article 1 of this chapter shall be subject to the tax levied pursuant

to this article, except that the joint tax provided in this article shall be applicable to sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients and alcoholic beverages only to the extent provided for in paragraph (57) of Code Section 48-8-3.

(b) On or after July 1, 2015, such joint sales and use tax levied on sales of motor fuels as defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of the motor fuel which is not more than \$3.39 per gallon."

#### **SECTION 5-9.**

Said title is further amended by revising subsection (b) of Code Section 48-8-102, relating to the creation of special districts and use of proceeds of the homestead option sales and use tax, as follows:

"(b)(1) When the imposition of a local sales and use tax is authorized according to the procedures provided in this article within a special district, the county whose geographical boundary is conterminous with that of the special district shall levy a local sales and use tax at the rate of 1 percent, except as provided in paragraph (2) of this subsection. Except as to rate, the local sales and use tax shall correspond to the tax imposed and administered by Article 1 of this chapter. No item or transaction which is not subject to taxation by Article 1 of this chapter shall be subject to the sales and use tax levied pursuant to this article, except that the sales and use tax provided in this article shall be applicable to sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients and alcoholic beverages only to the extent provided for in paragraph (57) of Code Section 48-8-3.

(2) On or after July 1, 2015, such sales and use tax levied on sales of motor fuels as defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of the motor fuel which is not more than \$3.39 per gallon."

#### **SECTION 5-10.**

Said title is further amended by revising subsection (c) of and by adding a new subsection to Code Section 48-8-110.1, relating to the authorization for a county special purpose local option sales tax, to read as follows:

"(c) ~~Any~~ Except as provided in subsection (d) of this Code section, any tax imposed under this part shall be at the rate of 1 percent. Except as to rate, a tax imposed under this part shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this part, except that a tax imposed under this part shall apply to sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients and alcoholic beverages as provided for in Code Section 48-8-3.

(d) On or after July 1, 2015, such sales and use tax levied on sales of motor fuels as defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of the motor fuel which is not more than \$3.39 per gallon."

**SECTION 5-11.**

Said title is further amended by revising Code Section 48-8-141, relating to imposition of a sales tax for educational purposes, as follows:

"48-8-141.

(a) Except as otherwise expressly provided in Article VIII, Section VI, Paragraph IV of the Constitution of Georgia, the sales tax for educational purposes which may be levied by a board of education of a county school district or concurrently by the board of education of a county school district and the board of education of each independent school district located within such county shall be imposed and levied by such board or boards of education and collected by the commissioner on behalf of such board or boards of education in the same manner as provided for under Part 1 of this article and the provisions of Part 1 of this article in particular, but without limitation, the provisions regarding the authority of the commissioner to administer and collect this tax, retain the 1 percent administrative fee, and promulgate rules and regulations governing this tax shall apply equally to such board or boards of education. The report required pursuant to Code Section 48-8-122 shall be applicable; provided, however, that in addition to posting such report in a newspaper of general circulation as required by such Code section, such report may be posted on the searchable website provided for under Code Section 50-6-32.

(b) On or after July 1, 2015, such sales and use tax levied on sales of motor fuels as defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of the motor fuel which is not more than \$3.39 per gallon."

**SECTION 5-12.**

Said title is further amended by revising subsection (c) of and adding a new subsection to Code Section 48-8-201, relating to the intergovernmental agreement for the distribution of tax proceeds from the water and sewer projects sales tax, as follows:

"(c) In the event a tax imposed under this article is imposed only by the municipality:

(1) No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall apply to:

(A) Sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2;

(B) The sale of food and food ingredients and alcoholic beverages as provided for in Code Section 48-8-3;

(C) The sale of natural or artificial gas used directly in the production of electricity which is subsequently sold, notwithstanding paragraph (70) of Code Section 48-8-3; and

(D) The furnishing for value to the public of any room or rooms, lodgings, or accommodations which is subject to taxation under Article 3 of Chapter 13 of this title; and

(2) A tax imposed under this article shall not apply to the sale of motor vehicles."

"(e) On or after July 1, 2015, such sales and use tax levied on sales of motor fuels as defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of the motor fuel which is not more than \$3.39 per gallon."

### SECTION 5-13.

Said title is further amended by revising Code Section 48-9-3, relating to an excise tax on motor fuel, as follows:

"48-9-3.

(a)(1) An excise tax is imposed at the rate of ~~7-1/2¢~~ 24¢ per gallon on distributors who sell or use motor fuel within this state. It is the intention of the General Assembly that the legal incidence of the tax be imposed upon the distributor.

(1.1)(A) Beginning on July 1, 2016, and annually thereafter, the amount of this excise tax per gallon on distributors shall be automatically adjusted on an annual basis in accordance with this paragraph.

(B) The excise tax on motor fuel shall be automatically adjusted on an annual basis by multiplying the percentage of increase or decrease in a given year in the Consumer Price Index by the current tax rate. The resulting calculation shall be added to the excise tax assessed by this subsection. The first adjustment shall be calculated and implemented on July 1, 2016."

(2) In the event any motor fuels which are not commonly sold or measured by the gallon are used in any motor vehicles on the public highways of this state, the commissioner may assess, levy, and collect a tax upon such fuels, under such regulations as the commissioner may promulgate, in accordance with and measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. Any determination by the commissioner of the power potential equivalent of such motor fuels shall be prima-facie correct. Upon each such quantity of such fuels used upon the public highways of this state, a tax at the same rate per gallon imposed on motor fuel under paragraph (1) of this subsection shall be assessed and collected.

(3) No county, municipality, or other political subdivision of this state shall levy any fee, license, or other excise tax on a gallonage basis upon the sale, purchase, storage, receipt, distribution, use, consumption, or other disposition of motor fuel. Nothing contained in this article shall be construed to prevent a county, municipality, or other political subdivision of this state from levying license fees or taxes upon any business selling motor fuel.

(4)(A) For purposes of this subsection, and notwithstanding the provisions of paragraph (2) of this subsection and any provision contained in the National Bureau of Standards Handbook or any other national standard that may be adopted by law or regulation, the gallon equivalent of compressed natural gas shall be not less than 110,000 British thermal units and the gallon equivalent of liquefied natural gas shall not be less than 6.06 pounds.

(B) As used in this paragraph, the term:

- (i) 'Compressed natural gas' means a mixture of hydrocarbon gases and vapors, consisting principally of methane in gaseous form, that has been compressed for use as a motor fuel.
  - (ii) 'Liquefied natural gas' means methane or natural gas in the form of a cryogenic or refrigerated liquid for use as a motor fuel.
- (b) No tax is imposed by this article upon or with respect to the following sales by duly licensed distributors:
- (1) Bulk sales to a duly licensed distributor;
  - (2) Sales of motor fuel for export from this state when exempted by any provisions of the Constitutions of the United States or this state;
  - (3) Sales of motor fuel to a licensed distributor for export from this state;
  - (4) Sales of motor fuel to the United States for the exclusive use of the United States when the motor fuel is purchased and paid for by the United States;
  - (5) Sales of aviation gasoline to a duly licensed aviation gasoline dealer, except for 1¢ per gallon of the tax imposed by paragraph (1) of subsection (a) of this Code section ~~and all of the tax imposed by Code Section 48-9-14;~~
  - (6) Bulk sales of compressed petroleum gas or special fuel to a duly licensed consumer distributor;
  - (7)(A) Sales of compressed petroleum gas or special fuel to a consumer who has no highway use of the fuel at the time of the sale and does not resell the fuel. Consumers of compressed petroleum gas or special fuel who have both highway and nonhighway use of the fuel and resellers of such fuel must be licensed as distributors in order for sales of the fuel to be tax exempt. Each type of motor fuel is to be considered separately under this exemption.
  - (B)(i) In instances where a sale of compressed petroleum gas has been made to an ultimate consumer who has both highway and nonhighway use of that type of motor fuel and no tax has been paid by the distributor on the sale, the consumer shall become licensed as a consumer distributor of that type of motor fuel. After the consumer is licensed as a consumer distributor and if it is demonstrated to the satisfaction of the commissioner that the motor fuel purchased prior to the licensee's becoming licensed as a consumer distributor was used for nonhighway purposes, such sales shall be exempt from the tax imposed by this article; provided, however, that, if at the time of demonstration the ultimate consumer does not have both highway and nonhighway use of such fuel but it can be demonstrated by the distributor to the satisfaction of the commissioner that the motor fuel was used for nonhighway purposes, the sales shall be exempt from the tax imposed by this article; and
  - (ii)(I) Any special fuel sold by a distributor to a purchaser who has a storage receptacle which has a connection to a withdrawal outlet that may be used for highway use, as defined in paragraph (8) of Code Section 48-9-2, is not exempt from the motor fuel and road taxes imposed by this article unless: (1) the purchaser is at the time of sale a valid licensed distributor of that type of motor fuel, or (2) an exemption certificate has been obtained from the purchaser on

forms furnished by the Department of Revenue showing that the purchaser has no highway use of such fuels and is not a reseller of such fuels. Each exemption certificate shall be valid for a period of not more than three years and shall be kept by the distributor as one of the records specified in Code Section 48-9-8. It shall be the responsibility of the purchaser to notify the distributor when the purchaser is no longer qualified for the nonhighway exemption. All applicable taxes must be charged the purchaser until the purchaser is granted a valid distributor's license for that type of motor fuel.

(II) Any such purchaser granted an exemption under subdivision (I) of this division who falsely claims the exemption or fails to rescind the purchaser's exemption certificate to the distributor in writing when he or she is no longer eligible for the exemption shall be deemed a distributor for purposes of taxation and is subject to all provisions of this article relating to distributors. This division in no way shall restrict the option of the purchaser to become licensed as a distributor. If the distributor sells special fuel to a purchaser who has a storage receptacle which has a connection to a withdrawal outlet that may be used for highway use, as defined in paragraph (8) of Code Section 48-9-2, and the purchaser is not a valid licensed distributor and has not executed a valid signed exemption certificate, the taxes imposed by this article are due from the distributor and not the purchaser on all sales of that type of fuel to that purchaser;

(8) Sales of fuel oils, compressed petroleum gas, or special fuel directly to an ultimate consumer to be used for heating purposes only. The delivery of fuel oils, compressed petroleum gas, or special fuel directly to an ultimate consumer to be used for heating purposes only shall be made directly into the storage receptacle of the heating unit of the consumer by the licensed distributor. To qualify for this exemption, sales must be delivered into storage receptacles that are not equipped with any secondary withdrawal outlets for the motor fuel;

(9) Sales of dyed fuel oils to a consumer for other than highway use as defined in paragraph (8) of Code Section 48-9-2;

(10)(A) During the period of July 1, 2012, through June 30, 2015, sales of motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for public mass transit vehicles which are owned by public transportation systems which receive or are eligible to receive funds pursuant to 49 U.S.C. Sections 5307 and 5311 for which passenger fares are routinely charged and which vehicles are used exclusively for revenue generating purposes which motor fuel sales occur at bulk purchase facilities approved by the department.

(B) During the period of July 1, 2012, through June 30, 2015, sales of motor fuel, as defined in paragraph (9) of Code Section 48-9-2, for vehicles operated by a public campus transportation system, provided that such system has a policy which provides for free transfer of passengers from the public transportation system operated by the jurisdiction in which the campus is located; makes the general public aware of such free transfer policy; and receives no state or federal funding to

assist in the operation of such public campus transportation system and which motor fuel sales occur at bulk purchase facilities approved by the department.

(C) For purposes of this paragraph, the term 'vehicle' or 'vehicles' means buses, vans, minibuses, or other vehicles which have the capacity to transport seven or more passengers; or

(11) For the period of time beginning July 1, 2013, and ending June 30, 2015, sales of motor fuel to public school systems in this state for the exclusive use of the school system in operating school buses when the motor fuel is purchased and paid for by the school system.

(c) Fuel oils, compressed petroleum gas, or special fuel used by a duly licensed distributor for nonhighway purposes is exempt from the tax imposed by this article.

(d) No export from this state shall be recognized as being exempt from tax under paragraphs (2) and (3) of subsection (b) of this Code section unless the exporter informs the seller and the terminal operator of the intention to export and causes to be set out the minimum information specified in subsection (e) of Code Section 48-9-17 on the bill of lading or equivalent documentation under which the motor fuel is transported. In the event that the motor fuel is delivered to any point other than that which is set out on the bill of lading or equivalent documentation, the legal incidence of the tax shall continue to be imposed exclusively upon the exporter who caused the export documentation to be issued and no exemption shall be recognized until suitable proof of exportation has been provided to the commissioner."

#### **SECTION 5-14.**

Said title is further amended by repealing in its entirety Code Section 48-9-14, relating to the second motor fuel tax, and designating said Code section as reserved.

#### **SECTION 5-15.**

Said title is further amended by designating the existing provisions of Article 5 of Chapter 13, relating to excise taxes on rental motor vehicles, as Part 1 and adding a new Part 2 to read as follows:

#### "Part 2

##### 48-13-100.

(a) On or after July 1, 2015, each rental motor vehicle concern renting or leasing motor vehicles in this state shall charge a \$5.00 per day fee to the customer for each calendar day such vehicle is rented or leased. The rental motor vehicle concern shall collect the fee at the time the customer pays for the rental or lease of the vehicle. The rental motor vehicle concern collecting the fee shall remit the fee on a monthly basis to the department.

(b) Nothing in this Code section shall be construed to impair any existing contract.

(c) The commissioner shall promulgate and make available forms for the use of rental motor vehicle concerns to assist in compliance with this Code section. The

commissioner may promulgate rules and regulations as necessary to implement the provisions of this Code section.

(d) It is the intention of the General Assembly, subject to appropriations, that the fees collected pursuant to subsection (a) of this Code section shall be made available and used exclusively for transportation projects in this state."

**PART VI**  
**SECTION 6-1.**

Part 3 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, the "Georgia Transportation Infrastructure Bank Act," is amended by revising subsection (b) of Code Section 32-10-127, relating to loans and other financial assistance and the determination of eligible projects, as follows:

"(b)(1) The board shall determine which projects are eligible projects and then select from among the eligible projects qualified projects. When determining eligibility, the board shall make every effort to balance any loans or other financial assistance among all regions of this state.

(2) Preference for loans may be given to eligible projects which have local financial support in tier 1 and tier 2 counties, as defined in Code Section 48-7-40 and by the Department of Community Affairs.

(3) Preference for grants and other financial assistance may be given to eligible projects which have local financial support."

**PART VII**  
**SECTION 7-1.**

(a) This Act shall become effective on July 1, 2015.

(b) Tax, penalty, and interest liabilities and refund eligibility for prior taxable years shall not be affected by the passage of this Act and shall continue to be governed by the provisions of Title 48 of the Official Code of Georgia Annotated as it existed immediately prior to the effective date of this Act.

**SECTION 7-2.**

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

Representative Roberts of the 155th moved that the House disagree to the Senate substitute to HB 170.

The motion prevailed.

Representative Roberts of the 155th asked unanimous consent that HB 170 be immediately transmitted to the Senate.

It was so ordered.

The following Resolutions of the House were read and adopted:

HR 769. By Representative Mitchell of the 88th:

A RESOLUTION commending the Epic Women Leadership conference and its founder, Pastor Sabrina Mckenzie; and for other purposes.

HR 770. By Representatives Atwood of the 179th, Jones of the 167th and Wilkinson of the 52nd:

A RESOLUTION congratulating the Brunswick High School Basketball Team on winning the 2015 GHSA Class AAAAA State Championship; and for other purposes.

HR 771. By Representatives Maxwell of the 17th, Clark of the 101st and Coleman of the 97th:

A RESOLUTION congratulating Betsy Green upon the grand occasion of her 50th birthday; and for other purposes.

HR 772. By Representatives Atwood of the 179th, Wilkinson of the 52nd, Jones of the 167th and Spencer of the 180th:

A RESOLUTION recognizing Coastal Georgia Honor Flight and commending Georgia's World War II and Korean War veterans; and for other purposes.

HR 773. By Representative Glanton of the 75th:

A RESOLUTION commending Colonel James E. Crissey for his service to the United States Army and the State of Georgia; and for other purposes.

HR 774. By Representative Stovall of the 74th:

A RESOLUTION commending Mary Beth Mendoza upon being awarded as the 2015 Big Sister of the Year; and for other purposes.

HR 775. By Representatives Mabra of the 63rd, Stovall of the 74th, Glanton of the 75th, Douglas of the 78th, Waites of the 60th and others:

A RESOLUTION commending Southeastern Primary Care Providers for its exemplary service to the Fayetteville community and recognizing November 14, 2015, as Southeastern Primary Care Providers/Fayette County Community Health Day; and for other purposes.

HR 776. By Representatives Thomas of the 56th, Stovall of the 74th and Bruce of the 61st:

A RESOLUTION congratulating Apostolic City of Truth, Inc., upon the grand occasion of its first anniversary and commending Pastor Anastasie Egerton and the Apostolic City of Truth General Assembly; and for other purposes.

HR 777. By Representative Ramsey of the 72nd:

A RESOLUTION commending Dr. April DeGennaro, Georgia Association for Gifted Children 2014-2015 Teacher of the Year; and for other purposes.

HR 778. By Representatives Jones of the 47th, Ramsey of the 72nd, Yates of the 73rd, Golick of the 40th, Stovall of the 74th and others:

A RESOLUTION commending the Georgia State University Men's Basketball Team on their championship season and outstanding performance in the 2015 NCAA Men's Basketball Tournament; and for other purposes.

HR 779. By Representatives Stovall of the 74th, Thomas of the 56th, Waites of the 60th and Kaiser of the 59th:

A RESOLUTION commending Thelma A. Jolly Malone for her dedicated service to her community and the State of Georgia; and for other purposes.

HR 780. By Representatives Tankersley of the 160th, Burns of the 159th and Parrish of the 158th:

A RESOLUTION commending Kelly Tankersley, Effingham County's 2015 Special Education Teacher of the Year; and for other purposes.

HR 781. By Representatives Mabra of the 63rd, Thomas of the 56th, Smith of the 125th, Dukes of the 154th, Jackson of the 128th and others:

A RESOLUTION commending Emerging 100 and its president, Kevin Gooch; and for other purposes.

HR 782. By Representative Kidd of the 145th:

A RESOLUTION congratulating Patricia "Trish" Dominic upon the grand occasion of her retirement from Hemophilia of Georgia; and for other purposes.

HR 783. By Representatives Efstration of the 104th, Chandler of the 105th and Beasley-Teague of the 65th:

A RESOLUTION recognizing and commending the Archer High School wrestling team on winning the 2015 GHSA Class AAAAAA Duals and Traditional State Championships; and for other purposes.

The following messages were received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 1. By Representatives Peake of the 141st, Gravley of the 67th, Kaiser of the 59th, Ramsey of the 72nd, McCall of the 33rd and others:

A BILL to be entitled an Act to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, so as to change certain provisions relating to the use of marijuana for treatment of cancer and glaucoma; to provide for regulated medicinal use of cannabis and derivatives thereof to treat certain conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the Senate:

SB 208. By Senators Ramsey, Sr. of the 43rd, Jones of the 10th, Davenport of the 44th, Henson of the 41st and Butler of the 55th:

A BILL to be entitled an Act to incorporate the City of Stonecrest in DeKalb County; to provide for a charter for the City of Stonecrest; to provide for

incorporation, boundaries, and powers of the city; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Powell of the 171st District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

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

HR 600	Do Pass	HR 686	Do Pass
SB 82	Do Pass, by Substitute	SB 122	Do Pass, by Substitute

Respectfully submitted,  
/s/ Powell of the 171st  
Chairman

Representative O'Neal of the 146th moved that the House stand in recess until 4:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.

The Speaker announced the House in recess until 4:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.