



Monday, March 2, 2015

House Budget & Research Office
(404) 656-5050

House Communications Office
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- The House will reconvene for its 25th Legislative Day on Tuesday, March 3 at 10:00 a.m.
- The Rules committee will meet at 9:00 a.m.
- Nine bills are expected to be debated on the floor.

Today on the Floor

Rules Calendar

HB 18 Professional engineers and land surveyors; defense, aviation, space or aerospace companies from complying with provisions; exempt

Bill Summary: HB 18 allows professional engineers or land surveyors in the defense, aviation, space, or aerospace companies to work without requiring licensing, if a license is not otherwise required. The proposed additions broaden employees this act applies to and removes license restrictions from similarly situated persons, such as properly certified architects, Department of Transportation employees who do no conflict with Title 46, and women. Also, engineers and landscape employees working in the specified industries would be expanded in two ways. First, the definition of company includes "any sole proprietorship" and "any affiliate" of the business entities described. Second, the bill includes an individual "who provides engineering for aircraft, space launch vehicles, or aerospace-related products or services."

Authored By: Rep. Jason Spencer (180th)
House Committee: Regulated Industries

Rule Applied: Modified-Structured
Committee Action: 02-17-2015 Do Pass

Floor Vote: Yeas: 155 Nays: 2

Amendments:

HB 51 Taxes; amount payable at redemption of property; change provisions

Bill Summary: Currently, the purchaser of a tax deed is required to join the applicable property owners' association and make payments to the association. HB 51 applies to tax sales made after July 1, 2015, and provides that if the property is redeemed by the original owner, the redemption price paid to the tax sale purchaser must include any payments made by the tax sale purchaser to the property owners' association.

Authored By: Rep. Tommy Benton (31st)
House Committee: Judiciary

Rule Applied: Modified-Open
Committee Action: 02-19-2015 Do Pass by Committee Substitute

Floor Vote: Yeas: 152 Nays: 1

Amendments:

HB 99 Property; joint tenants divorce or have marriage annulled under certain circumstances; provide tenancy in common

Bill Summary: In many divorce actions in which the parties represent themselves, the parties' interests in jointly held property is not properly divided. HB 99 allows divorced couples to convert a joint tenancy with right of survivorship into a tenancy in common if either spouse files an affidavit in the county property records containing a statement that the parties have divorced or their marriage has been annulled.

Authored By: Rep. Eddie Lumsden (12th)
House Committee: Judiciary

Rule Applied: Modified-Open
Committee Action: 02-19-2015 Do Pass by Committee Substitute

Floor Vote: Yeas: 155 Nays: 1

Amendments:

HB 118 Drivers' licenses; issuance of commercial licenses and instruction permits to comply with federal law; amend certain provisions

Bill Summary: House Bill 118 is a housekeeping bill for the Department of Driver Services to align Georgia with the Federal Motor Carrier Statute and retain eligibility for federal highway funds.

Authored By:	Rep. Kevin Tanner (9th)	Rule Applied:	Modified-Structured
House Committee:	Motor Vehicles	Committee Action:	02-23-2015 Do Pass
Floor Vote:	Yeas: 147 Nays: 11	Amendments:	

HB 184 Banking and finance; extensively revise Title 7; provisions

Bill Summary: HB 184 amends Title 7 in five main respects. First, the bill eliminates the duplicate and triplicate filing requirements for articles of incorporation, articles of amendment, and articles of conversion. Second, the bill prohibits a director of a credit union from engaging in certain transactions with the credit union, authorizes the Department of Banking and Finance to appoint a conservator to failing credit unions, and adds regulatory procedures for merging and converting credit unions. Third, the bill eases the licensing and transaction notification requirements for individuals selling checks and money orders. Fourth, the bill permits the Department of Banking and Finance to suspend a mortgage originator's license if the lender is no longer sponsored by a licensed mortgage broker. Fifth, the bill adds charter approval requirements and merchant fund procedures for merchant acquiring limited purpose banks.

Authored By:	Rep. Bruce Williamson (115th)	Rule Applied:	Modified-Structured
House Committee:	Banks & Banking	Committee Action:	02-19-2015 Do Pass
Floor Vote:	Yeas: 158 Nays: 0	Amendments:	

HB 185 Insurance; Standard Valuation Law; extensively revise

Bill Summary: House Bill 185 is model legislation brought by the National Association of Insurance Commissioners. It changes the method for how life insurance companies calculate their reserves. It replaces the current formula based model and moves to an actuary based model.

Authored By:	Rep. Jason Shaw (176th)	Rule Applied:	Modified-Open
House Committee:	Insurance	Committee Action:	02-25-2015 Do Pass
Floor Vote:	Yeas: 155 Nays: 1	Amendments:	

HB 197 Debtor-Creditor Uniform Law Modernization Act of 2015; enact

Bill Summary: HB 197 updates and modernizes the following three uniform acts in the debtor-creditor area to reflect recent changes to these acts by the Uniform Law Commission: the 'Uniform Foreign-Country Money Judgments Recognition Act,' which codifies the most prevalent common law rules with regard to the recognition and enforcement of money judgments rendered in other countries; Article 1 of the Uniform Commercial Code (UCC), which serves all other articles of the UCC with definitions and general provisions; and, the 'Uniform Voidable Transactions Act,' formerly named the 'Uniform Fraudulent Transfer Act,' which strengthens creditor protections by providing remedies for certain transactions by a debtor that are unfair to the debtor's creditors.

Authored By:	Rep. Mike Jacobs (80th)	Rule Applied:	Modified-Structured
House Committee:	Judiciary	Committee Action:	02-19-2015 Do Pass by Committee Substitute
Floor Vote:	Yeas: 156 Nays: 0	Amendments:	

HB 207 Courts; judge, judicial officer, grand juror, or trial lawyer may be disqualified for presiding or serving due to being related by consanguinity or affinity to a party; change provisions

Bill Summary: HB 207 provides that no judges, grand jurors, or trial jurors may serve in any case where they are related within the third degree to any party interested in the result of the case. Currently, Georgia law uses the sixth degree. For example, the computation of relationships under the civil law is by counting "steps" or generations from one ancestor to the next, counting each "step" or generation as one degree. If such calculation shows the two persons to be related within the sixth degree, the potential juror is disqualified. Thus, if the prosecuting witness is a third cousin of a potential juror, he is disqualified.

Authored By: Rep. Beth Beskin (54th)

House Committee: Judiciary

Floor Vote: Yeas: 155 Nays: 3

Rule Applied: Modified-Open

Committee Action: 02-19-2015 Do Pass

Amendments:

HB 210 Drivers' licenses; provide for dissemination of certain information by the Department of Driver Services; provisions

Bill Summary: House Bill 210 allows for organ donation on state issued I.D. cards.

Authored By: Rep. Terry Rogers (10th)

House Committee: Motor Vehicles

Floor Vote: Yeas: 158 Nays: 0

Rule Applied: Modified-Open

Committee Action: 02-23-2015 Do Pass by Committee Substitute

Amendments:

HB 233 Georgia Uniform Civil Forfeiture Procedure Act; enact

Bill Summary: House Bill 233, the 'Georgia Uniform Civil Forfeiture Procedure Act' (UCFPA), increases transparency and oversight in the civil forfeiture process by strengthening the mandatory reporting requirements of all law enforcement agencies, standardizes civil forfeiture procedure statewide, and collects the disparate provisions into one uniform procedure to be followed for almost all civil forfeitures.

The UCFPA provides for due process safeguards to assist innocent owners in recovering seized property. The Act simplifies the standard for initiating a claim to recover wrongfully seized property, reducing the likelihood that procedural pitfalls will deprive innocent owners of an action to recover their property. A provision of the Act allows the judge in a civil forfeiture action to grant either party additional opportunity for investigation into the facts and issues involved. Additionally, it permits anyone who has a claim to the seized property to appear before the court to defend his or her interest. The Act eliminates imposition of the State's litigation costs on an unsuccessful forfeiture claimant.

The Act strengthens and standardizes the mandatory reporting requirements of all law enforcement agencies by requiring agencies to provide an accounting of all property and funds derived from seizures and forfeitures. The UCFPA defines the specific purposes for which law enforcement agencies may use forfeited proceeds. Payment of salaries or rewards to law enforcement officers would not be considered an authorized expenditure. The Act resolves ambiguities in reporting procedure by authorizing the creation of a standardized reporting form and placing the duty to submit the form annually on all law enforcement agencies, which have control over expenditure of any forfeiture proceeds.

Authored By: Rep. Alex Atwood (179th)

House Committee: Judiciary

Floor Vote: Yeas: 154 Nays: 0

Rule Applied: Modified-Structured

Committee Action: 02-24-2015 Do Pass by Committee Substitute

Amendments:

HB 234 Tax collection; days in which the Federal Reserve Bank is closed in the list of days that excuse late filing or payment; include

Bill Summary: HB 234 allows for an extension of when taxes must be remitted to the Department of Revenue if the Federal Reserve Bank is closed for any other reason excluding legal holidays.

Authored By: Rep. Dale Rutledge (109th)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 02-12-2015 Do Pass

Floor Vote: Yeas: 155 Nays: 0

Amendments:

HB 316 Professional corporations; practice of medicine and surgery and optometry shall be considered the practice of only one profession; provide

Bill Summary: This bill allows ophthalmologists to organize and jointly own a professional corporation with optometrists so long as they continue to practice within their respective scopes established by law.

Authored By: Rep. Albert Reeves (34th)
House Committee: Regulated Industries

Rule Applied: Modified-Structured
Committee Action: 02-24-2015 Do Pass by Committee Substitute

Floor Vote: Yeas: 157 Nays: 0

Amendments:

HB 325 Safety belts; definition of term passenger vehicle; modify

Bill Summary: House Bill 325 includes a 15-passenger van in the definition of passenger vehicles as it pertains to safety belt requirements in passenger vehicles.

Authored By: Rep. Bill Hitchens (161st)
House Committee: Motor Vehicles

Rule Applied: Modified-Structured
Committee Action: 02-23-2015 Do Pass by Committee Substitute

Floor Vote: Yeas: 133 Nays: 24

Amendments:

HB 340 Alcoholic beverages; sales on Sunday during Saint Patrick's Day holiday period; change certain provisions

Bill Summary: HB 340 allows for a more flexible time period for bars to sell alcohol over the Saint Patrick's Day holiday.

Authored By: Rep. Jesse Petrea (166th)
House Committee: Regulated Industries

Rule Applied: Modified-Structured
Committee Action: 02-24-2015 Do Pass

Floor Vote: Yeas: 140 Nays: 13

Amendments:

HB 362 Student health; licensed health practitioners to prescribe albuterol sulfate for schools; authorize

Bill Summary: HB 362 allows school systems to stock asthma medication. Any school employee trained in recognizing symptoms of respiratory distress may provide the medication or administer it to a student. This bill also allows schools to purchase asthma medication directly from manufacturers and allows physicians to prescribe the medication to schools.

Authored By: Rep. Valerie Clark (101st)
House Committee: Health & Human Services

Rule Applied: Modified-Structured
Committee Action: 02-23-2015 Do Pass by Committee Substitute

Floor Vote: Yeas: 157 Nays: 0

Amendments:

HB 394 Georgia Board of Nursing; revise provisions relating to powers and duties; provisions

Bill Summary: HB 394 authorizes the Georgia Board of Nursing to investigate disciplinary orders issued by the former Georgia Board of Examiners of Licensed Practical Nurses. Additionally, this bill allows those individuals who have graduated from a nursing education program located outside of the United States to be eligible for licensure as a registered professional nurse.

Authored By: Rep. Sharon Cooper (43rd)
House Committee: Health & Human Services
Floor Vote: Yeas: 154 Nays: 0

Rule Applied: Modified-Structured
Committee Action: 02-23-2015 Do Pass
Amendments:

Postponed Until Next Legislative Day

HB 71 Pardons and paroles; provide input and transparency relative to granting a parole or commutation of a death sentence to a life sentence; provisions

Bill Summary: This bill imposes several requirements on the State Board of Pardons. First, it changes procedures for notifying a victim of an impending parole, pardon, release of an inmate, or request to commute a death sentence. The bill also allows information regarding a person who has previously been paroled but whose civil rights have been restored to be released publicly. Next, the bill requires that a written decision granting a pardon or commuting a death sentence contain certain additional information. The bill also requires that the Board, when considering any case within its power, to consider certain additional information about the person in question. Finally, it requires the Board to release certain information upon request and adds to the list of information required to be disclosed.

Authored By: Rep. Kevin Tanner (9th)

Rule Applied: Modified-Structured

HB 192 Local government; counties, municipal corporations, school districts, and consolidated governments be reimbursed for expenses only through submission of expense reimbursement requests; provisions

Bill Summary: House Bill 192 adds a new Code section that relates to the general provisions regarding counties, municipal corporations, and other governmental entities. It states that an elected official of a county, municipal corporation, local school system, or consolidated government shall be prohibited from the use of a government purchasing or credit card unless such purchases are: solely for items or services relating to such official's public duties; and in accordance with guidelines that are adopted by the county, municipal corporation, local school system, or consolidated government.

Purchases made by a government purchasing or credit card shall be available for public inspection and each county, municipal corporation, local school system, or consolidated government must promulgate specific policies regarding the use of government purchasing or credit cards no later than January 1, 2016; with such policies to include: a designation of officials who may use purchasing or credit cards; a requirement that authorized users must sign a cardholder agreement; transaction limits; a description of purchases that shall be and shall not be authorized; designation of a card administrator; a process for auditing and reviewing purchases made; and procedures and penalties for addressing violations made with such cards.

Authored By: Rep. Alan Powell (32nd)

Rule Applied: Modified-Structured

Next on the Floor from the Committee on Rules

The Committee on Rules has fixed the calendar for the 25th Legislative Day, Tuesday, March 3, and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Tuesday, March 3, at 9:00 a.m., to set the Rules Calendar for the 26th Legislative Day.

- HB 82 Oconee River Greenway Authority; certain members to appoint a designee; allow**
Bill Summary: House Bill 82 amends Code Section 12-3-402, relating to the Oconee River Greenway Authority, by allowing the mayor of Milledgeville, the president of Georgia Military College, and the president of Georgia College and State University to either serve on the Authority or appoint a designee to serve in their place.
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| Authored By: | Rep. E. Culver "Rusty" Kidd (145th) | Rule Applied: | Open |
| House Committee: | Natural Resources & Environment | Committee Action: | 02-19-2015 Do Pass by Committee Substitute |
- HB 147 Motor vehicles; initial two-year registration period for certain vehicles; provide**
Bill Summary: House Bill 147 allows for a two-year registration period for motor vehicles within the 16 counties of Georgia that require federal emission inspections.
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| Authored By: | Rep. Alan Powell (32nd) | Rule Applied: | Modified-Open |
| House Committee: | Motor Vehicles | Committee Action: | 02-23-2015 Do Pass by Committee Substitute |
- HB 183 Home Care Patient Protection Act; enact**
Bill Summary: HB 183 revises the definition of private home care provider to include contractual arrangements with licensed independent contractors.
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| Authored By: | Rep. David Knight (130th) | Rule Applied: | Modified-Structured |
| House Committee: | Health & Human Services | Committee Action: | 02-23-2015 Do Pass by Committee Substitute |
- HB 190 Insurance; provide requirements for transportation network companies and their drivers; provisions**
Bill Summary: House Bill 190 establishes the standards and requirements for automobile insurance for transportation network companies (Uber, Lift) and their drivers. Currently, the policy carried by these drivers for their automobiles does not cover commercial activity.
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| Authored By: | Rep. Rich Golick (40th) | Rule Applied: | Modified-Structured |
| House Committee: | Insurance | Committee Action: | 02-25-2015 Do Pass by Committee Substitute |
- HB 195 Pharmacists and pharmacies; substitutions of interchangeable biological products; provide**
Bill Summary: HB 195 allows a pharmacist to substitute a biological product with an interchangeable biological product. A biological product, as defined by the bill, is a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein, or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human being. An interchangeable biological product is a biological product that meets safety standards set forth by the 'Public Health Service Act.' The pharmacist must indicate the substitution for an interchangeable biological product on the prescription label, and must notify the prescriber of such a substitution within 48 hours of dispensing the product.
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| Authored By: | Rep. Sharon Cooper (43rd) | Rule Applied: | Modified-Structured |
| House Committee: | Health & Human Services | Committee Action: | 02-18-2015 Do Pass by Committee Substitute |

HB 252 J. Calvin Hill, Jr., Act; enact

Bill Summary: HB 252 repeals or updates obsolete, outdated and unconstitutional Code provisions and terminology.

Authored By: Rep. Michael Caldwell (20th)

House Committee: Code Revision

Rule Applied: Modified-Open

Committee Action: 02-18-2015 Do Pass by Committee Substitute

HB 315 Technical and adult education; change name of Technical College System of Georgia to Georgia Career College System; provisions

Bill Summary: House Bill 315 changes the name of the State Board of the Technical College System of Georgia to the State Board of the Georgia Career College System.

Authored By: Rep. Chad Nimmer (178th)

House Committee: Higher Education

Rule Applied: Modified-Open

Committee Action: 02-24-2015 Do Pass

Committee Actions

Bills passing committees are reported to the Clerk's Office and are placed on the General Calendar.

Agriculture & Consumer Affairs Committee

HB 397 State Soil and Water Conservation Commission; revise provisions; provisions

Bill Summary: This legislation establishes the State Soil and Water Conservation Commission as an attached agency to the Georgia Department of Agriculture. Commencing with the appointments for the year 2015, the governor shall appoint five at-large members from throughout the state to serve on the commission. Such initial appointments shall be for terms of one, two, three, four and five years, respectively. Thereafter, successors shall be appointed for terms of office of five years and until their successors are duly appointed. The following persons shall serve as ex-officio in an advisory capacity to the State Soil and Water Conservation Commission: Director of the Cooperative Extension Service; Commissioner of Natural Resources; director of the experiment stations of the College of Agricultural and Environmental Sciences of the University of Georgia; executive director of the Agricultural Stabilization Conservation Service; Georgia state director of the Farmer's Home Administration; director of the Southern Piedmont Conservation Research Center; president of the Georgia Association of Conservation District Supervisors; director of the State Forestry Commission; Georgia supervisor of national forests of the U.S. Forestry Service; state conservationist of the U.S. Soil Conservation Service; dean of the College of Agricultural and Environmental Sciences of the University of Georgia; state supervisor of agricultural education; Commissioner of Agriculture ; and other representatives of state or federal agencies as the commission deems desirable.

The commission shall adopt a seal which shall be judicially noticed. The Commission may perform such acts, hold public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions.

The commission shall have the following duties and powers: offer assistance as may be appropriate to the supervisors of the soil and water conservation districts in the carrying out of their powers and programs; keep the supervisors of each of the districts informed of the activities and experiences of all the other districts and to facilitate an interchange of advice, experience, and cooperation between such districts; coordinate the programs of the districts so far as this may be done by advice and consultation; secure cooperation and assistance of the United States and any of its agencies and of the agencies and counties of this state in the work of such districts; disseminate information throughout Georgia concerning the activities and programs of the districts and to encourage the formation of such districts in areas where their organization is desirable; receive and manage gifts, appropriations, materials, equipment, land and facilities; formulate rules and regulations to exercise powers and perform such duties as are necessary to implement the administration of the federal 'Watershed Protections and Flood Prevention Act'; formulate rules and regulations in consultation with the Environmental Protection Division of the Georgia Department of Natural Resources, to exercise such powers and to perform such duties necessary to implement the administration of the education and training program established under Code Section 12-5-105; formulate such rules and regulations and to exercise such powers as are necessary to perform duties under subsection (m.1) of Code Section 12-5-31 and subsection (b.1) of Code Section 12-5-105; and enter into contracts and agreements with the districts, municipalities, and counties of Georgia, other agencies of Georgia, the United States and any agencies thereof, any association, any landowner or land occupier, or any person in order to carry out the purpose of this article. The commission may also receive grants from any agency of the United States government or any agency of this state and to make grants to districts, municipalities, or counties in Georgia or other state agencies in order to fund up to 20 percent of the cost of obtaining permits for and constructing improvements to any dam that was originally constructed or financially assisted by the Natural Resources conservation Service, formerly known as the Soil conservation Service of the United States Department of Agriculture; or carry out other purposes of this article.

"Manual for Erosion and Sediment Control in Georgia" or "manual" is defined to mean the

published guidance of the commission governing the design and practices to be utilized in the protection of the state's natural resources from erosion and sedimentation which shall be based foremost upon sound engineering principles and repeatable bench and field testing of structural and vegetative best management practices and which shall have the annual approval of the Erosion and Sediment Control Overview Council established pursuant to Code Section 12-7-7.1"

Section Four of the bill creates the Erosion and Sediment Control Overview Council, which shall approve the Manual for Erosion and Sediment Control in Georgia prior to publication by the commission. The council shall also provide guidance on the best management practices for implementing any erosion and sediment control plan for purposes of this Code section. The council shall be nine members: one member appointed by the Speaker of the House; one member appointed by the Lt . Governor; and seven members who shall be appointed by the governor. The council shall meet prior to January 1, 2016 to approve the most current version of the manual and at all other times as necessary to approve subsequent changes or updates to the manual prior to its implementation. Such meetings shall be called by the chairperson. Each council member shall receive a daily allowance in the amount specified in subsection (b) of Code Section 45-7-21; provided however, that any full-time state employees serving on the council shall draw no compensation but shall receive necessary expenses. The commissioner is authorized to pay such compensation from department funds. The council may develop recommendations governing the preparation of plans and the installation and maintenance of best management practices. If a dispute arises concerning the requirements of this Code section, the Erosion and Sediment control Overview council shall mediate the dispute.

Authored By: Rep. David Knight (130th)
House Committee: Agriculture & Consumer Affairs
Committee Action: 03-02-2015 Do Pass by Committee Substitute

HB 450 Food products; in-person sales of meat from certain requirements; exempt

Bill Summary: The legislation exempts in-person sales of meat food products when the in-person, face-to-face sale of any meat food products is to the ultimate consumer for consumption for his or her family and nonpaying guests, so long as such products consist entirely of animals raised, slaughtered and processed by the seller.

Authored By: Rep. Tom McCall (33rd)
House Committee: Agriculture & Consumer Affairs
Committee Action: 03-02-2015 Do Pass

SB 139 Selling and Other Trade Practices; provide regulation; auxiliary containers shall be done by general law

Bill Summary: The legislation allows prudent regulation regarding the use and taxation of auxiliary containers used by retail and food establishments to be done by general law only. Nothing in this Code section shall be construed to prohibit or limit any county or municipal curbside recycling program or other designated residential or commercial recycling program.

Authored By: Sen. Tyler Harper (7th)
House Committee: Agriculture & Consumer Affairs
Committee Action: 03-02-2015 Do Pass as Amended

Education Committee

HB 16 Education; no high school which receives funding from Quality Basic Education Act shall participate in or sponsor interscholastic sports events unless students enrolled in magnet schools can participate under certain conditions; provide

Bill Summary:

House Bill 16 would require high schools which receive funding under QBE to only participate in, sponsor, or provide coaching staff for athletic events that are affiliated with an athletic association which allows magnet students to participate. Local school systems decide whether to allow magnet school students to participate in their athletics.

Authored By: Rep. Brian Prince (127th)

**House
Committee:** Education

**Committee
Action:** 03-02-2015 Do Pass by Committee Substitute

HB 131 The End to Cyberbullying Act; enact

Bill Summary: House Bill 131 would change public school policies on bullying so that they include cyber bullying. Bullying would now also be prohibited through the use of technological equipment such as cell phones, wireless communication devices, computers, email, instant messaging, etc.

Authored By: Rep. Pam Dickerson (113th)

**House
Committee:** Education

**Committee
Action:** 03-02-2015 Do Pass by Committee Substitute

HB 271 Education; charter-schools-in-the-workplace; provide

Bill Summary: House Bill 271 would allow for a “charter-school-in-the-workplace,” which is a school where one or more business partners provide the facility or funding and which enrolls students who are children of employees of the business partner. Also, conversion and start up charter schools would also be allowed to give preference to a student who is the child of an employee of the business partner of a charter-school-in-the-workplace.

Authored By: Rep. Ed Setzler (35th)

**House
Committee:** Education

**Committee
Action:** 03-02-2015 Do Pass by Committee Substitute

HB 296 Scholarship program; special needs students; expand eligibility

Bill Summary: House Bill 296 would exempt lawful refugees or asylees from having to be a resident of Georgia for a year to be eligible for the Special Needs Scholarship.

Authored By: Rep. Randy Nix (69th)

**House
Committee:** Education

**Committee
Action:** 03-02-2015 Do Pass by Committee Substitute

HB 372 Utopian Academy for the Arts Act; enact

Bill Summary: House Bill 372, the ‘Utopian Academy for the Arts Act,’ would prohibit municipalities, counties, or any other subdivision of the state from requiring charter schools, which have passed the Department of Education facility inspection and hold a valid certificate of occupancy, to obtain any additional license to operate.

Authored By: Rep. Christian Coomer (14th)

**House
Committee:** Education

**Committee
Action:** 03-02-2015 Do Pass

HR 303 State Board of Education; develop and implement comprehensive civics education curricula; urge

Bill Summary: House Resolution 303 would urge the State Board of Education to develop and implement comprehensive civics education curricula in order to improve students' civic knowledge, skills, and attitudes.

Authored By: Rep. Debbie Buckner (137th)
House Committee: Education
Committee Action: 03-02-2015 Do Pass

SB 2 Education; student who completes certain requirements relating to postsecondary coursework awarded a high school diploma

Bill Summary: Senate Bill 2 would allow local boards of education to award a high school diploma to an enrolled student who meets four requirements, to include: completes rigorous coursework at a postsecondary institution; is 16 years or older and has completed at least two English classes, two math courses, two science courses, two social studies courses, and one health and physical education class; has received a score of admission acceptable on the readiness assessment required by the postsecondary institution; and completes an (a) associate degree program, (b) a technical college diploma program and all postsecondary academic education, technical education and training prerequisites for any required certifications or licenses to work in the field, or (c) at least two technical college certificates of credit programs in one specific career pathway, all postsecondary academic education, and technical education and training prerequisites or licenses required to work in the field.

Authored By: Sen. Lindsey Tippins (37th)
House Committee: Education
Committee Action: 03-02-2015 Do Pass

Health & Human Services Committee**HB 34 Georgia Right to Try Act; enact**

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

Authored By: Rep. Mike Dudgeon (25th)
House Committee: Health & Human Services
Committee Action: 03-02-2015 Do Pass by Committee Substitute

HB 240 Community Health, Department of; provide that at least two members of board shall also be members of state health plan; provisions

Bill Summary: HB 240 creates the State Health Benefit Plan Customer Advisory Council to advise the commissioner of the Department of Community Health on the state health benefit plan. Additionally, the bill requires that two members of the Board of Community Health be participants in the Employees' Retirement System and the Teachers Retirement System.

Authored By: Rep. Buzz Brockway (102nd)
House Committee: Health & Human Services
Committee Action: 03-02-2015 Do Pass by Committee Substitute

HB 288 Behavioral Health Coordinating Council; two additional members to serve on council; provide

Bill Summary: HB 288 adds two members, appointed by the Governor, to the Behavioral Health Coordinating Council.

Authored By: Rep. Katie Dempsey (13th)

House Committee: Health & Human Services

Committee Action: 03-02-2015 Do Pass by Committee Substitute

HB 416 Consumer Information and Awareness Act; enact

Bill Summary: HB 416, the 'Consumer Information and Awareness Act,' requires health care practitioners to wear an identifier that includes his or her name and the type of license the practitioner holds. Further, each practitioner must affirmatively communicate the practitioner's specific licensure to all current and prospective patients. Additionally, if the practitioner does not practice in a hospital, he or she must display a notice in the reception area that identifies the type of practitioners employed at that practice. A practitioner who violates these provisions is subject to disciplinary action by his or her professional licensing board.

Authored By: Rep. Carl Rogers (29th)

House Committee: Health & Human Services

Committee Action: 03-02-2015 Do Pass by Committee Substitute

HB 436 Georgia HIV/Syphilis Pregnancy Screening Act of 2015; enact

Bill Summary: HB 436 requires a physician or health care provider who provides prenatal care to a pregnant woman to also offer to test her for HIV and syphilis during her third trimester of pregnancy. Further, under HB 436, if at the time of delivery there is no written evidence that an HIV or syphilis test has been performed, the physician shall order such a test.

Authored By: Rep. Valerie Clark (101st)

House Committee: Health & Human Services

Committee Action: 03-02-2015 Do Pass by Committee Substitute

HB 504 Health; vaccination against meningococcal disease of college students; revise provisions

Bill Summary: HB 504 requires newly admitted students who wish to live in a university's on-campus housing to receive a vaccination against meningococcal disease at most five years prior to admittance into such university. Additionally, HB 504 allows pharmacist to administer vaccines provided they have entered into a vaccine protocol agreement with a physician. Further, the pharmacist must complete 20 hours of education and training in the basics of immunology. The pharmacist must also provide the patient with a card containing information about the vaccine administered and the pharmacist must notify the patient's physician within 72 hours of administering the vaccine. Finally, under HB 504, the pharmacist is required to maintain individual liability insurance coverage and provide proof of such coverage to the physician.

Authored By: Rep. Sharon Cooper (43rd)

House Committee: Health & Human Services

Committee Action: 03-02-2015 Do Pass by Committee Substitute

HB 511 Pharmacists and pharmacies; technicians to fill remote automated medication systems in skilled nursing facilities and hospices; authorize

Bill Summary: HB 511 allows a pharmacy technician to fill a remote automated medication system. If the remote automated medication system uses radio frequency identification (RFI) in the filling process, the pharmacy must retain an electronic record of the filling activities. If the system does not use RFI, the pharmacist must supervise the pharmacy technician during the filling process.

Authored By: Rep. Ron Stephens (164th)
House Committee: Health & Human Services
Committee Action: 03-02-2015 Do Pass

Interstate Cooperation Committee

HR 395 Joint Georgia-Alabama Study Committee; create

Bill Summary: This resolution creates the Joint Georgia-Alabama Study Committee to formalize a working partnership to promote solutions to regional issues. The committee sunsets on December 1, 2016.

Authored By: Rep. Gerald Greene (151st)
House Committee: Interstate Cooperation
Committee Action: 03-02-2015 Do Pass

Intragovernmental Coordination - Local Committee

HB 478 Candler County; Board of Commissioners; provide staggered terms

Bill Summary: A Bill to amend an Act creating the Board of Commissioners of Candler County, so as to provide for staggered terms.

Authored By: Rep. Butch Parrish (158th)
House Committee: Intragovernmental Coordination - Local
Committee Action: 03-02-2015 Do Pass

HB 479 The City of Forsyth Convention and Visitors Bureau Authority; enact

Bill Summary: A Bill to create the City of Forsyth Convention and Visitors Bureau Authority, to have the responsibility and authority to promote tourism.

Authored By: Rep. Robert Dickey (140th)
House Committee: Intragovernmental Coordination - Local
Committee Action: 03-02-2015 Do Pass

HB 489 Cherokee County; State Court; appointment of solicitor-general investigators; provide

Bill Summary: A Bill to amend an Act to create the State Court of Cherokee County, so as to provide for the appointment of solicitor-general investigators.

Authored By: Rep. Mandi Ballinger (23rd)
House Committee: Intragovernmental Coordination - Local
Committee Action: 03-02-2015 Do Pass

HB 490 Blue Ridge Judicial Circuit; appointment of district attorney investigators; provide

Bill Summary: A Bill to provide for the appointment of district attorney investigators in the Blue Ridge Judicial Circuit.

Authored By: Rep. Mandi Ballinger (23rd)
House Committee: Intragovernmental Coordination - Local
Committee Action: 03-02-2015 Do Pass

HB 493 Brunswick, City of; Redevelopment Powers Law; provide a referendum

Bill Summary: A Bill to authorize the City of Brunswick to exercise all redevelopment powers as permitted under the State Constitution and the Redevelopment Powers Law pending a local referendum to approve the authorization.

Authored By: Rep. J. B. Jones (167th)

House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-02-2015 Do Pass
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HB 495 Peachtree City, City of; Redevelopment Powers Law; provide a referendum

Bill Summary: A Bill to authorize the City of Peachtree City to exercise all redevelopment powers as permitted under the State Constitution and the Redevelopment Powers Law pending a local referendum to approve the authorization.

Authored By:	Rep. Matt Ramsey (72nd)	Committee Action:	03-02-2015 Do Pass
House Committee:	Intragovernmental Coordination - Local		

Judiciary Non-Civil Committee

HB 103 Kelsey's Law; enact

Bill Summary: This bill makes it a crime (misdemeanor) to intentionally cause a minor to be identified as someone in an obscene depiction in a way that a reasonable person would conclude that the person in the image was the minor. This includes giving the minor's name, address, telephone number, or email address. This also includes the electronic imposing of the minor's face onto an obscene depiction. If the violation involves an individual who resides in the state of Georgia, the person will be subject to prosecution even if their conduct took place outside of the state. If the conduct takes place within the state, the person will be subject to prosecution even if it involves an individual who resides outside the state. The prohibition does not apply to law enforcement activities when investigating crimes or when the identification and image is made in anticipation of litigation. Also, the bill contains a non-merger of offenses clause.

Authored By:	Rep. D. C. Belton (112th)	Committee Action:	03-02-2015 Do Pass by Committee Substitute
House Committee:	Judiciary Non-Civil		

HB 310 Penal institutions; create Board of Community Supervision, Department of Community Supervision, and Governor's Office of Transition, Support, and Reentry; provisions

Bill Summary: HB 310 creates: the Board of Community Supervision; the Department of Community Supervision; and the Governor's Office of Transition, Support, and Reentry. These agencies assume the duties related to probation and parole previously held by other state agencies. Also, the bill provides several changes to the law governing probation for misdemeanors.

HB 310 creates the Board of Community Supervision (the "Board") which establishes the general policies to be followed by the Department of Community Supervision ("DCS") and the Governor's Office of Transition, Support, and Reentry.

The bill transfers the powers of several state agencies to the newly established Board including the powers, duties, and functions of: the Board of Corrections, with regard to the Department of Corrections' probation division; the Board of Pardons and Paroles, with regard to the supervision of parolees; the Board of Juvenile Justice and Department of Juvenile Justice, with regard to the probation and supervision of certain youthful offenders; and the County and Municipal Probation Advisory Council. The transfers become effective July 1, 2015 with the exception of the transfer of power from the Board of Juvenile Justice and Department of Juvenile Justice, which is effective on July 1, 2016.

Eleven members make up the board, six of whom will serve for the entire time they remain in their appointed positions. These six members are the: commissioner of corrections, commissioner of juvenile justice, chairperson and vice chairperson of the State Board of Pardons and Paroles, director of the Division of Family and Children Services of the Department of Human Services, and commissioner of behavioral health and developmental disabilities. The other five members are appointed by the governor and serve terms of varying lengths. These members will consist of a: sheriff, superior court judge, juvenile court judge, mayor or city manager, and county commissioner.

Vacancies in office are filled by appointment by the governor. A chairperson is also elected by the Board's membership. The Board is required to adopt rules and regulations governing the management and treatment of probationers and parolees. These rules must ensure that the Board's decisions regarding probationer and parolee management are guided by practices that have been shown by scientific research to reduce recidivism. The Board must also require the DCS to collect and analyze certain data regarding the type and effectiveness of treatments given to probationers and parolees. The DCS must prepare an annual report of this information and submit it to various elected officials.

In Section 3-2 line 1119, the bill gives the board the authority and duty to consult with and seek input from an advisory council. Such council will be composed of a: state court judge, municipal court judge, probate court judge, magistrate judge, criminal defense attorney appointed by the governor, and private probation officer or an expert in private probation appointed by the governor. Finally, the Board must promulgate rules requiring probation officers to register and pay a fee for such registration. These rules must also provide for the imposition of sanctions and fines for officer misconduct.

HB 310 also creates the Department of Community Supervision (DCS) which is the agency primarily responsible for supervision of: defendants who receive a felony sentence of straight probation; defendants who receive a split sentence; defendants placed on parole or other conditional release; and, certain juvenile offenders released from confinement. The DCS is also responsible for administering and enforcing laws, rules, and regulations related to probation and parole supervision. Within the DCS, a victim services unit will be established to coordinate the payment of court-ordered restitution and other victims' services.

A commissioner of community supervision, a salaried position to be appointed by the governor, is responsible for supervising, directing, and executing the functions of the DCS. With approval of the board, the commissioner is authorized to make and publish rules and regulations related to the administration of probation and parole supervision. Until the commissioner does so, the effective rules and regulations will be those previously adopted by the agencies that, pursuant to this bill, transferred their probation and parole supervision duties to the Board. Finally, the commissioner may prescribe forms, confer powers of police officers on its employees, and allow certain employees to assist law enforcement officers in preserving order and peace. The state agencies that transfer their duties and powers to the newly created DCS, must also transfer personnel, equipment, and facilities to the DCS. Additionally, appropriations to these agencies will also be transferred to the DCS.

HB 310 allows a DCS or community supervision office to purchase vending machines or contract with vending services if the operation of such services is capable of generating a profit. The profits generated from these services go to an "employee benefit fund" which, with some restrictions, may be expended on items or activities that benefit employees of the office. Examples include recognizing the birth of an employee's child, events that foster camaraderie amongst employees, or training sessions. The bill provides monetary limitations on how much may be spent on these items or events.

HB 310 creates the Governor's Office of Transition, Support, and Reentry (the "Office") in order to administer rules and regulations that promote successful offender reentry. The duties and powers related to reentry services of the State Board of Pardons and Paroles, Department of Corrections, and Board/Department of Juvenile Justice are transferred to the Office. Personnel, equipment, and facilities of these agencies are also transferred to this newly created Office. Finally, appropriations to these agencies related to reentry service functions are also transferred to the Office.

A director of the Office, a salaried position appointed by the governor, will be responsible for supervising, directing, organizing, planning, administering, and executing the functions of the Office. The director is authorized to establish units within the Office and designate assistant directors of each unit.

The commissioner of the DCS and the director of the Governor's Office of Transition, Support, and Reentry hold positions that are separate and distinct from any other position in state government. These officers are authorized to employ, assign, compensate, and discharge employees; however, no DCS employee or person performing services for the Office may be compensated on a commission or contingent fee basis. Neither the commissioner of the DCS, the director of the Office, nor any employee thereof may be given any anything of value in addition to their compensation.

HB 310 makes it a misdemeanor for a community service officer to use an offender for any purpose resulting in private gain to any individual. This prohibition does not apply to services provided to a disabled person under the newly created O.C.G.A. Â§ 42-3-52, work on private property because of a natural disaster, or if the services are performed pursuant to an order by the court.

The bill also requires agencies that wish to participate in a community service program to submit an application letter to the court showing eligibility, number of offenders capable of being placed in the agency, the type of work to be performed, and provisions for supervision. The court will then assign offenders to work for the agency.

This bill also provides immunity from liability for acts performed by community service officers while the officers are participating in a community service program. The immunity does not apply to acts that are grossly negligent, reckless, or willful.

The bill next provides that community service may be considered as a condition of probation. Primary consideration will be given to traffic violation offenders, ordinance offenders, offenders convicted of non-injurious or nondestructive, nonviolent misdemeanors or felonies. If community service is ordered as a condition of probation, the court shall order not less than 20 hours and no more than 250 hours in cases involving traffic/ordinance violations or misdemeanors, such service to be completed within one year. In felony cases, the court shall order not less than 20 hours and no more than 500 hours, such service to be completed within three years. A written report evaluating the offender's performance must be prepared by the community services officer to be used to determine if conditions of probation have been satisfied.

The court may also authorize an offender to serve as a live-in attendant for a disabled person if both the offender and disabled person agree and such service is deemed appropriate by the court. Such service shall last, at most, two years. The arrangement can be terminated upon request by the offender or disabled person, and the agency must frequently ensure the safety and welfare of the disabled person by maintaining personal contact. If an offender providing these services is later incarcerated, they may be awarded time for good time for each day of live-in community service.

The court may also order an offender to perform 40 hours of community service per week in lieu of incarceration. A court may also add community service hours to the original court ordered hours as a disciplinary action, as an additional requirement of any program in lieu of incarceration, or as part of the sentencing options system in Article 6 of this chapter.

HB 310 allows the DCS to establish and operate pretrial release and diversion programs as rehabilitative measures for persons charged with felonies for which bond is permissible; however, unanimous approval of the superior court judges, the district attorney, and the sheriff of the county is required in each county before these programs may be established.

Upon the application by the person charged with a felony for which bond is permissible, a court may release the person prior to conviction to the supervision of a pretrial release or diversion programs after an investigation and upon recommendation of the staff of the program. A person must voluntarily agree to participate in the pretrial release or diversion program and knowingly and intelligently waive his or her right to a speedy trial for the period of pretrial release or diversion. Finally, the judge having jurisdiction over the case must approve of the release in writing. Under this bill, the Georgia Department of Labor may still enter into agreements with district attorneys in order to establish and operate pretrial intervention programs.

HB 310 allows a county to establish diversion programs and centers for the confinement of persons who have violated court orders granting alimony or child support. Under certain conditions, a person confined in a diversion center may be allowed to travel to and from his or her place of employment. If not traveling to and from work, the person shall be confined to the diversion center and will continue to be responsible for alimony and child support. The person may also be required to pay for the costs of his or incarceration at the center as well as the cost of administering the program. A judge is authorized to provide other methods of incarceration if the person fails to comply with requirements imposed upon him or her.

This bill allows a sentencing judge to require defendants sentenced to probation to be ordered to a "sentencing options system" which allows the DCS, as an alternative to judicial modifications or revocations, to sanction probationers who violate terms and conditions of their probation. The sentencing judge still retains jurisdiction over a defendant ordered to the sentencing options system. Before a sanction is imposed, there must be an administrative hearing to determine, by a preponderance of the evidence, if a probation violation has occurred. The determination is reviewable by the senior hearing officer if the offender files a request for review within 15 days of the decision. In turn, this decision is reviewable by the sentencing court. The sanctions include a confinement to a probation detention center or substance abuse treatment facility, probation boot camp, day reporting center, intensive probation, electronic monitoring, community service, or probation supervision.

If a probationer who has been ordered to this system is arrested on a warrant for an alleged probation violation, a preliminary hearing is required within, at most, 15 days. This hearing is not required if the probationer was not under arrest on a warrant, the probationer signed a waiver of a preliminary hearing, or if the administrative hearing is scheduled to be heard within 15 days of arrest. The system will only apply in judicial circuits where DCS has allocated certified hearing officers.

HB 310 adds language that requires the chief judge of a municipal court that has contracted for probation services to initiate the termination of that contract. The termination is subject to approval by the governing authority of the municipality or consolidated government which entered into the contract.

If a defendant has violated an ordinance or committed a misdemeanor, this bill allows a court with original jurisdiction to stay or suspend the execution of a sentence or place the defendant on probation if the court determines that the defendant is not likely to engage in an unlawful course of conduct and justice does not require the defendant to suffer the penalty imposed by law. The period of probation cannot exceed the maximum amount of confinement which could be imposed on the defendant.

The court may also require the defendant to pay a fine or fee as a condition of probation. The court may also require the defendant to pay a probation fee if the probation requires supervision. When considering any amount imposed on a defendant, other than when the amount imposed is for restitution, the court may consider the financial situation of the defendant and the goal of the punishment imposed. A court may also convert fines, statutory surcharges and probation supervision fees to community service.

If a court determines that the defendant has a significant financial hardship or inability to pay, the court must waive, modify, or convert fines or other moneys assessed. There is a presumption of significant financial hardship when a person has a developmental disability, is totally and permanently disabled, is indigent or released from confinement within the last 12 months and was incarcerated for at least 30 days before his or her release. Additionally, absent a waiver, a hearing is required before a court may revoke a probationary sentence for failure to pay fines or fees. If the probation is revoked, the court must make a written determination that the probationer has not made good faith efforts to pay and the failure was willful.

This bill also provides that a sentencing judge will retain jurisdiction over any person placed on probation for the entire term of the person's probated sentence. The judge may revoke, rescind, modify, or toll the sentence at any time during the probated sentence.

In revocation hearings, the court must consider alternatives to confining the probationer. If a person violates probation by failing to report to probation or failing to pay fines or fees, and an alternative is not warranted, the court must revoke the balance of probation or a period no more than 120 days in confinement, whichever is less. If a person violates probation by failing to comply with any other provision of probation, and an alternative is not warranted, the court must revoke the balance of probation or a period of no more than two years in confinement, whichever is less.

If a defendant is only under probation supervision for his or her failure to pay court imposed fines or statutory surcharges, probation supervision fees cannot exceed three months of ordinary probation supervision fees.

If the defendant's sentence is later converted to one that requires community supervision, the court may reinstate probation supervision fees to monitor the defendant's compliance with community service obligations.

A court must determine the terms and conditions of probation including, but not limited to, requirements that the probationer:

avoid injurious and vicious habits, avoid harmful or disreputable places, report to the probation officer, permit a probation officer to visit the probationer's home, work at a suitable place of employment, remain at a specified location, pay restitution or reparation to an aggrieved person or municipality, support the probationer's legal dependents, not violate any law, allow extradition to this state, submit drug or mental health screenings, wear a tracking device, wear an alcohol or drug monitoring device, or complete substance abuse or mental health treatment.

A probated sentence may be tolled if it is established by affidavit of the probation officer that the probationer has failed to report despite efforts to contact the probationer. If after receiving notice of the probation officer's intent to seek a tolling order, and thereafter reported to the officer within a certain amount of time, the probationer may be entitled to a hearing to consider whether the probation sentence should be tolled.

Any unpaid fines or other moneys owed as a condition of probation are due when the probationer is arrested. If the entire probation is revoked, all of the conditions of probation, including owed money, are negated by the imprisonment. If only part of the probation is revoked, the court determines the probationer's responsibility for unpaid fines or other moneys owed.

Any private probation company that contracts with a municipality to provide services must report to the board and the judge who entered into the contract on a quarterly basis the amount of fees collected and the nature of such fees as well as the number of community service hours performed by probationers and a list of any other service for which the probationer was required to pay to attend. Once a year, this information must also be reported to the governing authority that entered into the private probation contract.

A probationer must be provided with a written receipt each time he or she makes a payment. Also, upon request, a probationer must be given a copy of his or her own probation file. One of these requests will be processed for free, but the probationer will be required to pay a fee for each subsequent request. The Board shall promulgate rules and regulations to clarify what information, such as victim information, shall be withheld from these files. Probationers shall be able to seek an in camera inspection of the entire file if they contend that report of the information is being improperly withheld.

This bill also requires that certain rules and regulations of the board will be subject to disclosure. This includes rules and regulations regarding: agreements for the provision of probation services, the conduct of business by private probation companies, local governments establishing probation systems, and guidelines of private probation companies.

The bill requires private probation companies to register with the board before entering into any contract to provide services. If a company was registered with the County and Municipal Probation Advisory Council on or before June 30, 2015, they shall be deemed to be registered with the board.

After January 1, 2016, in order for a person to be a community service officer, he or she must complete the basic training course for supervision of probations and parolees certified by the Peace Officer Standards and Training Council.

Currently, many defendants facing a probation revocation proceeding are denied an opportunity to enter into a felony accountability court program as part of their revocation sentence due to having insufficient time remaining on their original sentence sufficient to complete the program. This bill would permit the defendant under such circumstances to voluntarily agree to an extension of his or her original sentence for a period not to exceed three years to permit the defendant to enter and complete a felony accountability court program. Upon graduation, the balance of the extended probation sentence may be modified by the court.

This bill also revises language to incorporate "Community Supervision Officers," instead of or in addition to "probation officers," into applicable sections of the Code. References to probation officers and the Board of Pardons and Paroles are removed from sections where they no longer apply.

Superior Court fees may not be charged to a person filing a petition under the first offender act.

The list of persons subject to special rules for sexual assault because of their supervisory role is expanded from "probation or parole office" to "community supervision office, county juvenile probation office, Department of Juvenile Justice juvenile probation office, or probation office."

After July 1, 2015, defendants serving a split sentence will have their probation supervised by the DCS instead of the State Board of Pardons and Paroles. "Split sentence," in the context of criminal sentencing, means any felony sentence requiring imprisonment followed by probation.

The DCS does not have jurisdiction to supervise probation for misdemeanor offenses unless that probation runs concurrent to the probation for a felony offense or the court orders such supervision. A new subsection is added to the State Sexual Offender Registry that requires the DCS to keep all records of registered sexual offenders until the death of that offender. HB 310 provides specific guidance regarding who must inform a defendant of his or her eligibility as a first offender. If an attorney represents the defendant, the attorney is responsible for informing the defendant. If the defendant is pro se, the court shall inquire as to the defendant's desire to be sentenced as a first offender. When imposing the sentence, the court will ensure the defendant is aware of the consequences of entering a first offender plea. Individuals who were eligible for first offender treatment, but not informed of their ability to receive such treatment, may petition the Superior Court for discharge or exoneration under the first offender statute with the permission of the prosecutor. The court shall hold a hearing on the petition and consider any evidence introduced by the petitioner or the prosecuting attorney and any other relevant evidence. If the court finds a preponderance of the evidence supports the defendant's contention that they were eligible for first offender treatment and justice is served, the court may retroactively apply first offender treatment and the GBI must modify their records accordingly.

The duties of the State Board of Pardons and Paroles is no longer charged with supervising persons placed on parole or aiding parolees and probationers with securing employment.

Authored By: Rep. Alan Powell (32nd)
House Committee: Judiciary Non-Civil

Committee Action: 03-02-2015 Do Pass by Committee Substitute

HB 328 Adult offenders; enact reforms recommended by Georgia Council on Criminal Justice Reform

Bill Summary: HB 328 modifies the 'Fair Business Practices Act of 1975' by adding a section to regulate "consumer reporting agencies," those persons or entities that assemble or evaluate consumer information to provide third parties with a "consumer report" used to evaluate the consumer's fitness for insurance, credit, or employment.

The bill requires consumer reporting agencies to notify consumers when their public record information is provided to a third party, along with the name and address of the receiving party, or to maintain strict procedures to ensure the accuracy of any information that is likely to adversely affect the consumers' ability to obtain employment.

Any consumer reporting agency providing information to a third party domiciled or having a principle place of business within the state will be considered to be conducting business in the state.

HB 328 allows parole eligibility for inmates required to serve their entire sentence under the repeat offender statute who are serving a sentence of 12 years up to life and meet certain requirements. Requirements for the inmate include: no conviction of certain felonies which are violent in nature, weapons-related or result in registration as a sex offender; completion of at least 12 years of the sentence; determination by the Department of Corrections to have low-risk for recidivism; classification as medium risk (or less) for institutional housing purposes; no serious disciplinary infractions for 12 months prior to consideration; and obtained a high school diploma or GED.

The bill allows drug court diversion program participants to receive a probationary professional or business license when the applicant submits an application for licensure or renewal and proof of program completion. This amendment does not preclude the board from considering convictions other than the conviction that resulted in the assignment to the drug court.

The bill adjusts the public assistance fraud statute, clarifying that the statute is not gender specific by adding "or she" after "he" where it is appropriate. The amendment also raises the threshold for felony fraud from \$500 to \$1,500.

Code sections referencing the "Georgia Public Defender Standards Council" are amended by striking "Standards" thus changing the name to "Georgia Public Defender Council."

The bill removes language that required the council to select their director on the basis of training and experience. The bill also strikes language that gave the director the power to: take action necessary to perform indigent defense services, enforce rules and regulations necessary to perform indigent defense services, carry into effect the minimum standards promulgated by the council, and to perform functions and duties that the council is authorized to perform under O.C.G.A. Â§ 17-12-4. The director is also prohibited from representing any indigent person or engaging in the private practice of law for profit.

The director is no longer required to submit procedures he or she develops for the council's approval. Also, the director is no longer required to consult with professionals about implementing and improving indigent services programs. Finally, this bill requires the director to "hire or remove" directors for the offices of mental health advocacy and the Georgia capital defender.

HB 328 gives the council the authority to assist public defenders instead of requiring them to do so. Similarly, the bill allows, instead of requires, the council to keep and publish statistics to evaluate the delivery of indigent defense in Georgia. The council is required to meet at least semi-annually instead of quarterly under the bill.

The bill strikes the Code section that required the council to approve programs for representation of indigent persons. Language is also stricken from the Code that required policies and standards promulgated by the council to be publicly available on the council's website.

HB 328 changes the reporting requirements of the council and director. Instead of requiring an annual report of the council's expenditures and revenue, such report is only required "upon request." The same change is made regarding reports by the director assessing the delivery of indigent defense in Georgia.

The legislative committee providing oversight of the council is only required to meet once, instead of three times, each year. Also, this legislative oversight committee is no longer required to submit an annual report of its activities and findings.

When a public defender is replaced due to a conflict of interest, this bill strikes language that required the replacing attorney to have the training and experience that the complexity of the case requires. Language is also stricken that required such attorney to meet standards established by the council.

Instead of requiring a public defender to represent any juvenile case where there is a possibility of confinement, commitment or probation, this bill only requires representation in juvenile delinquency cases.

Circuit public defenders are no longer required to establish a special juvenile defense division. The bill also strikes language that entitled a person arrested or served with any initiating process to the services of public defense council within three business days.

Current law allows a city or county to contract with circuit public defenders to provide indigent defense to people accused with violating ordinances or state laws. This bill strikes language that subjects the city and county to policies adopted by the council if they do not contract with the circuit public defenders.

This bill strikes language enumerating the specific types of records that the public defenders are required to keep. Instead, the public defenders are required to keep records "as requested by the council."

Current law allows a single county judicial circuit to, upon approval by the council, establish an alternative system of delivering indigent defense services. If the council disapproves, this bill allows the system to appeal that disapproval to the council instead of the Supreme Court of Georgia.

The governing authority within a judicial circuit is still required to provide the public defender with the name and identifying information of each person who applies and is eligible for legal services; however, such authority is no longer required to submit that information within one day of the defendant's application.

Authored By:	Rep. Chuck Efstoration (104th)	Committee Action:	03-02-2015 Do Pass by Committee Substitute
House Committee:	Judiciary Non-Civil		

Juvenile Justice Committee

HB 268 Child abuse; mandatory reporters; change provisions

Bill Summary: This legislation strengthens the laws requiring mandatory reporting of child abuse by certain types of employees. It requires individuals who are employees or volunteers where their duty is to attend to a child, such as a school, hospital, or social agency, must report to the person in charge of that facility whenever they receive reliable information that child abuse has occurred.

The individual in charge of the institution, or the person delegated to receive the report, may not exercise control over the person writing the report or make any change to the information that is provided to them. Prior to receiving the report, they may be consulted prior to the report and may provide additional relevant information.

The bill also allows reports to be filed by telephone, email, or facsimile. Oral reports must be followed up with a written report. The initial report must be filed within 24 hours from the time there is a reasonable suspicion of abuse.

Authored By:	Rep. Mandi Ballinger (23rd)	Committee Action:	03-02-2015 Do Pass by Committee Substitute
House Committee:	Juvenile Justice		

Transportation Committee

HB 170 Transportation Funding Act of 2015; enact

Bill Summary: House Bill 170 provides for the elimination of the state sales tax on motor fuels and moves to a flat excise rate. Local option sales taxes that do not expire will no longer be levied on motor fuels but will move to a rate of 1.25 percent after July 1, 2016. For Special Purpose Local Option Sales Taxes, the rate will remain at one percent and will continue to be levied on motor fuels. If reauthorized by voters upon expiration, the revenue generated from local taxes on motor fuels will be required to be used on transportation purposes. This legislation also requires that the board of the Georgia Transportation Infrastructure Bank give greater consideration for Tier One and Tier Two counties when determining eligibility for loans and financial assistance.

Authored By: Rep. Jay Roberts (155th)
House Committee: Transportation

Committee Action: 03-02-2015 Do Pass by Committee Substitute

Committee Meeting Schedule

*This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change.
To keep up with the latest schedule, please visit www.house.ga.gov and click on [Meetings Calendar](#).*

Tuesday, March 03, 2015

10:00AM	FLOOR SESSION (LD 25) - HOUSE CHAMBER
9:00 AM	RULES - 341 CAP
1:00 PM	Labor Management Subcommittee of Industry and Labor - 606 CLOB
1:30 PM	Pak Subcommittee of Judiciary Non-Civil - 406 CLOB
1:30 PM	STATE PLANNING & COMMUNITY AFFAIRS - 403 CAP
2:00 PM	DEFENSE & VETERANS AFFAIRS - 515 CLOB
2:00 PM	JUDICIARY CIVIL - 132 CAP
2:00 PM	State Government Subcommittee of Governmental Affairs - 606 clob
2:00 PM	Academic Support Subcommittee of Education - 415 CLOB
2:00 PM	REGULATED INDUSTRIES - 506 CLOB
2:30 PM	Local Government Subcommittee of Governmental Affairs - 606 clob
3:00 PM	WAYS & MEANS - 606 CLOB
3:00 PM	GAME, FISH & PARKS - 403 CAP
3:00 PM	SCIENCE & TECHNOLOGY - 506 CLOB
4:00 PM	HIGHER EDUCATION - 403 CAP
4:00 PM	Jacobs Subcommittee of Judiciary Civil - 132 CAP
4:00 PM	PUBLIC SAFETY & HOMELAND SECURITY - 406 CLOB
4:30 PM	Setzler Subcommittee of Judiciary Non-Civil - 506 CLOB