



House Budget & Research Office
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- The House will reconvene for its 32nd Legislative Day on Thursday, March 19 at 10:00 a.m.
- The Rules committee will meet at 9:30 a.m.
- Two resolutions are expected to be debated on the floor.

Today on the Floor

Rules Calendar

HR 106 United States Congress; convey title and jurisdiction of Federal Public Lands to the States; encourage

Bill Summary: This resolution encourages the United Congress to convey title and jurisdiction of Federal Public Lands to the states.

Authored By:	Rep. Buzz Brockway (102nd)	Rule Applied:	Open
House Committee:	Interstate Cooperation	Committee Action:	02-19-2015 Do Pass
Floor Vote:	Yeas: 114 Nays: 51	Amendments:	

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

Bill Summary: House Resolution 303 urges 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)	Rule Applied:	Open
House Committee:	Education	Committee Action:	03-02-2015 Do Pass
Floor Vote:	Yeas: 167 Nays: 0	Amendments:	

HR 397 United States Congress; support equity and sales tax fairness; encourage

Bill Summary: HR 397 urges the United States Congress to take action that allows for the fair and constitutional collection of state and local sales taxes from out of state merchants.

Authored By:	Rep. Larry O'Neal (146th)	Rule Applied:	Modified-Structured
House Committee:	Ways & Means	Committee Action:	02-26-2015 Do Pass
Floor Vote:	Yeas: 163 Nays: 0	Amendments:	

SB 93 Seminole County; office of probate judge; nonpartisan elections

Bill Summary: A Bill to provide for nonpartisan elections of the office of the probate judge of Seminole County.

Authored By:	Sen. Dean Burke (11th)	Rule Applied:	Modified-Structured
House Committee:	Intragovernmental Coordination	Committee Action:	03-05-2015 Do Pass
Floor Vote:	Yeas: 132 Nays: 31	Amendments:	

Local Calendar

HB 424 LaFayette, City of; levy an excise tax

Bill Summary:

Authored By:	Rep. Steve Tarvin (2nd)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 559 McDuffie County; board of elections and registration; increase membership of board

Bill Summary: A Bill to create a Board of Elections and Registration for McDuffie County.

Authored By:	Rep. Barry Fleming (121st)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 570 Milton, City of; change description of election districts

Bill Summary: A Bill to reapportion the City of Milton.

Authored By:	Rep. Jan Jones (47th)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 571 Sandy Springs, City of; levy an excise tax

Bill Summary: A Bill to authorize the governing authority of the City of Sandy Springs to levy a hotel/motel tax.

Authored By:	Rep. Wendell Willard (51st)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 573 Twiggs County; Board of Commissioners; compensation and expenses of members; change provisions

Bill Summary: A Bill to amend an Act creating the Board of commissioners for Twiggs County, so as to provide for compensation of the members.

Authored By:	Rep. James Epps (144th)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 574 Twiggs County; manner of fixing compensation of employees of sheriff's office; change

Bill Summary: A Bill to amend an Act for the Sheriff of Twiggs County, so as to change the manner of fixing the compensation of employees of the sheriff's office.

Authored By:	Rep. James Epps (144th)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 575 Payne, City of; abolish

Bill Summary: A Bill to repeal an Act creating a new charter for Payne City.

Authored By:	Rep. James Beverly (143rd)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 576 Broxton, City of; four-year terms for mayor and members of city council; provide

Bill Summary: A Bill to amend an Act for the City of Broxton, so as to provide for four-year terms for the mayor and members of the city council.

Authored By:	Rep. Dominic LaRiccica (169th)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 577 Rockdale County; Redevelopment Powers Law; provide a referendum

Bill Summary: A Bill to be entitled an Act to authorize Rockdale County 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. Pam Dickerson (113th)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 580 Columbus, City of; Recorder's Court; increase amount of technology fee

Bill Summary: A Bill to be entitled an Act authorizing the Recorder's Court of Columbus, Georgia, to impose and collect a technology fee for each fine imposed, so as to increase the amount of such fee.

Authored By:	Rep. Calvin Smyre (135th)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 582 Coweta County Water and Sewerage Authority; members of authority; change terms

Bill Summary: A Bill to be entitled an Act to amend an Act creating the Coweta County Water Sewerage Authority, so as to change the terms of members of the authority.

Authored By:	Rep. Lynn Smith (70th)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 583 Cobb County; tax commissioner; change compensation of certain employees

Bill Summary: A Bill to amend an Act consolidating the offices of tax collector and tax receiver into the office of tax commissioner of Cobb County, so as to change the compensation of certain employees of such office.

Authored By:	Rep. John Carson (46th)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass by Committee Substitute
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 584 Cobb County; Board of Commissioners; compensation of chairperson and other commissioners; change provisions

Bill Summary: A Bill to amend an Act creating the Board of Commissioners of Cobb County, so as to change the compensation of the chairperson and other commissioners of the board.

Authored By:	Rep. John Carson (46th)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

HB 595 Fulton County; county-wide library system; specify name for system; provisions

Bill Summary: A Bill to amend an Act providing for the establishment of a county-wide library system in Fulton County.

Authored By:	Rep. Jan Jones (47th)	Rule Applied:	
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-16-2015 Do Pass
Floor Vote:	Yeas: 162 Nays: 0	Amendments:	

Next on the Floor from the Committee on Rules

The Committee on Rules has fixed the calendar for the 32nd Legislative Day, Thursday, March 19, and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Thursday, March 19, at 9:30 a.m., to set the Rules Calendar for the 33rd Legislative Day.

HR 302 Congress of the United States; enact significant reforms to nation's federally financed graduate medical education programs and to provide states with additional resources to meet the health workforce needs of the future; urge

Bill Summary: HR 302 urges the Congress of the United States to enact reforms to the nation's federally-financed graduate medical education programs and to provide states with additional resources to meet the health workforce needs of the future.

Authored By: Rep. Butch Parrish (158th)
House Committee: Health & Human Services

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

HR 474 House Study Committee on Grandparents Raising Grandchildren and Kinship Care; create

Bill Summary: This resolution creates the House Study Committee on Grandparents Raising Grandchildren and Kinship Care and provides for its charge, membership, compensation, and duration.

Authored By: Rep. Stacey Abrams (89th)
House Committee: Human Relations & Aging

Rule Applied: Modified-Structured
Committee Action: 03-04-2015 Do Pass

Committee Actions

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

Defense & Veterans Affairs Committee

SB 69 State Defense Force; remove restrictions; rights of public officers and employees to be absent for service; reemployment rights

Bill Summary: SB 69 extends the same employment protections for State Defense Force members that exist for active-duty National Guard members. The legislation prohibits a State Defense Force member from being terminated from a position of employment due to service-related duties.

Authored By:	Sen. Judson Hill (32nd)		
House Committee:	Defense & Veterans Affairs	Committee Action:	03-18-2015 Do Pass

Intragovernmental Coordination - Local Committee

HB 589 Cobb County; Probate Court; change compensation of judge

Bill Summary: A Bill to amend an Act changing the compensation of the Clerk of the Superior Court, the Sheriff, and the Judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation of the judge of the Probate Court.

Authored By:	Rep. Stacey Evans (42nd)		
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-18-2015 Do Pass by Committee Substitute

HB 594 Baldwin County; levy an excise tax

Bill Summary: A Bill to authorize the governing authority of Baldwin County to levy a hotel/motel tax.

Authored By:	Rep. E. Culver "Rusty" Kidd (145th)		
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-18-2015 Do Pass

HB 597 DeKalb County; board of commissioners; change jurisdiction of Board of Ethics

Bill Summary: A Bill to amend an Act revising the jurisdiction of the Board of Ethics of DeKalb County.

Authored By:	Rep. Scott Holcomb (81st)		
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-18-2015 Do Pass

HB 598 DeKalb County; board of commissioners; provide for the manner of purchasing

Bill Summary: A Bill to amend an Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County and creating a chairman and board of commissioners, so as to provide for the manner of purchasing by DeKalb County.

Authored By:	Rep. Scott Holcomb (81st)		
House Committee:	Intragovernmental Coordination - Local	Committee Action:	03-18-2015 Do Pass

HB 599 DeKalb County; board of commissioners; provide for independent internal audits

Bill Summary: A Bill to amend an Act to provide for independent internal audits for DeKalb County.

Authored By: Rep. Scott Holcomb (81st)
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-18-2015 Do Pass

HB 600 Cobb County; State Court; revise compensation of solicitor-general

Bill Summary: A Bill to amend an Act creating the State Court of Cobb County, so as to revise the compensation of the Solicitor-General.

Authored By: Rep. Earl Ehrhart (36th)
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-18-2015 Do Pass

HB 601 Carroll County; sales tax for educational purposes; method of distribution of net proceeds; provide

Bill Summary: A Bill to provide for a method of distribution of the net proceeds of the sales tax for education purposes levied in Carroll County.

Authored By: Rep. Dustin Hightower (68th)
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-18-2015 Do Pass

HB 602 Fulton County; Board of Education; contributions made into the pension and retirement plan by employees shall be considered employer contributions for tax purposes; provide

Bill Summary: A Bill to amend an Act providing in Fulton County a system for pension and retirement to pay teachers and employees of the Board of Education, so as to provide that contributions made into the pension and retirement plan by employees shall be considered employer contributions for tax purposes.

Authored By: Rep. Wendell Willard (51st)
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-18-2015 Do Pass

HB 603 Fulton County; Board of Education; provide disability pension benefit eligibility for new plan members in certain instances; provisions

Bill Summary: A Bill to amend an Act providing in Fulton County a system for pension and retirement to pay teachers and employees of the Board of Education, so as to revise disability pension benefit eligibility for new plan members in certain instances.

Authored By: Rep. Wendell Willard (51st)
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-18-2015 Do Pass

Judiciary Non-Civil Committee

HB 430 Criminal procedure; search and seizure; revise and modernize law; provisions

Bill Summary:

1) Search Incident to Arrest - The bill first revises the Code section regarding search incident to a lawful arrest. Most of the changes in this section are stylistic. For example, the bill allows an officer to search the individual arrested, as well as the area within the person's immediate presence, for the purposes of "discovering or seizing any property" which may have been used in the crime. The definition of property now includes intangible items in an attempt to ensure that items other than traditional physical instrumentalities are seizable. The bill also changes language regarding exactly

what an officer may seize in the course of a search incident to arrest. Also, the bill strikes language about what may be seized in a search incident to arrest and replaces it with the defined term "contraband." The definition of contraband is the same as the language that the term replaced.

2) Issuance of Search Warrants - Under current law, when seeking a search warrant, an officer is required to establish by probable cause that a crime is being or has been committed. This bill adds an option for an officer to establish by probable cause that a crime "is about to be committed." The bill expands which judges are allowed to issue search warrants. Under current law, the only judicial officers authorized to issue search warrants are those "authorized to hold a court of inquiry to examine into an arrest of an offender against the penal laws" as well as retired, senior, or emeritus judges if the active judge authorizes such judges to issue warrants. This bill allows "any judge of a court of this state" to issue warrants.

3) What A Search Warrant May Be Issued For - A judicial officer may issue a warrant for "stolen" property, but the bill strikes the word "embezzled." Also, the bill allows a search warrant to be issued for the seizure of any property that is evidence of the commission of the crime. The bill removes the exemption for private papers that are only tangible evidence of the commission of the crime. A warrant may also be issued for the search or seizure of an individual who has been kidnapped "or unlawfully restrained." Finally, if an individual has a warrant for his/her arrest and is located within another person's property, a warrant may be issued for the search of that other person's property. The changes for what may be seized in a search incident to arrest are also applied to the provisions regarding what may be seized when effecting a valid search warrant.

4) Use of Certain Devices in Search Warrant Execution - This bill allows other personnel acting on behalf of a peace officer to assist in the execution of a warrant. The bill also allows the use of a "device" when executing a warrant. A device means an electronic instrument used for overhearing sounds or for observing images. This also includes instruments that can be used to intercept a wire, oral, or electronic communication. Certain instruments are excluded from the definition of device, such as hearing aids or "trap and trace" devices.

5) Records of Search Warrants and Supporting Documents - This bill prevents search warrants from being subject to public inspection until they are executed or returned as not executed. This applies to the documents supporting the warrant as well.

6) Ex Parte petition for Sealing of Search Warrants and Supporting Documentation - SB 94 allows a prosecuting attorney to petition the court ex parte for a search warrant and supporting documentation to be filed under seal with the clerk. The prosecutor must show "reasonable cause" to believe that disclosure of such materials may endanger the life of an individual, cause an individual to flee from prosecution, lead to destruction of evidence/ intimidation of a witness, or otherwise jeopardize an investigation or delay a trial. A judge may order such sealing for up to 60 days, and the period of sealing cannot extend beyond the return of indictment or filing of accusation where evidence seized may be admitted. If an individual is not available, a copy of the warrant must be left in a conspicuous place. If the warrant has been ordered to be sealed, however, a copy may not be left in a conspicuous place.

7) Written Return of Property Seized - Current law allows a written return of property seized to be made before any judicial officer named in the search warrant or before "any court of competent jurisdiction." This bill requires such report to be made before a judicial officer of the same court as the judicial officer who issued the search warrant.

8) Special Masters in Serving Search Warrants - Current law requires an attorney to serve as a special master and accompany a peace officer when serving a search warrant. This bill provides that an attorney shall not be appointed if there is a significant risk that his/her own interests or duties to another client will be affected by such appointment.

9) Prosecuting Attorney May Designate Individual to Observe Search Warrant Execution - If practicable, the peace officer serving the search warrant should not participate in the search, but should only accompany the special master who is conducting the search. This bill allows the

prosecuting attorney to designate an attorney or investigator to observe the execution of the search warrant.

PART 2 - Search and Seizure of Wire and Electronic Communications

- 1) Subpoena, Court Order, or Warrant requiring Disclosure of Wire/Electronic Communications - This bill first states that a peace officer, prosecuting attorney, or attorney general may require wire/electronic communications to be disclosed by subpoena, court order, or search warrant as provided by the laws of the United States. A subpoena may be issued if it is shown that the material relates to a pending criminal investigation. A provided or electronic communication service must provide the contents of and records pertaining to such communications when there is a request made that complies with the laws of the United States. If a search warrant requires the production of wire/electronic communications, it shall have state-wide application or application as provided by federal law when issued by a judicial officer with jurisdiction over the crime under investigation. If allowed under federal law, judges having jurisdiction over the crime being investigated may issue orders requiring production of such communications. These orders shall have state-wide application or application as provided by federal law. A person violating this section may be subject to contempt.
- 2) Installation of Tracking Device by Issuance of Search Warrant - The bill allows, by search warrant, the installation of a tracking device on a physical object provided that the warrant identifies the object and specifies a reasonable length of time, which cannot exceed 45 days, that the device will be used. The installation of the device must take place in the county within the jurisdiction of the warrant-issuing judge. The device can be monitored from any location in the state. The warrant must mandate that the installation is completed within 10 days of the warrant's issuance. The officer must also make a written return of such warrant to the judicial officer named in the warrant or before any court of competent jurisdiction to the judge named in the warrant. On the return, the officer must enter the exact date and time the device was installed or monitoring began if no installation was required. They must also list the dates and times the devices were used. The warrant must be returned within 10 days of the tracking ending. Also within 10 days of the termination of tracking, the officer must serve the search warrant on the person or owner of the physical object being tracked. A judge may order this service be delayed if he finds certain circumstances exist, such as endangerment or flight of the individual.
- 3) Pen Register and Trap and Trace Device - A district attorney or attorney general is authorized to apply for an order authorizing the use or extension of a Pen Register or Trap and Trace device. The application must be to a judge of the superior court of the district attorney's judicial circuit or any judicial circuit if the applicant is an Attorney General. The judge may enter such order if authorized by the law of the United States and the order shall have state-wide application. An officer designated in writing by the attorney general or district attorney may install and use a pen register or trap and trace device before obtaining an order authorizing such installation and use if: he/she determines there are grounds upon which an order could be granted; within 48 hours of installation, an order approving the installation and use is issued; or he/she reasonably determines that a situation exists that involves danger of death or injury or conspiratorial activities indicative of organized crime.
- 4) Inapplicable to Officers Ferreting Out or Watching Suspected Criminals for the Purposes of Apprehension - Except when using a device in a way that would constitute a violation of the eavesdropping statute (OCGA §16-11-62), the provisions of this bill do not apply to officers ferreting out offenders or suspects for the purposes of apprehending those individuals.
- 5) Investigation Warrants - A judge of a superior court having jurisdiction over prosecution of a crime under investigation may issue an investigation warrant permitting the use of a device for surveillance of an individual or place to the extent such surveillance is consistent with and subject to terms and procedure of federal law. The warrant issued shall have state-wide application. Any evidence obtained is only admissible in courts that have misdemeanor AND felony jurisdiction. An individual acting in good faith reliance on a court order or legislative authorization will have a complete defense to a criminal or civil action brought under this or any other law.

6) Emergency Situations - Notwithstanding the requirements of this bill, a district attorney or attorney general may intercept wire/electronic communications or record an individual's activities without a court authorization if: they determine that there is an emergency situation which requires such interception or recording; and grounds exist upon which an investigation warrant could be issued, and they apply for such warrant within 48 hours of the surveillance or monitoring begins. If such warrant is granted, the execution must comply with this bill and must cease after the emergency situation stops. If the warrant is denied, the evidence obtained prior to it is confidential and may not be used in court.

(7) Consent to interception - Notwithstanding the other provisions of this bill, wire/electronic communication may be intercepted when the party intercepting is party to the communication OR when one of the parties consents to interception.

8) Recording and Dissemination of a Minor's Communications - Communication of a child under the age of 18 may be recorded and divulged either by court order, parent, guardian, or legal custodian. If sought by a court order, the judge shall only issue such an order if he/she finds by probable cause that a crime has been committed or he/she finds that the child understands that the conversation is to be recorded and the child agrees to participate. A parent or guardian may also record, monitor, or intercept the communications of a child if the communication takes place through a device within the family home. The parent may disclose the contents of communication to the authorities if he/she reasonably believes the conversation is evidence of criminal conduct. Such disclosed evidence is admissible in a judicial proceeding.

9) Remedies--Exclusionary and Criminalization - Evidence obtained in a manner that violates this bill is inadmissible. Privileged information is also not admissible notwithstanding anything in this bill. A violation of this bill constitutes a felony.

Authored By:	Rep. Chuck Efstoration (104th)	Committee Action:	03-18-2015 Do Pass by Committee Substitute
House Committee:	Judiciary Non-Civil		

HB 534 Incest; relationships between relatives; change provisions

Bill Summary: HB 534 fills a gap in Georgia's criminal incest statute to include half-blood relatives.

Authored By:	Rep. Joyce Chandler (105th)	Committee Action:	03-18-2015 Do Pass
House Committee:	Judiciary Non-Civil		

HB 578 Public order; offense of harassing phone calls to offense of harassing communications; change

Bill Summary: HB 578 bill revises the statute prohibiting harassing phone calls to include harassing or threatening electronic communications. A person commits this offense by repeatedly telephoning or communicating with another person via electronic communication for the purposes of harassing, molesting, threatening or intimidating. The crime will be considered to have been committed where the phone call or electronic communication was sent or where such communication was received. There is no merger for such offenses and the prohibition does not apply to protected speech.

Authored By:	Rep. Tom Weldon (3rd)	Committee Action:	03-18-2015 Do Pass by Committee Substitute
House Committee:	Judiciary Non-Civil		

SB 72 "Tanja's Law"; provide measure of equivalency in punishment of crimes committed against police dogs in performance of their official duties

Bill Summary: SB 72, known as "Tanja's Law," revises the penalties for harming a law

enforcement animal in the performance of its duties by creating tiers of offenses, defining terms, and providing for exceptions. Previously, a person intentionally causing serious or debilitating injury was automatically guilty of a felony.

The law deletes the previous definition of the crime and creates four punishment tiers. A fourth-degree offense occurs when a person intentionally causes physical harm to a law enforcement animal. Offenders are guilty of a misdemeanor of a high and aggravated nature and shall receive up to 12 months in prison and a fine not exceeding \$5,000, or both.

A third-degree offense occurs when a person intentionally causes physical injury to a law enforcement animal through the use of a deadly weapon likely to cause harm. Offenders are guilty of a misdemeanor of a high and aggravated nature and shall be punished by not less than six and not more than 12 months in prison and a fine not exceeding \$5,000, or both.

A second-degree offense occurs when a person knowingly or intentionally shoots a law enforcement animal with a firearm or causes a debilitating physical injury to a law enforcement animal. Offenders are guilty of a felony and shall receive at least one year but not more than five years in prison and a fine not exceeding \$25,000, or both.

A first-degree offense occurs when a person knowingly or intentionally causes the death of a law enforcement animal. Offenders are guilty of a felony and shall receive at least 18 months but not more than five years in prison and a fine not exceeding \$50,000, or both.

In addition to any other penalty, the offender must pay restitution equal to all necessary costs of veterinary treatment, the full cost of replacing the animal and its handlers, to the agency that was the owner of the animal.

The Code section applies only to animals harmed in or because of the performance of their duties. It does not prevent people, who are attacked by a law enforcement animal without command, from defending themselves. The section excludes euthanasia of the animals by the law enforcement agency. Whenever a law enforcement animal dies in the line of duty, the GBI must perform an necropsy on the animal.

SB 72 also revises the statute prohibiting harassing phone calls to include harassing or threatening electronic communications. A person commits this offense by repeatedly telephoning or communicating with another person via electronic communication for the purposes of harassing, molesting, threatening or intimidating. The crime will be considered to have been committed where the phone call or electronic communication was sent or where such communication was received. There is no merger for such offenses and the prohibition does not apply to protected speech.

Finally, SB 72 also fills a gap in Georgia's criminal incest statute to include half-blood relatives.

Authored By: Sen. Jeff Mullis (53rd)

House Committee: Judiciary Non-Civil

Committee Action: 03-18-2015 Do Pass by Committee Substitute

SB 79 Victim Compensation; expand the Criminal Justice Coordinating Council's powers and duties relative to claims

Bill Summary: This legislation makes minor changes to rules for administering the Georgia Crime Victims Emergency Fund. The Act raises the maximum amount payable for funeral expenses from \$3,000 to \$6,000. The list of eligible family members is modified to include step-parents and step-children.

Authored By: Sen. Renee Unterman (45th)

House Committee: Judiciary Non-Civil

Committee Action: 03-18-2015 Do Pass

SB 94 Criminal Procedure; require a procedure for enhancing witness identification accuracy

Bill Summary: SB 94 requires law enforcement agencies that conduct live lineups, photo lineups, or showups, to adopt written policies for using such procedures. These policies must contain the following requirements: if using a live lineup procedure, a person who does not know the identity of the suspect must be the one to conduct the procedure; or if using a photo lineup, the person conducting the procedure must either not know the identity of the suspect or use a procedure that

randomly places photographs in folders so that the conductor cannot physically see which photograph is being viewed by the witness until the procedure is complete.

In either case, the witness must be instructed that the perpetrator of the alleged crime may or may not be present in the lineup.

There must be at least four individuals who are not suspects ("fillers") in live lineups and at least five in photo lineups. These fillers must generally resemble the witness's description of the perpetrator.

The witness who makes the identification, whether at a live lineup, photo lineup, or showup, must make and document a clear statement in their own words about their confidence level in the identification.

These policies will be subject to public disclosure. If an agency fails to comply with these requirements, the judge may consider such failure, but is not required to exclude identification evidence obtained.

SB 94 also amends the law regarding search and seizure.

1) Search Incident to Arrest - The bill first revises the Code section regarding search incident to a lawful arrest. Most of the changes in this section are stylistic. For example, the bill allows an officer to search the individual arrested, as well as the area within the person's immediate presence, for the purposes of "discovering or seizing any property" which may have been used in the crime. The definition of property now includes intangible items in an attempt to ensure that items other than traditional physical instrumentalities are seizable.

The bill also changes language regarding exactly what an officer may seize in the course of a search incident to arrest. Also, the bill strikes language about what may be seized in a search incident to arrest and replaces it with the defined term "contraband." The definition of contraband is the same as the language that the term replaced.

2) Issuance of Search Warrants - Under current law, when seeking a search warrant, an officer is required to establish by probable cause that a crime is being or has been committed. This bill adds an option for an officer to establish by probable cause that a crime "is about to be committed." The bill expands which judges are allowed to issue search warrants. Under current law, the only judicial officers authorized to issue search warrants are those "authorized to hold a court of inquiry to examine into an arrest of an offender against the penal laws" as well as retired, senior, or emeritus judges if the active judge authorizes such judges to issue warrants. This bill allows "any judge of a court of this state" to issue warrants.

3) What A Search Warrant May Be Issued For - A judicial officer may issue a warrant for "stolen" property, but the bill strikes the word "embezzled." Also, the bill allows a search warrant to be issued for the seizure of any property that is evidence of the commission of the crime. The bill removes the exemption for private papers that are only tangible evidence of the commission of the crime. A warrant may also be issued for the search or seizure of an individual who has been kidnapped "or unlawfully restrained." Finally, if an individual has a warrant for his/her arrest and is located within another person's property, a warrant may be issued for the search of that other person's property. The changes for what may be seized in a search incident to arrest are also applied to the provisions regarding what may be seized when effecting a valid search warrant.

4) Use of Certain Devices in Search Warrant Execution - This bill allows other personnel acting on behalf of a peace officer to assist in the execution of a warrant. The bill also allows the use of a "device" when executing a warrant. A device means an electronic instrument used for overhearing sounds or for observing images. This also includes instruments that can be used to intercept a wire, oral, or electronic communication. Certain instruments are excluded from the definition of device, such as hearing aids or "trap and trace" devices.

5) Records of Search Warrants and Supporting Documents - This bill prevents search warrants from being subject to public inspection until they are executed or returned as not executed. This applies to the documents supporting the warrant as well.

6) Ex Parte petition for Sealing of Search Warrants and Supporting Documentation - SB 94 allows a prosecuting attorney to petition the court ex parte for a search warrant and supporting documentation to be filed under seal with the clerk. The prosecutor must show "reasonable cause" to believe that disclosure of such materials may endanger the life of an individual, cause an individual to flee from prosecution, lead to destruction of evidence/ intimidation of a witness, or otherwise jeopardize an investigation or delay a trial. A judge may order such sealing for up to 60 days, and the period of sealing cannot extend beyond the return of indictment or filing of accusation where evidence seized may be admitted. If an individual is not available, a copy of the warrant must be left in a conspicuous place. If the warrant has been ordered to be sealed, however, a copy may not be left in a conspicuous place.

7) Written Return of Property Seized - Current law allows a written return of property seized to be made before any judicial officer named in the search warrant or before "any court of competent jurisdiction." This bill requires such report to be made before a judicial officer of the same court as the judicial officer who issued the search warrant.

8) Special Masters in Serving Search Warrants - Current law requires an attorney to serve as a special master and accompany a peace officer when serving a search warrant. This bill provides that an attorney shall not be appointed if there is a significant risk that his/her own interests or duties to another client will be affected by such appointment.

9) Prosecuting Attorney May Designate Individual to Observe Search Warrant Execution - If practicable, the peace officer serving the search warrant should not participate in the search, but should only accompany the special master who is conducting the search. This bill allows the prosecuting attorney to designate an attorney or investigator to observe the execution of the search warrant.

PART 2 Search and Seizure of Wire and Electronic Communications

1) Subpoena, Court Order, or Warrant requiring Disclosure of Wire/Electronic Communications - This bill first states that a peace officer, prosecuting attorney, or attorney general may require wire/electronic communications to be disclosed by subpoena, court order, or search warrant as provided by the laws of the United States. A subpoena may be issued if it is shown that the material relates to a pending criminal investigation. A provided or electronic communication service must provide the contents of and records pertaining to such communications when there is a request made that complies with the laws of the United States. If a search warrant requires the production of wire/electronic communications, it shall have state-wide application or application as provided by federal law when issued by a judicial officer with jurisdiction over the crime under investigation. If allowed under federal law, judges having jurisdiction over the crime being investigated may issue orders requiring production of such communications. These orders shall have state-wide application or application as provided by federal law. A person violating this section may be subject to contempt.

2) Installation of Tracking Device by Issuance of Search Warrant - The bill allows, by search warrant, the installation of a tracking device on a physical object provided that the warrant identifies the object and specifies a reasonable length of time, which cannot exceed 45 days, that the device will be used. The installation of the device must take place in the county within the jurisdiction of the warrant-issuing judge. The device can be monitored from any location in the state. The warrant must mandate that the installation is completed within 10 days of the warrant's issuance. The officer must also make a written return of such warrant to the judicial officer named in the warrant or before any court of competent jurisdiction to the judge named in the warrant. On the return, the officer must enter the exact date and time the device was installed or monitoring began if no installation was required. They must also list the dates and times the devices were used. The warrant must be returned within 10 days of the tracking ending. Also within 10 days of the termination of tracking, the officer must serve the search warrant on the person or owner of the physical object being tracked. A judge may order this service be delayed if he finds certain circumstances exist, such as endangerment or flight of the individual.

3) Pen Register and Trap and Trace Device - A district attorney or attorney general is authorized to apply for an order authorizing the use or extension of a Pen Register or Trap and Trace device. The application must be to a judge of the superior court of the district attorney's judicial circuit or any judicial circuit if the applicant is an Attorney General. The judge may enter such order if authorized by the law of the United States and the order shall have state-wide application. An officer designated in writing by the attorney general or district attorney may install and use a pen register or trap and trace device before obtaining an order authorizing such installation and use if: he/she determines there are grounds upon which an order could be granted; within 48 hours of installation, an order approving the installation and use is issued; or he/she reasonably determines that a situation exists that involves danger of death or injury or conspiratorial activities indicative of organized crime.

4) Inapplicable to Officers Ferreting Out or Watching Suspected Criminals for the Purposes of Apprehension - Except when using a device in a way that would constitute a violation of the eavesdropping statute (OCGA §16-11-62), the provisions of this bill do not apply to officers ferreting out offenders or suspects for the purposes of apprehending those individuals.

5) Investigation Warrants - A judge of a superior court having jurisdiction over prosecution of a crime under investigation may issue an investigation warrant permitting the use of a device for surveillance of an individual or place to the extent such surveillance is consistent with and subject to terms and procedure of federal law. The warrant issued shall have state-wide application. Any evidence obtained is only admissible in courts that have misdemeanor AND felony jurisdiction. An individual acting in good faith reliance on a court order or legislative authorization will have a complete defense to a criminal or civil action brought under this or any other law.

6) Emergency Situations - Notwithstanding the requirements of this bill, a district attorney or attorney general may intercept wire/electronic communications or record an individual's activities without a court authorization if: they determine that there is an emergency situation which requires such interception or recording; and grounds exist upon which an investigation warrant could be issued, and they apply for such warrant within 48 hours of the surveillance or monitoring begins. If such warrant is granted, the execution must comply with this bill and must cease after the emergency situation stops. If the warrant is denied, the evidence obtained prior to it is confidential and may not be used in court.

(7) Consent to interception - Notwithstanding the other provisions of this bill, wire/electronic communication may be intercepted when the party intercepting is party to the communication OR when one of the parties consents to interception.

8) Recording and Dissemination of a Minor's Communications - Communication of a child under the age of 18 may be recorded and divulged either by court order, parent, guardian, or legal custodian. If sought by a court order, the judge shall only issue such an order if he/she finds by probable cause that a crime has been committed or he/she finds that the child understands that the conversation is to be recorded and the child agrees to participate. A parent or guardian may also record, monitor, or intercept the communications of a child if the communication takes place through a device within the family home. The parent may disclose the contents of communication to the authorities if he/she reasonably believes the conversation is evidence of criminal conduct. Such disclosed evidence is admissible in a judicial proceeding.

9) Remedies--Exclusionary and Criminalization - Evidence obtained in a manner that violates this bill is inadmissible. Privileged information is also not admissible notwithstanding anything in this bill. A violation of this bill constitutes a felony.

Authored By: Sen. Charlie Bethel (54th)
House Committee: Judiciary Non-Civil

Committee Action: 03-18-2015 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](#).*

Thursday, March 19, 2015

10:00 AM	FLOOR SESSION (LD 32)	10:00am
7:30 AM	NATURAL RESOURCES & ENVIRONMENT	606 CLOB
9:30 AM	RULES	341 CAP
1:00 PM	INDUSTRY & LABOR	506 CLOB
1:30 PM	GAME, FISH & PARKS	406 CLOB
2:00 PM	TRANSPORTATION	506 CLOB
3:00 PM	WAYS & MEANS	606 CLOB
3:00 PM	Admin/Licensing Subcommittee of Insurance	515 CLOB
3:00 PM	STATE PROPERTIES	403 CAP
4:00 PM	JUVENILE JUSTICE	506 CLOB