



SESSION REPORT

House Budget & Research Office
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2016 Legislative Highlights

HB 34 Georgia Right to Try Act; enact

By: Rep. Mike Dudgeon (25th) Through the Health & Human Services Committee

Final Bill Summary: HB 34, the 'Georgia Right to Try Act,' grants some terminally-ill patients faster access to investigational drugs that have that have passed phase one in the three-phase Food and Drug Administration's drug approval process. The bill only grants access to investigational drugs, biological products, or devices for eligible patients with terminal illnesses. The process requires written informed consent, as well as full voluntary cooperation from all parties. Under HB 34, manufacturers are not required to offer the treatment, and health insurance companies are not required to pay for the treatment. Doctors, as well as other involved participants, are indemnified.

HB 216 Occupational diseases; define certain terms; provisions

(Vetoed) By: Rep. Micah Gravley (67th) Through the Industry and Labor Committee

Final Bill Summary: House Bill 216 establishes that cancer will be covered by a firefighter's worker's compensation benefit if it is demonstrated by a preponderance of the evidence that the cancer was caused by the circumstances of his employment.

HB 229 Domestic relations; grandparent rights to visitation and intervention to great-grandparents and siblings of parents; expand

By: Rep. Brian Strickland (111th) Through the Juvenile Justice Committee

Final Bill Summary: HB 229 expands the grandparent's visitation statute to include great-grandparents, aunts and uncles. A great-grandparent, aunt or uncle may seek visitation rights when a child custody case has gone before a court or in cases where the parents are no longer living together. In order to be eligible for visitation rights, a great-grandparent, aunt or uncle must prove that that they have a relationship with such child through clear and convincing evidence, that the health and welfare of a child will be harmed without such visitation, and that the visitation is in the best interest of the child.

The bill also provides that a legal custodian of a child, through the use of a properly executed power of attorney, may delegate caregiving authority regarding such child for a period not to exceed one year, unless that legal custodian is a member of the Armed Forces of the United States. The delegation of the power of attorney shall not operate to change, modify, or deprive any parental right, legal right, or authority of such legal custodian. Such delegation can be made without a court order, but can be accomplished through a signed affidavit, confirmed by a notary public, acknowledging the power of attorney. The attorney-in-fact under the power of attorney for the care and custody of a child shall act in the best interest of said child. Moreover, the attorney-in-fact shall have the right to enroll the child in public school serving the area where said individual resides. Moreover, the attorney-in-fact may seek emergency medical treatment, or other services for a child. Such execution in the change of power-of-attorney shall not be for the purposes of enrolling said child in a school to participate in the academic or interscholastic athletic programs, or for the purposes of subverting an investigation into such child's welfare. The legal custodian of a child shall have the authority to revoke or withdraw the power of attorney.

HB 514 South Fulton, City of; Fulton County; incorporate

By: Rep. Roger Bruce (61st) Through the Governmental Affairs Committee

Final Bill Summary: House Bill 514 authorizes a referendum to create the city of South Fulton and establishes its charter.

HB 725 "Child Abuse Records Protection Act"; enact

By: Rep. Wesley Cantrell (22nd) Through the Juvenile Justice Committee

Final Bill Summary: HB 725 provides for greater confidentiality regarding an individual's child abuse records by requiring a court order before the release of such records. Moreover, when a court does authorize the release of such records, the court shall issue a protective order covering those records where anyone allowed to access such records be required to acknowledge, in writing, that he or she agrees to be bound by the protective order. In addition, those records released shall be returned to the court upon completion of the matter that caused the release of such records. Any failure to obey the protective order may be punished as contempt of court.

HB 727 Fireworks; certain further regulations by counties and municipal corporations; provide

By: Rep. Paul Battles (15th) Through the Regulated Industries Committee

Final Bill Summary: HB 727 regulates where and when fireworks can be exploded. It is unlawful to explode fireworks within five yards of an overhead obstruction, across or into a public road. Fireworks may not be used in close proximity to electric plants, wastewater treatment plants, jails, prisons, hospitals, and nursing homes. It is unlawful to explode fireworks at public gatherings where the local fire department or the state fire marshal determines that such conduct would be unreasonable. Also, it is unlawful and punishable as a misdemeanor to explode fireworks while under the influence of drugs or alcohol. The governor or the director of the Environmental Protection Division may issue a declaration to prohibit the use of fireworks for a specific duration. The bill extends the times which fireworks may be exploded on January 1, July 3, July 4, and December 31. Moreover, the bill allows for local noise ordinances to govern when fireworks are otherwise permitted to be exploded. HB 727 also allows for temporary fireworks stands for the benefit of non-profit, 501(c)(3) corporations.

The bill also updates the Code relating to fire protection and safety relating to issuance of certificates, definitions, functions and powers of the Georgia Firefighter Standards and Training Council and qualifications of firefighters.

HB 736 Special license plates; marine habitat conservation; provide

By: Rep. Alex Atwood (179th) Through the Motor Vehicles Committee

Final Bill Summary: House Bill 736 establishes a special license plate promoting marine habitat conservation. The funds raised by the sale of this license plate shall be disbursed to the Coastal Resources Division of the Department of Natural Resources to supplement marine habitat conservation, restoration, and enhancement projects undertaken to increase the abundance of marine fish and invertebrate species.

It also contains provisions creating special license plates for: female veterans; the Omega Si Phi Fraternity; Hampton University; Zeta Phi Beta Sorority, Inc.; the law enforcement division of the Department of Natural Resources; and the Georgia Pet Foundation.

Finally, HB 736 provides that a spouse of a veteran is eligible for a free "veterans" license plate.

HB 750 Supplemental appropriations; State Fiscal Year July 1, 2015 - June 30, 2016

By: Rep. David Ralston (7th) Through the Appropriations Committee

Final Bill Summary: House Bill 750, the Amended FY 2016 budget, recognizes \$1.2 billion in additional revenue or 5.67% over the original FY 2016 budget. This brings the total appropriation for Amended FY 2016 to \$23.06 billion.

The new revenue is mainly comprised of \$204 million from the K-12 midterm adjustment reserve; \$30.3 million in additional lottery proceeds to meet the HOPE demand; and the recognition of \$758 million in new general and motor fuel proceeds for transportation resulting from HB 170 (2015 Session). The final version of the budget also includes \$70 million in anticipated settlements from the federal government that will be used to provide a one-time infusion in health care programs with long-term impacts.

The bill and budget highlights may be found on the House Budget and Research Office website: <http://www.house.ga.gov/budget/>

HB 751 General appropriations; State Fiscal Year July 1, 2016 - June 30, 2017

By: Rep. David Ralston (7th) Through the Appropriations Committee

Final Bill Summary: House Bill 751, the Fiscal Year 2017 budget, is set by a revenue estimate of \$23.7 billion - an increase of \$673.9 million, or 2.9%, over the Amended FY 2016 budget. The bill and budget highlights may be found on the House Budget and Research Office website: <http://www.house.ga.gov/budget/>

HB 757 Domestic relations; religious officials shall not be required to perform marriage ceremonies in violation of their legal right; provide

(Vetoed)

By: Rep. Kevin Tanner (9th) Through the Judiciary Committee

Final Bill Summary: The 'Free Exercise Protection Act' provides ministerial and individual protections against infringement on religious exercise balanced with protecting individuals from invidious discrimination (which is discrimination that is offensive or objectionable, especially because it involves prejudice or stereotyping or otherwise treats a class of persons unequally in a manner that is irrational, malicious, hostile, or damaging).

This bill adds O.C.G.A. 19-3-11, relating to marriage, by providing certain ministerial protections. Specifically, clergy ordained or authorized to solemnize marriages, according to the usages of his or her denomination and acting in an official religious capacity, shall not be required to solemnize any marriage in violation of his or her right to free exercise of religion under the United States or Georgia Constitutions. A refusal by such clergy shall not give rise to a cause of action, alter in any way state tax treatment, cause any tax or penalty or payment to be assessed against such faith-based organization, or otherwise disallow charitable deductions for state tax purposes.

The bill amends 10-1-573, relating to day of rest for employees of business and industry, to prohibit any business or industry from being compelled to work on either of the two rest days (Saturday or Sunday) by ordinance or resolution of any county, municipality, or consolidated government.

Additionally, Title 10, relating to commerce and trade, is amended to provide certain protections for faith-based or religious organizations, which include religious clergy, religious schools, or non-profit corporations. Under this legislation, faith-based organizations will not be required to rent, lease, or otherwise grant permission for property to be used by another person for purposes which are objectionable to the religious organization; nor shall faith-based organizations be required to provide social, educational, or charitable services that violate that faith-based organization's religious beliefs as demonstrated by practice, expression or clearly articulated tenet of faith; however, the government could enforce the terms of a grant, contract or other agreement voluntarily entered into by such an organization. Additionally, under Title 34, relating to labor and industrial relations generally, faith-based organizations will not be required to hire persons whose religious belief or practices or lack of either are not in accord with the faith-based organization's religious beliefs as demonstrated by practice, expression or clearly articulated tenet of faith.

HB 757 further provides that a refusal by faith-based organizations under Title 10 or Title 34, shall not give rise to a cause of action, alter in any way state tax treatment, cause any tax or penalty or payment to be assessed against the faith-based organization, or otherwise disallow charitable deductions for state tax purposes. The same Code sections also provide faith-based organizations grounds for a claim or defense in any judicial, agency or other proceeding to obtain a declaratory judgment or injunctive relief, as well as in some instances reasonable court costs and attorney's fees. A 30-day ante litem notice is required to be given to the government when bringing such suits against the government.

Under Title 50, relating to state government, the act provides guidelines on when the government may regulate religious exercise. The government may only burden a person's exercise of religion by a generally applicable law, rule, regulation, ordinance, or resolution, where the government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of achieving that interest. Nothing in this provision prevents local ordinances with antidiscrimination provisions from existing so long as those ordinances meet the stated criteria. The bill allows a person aggrieved by a violation of this provision to seek a declaratory judgment action or injunctive relief against the government, as well as in some instances reasonable court costs and attorney's fees. A 30-day ante litem notice is required to be given to the government when bringing such suits against the government.

Additionally, Section 50-15A-5 is added, which provides that persons may act in accordance with their religious beliefs, as allowed under the Georgia Constitution and consistent with decisions of the Georgia Supreme Court; however, a person's right to exercise religious freedom, which may be manifested in acts, ceases where such actions would constitute invidious discrimination. These protections are not to be construed as applying to penological rules, regulations, conditions, or policies established by penal institutions that are reasonably

related to the safety and security of incarcerated persons, staff, visitors, or otherwise for the maintenance of good order at the penal institution or parole or probation program. Nor is this chapter to be construed as either giving rights to an employee against an employer that is not a government, or to provide any relief or protection to a public officer who fails or refuses to perform his or her official duties.

Accordingly, 50-21-38 is added, whereby the state expressly waives sovereign immunity to any claim, counterclaim, cross-claim, or third-party claim brought in the courts of this state by an aggrieved individual or faith-based organization seeking a declaratory judgment, injunctive relief, or reasonable attorney's fees and court costs against the state.

HB 768 Handicapped persons; ABLE program establishment to use tax exempt accounts to pay for qualified expenses of eligible individuals with disabilities; provisions

By: Rep. Lee Hawkins (27th) Through the Ways & Means Committee

Final Bill Summary: This legislation establishes the Georgia Achieving a Better Life Experience (ABLE) Program, which is modeled after Internal Revenue Code Section 529A education savings plans. The bill allows disabled individuals to save private funds in tax-exempt accounts to pay for qualified disability expenses without becoming ineligible for Medicaid due to the possession of over \$2,000 in assets.

The governing corporation will have a board of directors consisting of: the commissioner of the Department of Behavioral Health and Developmental Disabilities, the commissioner of the Department of Community Health, the state auditor, the director of the Office of Planning and Budget, the state revenue commissioner, the state treasurer, and three directors appointed by the governor. The three gubernatorial appointees shall include at least two persons with a disability, a family member of a person with a disability, or a disability advocacy professional. The program may also participate jointly with other state ABLE programs to raise necessary assets.

HB 779 Crimes and offenses; regulate use of unmanned aircraft systems and images; provisions

(Vetoed) By: Rep. Kevin Tanner (9th) Through the Judiciary Non-Civil Committee

Final Bill Summary: HB 779 regulates the use of drones in Georgia. Except for military or governmental contracts involving research, it is unlawful to sell, manufacture, possess, or operate an unmanned aerial vehicle that is equipped with a weapon. The punishment for such conduct is a felony. Moreover, the bill provides that state law preempts any local law or ordinance unless such ordinance has been enacted prior to April 1. HB 779 also provides for the creation of the Unmanned Aircraft Commission with the purpose of increasing the amount of industry located within Georgia regarding the manufacture, research, and development of unmanned aircraft.

HB 783 Controlled substances; Schedules I and IV; change certain provisions

By: Rep. Bruce Broadrick (4th) Through the Health & Human Services Committee

Final Bill Summary: HB 783 revises O.C.G.A 16-13-25, relating to Schedule I controlled substances, by adding and removing certain substances from the Code section. Additionally, this bill revises O.C.G.A 16-13-28, relating to Schedule IV substances by adding and removing certain substances from the Code section. Further, multiple new substances are added to O.C.G.A 16-13-71 relating to the definition of a dangerous drug, and a list of restricted dangerous drugs which are deemed by the General Assembly to have no medical use is created.

Additionally, HB 783 changes the definition of "low tetrahydrocannabinol (THC) oil" as used in Code Section 16-12-190. This bill also makes it illegal for manufacturers to ship low THC oil to individuals registered on the THC oil registry with the Department of Public Health. Finally, the bill expands the definition of "conditions" under which an individual may be eligible for a THC oil registration card.

HB 806 Drivers' licenses; expiration of certain licenses and identification cards; provisions

By: Rep. Kevin Tanner (9th) Through the Motor Vehicles Committee

Final Bill Summary: House Bill 806 is the annual "housekeeping" bill for the Department of Driver Services (DDS). It removes the option for a driver's license with a five-year renewal. It creates a two-year statute of limitations for citations that have been adjudicated in a local court and require the suspension of an individual's driving privileges, but the citations have not been processed with DDS.

Further, this bill allows for the use of a motor vehicle of the Department of Public Safety during an off-duty job when vested police powers are required as a condition of employment and the job is approved by the commissioner of the Department of Public Safety. Those certified law enforcement officers affected by this legislation include the uniform and motor carrier compliance divisions. The vehicles are not to be used for political functions. If the commissioner determines that reimbursement is due to the department by the officer, he must make such determination before the job is complete and the officer enters into a written agreement.

HB 806 transfers the Georgia Driver's Education Commission from the Department of Driver Services to the Governor's Office of Highway Safety, and extends the sunset provision from June 30, 2016 until June 30, 2019.

HB 808 Courts; Judicial Qualifications Commission; create

By: Rep. Wendell Willard (51st) Through the Judiciary Committee

Final Bill Summary: HB 808 creates a new selection process for the Judicial Qualifications Commission (JQC), as well as provides guidelines on what meetings are subject to public disclosure.

From January 1, 2017, until June 30, 2017, there shall be seven members of the commission who shall be selected as follows: the Supreme Court of Georgia shall select two members who shall be judges of any court of record; the president of the Senate shall select two members with one member selected from a list of at least ten nominees submitted by the board of governors of the State Bar of Georgia who are members of the State Bar of Georgia who shall have been an active status member of the State Bar of Georgia for at least 10 years and shall be a registered voter of this state, provided, however, that if a nominee is not selected from such list, the board of governors shall submit another slate of 10 nominees for the president of the Senate's consideration and the other member shall be not be a member of the State Bar of Georgia but will be a registered voter of this state; the speaker of the House of Representatives shall select two members in the same manner as the president of the Senate; and the governor shall select one member to chair the JQC, who shall be a member of the State Bar of Georgia with at least 10 years active status and is a registered voter of this state. On and after January 1, 2021, the members of the JQC shall serve for a term of three years and until their successors are appointed. No member shall serve more than two consecutive terms, except for those initial appointees serving from January 1, 2017, until June 30, 2017, who may serve for three consecutive terms as a member of the commission.

Any list of nominees required by this Code section shall be submitted to the Senate no later than the third Monday in January. Any member appointed to the commission shall serve until the Senate confirms the nomination, and if an individual's name is not submitted by the deadline, he or she shall not be eligible for appointment.

The JQC is empowered to adopt rules and procedures for its own governance where not otherwise provided by the Constitution; however, such rules and procedures shall: not allow an individual member to initiate an investigation without presenting the proposal to investigate to the other members of the commission at a commission meeting; and provide that all hearings in connection with a complaint filed by the commission shall be open to the public.

A JQC member shall be subject to removal from the commission by an affirmative vote of six members of the commission, with the member who is subject to removal being disqualified from such vote.

Unless otherwise waived by the judge involved, all papers filed with and proceedings before the commission, including any investigation that the commission may undertake, shall be confidential, and no person shall disclose information obtained from commission proceedings, except as otherwise provided.

Information and testimony submitted to the commission or its staff that is not in a hearing in connection with a complaint filed by the commission shall be absolutely privileged and will not serve as the basis of any civil action.

If the commission concludes upon the completion of an investigation that a letter of caution is appropriate, then the commission shall issue a letter of caution to the judge in lieu of any further proceeding in the matter. The issuance of a letter of caution shall be confidential, unless otherwise waived by the judge involved.

Upon issuance of a public reprimand, censure, suspension, retirement, or removal by the Supreme Court, the notice and statement of charges filed by the commission, along with the answer, all other pleadings, the recommendation of the commission to the Supreme Court, and the record filed in support of the recommendation shall no longer be confidential.

The findings and records of the commission during an open meeting shall not be exempt from open records requests.

HR 1113 is the companion legislation that provides the amendment to the constitution necessitating these general law provisions.

HB 859 **Firearms; weapons carry license holders; carrying and possession of certain weapons in certain buildings or real property owned or leased to public institutions of postsecondary education; authorize**
(Vetoed)

By: Rep. Rick Jasperse (11th) Through the Public Safety & Homeland Security Committee

Final Bill Summary: HB 859, regarding carrying concealed weapons within a school safety zone, allows licensed holders to keep their weapon on their person while in or on any building or real property owned by or leased to any technical school, vocational school, college, university, or other institution of postsecondary education. This exception does not apply to buildings or property used for athletic events or student housing, which includes sorority and fraternity houses.

HB 874 **Courts; ability to prosecute street gang terrorism; improve**

By: Rep. Albert Reeves (34th) Through the Judiciary Non-Civil Committee

Final Bill Summary: HB 874 changes access to evidence of gang activity, adjusts criminal rules of evidence for trials involving gang activity and makes other changes to improve the ability to prosecute street gang terrorism.

The bill changes the terroristic threat statute by creating a felony for threats which suggest the death of the threatened individual. Any individual convicted of such a threat would be guilty of a felony. When the intent of a terroristic threat is for the purpose to retaliate or intimidate a witness or other court officials, the punishment is a felony punished with a fine of not less than \$50,000 and imprisonment for not less than five nor more than 20 years.

HB 874 enables evidence of gang activity, including witness testimony, to be admitted into trial and considered at trial whenever it is relevant. Use of such evidence must be disclosed to the defendant 10 days prior to trial. The bill prohibits the exclusion of convictions for gang activity, including juvenile convictions, under the hearsay rules.

HB 874 increases criminal penalties for gang involvement where any person convicted of participation in gang-related activities are guilty of a felony and shall be punished by imprisonment from five to 20 years or a fine of \$10,000 to \$100,000, or both. Individuals who are convicted of participation in gang activities while in possession of telecommunication devices while incarcerated are guilty of a felony and subjected to mandatory imprisonment of two but no more than 20 years, which is to be served consecutively to any other sentence imposed. In addition, no portion of the mandatory minimum sentence can be suspended, probated, or withheld.

HB 887 **Courts; parental rights; prioritize placement of a child with an adult or fictive kin qualified to care for such child**

By: Rep. Chuck Efstoration (104th) Through the Juvenile Justice Committee

Final Bill Summary: HB 889 provides that a legal custodian of a child, through the use of a properly executed power of attorney, may delegate caregiving authority regarding that child for a period not to exceed one year, unless that legal custodian is a member of the Armed Forces of the United States. The delegation of the power of attorney shall not operate to change, modify, or deprive any parental right, legal right, or authority of the legal custodian. The delegation can be made without a court order through a signed affidavit, confirmed by a notary public, acknowledging the power of attorney. The attorney-in-fact under the power of attorney for the care and custody of a child shall act in the best interest of the child. The attorney-in-fact shall have the right to enroll the child in a public school serving the area where the individual resides, as well as seek emergency medical treatment or other services for the child. This execution in the change of power-of-attorney shall not be for the purpose of enrolling the child in a school to participate in the academic or interscholastic athletic programs or for the purposes of subverting an investigation into the child's welfare. The legal custodian of a child shall have the authority to revoke or withdraw the power of attorney.

HB 887 prioritizes the placement of a child in a dependency hearing with a relative who is a qualified adult or fictive kin, not related by blood or marriage, when it is in the best interest of the child.

HB 905 Courts; child abuse; change provisions

By: Rep. Mandi Ballinger (23rd) Through the Judiciary Non-Civil Committee

Final Bill Summary: HB 905 provides criminal immunity for an individual who is in good faith possession of child pornography for the purpose of promptly reporting such violation to law enforcement or mandatory reporters.

The bill changes the definition for sexual abuse to exclude consensual relationships between adults and children who are not more than four years apart in age. "Child Advocacy Center" is defined to include only entities operated for investigating reported child abuse and partnered with one of the enumerated governmental entities.

In addition, the Code section requiring the establishment of local child abuse protocol committees is amended to require and include representatives from certain local law enforcement agencies and other entities concerned with public health. HB 905 allows multi-county judicial circuits to determine whether each county in the circuit should establish a protocol committee. Every committee must file an updated protocol with the Department of Family and Children's Services each September.

HB 905 also strikes provisions requiring county prosecuting offices to notify the division of convictions for child abuse offenses. HB 905 removes the actions required by the division to follow those notifications, including the addition of the individual to the registry and the procedural recourse for removing a person's name from such a list.

The bill requires the Department of Human Services (DHS), in conjunction with other affected agencies and representatives of child welfare agencies, to establish a child welfare agency public scorecard to score child welfare agencies. This scorecard will be published in a single location on a website for public review. The score must be posted within 30 days of the completion of an inspection. The scores will be based on an established published formula with weight appropriately given for each agency's compliance or noncompliance with all applicable rules and policies. DHS must give agencies an advanced written notice of their score before the score is posted.

Finally, DHS is to perform an annual inspection of all child welfare agencies in a singular coordinated manner. Annual inspections are conducted to ensure compliance with contract and licensure requirements.

HB 916 "The Pharmacy Audit Bill of Rights"; certain audits conducted by the Department of Community Health; remove exception; provisions

(Vetoed)

By: Rep. Dustin Hightower (68th) Through the Health & Human Services Committee

Final Bill Summary: HB 916 prevents the Department of Community Health from recouping full payment for medical assistance if the provider makes a clerical or record-keeping error in their reimbursement documentation; however, if such error results in an overpayment, the department can recoup the amount overpaid. Further, no state agency that provides recoupment or reimbursement to another entity can establish rules that require full recoupment for any clerical or record-keeping error.

HB 927 "Appellate Jurisdiction Reform Act of 2016"; enact

By: Rep. Christian Coomer (14th) Through the Judiciary Committee

Final Bill Summary: HB 927 enables the Court of Appeals to create by court rule the manner in which it is composed, divided, hears cases, and creates precedent. Further, the Court of Appeals is granted appellate jurisdiction over cases involving titles to land, non-death-penalty equity cases, wills, extraordinary remedies not involving the death penalty, divorce, alimony, and all other cases not reserved to the Supreme Court or conferred on other courts.

The superior courts are empowered to grant immediate effect to judgments rendered by the Court of Appeals. Additionally, receivership powers and procedures are amended to include appellate courts having appellate review for mandamus cases, contest petitions, review of decrees in will or contract matters, recordation and registration of deeds and other instruments; this change is also applied when a judge recommits the record to the examiner to reflect the changes made in the preceding provisions.

The bill increases the number of Supreme Court justices from seven to nine. The bill empowers the governor to appoint the additional justices created in 2016 for a term beginning January 1, 2017 and continuing through December 31, 2018 and until their successors are elected. Their successors shall be elected in 2018 for a term of

six years beginning on January 1, 2019, and until their successors are elected and qualified. Future successors shall be elected every sixth year for terms of six years. They shall take office on the first day of January following the date of the election. The bill also adjusts the session term dates of the Supreme Court.

The bill revises the calendar dates for the Supreme Courts' session terms. The terms are: the first Monday in December through March 31st; the first Monday in April through July 17, and the first Monday in August through November 18th.

Finally, the Georgia Supreme Court and the Georgia Court of Appeals may hire law students as full-time clerks, provided those clerks pass the bar within one year of their hiring.

HB 941 Courts; review of incidents involving a peace officer's use of deadly force that results in death or serious bodily injury; provide for procedure

By: Rep. Rich Golick (40th)

Through the Judiciary Non-Civil Committee

Final Bill Summary: HB 941 changes the process for pre-trial inquiries and indictments for the review of incidents involving the use of deadly force by a peace officer which results in death or serious bodily injury. The bill allows an inquiry into use of deadly force by a police officer to be initiated either by vote of eight members of a standing grand jury or by the county district attorney. The bill also enables district attorneys in all counties to empanel a special grand jury for the investigation of these incidents. The proceedings exclude charges for non-serious traffic offenses.

Review by a civil grand jury must begin within one year of the incident but cannot begin until after the law enforcement agency investigating the incident has submitted their investigative report. The civil grand jury may not initiate an investigation if the district attorney has moved to indict the officer. At least 20 days prior to beginning the inquiry, the peace officer involved and the chief executive officer of the officer's agency must receive notice of the proceeding.

During the proceeding, the district attorney is required to advise the grand jury of laws which apply to the use of deadly force, including: justification for the use of force, use of force in the defense of others, and the statutory authorization for the use of deadly force by law enforcement officers to effect an arrest.

All proceedings shall be recorded by a court reporter provided by the county. In the event that the grand jury elects not to recommend further action, the grand jury must prepare a report containing a summary of the evidence considered and the reasoning and findings of the grand jury. The transcript of the proceeding, the presented evidence, and the grand jury report will be made available to the public by the district attorney within six months or by the end of the next term of the court, whichever is later. Portions of the report or evidence that are subject to statutory privilege may be redacted only on motion by the district attorney and approval of a superior court judge.

For criminal grand jury proceedings, a court reporter is required who will be appointed by the district attorney and paid for by the county. The transcript will be furnished to the district attorney, who will retain recordings, notes, and the transcript of the recording. For testimony of a witness who has been granted immunity, the original transcript will be filed with the court clerk under seal and a copy will be given to the district attorney.

At least 20 days prior to beginning the indictment, the peace officer involved and the CEO of the officer's agency must receive, in writing, a copy of the indictment, notice of the grand jury hearing, as well as the time and location of the hearing. The officer must also be notified of his right to testify before the grand jury after the district attorney has presented the case and that their testimony will be subject to cross examination and/or rebuttal witnesses.

The district attorney must inform the grand jury of the officer's right to testify or refuse testimony and the inapplicability of that decision to their decision. During the proceeding, the district attorney is required to advise the grand jury of laws which apply to the use of deadly force, including: justification for the use of force, use of force in the defense of others, and the statutory authorization for the use of deadly force by law enforcement officers to effect an arrest.

At any time during the proceedings, the grand jury may instruct the district attorney to create a new bill of indictment, which must be subsequently provided to the officer. During deliberation, no individual other than grand jury members or needed interpreters may be present.

HB 943 Contracts; additional limitations on indemnification and duty to defeat clauses which are void and enforceable in contracts for engineering or architectural services; provide

By: Rep. Carl Rogers (29th) Through the Insurance Committee

Final Bill Summary: House Bill 943 addresses the use of indemnification clauses in contracts that force architects, engineers, or land surveyors to indemnify other parties when there is no fault by the engineer, architect, or land surveyor. It codifies case law and prohibits parties in construction contracts from having to indemnify another party within the contract for that third parties' negligence.

HB 951 Sales and use tax; admissions to major sporting events; create exemption

By: Rep. Chad Nimmer (178th) Through the Ways & Means Committee

Final Bill Summary: This legislation provides a sales and use tax exemption for admission to major sporting events determined by the commissioner of the Department of Revenue to generate at least \$50 million in state revenue, to include: the National Football League championship; any semifinal or championship of a national collegiate tournament; Major League Baseball; Major League Soccer; or National Basketball Association all-star game. The House and Senate have oversight and can overturn any decision to apply the exemption by the Department of Economic Development.

The bill also provides a "back-to-school" sales tax holiday to take place July 30 - July 31, 2016 and a tax exemption period for energy efficient products to take place from September 30 - October 2, 2016.

HB 965 "The Honorable Jimmy Carter Cancer Treatment Access Act"; enact

By: Rep. Mike Cheokas (138th) Through the Insurance Committee

Final Bill Summary: House Bill 965 creates 'The Honorable Jimmy Carter Cancer Treatment Access Act.' It provides that no health benefit plan issued, delivered, or renewed in this state that directly or indirectly covers the treatment of stage four advanced, metastatic cancer as a provision of hospital, medical, or surgical services, shall limit or exclude coverage for a drug approved by the United States Food and Drug Administration. It prohibits a plan from requiring that a patient prove a history of failure of such drug or drugs before administering an alternative drug used in best practices and supported by peer reviewed literature.

HR 1113 Judicial Qualifications Commission; create - CA

By: Rep. Wendell Willard (51st) Through the Judiciary Committee

Final Bill Summary: HR 1113 amends the Georgia Constitution by abolishing the existing Judicial Qualifications Commission (JQC) and allowing the General Assembly to create and provide by general law for the composition, manner of appointment, and governance of a new Judicial Qualifications Commission effective January 1, 2017. The new commission will continue to discipline, remove, and cause involuntary retirement of judges, as well as comport with due process requirements with its decisions subject to review. The JQC in existence on June 30, 2017 will be abolished. JQC nominations will be subject to confirmation by the Senate as provided for by general law.

HB 808 is the companion legislation that provides the general law provisions.

SB 199 Elections; provide for a definition; prohibit certain activities within close proximity to polling places

By: Sen. Rick Jeffares (17th) Through the Governmental Affairs Committee

Final Bill Summary: Senate Bill 199 establishes a definition for "campaign material" and prevents it from being distributed or displayed within the area of a voting precinct restricted from campaigning activities. Campaign material is defined as any newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter referring to: a candidate whose name appears on the ballot; a referendum which appears on the ballot; or a political party or body which has at least one nominee on the ballot in a primary or election.

Further, SB 199 provides for the reopening of qualifications in municipal elections if someone fails to qualify during the regular qualifying period, in lieu of calling a special election under current law. It allows local governments, by a local act of the General Assembly, to establish residency requirements for qualification purposes of local elections.

The bill provides that if the required second Saturday early voting date falls on a holiday, the voting will occur on the following Saturday.

Finally, SB 199 provides that state employees who testify before committees of the General Assembly are not to be considered lobbyists.

SB 208 Stonecrest, City of; provide for a charter

By: Sen. Ronald Ramsey, Sr. (43rd) Through the Governmental Affairs Committee

Final Bill Summary: Senate Bill 208 authorizes a referendum to create the city of Stonecrest and establishes its charter.

SB 255 Garnishment Proceedings; modernize, reorganize, and provide constitutional protections

By: Sen. Jesse Stone (23rd) Through the Judiciary Committee

Final Bill Summary: SB 255 enacts a new chapter outlining procedures, deadlines and constitutional protections in conducting garnishment proceedings. The bill requires judgment debtors to be notified that there are certain exemptions under state and federal law that the debtor may be entitled to claim with respect to the garnished property, as well as the procedures to claim the exemptions. The bill stipulates that the garnishment period, the time during which the garnishee shall freeze funds to be submitted to the court with the garnishee's answer, begins on the day of service of the summons. The total garnishment period for: a continuing garnishment is 180 days; a financial institution garnishment is six days; a continuing garnishment for support lasts as long as the defendant is employed by the garnishee and the original arrearage is retired; and all other garnishments is 30 days.

In addition, standardized forms are provided for the summons of garnishment, garnishee's answer, defendant's claim, etc. The forms are required to be used unless the party uses its own format which contains the same information.

SB 258 Ad Valorem Tax; provide the assessed value of property shall not be increased beyond the initial assessment value

By: Sen. Fran Millar (40th) Through the Ways & Means Committee

Final Bill Summary: SB 258 amends current law whereby a person can lock in a property tax assessment for three years by appealing the tax assessment. This legislation provides that the assessed value following such appeal can be decreased, but not increased. It also provides language to facilitate written agreements between taxpayers and tax assessment boards to resolve assessment issues.

This legislation also provides for tax credits for contributions to "rural hospital organizations," defined as acute care hospitals located in rural counties, participating in both Medicaid and Medicare, providing health care to primarily indigent patients, and receiving at least 10 percent of their gross net revenues from the treatment of indigent patients. The tax credits are also provided for contributions to "critical access hospitals," defined as hospitals meeting the Federal Centers for Medicare and Medicaid Services' designation as critical access hospitals for Medicaid purposes. Aggregate tax credits are capped at \$50 million for 2017, \$60 million for 2018, and \$70 million for 2019, and no more than \$4 million may be contributed to any individual rural hospital organization in any taxable year.

For single individual or head of household contributors, the rural health care organization tax credit shall be for 70 percent of the actual amount expended or \$2,500 per year, whichever is less. For a married couple filing a joint return, the credit shall be for 70 percent of the actual amount expended or \$5,000 per year, whichever is less. Finally, for corporations, the credit shall not exceed 70 percent of the amount expended or 75 percent of the corporation's income tax liability, whichever is less. The tax credit cannot exceed a taxpayer's income tax liability. Credits can carry forward, but cannot be applied retroactively.

This legislation places the tax credit program under the Department of Community Health, with legislative oversight facilitated by reporting requirements designed to determine the effectiveness of the credit program. To apply for a rural health care organization tax credit, the donor must notify the Department of Community Health of the total amount in contributions, and the department will preapprove the donation within 30 days subject to aggregate limits. The donation must then be made by the donor within 60 days of receiving approval from the department.

SB 258 also allows eligible disabled veterans to qualify for the homestead exemption by meeting either of the standards required by law, which are: permanent loss of one or both feet, hands, or sight in one or both eyes; or honorably discharged and 100 percent disabled or compensated at the 100 percent level as unemployable. Eligible disabled veterans may be issued a free motor vehicle license plate, and the motor vehicles owned or leased by such veterans are exempt from all ad valorem taxes for state, county, municipal, and school purposes. An eligible disabled veteran must be a citizen and resident of Georgia with a service-related disability.

SB 304 Criminal Records; allow for the preservation of a person's involuntary hospitalization information received by Georgia Crime Information

By: Sen. Elena Parent (42nd) Through the Judiciary Non-Civil Committee

Final Bill Summary: SB 304 outlines requirements for recording and reporting evidence collected during a forensic medical evaluation for investigations of rape or aggravated sodomy. Law enforcement officers collecting such evidence are required to provide notification to the Georgia Bureau of Investigation's division of forensic sciences (the "division"). The bill also requires law enforcement to submit the evidence within 30 days and follow the procedures of the division, regardless of whether the evidence will be tested.

In addition, every law enforcement agency in the state is required to create a list of evidence resulting from any forensic medical evaluation during an investigation of rape or aggravated sodomy in the agency's possession on July 1, 2016. The list must be submitted to the division by September 16, 2016 and must identify whether the listed evidence should be tested or stored. Evidence on the list must be transferred to the division no later than November 16, 2016.

SB 304 requires the division to issue an annual report detailing the number of rape and aggravated sodomy cases for which the division has tested or stored in evidence. The division is required to submit this annual report to the speaker of the House of Representatives, the lieutenant governor, the House Committee on Judiciary, the House Committee on Judiciary Non-Civil, and the Senate Judiciary Non-civil Committee.

SB 308 Positive Alternatives for Pregnancy and Parenting Grant Program; establish; definitions; administration and duties

By: Sen. Renee Unterman (45th) Through the Health & Human Services Committee

Final Bill Summary: SB 308 creates the Positive Alternatives for Pregnancy and Parenting Grant Program within the Georgia Department of Public Health (DPH). The purpose of this grant program is to promote healthy pregnancies and childbirth by awarding grants to non-profit organizations that provide pregnancy support services. DPH will oversee the program and execute a legal contract with a contract management agency ("agency") to administer the program. The agency will be responsible for creating a grant application process, monitoring compliance, and coordinating correspondence between DPH and direct client service providers ("providers").

The grant program will fund these eight services: (1) medical care and information (such as pregnancy tests, STI tests, health screenings, ultrasounds, prenatal care, and birth classes); (2) nutritional services and education; (3) housing, education, and employment assistance; (4) adoption education, planning, and services; (5) child care assistance; (6) parenting education and support services for up to one year after the birth of the child; (7) material items such as cribs, car seats, formula, etc.; and (8) information regarding health care benefits. Grants will be awarded annually on a competitive basis to providers that display competent experience in providing the eight grant-funded services. DPH will determine the maximum grant amount awarded to each provider. Grants cannot exceed 85 percent of such provider's annual revenue for the prior year.

Further, the bill requires each provider to maintain accurate records and report data to the agency on an annual basis. Reports must include the number of clients who: utilized pregnancy support services; are pregnant; chose childbirth after receiving pregnancy support services; chose adoption after receiving pregnancy support services; and chose abortion after receiving pregnancy support services.

All information collected under the grant program must remain confidential by DPH, the agency, and providers in accordance with federal and state laws on privacy and medical records (including HIPAA). Annual audits of each provider must be conducted by an independent certified public accountant within 120 days of completing a fiscal year.

SB 364 "Quality Basic Education Act"; annual teacher, principal, and assistant principal evaluations; revise provisions

By: Sen. Lindsey Tippins (37th) Through the Education Committee

Final Bill Summary: Senate Bill 364 revises the annual performance evaluation for public school teachers and leaders. Student growth will account for 30 percent of the evaluation, down from the original 50 percent. A professional growth component will account for 20 percent. The number of in-class observations are reduced for teachers with at least three years of teaching experience who have earned "proficient" or "exemplary" on the previous evaluation.

Senate Bill 364 also reduces the required amount of state testing. Currently, there are 32 state-mandated tests in grades K-12. This legislation reduces the number of state-mandated tests to 24 by removing social studies and science tests in grades 3, 4, 6, and 7. This bill also adds formative testing in grades 1 and 2 to assess reading and math development.

SB 367 Georgia Council Justice Reform; provide for comprehensive reform

By: Sen. John Kennedy (18th) Through the Judiciary Non-Civil Committee

Final Bill Summary: SB 367 expands accountability courts by authorizing "operating under the influence" court divisions. Any court with jurisdiction over driving under the influence (DUI) or boating under the influence cases may establish a division of their court designated to handle those cases and provide an alternative to the traditional justice system with the goal of reducing recidivism. Each court must establish a planning group, comprised of judges, prosecuting attorneys, public defenders, and other court officials, to establish a "work plan," which will govern the operations of the division based on the state standards and local needs.

Guidelines for these divisions will be established by the Council of Accountability Court Judges based on the findings of the National Drug Court Institute and other developments in the accountability court field. State funding for local operating under the influence courts is contingent on approval of the court's procedures. The Council of Accountability Court Judges is responsible for assisting, certifying, and monitoring local divisions.

Using the same structure as operating under the influence courts, juvenile courts are authorized to create a "family treatment court division" to address dependency issues within families through court intervention and the reduction of dependency.

The adjudicating judge may restrict access to the criminal records of individuals placed into accountability court programs. These records must be preserved and the restriction may be removed at any time.

SB 367 allows for the Department of Corrections and the Department of Juvenile Justice to contract with private entities for the operation of charter schools to provide education for incarcerated children. These schools are subject to the contract authorizing them and are under the control of the State Charter Schools Commission.

The bill establishes standards for school discipline. The State Board of Education will establish minimum qualifications and standards for officials conducting disciplinary hearings. All local boards of education must develop a system of progressive discipline to be imposed on students who are accused of disrupting the operation of a public school prior to filing a "complaint" with the juvenile court. Once the remedies provided by the school board have been exhausted, the local board may file the complaint. The complaint must show that the system sought to handle the case on its own by engaging the child's parents, and evaluating his/her disability status and reviewing his/her individual education plan.

SB 367 also addresses the return of driver's licenses to individuals who have had their license suspended as a result of, or in conjunction with, a criminal conviction. The section provides a paupers' provision to allow those who cannot afford the reinstatement fee to receive their license without paying the suspension penalty. Moreover, the bill allows for time served in prison to count toward the period of revocation for licenses. It also adds court-mandated activities relating to sentences, such as attending programs and treatment and accountability court, to the list of activities allowed for drivers with limited driving permits.

The Department of Community Supervision (DCS) replaces the Governor's Office of Transition, Support, and Re-entry. The Board of Community Supervision will establish general policy for the DCS. The powers and duties of the probation division of the Department of Corrections, the probationary function of the Department of Juvenile Justice, and the State Board of Pardons and Paroles are consolidated into the DCS. The DCS is tasked with coordinating the successful re-entry of criminal offenders in this state in an effort to curb recidivism and enhance public safety.

SB 367 alters provisions of the Georgia First Offender statute by allowing the court to set a date on which the defendant will be exonerated of guilt by successfully complying with the court's sentencing order and allowing the court to restrict access to those criminal records. Violations of the court's conditions, subsequent convictions, or determinations that the individual was not eligible for first offender status allows the court to reinstate the adjudication of guilt and sentence the defendant. Discharges under this section entitle defendants to have their records restricted from dissemination by the Georgia Crime Information Center to law enforcement agencies or other for limited purposes after their conditions are completed. These restrictions do not apply to individuals applying for employment in education, child service organizations, elderly care, or with persons who are mentally ill. It also does not prevent registry on sex offender lists.

The bill adjusts provisions related to the revocation of probation for individuals for failure to pay fines or failure to report for probation. For the failure to pay a fine, an arrest warrant will be issued and the probationer will be scheduled for a hearing on the court's next calendar. Prior to issuing an arrest warrant for failure to report, the probation officer must present an affidavit to the court detailing their efforts to contact the probationer.

In addition, the probation officer must terminate pay-only probation within 30 days of the full payment of the probationer's fines and statutory charges. A court may also determine to discharge probation when it is in the best interests of justice. In misdemeanor probation cases where there are consecutive sentences, the court may terminate probation after 12 months when the probationer has completed all required testing and rehabilitation and paid all fines.

The bill allows for inmates serving sentences of at least six years for certain drug-related offenses, or under the repeat offender statute for non-violent felonies, who meet the qualifications of the statute to be eligible for parole consideration. The main qualifications include: no convictions for violent felonies; completion of at least six years of the total sentence; a low-risk rating for recidivism; achievement of a high school diploma, and no serious disciplinary infractions in the last 12 months of incarceration. Moreover, those who have been convicted of a felony drug conviction will now be allowed to apply for Supplemental Nutrition Assistance Program (SNAP) benefits upon their release from imprisonment.

SB 367 provides that no professional licensing board may automatically refuse to grant a license because of an arrest or conviction of a felony unless that felony directly relates to the occupation for which the license exists. The determination for whether the license is related to the occupation must evaluate: the seriousness of the felony; the relationship between the occupation and the felony; the age of the person when they committed the crime; the time elapsed since the commission; circumstances of commission; rehabilitation performed, and present fitness to perform the duties of the profession.

Additionally, the bill requires the State Board of Juvenile Justice to govern the transfer of supervision of individuals who are 17-years old from the Department of Juvenile Justice to the DCS.

SB 369 Fireworks; revise the standard of compliance from explosion to ignition; definitions

By: Sen. Jeff Mullis (53rd)

Through the Regulated Industries Committee

Final Bill Summary: SB 369 modifies the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'. The bill grants authority for the City of Atlanta to levy a retail sales tax of up to .50 percent, in .05 percent intervals, in addition to any tax which is currently authorized. This tax shall not count toward any local sales tax limitation. Before the additional tax is valid, a majority of qualified voters of the city must approve of the referendum. The city may elect to hold a referendum in 2016 or 2017, but before the referendum is held, the authority must submit a preliminary and then a final list of new rapid transit projects.

All proceeds derived from the additional tax must first be allocated for payment of the cost of rapid transit projects. Any excess proceeds shall be expended solely within and for the benefit of the City of Atlanta. For a metropolitan county special district, the provisions shall only be applicable to special districts in which: a tax is currently being levied and collected pursuant to a local constitutional amendment for the purposes of a metropolitan area system of public transportation; law is enacted pursuant to such local constitutional amendment; and 80 percent or more of the geographic area of the special district is located in one or more qualified municipalities.

Upon the approval of a resolution, which requires a favorable vote by at least 60 percent of the population outside of the municipality but within the county portion of the metropolitan special district, a transportation special purpose local option sales tax may be imposed for a limited period of time to be used only for transportation services. For a metropolitan municipality special district, the provisions shall only be applicable

to special districts in which: a tax is currently being levied and collected pursuant to a local constitutional amendment for the purposes of a metropolitan area system of public transportation; laws are enacted pursuant to such local constitutional amendment; and 15 percent or more of the municipality's geographic area is in a metropolitan county special district.

Upon the approval of a resolution by majority vote, a metropolitan municipality special district may, for a limited period of time, impose a transportation special purpose local option sales tax, the proceeds of which shall be used only for transportation purposes. Those resolutions shall describe: the specific transportation purposes to be funded; the approximate cost of the projects; the maximum amount of time, not to exceed five years, that the tax will be levied; and how at least 30 percent of the estimated revenue from the tax on projects consistent will be used in accordance with the State-wide Strategic Transportation Plan. A tax levied pursuant to this part will be exclusively administered and collected by the commissioner for the use and benefit of the county and qualified municipalities within the special district imposing the tax. These taxes shall not apply to the sale or use of any type of fuel used for: off-road heavy-duty equipment, off-road farm or agricultural equipment, or locomotives; jet fuel by a qualifying airline at a qualifying airport; propulsion of motor vehicles on public highways; energy used in the manufacturing or processing of goods primarily for resale; public mass transit, or the purchase or lease of any motor vehicle.

SB 402 Drug Abuse Treatment and Education Programs; provide for a moratorium on the issuance of new licenses to narcotic treatment programs

By: Sen. Jeff Mullis (53rd)

Through the Regulated Industries Committee

Final Bill Summary: SB 402 imposes a temporary moratorium on the acceptance of new applications for licensure of narcotic treatment programs in Georgia until June 30, 2017. Moreover, the bill creates the State Commission on Narcotic Treatment Programs, which is comprised of three members of the House appointed by the speaker of the House, three members of the Senate appointed by the president of the Senate, and five members appointed by the governor. The commission is tasked with studying multiple aspects of current narcotic treatment programs in Georgia to determine if legislative changes need to be made to licensure requirements, or if any other changes to the law are required to address concerns that arise through the commission's study.