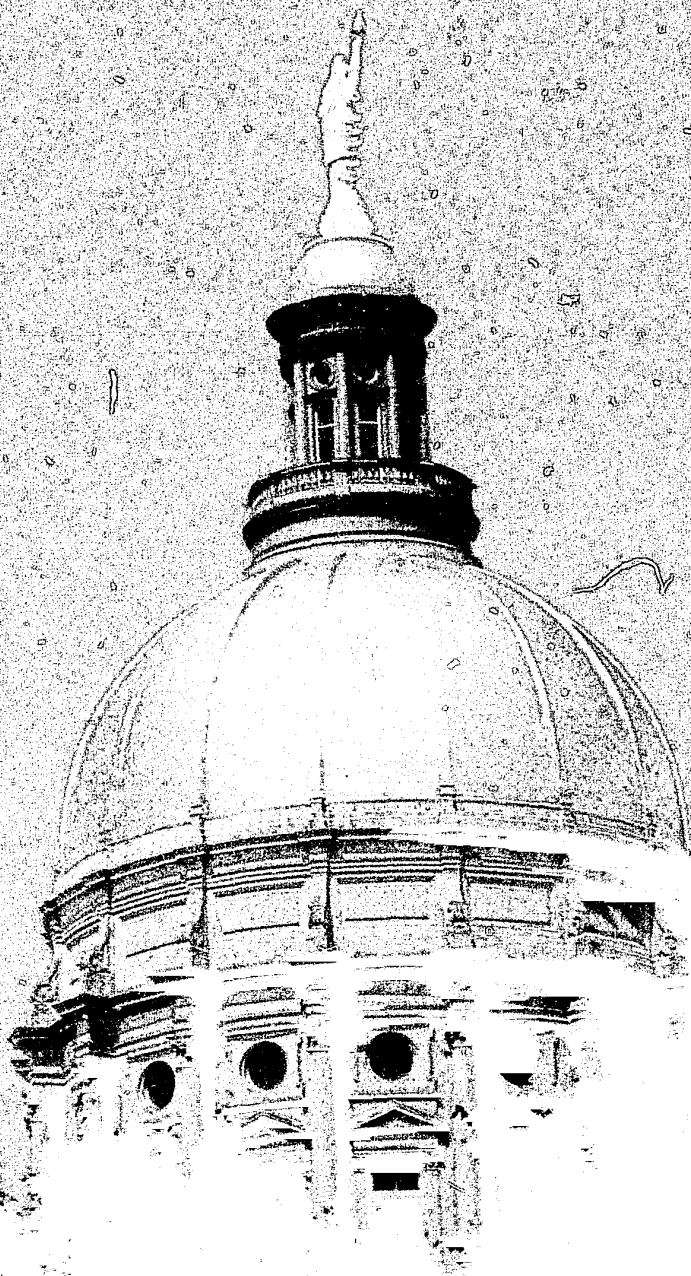


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STATE OF GEORGIA  
Criminal Justice Legislative Review  
1987-88 Session of the General Assembly



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OFFICE OF THE GOVERNOR  
JANUARY 1989  
PAGE 188

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**CRIMINAL JUSTICE LEGISLATIVE REVIEW**  
**STATE OF GEORGIA**  
**1987-1988 SESSIONS OF THE GENERAL ASSEMBLY**

**PREPARED BY THE**  
**OFFICE OF THE GOVERNOR**  
**CRIMINAL JUSTICE COORDINATING COUNCIL**

**NCJRS**

**SEP 28 1988**

**JOE FRANK HARRIS ACQUISITIONS**  
**GOVERNOR**

**JIM GOOLSBY, CHAIRMAN**  
**WILLIAM D. KELLEY, JR., DIRECTOR**

**JUNE 1988**

113627

**U.S. Department of Justice  
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Office of the Governor

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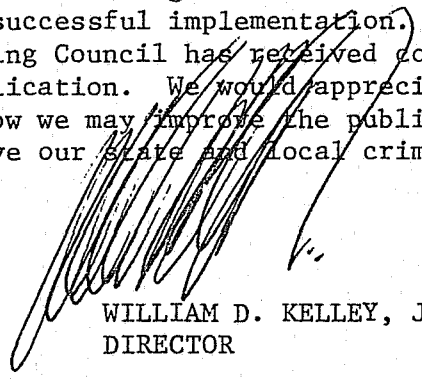
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### FOREWARD

The members and staff of the Criminal Justice Coordinating Council are pleased to provide you with this edition of the Criminal Justice Legislative Review, which contains a summary of significant criminal justice legislation enacted by the 1987 and 1988 Sessions of the Georgia General Assembly. The purpose of this publication is to provide criminal justice practitioners, state and local government officials, and interested members of the general public an opportunity to review the content of such legislation.

Special acknowledgement is made to Randy Farr and Eric Christian of the Georgia Department of Corrections, both of whom assisted greatly in the layout of this publication. Further special acknowledgement is due the Georgia General Assembly's Office of Legislative Counsel. Its annual publication, "Summary of General Statutes Enacted," was, as always, an indispensable aid in the preparation of all summaries for the Criminal Justice Legislative Review. In addition, without the assistance of Mark Davy, who served as an intern for the Coordinating Council through the Governor's Intern Program, preparation of this legislative review would have been far more difficult and far less timely. Also acknowledged is that assistance of many criminal justice organizations and agencies throughout the state, which were responsive to our inquiries concerning the impact of numerous pieces of legislation. Without this expertise and insight, our review would not have been so complete.

We trust this seventh edition of the Criminal Justice Legislative Review will help bring about a greater understanding and belief in the laws of our state, and thus ensure their successful implementation. During the past several years, the Coordinating Council has received comments indicating the usefulness of this publication. We would appreciate your sharing any comments with us on how we may improve the publication in future years in order to best serve our state and local criminal justice community.



WILLIAM D. KELLEY, JR.  
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## INTRODUCTION

The 1987 Session of the General Assembly considered only new legislation, while the 1988 Session of the General Assembly considered legislation pending from the 1987 Session, as well as new legislation. Laws and Resolutions resulting from this legislation, which have an impact on a statewide basis upon the criminal justice system, are included in this publication.

During the 1987 and 1988 Sessions, the House of Representatives considered a total of 1,924 bills. Of these, 1,182 were introduced during the 1987 Session and 742 were introduced during the 1988 Session. Of these, 1,171 were passed, 1,160 were signed into law by Governor Harris and 144 are reviewed in this publication. The House of Representatives also considered 1,164 Resolutions, 538 in the 1987 Session and 626 in the 1988 Session. Of these, 930 were adopted and 13 are listed.

The Senate considered a total of 688 bills. Of these, 392 were introduced during the 1987 Session and 296 were introduced during the 1988 Session. A total of 330 bills were passed and 323 were signed into law by Governor Harris, with 71 of these new laws reviewed in this publication. Additionally, the Senate considered 509 Resolutions, 241 in the 1987 Session and 268 in the 1988 Session. Of these, 451 were adopted, 17 of which are listed in this review.

In an effort to make this publication more useful to readers, the legislation contained is divided into five sections which are: (1) Public Safety Agencies and Personnel; (2) Judicial Administration and Procedures; (3) Corrections; (4) Criminal Sanctions and Crimes; and (5) Children and Youth/Juvenile Justice. Under each of these sections you will find reviewed the legislation from the Senate, the House of Representatives, and a listing of the applicable Senate and House Resolutions. All bills and resolutions are listed in numerical order. While not every single criminal justice measure finally acted upon by the General Assembly in 1987 and 1988 is included herein, an effort has been made to be as comprehensive as possible with regard to significant measures which were adopted during these two sessions.

Also, in the back of the publication an index of all bills and resolutions contained in this legislative review edition is included for easy reference by the reader.

# PUBLIC SAFETY AGENCIES AND PERSONNEL

---



Ga. State Patrolman



Cadet Training



Traffic Violation

## SENATE LEGISLATION

### S.B. 7 - SUPERIOR COURT CLERKS/SPOUSES: RETIREMENT BENEFITS - ACT 1219 (1988)

S.B. 7 increases the monthly retirement benefits paid to former clerks of the superior court by approximately 23 percent per month. Clerks who have already retired or are disabled and currently draw benefits, and those clerks who will retire or become disabled in the future, are eligible to receive the increased benefits. As an example, clerks who have at least 20 years service will have their benefits increased from \$680 to \$840 per month. The retirement fund's actuary has indicated that since contributions to the fund are currently at a level to fund this increase adequately, no unfunded liability will exist.

S.B. 7 amends OCGA Section 47-14-70 with an effective date of July 1, 1988.

\*\*\*\*

### S.B. 15 - PROBATE COURTS RETIREMENT FUND: INCREASE BENEFITS - ACT 1220 (1988)

S.B. 15 revises the benefit formula used by the judges of the Probate Courts Retirement Fund and provides for increased benefits for the members of the fund. The benefits payable under this legislation provides for a benefit of 5% per year of the member's average earnings for a maximum of 20 years. Under current provisions, the maximum benefit payable for 20 years service is approximately 79% of earnings; while under S.B. 15, the maximum benefit would be 100% of earnings. The retirement fund's actuary has indicated that since contributions to the fund are currently at a level to fund this increase adequately, no unfunded liability will exist.

S.B. 15 amends OCGA Section 47-11-21 with an effective date of July 1, 1988.

\*\*\*\*

S.B. 45 - DRIVER IMPROVEMENT CLINICS: ALCOHOL/DRUG COURSES: FEES  
- ACT 552 (1987)

S.B. 45 increases from \$40 to \$50 the maximum fee which may be charged by driver improvement clinics for alcohol/drug courses, defensive driving course and other courses and program.

S.B. 45 amends OCGA Section 40-5-83 with an effective date of July 1, 1987.

\*\*\*\*

S.B. 68 - TORTS: INJURY DURING CERTAIN CRIMES: PROHIBIT - ACT  
554 (1987)

S.B. 68 provides that a person engaging in a criminal act on property owned/leased by a political subdivision of this state, who suffers an injury not inflicted by an officer, etc., of such political subdivision, shall not have a cause of action against the political subdivision for such injury.

S.B. 68 enacts OCGA Section 51-1-38 with an effective date of April 2, 1987.

\*\*\*\*

S.B. 92 - ARRESTED PERSON: REFUSAL TO CHEMICAL TEST: REPORT -  
ACT 793 (1987)

S.B. 92 provides that the report of a police officer regarding a driver's refusal to submit to a chemical test for determining the alcohol/chemical content of his blood must be submitted to the Department of Public Safety within 10 days after the date of arrest. It also provides that if the report is not transmitted within the 10-day period, it shall be filed for record purposes only and the Department shall not act to suspend the driver's license. It further provides that when reports are submitted on time, any period of suspension will begin to run only after all administrative hearings and appeals have been exhausted.

S.B. 92 amends OCGA Section 40-5-55 with an effective date of July 1, 1987.

\*\*\*\*

S.B. 106 - SHERIFFS: MINIMUM SALARY - ACT 557 (1987)

S.B. 106 increases the minimum annual salaries of clerks of superior courts, sheriffs and probate judges. Each official's minimum salary is set to correspond with a certain job level within the county that they serve. Clerks' salaries range from \$15,187 to \$51,524. Salaries for sheriffs range from \$21,405 to \$53,873. Salaries for probate judges range from \$14,302 to \$46,865.

S.B. 106 amends OCGA Sections 15-6-88, 15-6-20 and 15-9-63 with an effective date of January 1, 1988.

\*\*\*\*

S.B. 128 - PEACE OFFICERS ANNUITY/BENEFIT: SURVIVING SPOUSE: BENEFITS  
- ACT 1221 (1988)

S.B. 128 provides that, upon retirement, members must choose a retirement option plan. Options Two and Three have been amended to include Options 2A or 3A. These two new options are actuarially equivalent to the monthly retirement payment under Option One, except that differing circumstances apply. In the event the spouse predeceases the retiring member, then the retirement payment would equal the benefit a member would be entitled to receive under Option One. Further, upon divorce from a spouse, the retired member can choose another option or continue in the same plan. In the event of such a change in the marital status of the member, either by divorce or the death of a spouse, he or she will be entitled to benefits under Option One. After electing to choose Option One and the member remarrying after divorce or spousal death, the member may change his plan to the former Option Two or Option Three. The member will begin to receive reduced monthly retirement benefits. The option on behalf of the new spouse may not be exercised until one year after the date of remarriage or until a child of the remarried couple is born, whichever is earlier.

S.B. 128 amends OCGA Section 47-17-80 with an effective date of July 1, 1988.

\*\*\*\*

S.B. 145 - STATEWIDE PROBATION SYSTEM: FORMER COUNTY EMPLOYEES:  
HEALTH INSURANCE - ACT 695 (1987)

S.B. 145 simply authorizes continuing participation in the State Employees' Health Insurance Plan for certain retiring employees of

the state probation system who were formerly employees of county probation systems.

S.B. 145 amends OCGA Section 45-18-7 with an effective date of July 1, 1987.

\*\*\*\*

S.B. 173 - TRAFFIC VIOLATIONS: FEES FOR TRANSMITTING REPORTS - ACT 533 (1987)

S.B. 173 provides that in counties with populations of 300,000 or less, the 25¢ fee paid by the Department of Public Safety to court clerks for forwarding reports of traffic convictions, shall be the property of the county or municipality operating the court if the clerk is compensated in whole or in part on a salary basis, unless expressly provided otherwise by local law.

S.B. 173 amends OCGA Section 40-5-53 with an effective date of July 1, 1987.

\*\*\*\*

S.B. 189 - LAW ENFORCEMENT OFFICERS: RECEIVE FUNDS: AMEND PROVISIONS - ACT 667 (1987)

S.B. 189 allows law enforcement officers to solicit or accept contributions of equipment to be used for law enforcement purposes if such activity is approved in writing by the head of the agency which employs the officer.

S.B. 189 amends OCGA Section 16-10-3 with an effective date of July 1, 1987.

\*\*\*\*

S.B. 264 - EVIDENCE: ARSON INVESTIGATOR: WITNESS FEES - ACT 543 (1987)

S.B. 264 provides that state arson investigators and members of local fire departments are entitled to the same witness fees on the same basis as other law enforcement officers regarding attendance at criminal proceedings on off-duty hours.

S.B. 264 amends OCGA Section 24-10-27 with an effective date of April 2, 1987.

\*\*\*\*

S.B. 266 - HANDICAPPED PARKING: DESIGNATION: ERECT SIGNS - ACT  
779 (1987)

S.B. 266 specifies a new official authorized sign for designation of handicapped parking and provides for continued use of existing signs in pavement markings for their life. It also provides for fines against property owners who are required to provide handicapped parking but fail to do so.

S.B. 266 amends OCGA Sections 40-6-221 and 40-6-225 with an effective date of July 1, 1987.

\*\*\*\*

S.B. 394 - OPEN MEETINGS: AMEND PROVISIONS - ACT 916 (1988)

S.B. 394 revises and expands the provisions relating to requirements for open meetings of state and local agencies. In addition to including all state departments, county and municipal agencies, the legislation provides that any non-profit organization which receives a direct allocation of tax funds that constitutes more than 33-1/3 percent of all funds available to the organization, must have certain meetings open to the public. Hospitals, nursing homes and dispensers of pharmaceutical products are excluded from the provisions of this bill. S.B. 394 includes specific instructions on how agencies must give public notice of meetings and lists several agencies and types of meetings not covered under the bill, such as the deliberations and voting of the State Board of Pardons and Paroles, meetings of the Georgia Bureau of Investigation, and other law enforcement agencies' meetings which include future acquisition of real estate and personnel actions.

S.B. 394 enacts a new OCGA Title 50, Chapter 14, with an effective date of July 1, 1988.

\*\*\*\*

S.B. 417 - STATE PATROL: ESCORT AND SECURITY SERVICES AT ATHLETIC  
EVENTS - ACT 1476 (1988)

S.B. 417 provides that the Commissioner of the Department of Public Safety may, and in the case of a request from the Governor, shall authorize and direct the uniform divisions to provide security, transportation and escort service to athletic officials and players

in connection with collegiate athletic events. These events must involve an institution of the University System of Georgia which offers four-year postsecondary degrees. S.B. 417 mandates that the Department of Public Safety be reimbursed by the institution for any expenses incurred by personnel of the uniform division while carrying out such duties. This legislation was a result of the Board of Public Safety's prior decision that the Department of Public Safety did not have the legislative authority to provide security and transportation services to the University of Georgia and Georgia Tech football teams.

S.B. 417 amends OCGA Section 35-2-33 with an effective date of July 1, 1988.

\*\*\*\*

S.B. 430 - CRIMINAL JUSTICE COORDINATING COUNCIL: ADD ONE MEMBER  
- ACT 917 (1988)

S.B. 430 adds one additional member to the Criminal Justice Coordinating Council. The legislation provides for the Chairman of the Juvenile Justice Coordinating Council to serve as an ex officio member and full voting member of the Council. The initial term for the Juvenile Justice Coordinating Council Chairman begins on July 1, 1988. S.B. 430 will enable the juvenile justice and criminal justice systems to coordinate their activities much better and for both systems to cooperate more fully by establishing this closer working relationship between adult and juvenile programs.

S.B. 430 amends OCGA Section 35-6A-3 with an effective date of July 1, 1988.

\*\*\*\*

S.B. 431 - VICTIMS OF CRIME: ESTABLISHMENT OF CRIME VICTIMS EMERGENCY  
FUND - ACT 1216 (1988)

S.B. 431 establishes the Georgia Crime Victims Emergency Fund in order to provide for a program of emergency assistance to victims of crime. The legislation creates the Crime Victims Compensation Board consisting of five members who will be responsible for setting the policies and reviewing claims filed under the Emergency Fund Program. Individuals eligible for assistance include the crime victim, a dependent spouse or child of a victim, and an individual who goes to the aid of another and suffers physical injury. S.R. 274 is a proposed Constitutional Amendment which will appear on the November 1988 general



election ballot authorizing the General Assembly to provide by law for compensating innocent victims of crimes. Both S.B. 431 and S.R. 274 were a result of the recommendations made to Governor Harris by a special study committee established by him to review the feasibility of a victims' compensation program for Georgia.

S.B. 431 enacts OCGA Section 17-15 with an effective date of January 1, 1989.

\*\*\*\*

S.B. 435 - PUBLIC RECORDS: CERTAIN PRIVILEGES AND STATUTORY EXEMPTIONS - ACT 918 (1988)

S.B. 435, which was part of Governor Harris' legislative package, provides that public records, such as all documents, papers, letters, maps, books, tapes and photographs received or prepared and maintained in the course of the operation of a public agency, are open for a personal inspection by any citizen. This legislation includes specific exemptions of certain documents that are open for public review and also includes procedures for citizens to obtain public records and the enforcement of the bill's provisions. S.B. 435 affords citizens and the media an orderly method to obtain governmental documents and lists those types of documents available for public inspection and those not available.

S.B. 435 amends OCGA Sections 50-18-70 through 50-18-73 with an effective date of July 1, 1988.

\*\*\*\*

S.B. 442 - ABANDONED MOTOR VEHICLES: NOTIFICATION - ACT 1431 (1988)

S.B. 442 expands the rules and regulations concerning the disposition of abandoned motor vehicles. The bill provides for the Department of Revenue and the Georgia Bureau of Investigation to be notified when vehicles are listed as abandoned. The Code has been changed to provide for time limits on notifying law enforcement officials and owners of abandoned vehicles. This Act further requires written notification to the local law enforcement agency by the person removing the vehicle in those cases where the owner cannot be identified. It places a burden upon the local law enforcement officer or agency to notify the owner of the vehicle's location, should the vehicle be determined to be stolen and requires persons removing vehicles to

notify owners by certified or registered mail within 7 calendar days of such removal.

S.B. 442 amends OCGA Sections 40-11-2 and 40-11-3 with an effective date of July 1, 1988.

\*\*\*\*

S.B. 484 - EMERGENCY TELEPHONE CALLS: PROHIBITION ON FEES - ACT  
1177 (1988)

S.B. 484 makes it unlawful for any provider of any cellular radio telecommunication services to assess or charge any fee for an emergency telephone call placed on a "911" emergency telephone system. This prohibition on charges only applies to actual emergency calls made and does not apply to any fee assessed for the implementation or enhancement of an emergency system.

S.B. 484 enacts OCGA Section 46-5-132 with an effective date of July 1, 1988.

\*\*\*\*

S.B. 561 - CONTROLLED SUBSTANCES: DEPOSIT SEIZURE IN INTEREST-BEARING  
ACCOUNT - ACT 1304 (1988)

S.B. 561 relates to forfeitures under the Georgia Controlled Substances Act and provides that district attorneys are authorized to deposit seized currency in interest-bearing accounts in a financial institution in Georgia. The accrued interest on currency deposited follows the principal in any judgement relating to the specific case. Additionally, S.B. 561 allows photographs, photocopies, or video tapes of any currency seized to be admissible at trial in lieu of the original currency. This legislation will enable prosecutors to place large amounts of seized currency in interest-bearing bank accounts and ease the evidentiary requirements for seized currency in the prosecution of drug cases.

S.B. 561 amends OCGA Section 16-13-49 with an effective date of July 1, 1988.

\*\*\*\*

S.B. 562 - PUBLIC SAFETY: CERTAIN RECORDS: ADMISSIBLE EVIDENCE -  
ACT 1180 (1988)

S.B. 562 provides that the Department of Public Safety, upon the request of any appropriate governmental official or in response to a subpoena, will provide an authenticated copy of driving records or documents. The copy will consist of a photocopy or computer printout certified by the Commission or his duly authorized representative. Further, certified copies of records of the Department or other agencies similar to the Department in other states are admissible in any judicial proceeding or hearing in the same manner as the original document. The courts are also authorized to use and admit into evidence electronically transmitted evidence from the Department of Public Safety.

S.B. 562 amends OCGA Section 40-5-2 and enacts Section 24-3-17 with an effective date of July 1, 1988.

\*\*\*\*

S.B. 586 - FIREARM POSSESSION: OFF-DUTY PEACE OFFICERS - ACT 1181  
(1988)

S.B. 586 provides that peace officers and other listed public safety personnel may possess firearms if such persons are employed full-time or if not full-time, employees of a public safety agency while engaged in pursuit of official duties. This legislation will enable off-duty officers to possess firearms if such officers are employed full-time by a criminal justice agency. S.B. 586 addresses the concerns of law enforcement officials who believe that full-time officers should be able to possess firearms legally, while not on official duties.

S.B. 586 amends OCGA Section 16-11-130 with an effective date of July 1, 1988.

\*\*\*\*

S.B. 630 - COUNTIES/MUNICIPAL SECURITY SYSTEMS: PROHIBIT INSTALLA-  
TIONS - ACT 1446 (1988)

S.B. 630 prohibits a county or municipal corporation from installing and servicing security and fire alarm systems on private property if a private contractor believed to do business within the county or city offers such services to the public. This legislation does

not prohibit a local unit of government from installing and servicing an alarm system on any property owned or leased by the governmental authority and governments offering alarm systems on January 1, 1988. Additionally, S.B. 630 does not prevent volunteer fire departments from selling or leasing battery-operated fire detection devices or fire extinguishers in their service area. S.B. 630 will help to ensure that city and county governments do not become direct competitors with privately-owned security firms.

S.B. 630 enacts OCGA Section 36-60-12 with an effective date of July 1, 1988.

\*\*\*\*

## HOUSE LEGISLATION

### H.B. 10 - INDEMNIFICATION: EMERGENCY MEDICAL TECHNICIANS - ACT 647 (1987)

H.B. 10 expands Georgia's Indemnification Program for public safety officials to include law enforcement officers, fire fighters and prison guards who were permanently disabled in the line of duty at any time after January 1, 1973. Additionally, it expands the program to include publicly employed emergency medical technicians who were or are killed or permanently disabled in the line of duty at any time after January 1, 1977.

H.B. 10 amends OCGA Sections 45-9-80 et seq. with an effective date of July 1, 1987.

\*\*\*\*

### H.B. 27 - DISTRICT ATTORNEYS' INVESTIGATORS: APPOINTMENT - ACT 764 (1987)

H.B. 27 authorizes the D.A. of each Judicial Circuit to appoint one state-paid investigator to his staff and provides that such individual shall become a member of the State's Health Benefit Plan. Additionally, it provides for duties, certain expenses, etc. Prior to this Act, some of Georgia's 45 D.A.'s had no investigators on their staff, while others, chiefly those in more urban areas, had substantial investigative resources.

H.B. 27 enacts OCGA Section 15-18-4.1 and amends OCGA Section 45-18-1 with an effective date of July 1, 1987.

\*\*\*\*

### H.B. 43 - AUTOMATIC TELEPHONE DIALING: CERTAIN PROVISIONS: ACT 749 (1987)

H.B. 43 extensively regulates the use of equipment for automatic dialing or selection of telephone numbers and the dissemination of prerecorded messages to the numbers so selected or dialed. It provides for licensing and regulation by the Public Services Commission.

H.B. 43 enacts OCGA Section 46-5-23 with an effective date of June 1, 1987.

\*\*\*\*

H.B. 70 - MOTOR VEHICLE INSURANCE: PROOF: AMEND PROVISIONS -  
ACT 591 (1987)

H.B. 70 extensively revises the law related to mandatory motor vehicle liability insurance. It requires that insurance policy be issued for a minimum term of six months and it requires advance payment for the first 60 days of coverage. It substantially revises criminal provisions regarding failure to carry insurance coverage and administrative provisions regarding insurers' notices of cancellation, owners' proof of replacement coverage after cancellation or suspension of drivers' licenses and motor vehicle registrations for violations. It permits deposit of a driver's license in lieu of bail for insurance citations and authorizes law enforcement officers to remove from operation any motor vehicles found to be operating without the required insurance coverage.

H.B. 70 amends OCGA Chapter 33-34 and OCGA Sections 17-6-11, 31-11-33 and 40-6-206 with an effective date of April 2, 1987.

\*\*\*\*

H.B. 71 - CHILD RESTRAINT: REQUIREMENTS - ACT 1186 (1988)

H.B. 71 changes the age for mandatory restraint usage to include children four years of age or younger. Restraint systems must be installed and used in accordance with manufacturer's specifications. Non-residents transporting a child in this state shall meet the requirements of the Code. Additionally, the provisions of this Code apply to car pools transporting children to churches or public or private schools licensed as day-care centers. Also, the provision for voiding such citations within 14 days, upon the acquisition of an approved child restraint device, is removed from existing law. The deadline for the implementation of the public educational program by the Office of Highway Safety has been extended to January 1, 1989.

H.B. 71 amends OCGA Section 40-8-76 with an effective date of July 1, 1988.

\*\*\*\*

H.B. 72 - MOTORCYCLES: PROOF OF INSURANCE - ACT 592 (1987)

H.B. 72 requires motorcycle operators to keep proof/evidence of required insurance coverage in their immediate possession or on the motorcycle at all times when they are operating said vehicle.

H.B. 72 amends OCGA Section 33-34-14 with an effective date of July 1, 1987.

\*\*\*\*

H.B. 94 - CORONERS' TRAINING COUNCIL: QUORUM - ACT 499 (1987)

H.B. 94 adds an additional coroner to the membership of the Georgia Coroners' Training Council, increases the quorum of the Council, and authorizes the Georgia Police Academy to establish a Curriculum Advisory Committee relative to the development of training courses for coroners.

H.B. 94 amends OCGA Sections 45-16-62 and 45-16-64 with an effective date of April 2, 1987.

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H.B. 127 - WITNESSES: LAW ENFORCEMENT OFFICERS: FEES - ACT 649 (1987)

H.B. 127 provides that law enforcement officers subpoenaed to attend civil proceedings as a witness concerning the officer's official duties, during any hours except the regular duty hours to which the officer is assigned, shall be entitled to a witness fee and under certain circumstances, a mileage allowance, with the cost of such compensation to be paid by the party obtaining the subpoena.

H.B. 127 amends OCGA Section 24-10-27 with an effective date of July 1, 1987.

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H.B. 131 - OATH OF JAILERS: AMEND PROVISIONS - ACT 500 (1987)

H.B. 131 requires that the oath of a county jailer shall be taken before the sheriff instead of the judge of probate court and shall be filed in the records of the sheriff's office.

H.B. 131 amends OCGA Section 42-4-2 with an effective date of July 1, 1987.

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H.B. 133 - CORONERS: RELEASE CERTAIN MEDICAL RECORDS - ACT 596  
(1987)

H.B. 133 expands the conditions under which records of a death of a person are available to coroners of other states. It adds these conditions: (1) if such person was injured in such county of such coroner of such other state, and (2) if such records are subject to the subpoena of a coroner of another state.

H.B. 133 amends OCGA Section 45-16-10 with an effective date of April 2, 1987.

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H.B. 157 - PEACE OFFICERS' ANNUITY/BENEFIT FUND: CERTAIN PSC  
EMPLOYEES - ACT 1376 (1988)

H.B. 157 makes an addition to the definition of "peace officer" for purposes relating to the Peace Officers' Annuity and Benefit Fund. Under this provision, persons employed by the Public Service Commission and given the duties of an enforcement officer, and who devotes full time to the job as a law enforcer with arrest powers to enforce public utility laws, will be considered a "peace officer" for the purposes of the Annuity and Benefit Fund. The enforcement officers will be entitled to creditable service toward retirement for membership service after July 1, 1981.

H.B. 157 amends OCGA Section 47-17-1 with an effective date of July 1, 1988.

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H.B. 159 - DISCLOSURE OF ODOMETER MILEAGE ON REPLACEMENT MOTOR  
VEHICLE CERTIFICATE OF TITLE - ACT 1333 (1988)

H.B. 159 provides that when a replacement certificate of title is issued to the owner of a lost, stolen, mutilated, or destroyed certificate of title, the mileage as shown on the odometer on the day application is made for the replacement certificate of title will be shown on the replacement certificate of title. This legislation, which exempts vehicles having a gross vehicle weight of more than 16,000 pounds, will help to ensure more accuracy pertaining to odometer disclosures when replacement certificates of titles are provided.

H.B. 159 enacts OCGA Section 40-3-25 with an effective date of July 1, 1988.

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H.B. 218 - EMERGENCY TELEPHONE NUMBER 911 SERVICE, FEES - ACT 1477  
(1988)

H.B. 218 relates to 911 emergency telephone numbers. The bill defines "enhanced emergency telephone number" as distinguished from "emergency 911 number." For telephone company purposes, an extra surcharge is added in addition to the charge or tariff for the basic emergency 911 number. The enhanced service provides the telephone number and address of the calling party to the public safety answering point. The bill further requires either a local Act of the General Assembly or passage of public referendum in order to authorize the implementation of mandatory customer charges for this system.

H.B. 218 amends OCGA Section 46-5-122 and enacts OCGA Section 46-5-132 with an effective date of July 1, 1988.

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H.B. 244 - CONTROLLED SUBSTANCES: SEIZURE: UTILIZATION OF PROCEEDS  
- ACT 651 (1987)

H.B. 244 authorizes a law enforcement agency or political subdivision of the state which receives money or property seized or forfeited pursuant to federal laws relating to controlled substances, etc., to utilize such money/property or proceeds thereof as provided by such federal laws. It further provides that unless otherwise required by federal laws, such money/property is to be utilized as provided by Georgia Law. H.B. 244 has the basic intention of insuring that Georgia law enforcement agencies receive their fair share of seized assets, proceeds, etc., coming from drug cases in which both a federal agency and a state or local agency in Georgia are involved.

H.B. 244 enacts OCGA Section 16-3-48.1 with an effective date of July 1, 1987.

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H.B. 294 - STATE PATROL: MAKE AVAILABLE CERTAIN TRAINING VEHICLES -  
ACT 485 (1987)

H.B. 294 provides that unmarked pursuit vehicles taken out of service by the State Patrol shall be made available for training purposes to the Georgia Public Safety Training Center. It also authorizes the creation of a security police force at the Georgia Public Safety Training Center.

H.B. 294 enacts OCGA Sections 35-2-57 and 35-5-7 with an effective date of July 1, 1987.

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H.B. 312 - CRIME INFORMATION CENTER: DISSEMINATION OF RECORDS -  
ACT 904 (1988)

H.B. 312 amends the law governing release of information by the Georgia Crime Information Center. The Center may provide criminal background records to private individuals or businesses if the fingerprints of the person whose background is being checked are provided, or if such person signs a notarized consent for the dissemination of records. Local agencies, however, are not required to obtain fingerprints from private agencies or individuals in order to supply background checks, but must require a signed and notarized consent form. Local agencies may charge a fee for this service. Further, the bill provides that fingerprints or written consent of persons in question are required in order for the Center or local agencies to release background information to public, state or federal agencies.

H.B. 312 amends OCGA Sections 35-3-34 and 35-3-35 with an effective date of July 1, 1988.

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H.B. 343 - WEAPONS: MAGISTRATES & SOLICITORS CARRY INTO PUBLIC  
BUILDINGS - ACT 511 (1987)

H.B. 343 adds magistrates and solicitors to the list of public officials who are not subject to the criminal prohibition against carrying pistols in publicly owned or operated buildings.

H.B. 343 amends OCGA Section 16-11-127 with an effective date of July 1, 1987.

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H.B. 416 - PEACE OFFICER TRAINING: RETIRED OFFICER: DEFINITION -  
ACT 741 (1987)

H.B. 416 redefines the term "retired peace officer" in the Peace Officer Standards and Training Act so as to include law enforcement officers retired from service with the United States Government. H.B. 416 has the impact of accommodating former federal law enforcement agents by allowing them registration/certification benefits

under the Georgia Peace Officer Standards and Training Act upon their voluntary compliance with the provisions for registration or certification.

H.B. 416 amends OCGA Section 35-8-2 with an effective date of July 1, 1987.

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H.B. 452 - CORONERS: MUNICIPAL OFFICIALS: AUTHORIZATION TO SERVE  
- ACT 617 (1987)

H.B. 452 provides that the same person can simultaneously serve as coroner and mayor in a municipality having a population of 5,000 or less.

H.B. 452 amends OCGA Section 45-16-1 with an effective date of July 1, 1987.

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H.B. 457 - PEACE OFFICER ANNUITY/BENEFIT FUND: COMMISSIONERS:  
ENFORCEMENT POWERS - ACT 571 (1987)

H.B. 457 authorizes the Board of Commissioners of the Peace Officers' Annuity and Benefit Fund to invest up to 50% of the assets of the Fund in common stocks and equities.

H.B. 457 amends OCGA Section 47-17-23 with an effective date of July 1, 1987.

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H.B. 458 - PEACE OFFICERS' ANNUITY AND BENEFIT FUND: BENEFITS: AMEND  
PROVISIONS - ACT 1312 (1988)

H.B. 458 increases the monthly amount a retired peace officer may receive under Option One of the Retirement Fund from \$13 to \$16 monthly for each full year of creditable service. This new amount applies to members who have retired prior to July 1, 1988, as well as those members who retire on or after July 1, 1988. A recomputation of benefits will be conducted for persons retiring prior to the above date and payments will be made accordingly. Disability payments, likewise, have been increased for dues-paying members from \$190 per month to \$235 per month. The new amount applies to all members rendered totally and permanently

disabled. These persons receiving disability payments prior to July 1, 1988, will have their amount adjusted to conform to this Code. The Code, relating to death benefits, increases the amount that is to be paid to the member's beneficiary to \$3,500 from the former amount of \$3,000. The maximum amount of the death benefit will be \$3,500 for those beneficiaries receiving less than \$1,000 in retirement benefits. Persons receiving in excess of \$1,000 in retirement benefits will be entitled to receive \$2,500 upon the death of such member. Benefits for job-related death as a peace officer will be increased from \$5,000 to \$5,500.

H.B. 458 amends OCGA Sections 47-17-80, 47-17-81 and 47-17-82 with an effective date of July 1, 1988.

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H.B. 459 - PEACE OFFICERS' ANNUITY AND BENEFIT FUND: COLLECT CERTAIN  
REVENUE - ACT 572 (1987)

H.B. 459 provides that the Peace Officers' Annuity and Benefit Fund shall receive a portion of each fine collected and each bond forfeited in any case involving the violation of a county ordinance in the same manner that it receives such revenues regarding violations of state statutes and municipal ordinances.

H.B. 459 amends OCGA Section 47-17-60 with an effective date of July 1, 1987.

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H.B. 493 - PRIVATE DETECTIVES/SECURITY AGENCIES: COMPOSITION OF  
BOARD - ACT 772 (1987)

H.B. 493 makes numerous changes in the Georgia Private Detective and Security Agencies Act which governs the licensing and regulation of private detectives and security agencies in Georgia. It also extends to July 1, 1993, the sunset/termination date of the Georgia Board of Private Detectives and Security Agencies.

H.B. 493 amends OCGA Chapter 43-38 with an effective date of July 1, 1987.

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H.B. 522 - POLICE OFFICER MEMORIAL DAY/POLICE WEEK: DECLARE -  
ACT 659 (1987)

H.B. 522 designates May 15 of each year as "Police Officer Memorial Day" and the calendar week in which such a day falls as "Police Week".

H.B. 522 enacts OCGA Section 1-4-7 with an effective date of July 1, 1987.

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H.B. 583 - POLYGRAPH EXAMINERS, BOARD OF: TERMINATION DATE -  
ACT 520 (1987)

H.B. 583 modifies the educational requirements for licensure as a polygraph examiner and extends to July 1, 1993, the sunset/termination date of the State Board of Polygraph Examiners.

H.B. 583 amends OCGA Sections 43-36-6 and 43-36-22 with an effective date of April 2, 1987.

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H.B. 652 - MOTOR VEHICLES: SPEED LIMITS ON HIGHWAYS - ACT 818 (1988)

H.B. 652 increases the speed limit for vehicles traveling on rural, federal interstate highways from 55 miles per hour to 65 miles per hour. Federal interstate highways are considered to be rural if they lie outside of urbanized areas of 50,000 population or more. The maximum speed limit will be 55 miles per hour in all other areas or locations, except highway construction areas and urban residential districts.

H.B. 652 amends OCGA Section 40-6-151 with an effective date of February 19, 1988.

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H.B. 676 - SHERIFFS' RETIREMENT: ENFORCEMENT POWERS OF BOARD - ACT  
585 (1987)

H.B. 676 authorizes the Board of Commissioners of the Sheriffs' Retirement Fund of Georgia to invest up to 50% rather than 35% of the assets of the Fund in common stocks and equities.

H.B. 676 amends OCGA Section 47-16-26 with an effective date of July 1, 1987.

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H.B. 677 - SHERIFFS' RETIREMENT BOARD: RETIRED MEMBER: TERM -  
ACT 586 (1987)

H.B. 677 changes the term of office of the member of the Board of Commissioners of the Sheriffs' Retirement Fund of Georgia who is a retired sheriff.

H.B. 677 amends OCGA Section 47-16-21 with an effective date of July 1, 1987.

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H.B. 686 - FIREFIGHTER: TRAINING INCLUDE PUBLIC SAFETY OFFICER -  
ACT 521 (1987)

H.B. 686 includes within the definition of "firefighter" subject to the Georgia Firefighter Standards and Training Act, any person who is employed fulltime as a public safety officer by any municipal, county or state government employing three or more public safety officers and who has responsibilities which include preventing and suppressing fires, protecting rights and property and enforcing ordinances and state laws.

H.B. 686 amends OCGA Section 25-4-2 with an effective date of April 2, 1987.

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H.B. 718 - SHERIFFS' RETIREMENT FUND: MEMBERSHIP: REQUIREMENT -  
ACT 1400 (1988)

H.B. 718 increases the maximum number of years that active members must pay into the Retirement Fund from 25 to 30 years. Payment Option One (1) has been changed to increase the monthly benefit amounts. Members formerly receiving \$150 per month will receive \$164 and those members with more than four years of creditable service will receive \$164 per month plus \$41 for each additional year after four years. The maximum benefit amount has been moved from

\$937.50 to \$1,230 per month. A new subsection has been added stating that members shall not change their original Option Plan after receiving their first payment of benefits.

H.B. 718 amends OCGA Sections 47-16-43 and 47-16-101, with an effective date of July 1, 1988.

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H.B. 719 - SHERIFFS' RETIREMENT FUND: INCREASE ALLOCATION FROM  
CERTAIN FINES - ACT 1138 (1988)

H.B. 719 increases the amount allocated to the fund from fines and forfeited bonds in criminal cases from \$1.50 to \$2.00. Also, eligibility requirements for retirement benefits have been amended to include a minimum of eight years of service as a qualified and commissioned sheriff for those persons becoming a sheriff and a member on or after July 1, 1988.

H.B. 719 amends OCGA Sections 47-16-60 and 47-16-100 with an effective date of July 1, 1988.

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H.B. 722 - PEACE OFFICERS' ANNUITY AND BENEFIT FUND: DEFINITIONS -  
ACT 720 (1987)

H.B. 722 changes the eligibility for membership in the Peace Officers' Annuity and Benefit Fund by requiring that potential members be required by the terms of their employment to comply with the training requirements of the Georgia Peace Officer Standards and Training Act. H.B. 722 essentially attempts to provide additional incentive for Georgia peace officers to attend basic training prescribed by law.

H.B. 722 amends OCGA Section 47-17-1 with an effective date of July 1, 1987.

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H.B. 1201 - PEACE OFFICERS: ANNUAL TRAINING - ACT 1315 (1988)

H.B. 1201 adds a new Code Section 35-8-21, requiring any person employed or appointed as a peace officer to complete 20 hours of POST certified training per year starting calendar year 1989, and each calendar year

thereafter. Those persons completing the basic training course after April 1 in any calendar year are excused from the above course for that calendar year. Failure to comply with these requirements will result in a loss of the power of arrest. The Peace Officer Standards and Training Council reserves the right to grant a waiver of the training requirement under certain circumstances. Persons certified by POST as retired peace officers are excused and exempt from compliance with this Code Section.

H.B. 1201 amends OCGA Section 35-8 and enacts new Code Section 35-8-21 with an effective date of January 1, 1989.

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H.B. 1212 - PEACE OFFICER'S AND FIREMAN'S PENSION FUND: HEALTH  
INSURANCE PLANS - ACT 1264 (1988)

H.B. 1212 provides authority for the State Personnel Board to contract with the Peace Officer's Annuity and Benefit Fund of Georgia and the Georgia Fireman's Pension Fund for the purposes of inclusion in any state health insurance plans for employees and retiring employees of these funds. The two pension funds are required to deduct the appropriate amount from the salaries of their employees and make required employer contributions into such state health insurance plans.

H.B. 1212 amends OCGA Section 45-18 and enacts Section 45-18-7.3 with an effective date of July 1, 1988.

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H.B. 1213 - PEACE OFFICERS: RETIREMENT: MEDICAL EXAMS - ACT  
1317 (1988)

H.B. 1213 relates to the application to become a member in the Peace Officer's Annuity and Benefit Fund. A person must file a report of a recent medical examination when making application to the Fund. The examination must have occurred not more than 90 days prior to the date of the application. Formerly, the Code called for the examination to be made not more than 15 days prior to the application date.

H.B. 1213 amends OCGA Section 47-17-40 with an effective date of July 1, 1988.

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H.B. 1241 - PEACE OFFICER STANDARDS AND TRAINING COUNCIL: EXECUTIVE  
DIRECTOR - ACT 1189 (1988)

H.B. 1241 provides that the Georgia Peace Officer Standards and Training Council may appoint an executive director that will serve at the pleasure of the Council. The Council will have the duty to establish the compensation for the executive director. The Department of Public Safety is no longer responsible for the staffing of the Council. The executive director will assume this duty. The executive director is further authorized to appoint investigators with the power of arrest who are subject to the same employment and training requirements as other peace officers.

H.B. 1241 amends OCGA Section 35-8-6 with an effective date of July 1, 1988.

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H.B. 1261 - MUNICIPALITIES: CHIEFS OF POLICE SERVE AS JAILERS -  
ACT 1087 (1988)

H.B. 1261 expands the definition of jailer to include not only the county sheriff, but the chief of police as the jailer of the municipal corporation. Chiefs of police have the authority to appoint other jailers subject to the supervision of the municipal governing authority and have the responsibility to maintain the same records relative to incarcerated juveniles required of sheriffs in Code Section 42-4-7. This bill responds to a need expressed by the Juvenile Justice Coordinating Council to require municipal jails to provide the same information relative to incarcerated juveniles as that required of sheriffs. This information is necessary to remain eligible for federal Juvenile Justice Delinquency Prevention Grant Funds and to provide accurate statistical data relative to juvenile incarcerations.

H.B. 1261 amends OCGA Section 42-4-1 with an effective date of July 1, 1988.

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H.B. 1285 - LOCAL GOVERNMENT: PUBLIC SAFETY EMPLOYEES: MUTUAL AID  
IN EMERGENCY - ACT 1283 (1988)

H.B. 1285 enacts the "Georgia Mutual Aid Act." The Act provides that a local public safety agency such as law enforcement, fire protection

or emergency medical services, may, upon request from another public safety agency operating in a separate county or municipality, render assistance to such an agency. The senior officer operating in his own jurisdiction shall have command authority over assisting agencies. Other specifics included in the Code cover liability, compensation, insurance, and other benefits, loss of equipment, release from duty, and responsibilities of agencies concerning duty. Employees serving in a mutual aid capacity carry the same powers, duties, rights, privileges and immunities as if serving in their own jurisdiction.

H.B. 1285 amends OCGA Section 36-69 and enacts Sections 36-69-1 through 36-69-10 with an effective date of July 1, 1988.

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H.B. 1334 - DRIVER'S LICENSE: CORRECT INVALID INFORMATION: AUTHORIZATION - ACT 1237 (1988)

H.B. 1334 authorizes the Department of Public Safety periodically to review and correct driver's license records maintained by the Department which contain improper, false, fraudulent, or invalid information.

H.B. 1334 amends OCGA Section 40-5-2 with an effective date of July 1, 1988.

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H.B. 1350 - CORONERS: INVESTIGATIONS: FEES - ACT 1249 (1988)

H.B. 1350 increases coroners' investigation fees to \$100 from \$75. This fee applies to cases where juries are impaneled and cases where they are not impaneled. Further, it provides that the General Assembly by local law can abolish the office of coroner and establish the office of medical examiner, provided, however, that in all cases where the coroner is elected, a local referendum is required. Requirements for a medical examiner include a doctor of medicine degree, certification by the American Board of Pathology, and at least one year of experience or training in a scientific field in which legal procedures are involved. All financial and budgetary matters concerning the county medical examiner are to be the responsibility of such county. Also, medical examiners will have no authority to summon and impanel a jury for inquests nor are they subject to county residency requirements.

H.B. 1350 amends OCGA Section 45-16-27 and enacts Section 45-16-80 with an effective date of April 30, 1988.

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H.B. 1362 - POST-MORTEM EXAM: DEFINITION OF MEDICAL EXAMINER -  
ACT 1411 (1988)

H.B. 1362 changes the definition of the term "medical examiner" to ensure that those persons established as medical examiners by virtue of their employment by the Division of Forensic Sciences, G.B.I., will continue to have the same medical examiner eligibility as any other medical examiner, once such appointment has been made.

H.B. 1326 amends OCGA Section 45-16-21, with an effective date of July 1, 1988.

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H.B. 1385 - ABANDONED MOTOR VEHICLES: UNATTENDED VEHICLE CHECKS -  
ACT 1238 (1988)

H.B. 1385 requires peace officers to check unattended vehicles upon first notice for injured or incapacitated persons and to ensure that the vehicle poses no threat to public health or safety. The Code also requires officers to attach unattended vehicle check cards on all inspected vehicles. The Act specifies information to be included on the unattended vehicle check cards and grants authority to the Department of Public Safety to enact rules and regulations thereto. Further, it is unlawful for persons other than peace officers to attach genuine or counterfeit check cards to motor vehicles, with violation of such resulting in a misdemeanor.

H.B. 1385 amends OCGA Section 40-11 and enacts Section 40-11-3.1 with an effective date of October 1, 1988.

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H.B. 1394 - FIREARMS: PURCHASES, TRADES, OR EXCHANGES: DEALERS TO  
REPORT - ACT 1239 (1988)

H.B. 1394 requires all licensed firearms dealers to maintain records of all acquisitions and dispositions of firearms, with such records

H.B. 1399 - DOMESTIC VIOLENCE: PETITION SEEKING RELIEF - ACT  
1321 (1988)

H.B. 1399 changes the provisions relating to allegations in a petition seeking relief from family violence. The legislation provides that upon the filing of a verified petition in which the petitioner alleges with specific facts that probable cause exists to establish that family violence has occurred in the past and may occur in the future, a court may order such temporary relief ex parte as it deems necessary to protect the petitioner or a minor of the household from violence. H.B. 1399 will enable law enforcement officials to be more responsive to domestic problems when probable cause exists that violence may occur in the future, rather than having to show that a substantial likelihood of immediate danger could occur before temporary relief could be granted.

H.B. 1399 amends OCGA Section 19-13-3 with an effective date of July 1, 1988.

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H.B. 1400 - DOMESTIC VIOLENCE: CERTAIN ACTIONS: PENALTY - ACT  
1322 (1988)

H.B. 1400 amends OCGA Section 19-13-6 by eliminating the requirement that a person who violates the provisions of a domestic violence order must also refuse to leave the residence upon request. With this Act it is now sufficient simply to show proof that the individual has violated the provisions of the order. The bill responds to the findings of a special House Committee on Domestic Violence.

H.B. 1400 amends OCGA Section 19-13-6 with an effective date of July 1, 1988.

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H.B. 1407 - FAMILY VIOLENCE: DEFINITIONS: ARREST PROVISIONS -  
ACT 1324 (1988)

H.B. 1407 expands the definition of "family violence" to include acts between former spouses, stepparents and stepchildren, foster parents and foster children, and other persons living in the same household. Formerly, only acts between present spouses and between parents and children were included in the definition of "family

violence." Also, a portion of the Code regarding arrests was clarified to include "other persons living in the same household" regardless of relationship. This Act responds to the findings of the special House Committee on Domestic Violence.

H.B. 1407 amends OCGA Sections 17-4-20 and 19-3-1 with an effective date of July 1, 1988.

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H.B. 1436 - FIREFIGHTERS: PROHIBIT OBSTRUCTION DURING OFFICIAL DUTIES - ACT 1100 (1988)

H.B. 1436 provides that it is a misdemeanor to obstruct or hinder a firefighter in the lawful performance of official duties, while a felony to knowingly and willfully resist, obstruct, or oppose a firefighter by offering or doing violence to the firefighter. This legislation defines a firefighter as one who is employed on a full-time basis by a governmental agency or a corporation which has a contract with a county or city government and volunteer firemen as defined in OCGA Section 47-7-1. H.B. 1436 is in response to incidents where firemen called to the scene of a fire were obstructed from carrying out their duties by individuals at the incident.

H.B. 1436 enacts OCGA Section 16-10-24.1 with an effective date of July 1, 1988.

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H.B. 1469 - SPEED DETECTION DEVICES: TESTING REQUIREMENTS - ACT 1104 (1988)

H.B. 1469 provides that no law enforcement agency may use speed detection devices unless the agency possesses a license in compliance with applicable rules of the Federal Communications Commission and those devices are certified for compliance by a technician possessing a certification as required by the Department of Public Safety. This legislation enables the Department of Public Safety to ensure competent technicians are testing speed detection devices through the Department's own certification process.

H.B. 1469 amends OCGA Section 40-14-4 with an effective date of July 1, 1988.

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H.B. 1471 - ABANDONED MOTOR VEHICLES: DISPOSITION OF VEHICLES AND PARTS - ACT 1468 (1988)

H.B. 1471 enacts a new Code Section relative to abandoned vehicles and seizure or forfeiture of such vehicles. The Code defines any vehicle or any vehicle part whose identification number has been removed, falsified, defaced, or destroyed, as contraband and makes it subject to forfeiture. Such property that is seized by a law enforcement agency is considered to be in the custody of the county superior court and is not subject to recovery or repossession by its owner unless so ordered by the superior court of the county having jurisdiction over the forfeiture proceedings. The law enforcement agency in possession of the property must, within 10 days of seizure, file a report to the district attorney. Within 30 days, the district attorney must file for condemnation of the property in superior court. If the property has not already been confiscated, the court will order its immediate seizure. A copy of full action is to be given to the owner of the property. If, for various reasons and circumstances, the owner cannot be contacted, notice must be placed in a newspaper once a week for two weeks. If the owner appears and defends the action and can show that he or she was not aware of any deficiencies with the vehicle identification numbers, then the property may be returned to the owner. The owner, however, must reimburse the county for any forfeiture expenses. When property has been seized, the court can order the law enforcement agency or county to retain it or dispose of the property via sale. The proceeds in this instance would go toward paying forfeiture fees, with the excess going to the county general fund. The Revenue Department must assign a new vehicle identification number to any property returned to the owner or sold.

H.B. 1471 amends OCGA Section 40-11 by adding a new Code Section 40-11-20 with an effective date of July 1, 1988.

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H.B. 1523 - STATE PATROL: PROCESS SERVERS - ACT 1107 (1988)

H.B. 1523 makes an addition to the rank structure of the battalion of the Georgia State Patrol Uniform Division. The rank of "process server" within the battalion is provided for and immediately will follow trooper cadets.

H.B. 1523 amends OCGA Section 35-2-36 with an effective date of March 24, 1988.

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H.B. 1530 - SHERIFFS: CIVIL CASES: SERVICE FEES - ACT 1203 (1988)

H.B. 1530 changes fees to be paid the sheriff for certain services. Serving process against a tenant over or an intruder upon land to dispossess them goes up to \$20 from \$10. The fee for dispossessing tenant or intruder rises to \$20 from the former \$15. Both of the above apply to civil cases. Additionally, in criminal cases, the serving of any citations concerning bad check prosecutions calls for a sheriff's service fee of \$20, the same amount as for any warrant.

H.B. 1530 amends OCGA Section 15-16-21 with an effective date of July 1, 1988.

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H.B. 1531 - SHERIFFS: REPORTS OF INTERFERENCE WITH DUTIES: REPEAL - ACT 1204 (1988)

H.B. 1531 deletes Section 15-12-77 which required that sheriffs, constables, or other officers present a list to the grand jury concerning the circumstances and details of persons who hinder, obstruct, or interfere with a sheriff in the lawful discharge of his duties. The Code is no longer effective and is repealed. The Act deletes a ministerial duty which is no longer necessary.

H.B. 1531 deletes OCGA Section 15-12-77, reserving such Section for later use, with an effective date of July 1, 1988.

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H.B. 1660 - DUI: BLOOD ALCOHOL CONTENT: AMEND - ACT 1455 (1988)

H.B. 1660 refers to driving under the influence of alcohol. Alcohol concentration has been defined as grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of air. The issuance of a probationary driver's license is allowed under the new Code revision for persons who must attend alcohol or drug abuse meetings. Further revision of the Code concerns the extent to which a person must be under the influence of alcohol or drugs while driving, to be in violation of the law. The bill adds language to the effect that the driver's ability has been impaired so that it is less safe for the person to drive. The new Code is less vague than the previous interpretation. DUI applies to persons whose blood alcohol concentration is .12 grams or more at any time up to three hours

after driving. Other changes in the Code include the added use of evidence containing alcohol or drugs in the urine, breath, or bodily substances at the alleged time and the level of grams of substance in the blood to be in violation of the law. Concerning changing of traffic law sentences or judgements, a person may make a motion for such a change at any time prior to the expiration of the term of court following the term at which judgement and sentence were pronounced. Formerly, persons were held to a 90-day maximum period, including those persons residing in jurisdictions of seasonal court sessions. The new law provides for fair access to change records for persons under the jurisdiction of a rotational court. The final provision in H.B. 1660 lists the qualified persons who may draw blood to be admissible as evidence. These persons include physicians, physician's assistants, registered and practical nurses, medical technologists and technicians, and phlebotomists.

H.B. 1660 amends OCGA Sections 40-1-1, 40-5-58, 40-6-391, 40-6-392 and 40-13-32 with an effective date of July 1, 1988.

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H.B. 1797 - SHERIFF: HONORARY OFFICE OF SHERIFF EMERITUS - ACT 1214  
(1988)

H.B. 1797 creates the honorary office of sheriff emeritus of the State of Georgia. Any sheriff of Georgia who retires under honorable conditions after having attained the age of 75 and after having served as sheriff for 45 or more years, automatically holds the honorary office of sheriff emeritus. This legislation provides that an individual holding the honorary office of sheriff emeritus can apply to the Secretary of State for a special certificate evidencing such honorary office. At the present time, there is only one sheriff who meets the eligibility requirements of the bill.

H.B. 1797 enacts OCGA Section 15-16-40 with an effective date of July 1, 1988.

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H.B. 1848 - ALCOHOLIC BEVERAGES: SUNDAY SALES IN SPECIAL ENTERTAIN-  
MENT DISTRICTS - ACT 913 (1988)

H.B. 1848 enables alcoholic beverages to be sold on Sundays between the hours of 12:30 P. M. and 12:00 Midnight in locally designated



special entertainment districts. These special districts are defined as contiguous properties upon which is located an entertainment project financed in whole or in part by public funds and which contains a minimum of 200,000 square feet of leasable space for retail sales and entertainment. H.B. 1848 enables merchants in the Atlanta Underground Project scheduled to open around January 1, 1989, to sell alcoholic beverages on Sundays.

H.B. 1848 amends OCCA Section 3-3-7 with an effective date of July 1, 1988.

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## RESOLUTIONS

- S.R. 20 - CREATION OF THE SENATE STUDY COMMITTEE FOR SEAT BELTS ON SCHOOL BUSES (1987)
- S.R. 195 - HONORING THE GEORGIA STATE PATROL'S 50TH ANNIVERSARY (1987)
- S.R. 274 - COMPENSATE: VICTIMS OF CRIME (1988)
- S.R. 382 - FAMILY VIOLENCE: URGE LAW ENFORCEMENT TO INCLUDE IN EDUCATION CURRICULUM (1988)
- S.R. 383 - FAMILY AND DOMESTIC VIOLENCE: URGE ADVANCED TRAINING (1988)
- S.R. 418 - GEORGIA PUBLIC SAFETY MEMORIAL: SUPPORT (1988)
- S.R. 421 - LITTER CONTROL: URGE INTENSIFY ENFORCEMENT OF LAW (1988)

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- H.R. 403 - HONORING THE GEORGIA STATE PATROL'S 50TH ANNIVERSARY (1987)
- H.R. 633 - URGE GEORGIA PEACE OFFICER STANDARDS AND TRAINING COUNCIL INCLUDE FAMILY VIOLENCE IN EDUCATION (1988)
- H.R. 634 - LITTER CONTROL: URGE INCREASED ENFORCEMENT (1988)
- H.R. 1021 - GEORGIA PUBLIC SAFETY MEMORIAL: SUPPORT (1988)

# JUDICIAL ADMINISTRATION AND PROCEDURES

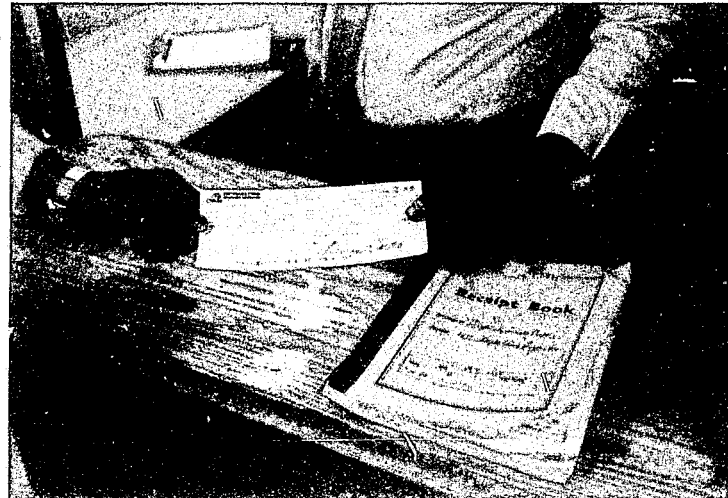
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County Superior Court



Judicial Hearing



Restitution

## SENATE LEGISLATION

### S.B. 24 - MENTALLY ILL, ALCOHOLIC/DRUG DEPENDENCY: OUTPATIENT TREATMENT - ACT 637 (1987)

S.B. 24 extensively changes the law relative to examination and treatment of mentally ill persons and alcoholics and drug dependent individuals: it changes provisions relative to disposition of outpatients after hearings; it changes provisions relative to procedures to be followed when a person undergoing involuntary outpatient treatment is determined to be in need of hospitalization or fails to comply with the outpatient treatment plan; and it changes provisions related to discharge from facilities of persons needing outpatient care. It also extends from July 1, 1987, to July 1, 1989, the effective date of Georgia's law for comprehensive treatment for alcoholism and drug dependency. This deadline has now been extended annually or biannually a total of eleven times.

S.B. 24 amends OCGA Chapters 37-3, 37-7 and 37-8 with an effective date of April 3, 1987.

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### S.B. 34 - EVIDENCE: HUSBAND/WIFE: WITNESSES - ACT 747 (1987)

S.B. 34 provides that a husband or wife may be compelled to give evidence where his or her spouse is charged with a crime against the person of a minor child, but only with respect to the suspected act for which the spouse/defendant is charged.

S.B. 34 amends OCGA Section 24-9-23 with an effective date of July 1, 1987.

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### S.B. 41 - EMPLOYMENT: JURY DUTY: PROHIBIT DISMISSAL - ACT 748 (1987)

S.B. 41 makes it unlawful for an employer to penalize an employee because of his absence from employment for the purpose of attending a judicial proceeding in response to a subpoena, a summons for jury duty or other court order/process which requires the attendance of

the employee at the proceedings. It further provides that violation of this provision creates a civil cause of action and is punishable as contempt of court.

S.B. 41 amends OCGA Sections 15-1-4 and 34-1-3 with an effective date of July 1, 1987.

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S.B. 44 - MAGISTRATES: PRACTICE OF LAW: AMEND PROVISIONS - ACT  
551 (1987)

S.B. 44 modifies the prohibition against the magistrate who is an attorney, appearing as an attorney over any matter which the magistrate's court exercises jurisdiction. It simply provides that a magistrate who is an attorney may not appear as an attorney in any matter which he or she has exercised any jurisdiction as a magistrate.

S.B. 44 amends OCGA Section 15-10-22 with an effective date of July 1, 1987.

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S.B. 99 - HABEAS CORPUS: DEATH SENTENCE CHALLENGE: TRANSFER -  
ACT 1472 (1988)

S.B. 99 provides for an additional circumstance where a chief judge may request for assistance. When a petition for habeas corpus is filed in a case in which the petitioner is under a sentence of death, the chief judge of the presiding court may request judicial assistance to the president of the Council of Superior Court Judges of Georgia. It must be certified that the business of the court will be impaired unless assistance is obtained. The President of the Council of Superior Court Judges of Georgia will assign the case to a judge who presides in a circuit other than the circuit in which the conviction and sentence were imposed.

S.B. 99 amends OCGA Section 15-1-9.1 with an effective date of July 1, 1988.

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S.B. 100 - APPEAL/PRETRIAL REVIEW: DEATH PENALTY - ACT 1364 (1988)

S.B. 100 provides that in capital felony cases there may be a review of all pretrial proceedings by the Supreme Court upon a determination by the trial judge that such review is appropriate. The Act specifies the procedure for such review and the procedure to be used in transmitting the reports to the Supreme Court. S.B. 100 also provides that the Supreme Court shall establish, by rules, a new unified review procedure in death penalty cases.

S.B. 100 enacts OCGA Section 17-10-35 and amends Sections 5-6-34, 5-6-38, 17-7-171 and 17-10-36 with an effective date of July 1, 1988.

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S.B. 131 - STATE AUTHORITIES: VIOLATIONS OF ORDINANCES: MAGISTRATE COURTS - ACT 561 (1987)

S.B. 131 provides that magistrate courts shall have jurisdiction over the trial of charges of violations of penal ordinances of state authorities and provides for trials of such violations in the same manner as county ordinances. S.B. 131 attempts to streamline the criminal process relative to the disposition of criminal charges arising out of illegal acts committed on the properties of state authorities; in so doing, it attempts to achieve a criminal process similar to that followed in municipalities with regard to violation of local ordinances.

S.B. 131 amends OCGA Sections 15-10-2 and 15-10-60 through 15-10-66 with an effective date of April 2, 1987.

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S.B. 197 - MAGISTRATES: MINIMUM SALARY - ACT 1172 (1988)

S.B. 197 provides for salary increases to the chief magistrate of each county other than those counties when the probate judge serves as chief magistrate. The salary levels are based on the population of counties, from a salary increase in counties with a population of 0-5,999, of \$3,950 to \$5,925, to a salary in counties of 300,000 or more of \$28,750. Additionally, the legislation increases the minimum monthly salary of each magistrate other than the chief magistrate, from \$50 to \$250 per month. S.B. 197 should assist in retaining and attracting qualified individuals for magistrate judgeships through additional salary incentives.

S.B. 197 amends OCGA Section 15-10-23 with an effective date of July 1, 1989.

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S.B. 198 - MAGISTRATE COURTS: OFFICERS' COMMISSION - ACT 537 (1987)

S.B. 198 provides that magistrates shall be issued a commission under the seal of the Office of the Governor, rather than a certificate from the clerk of superior court.

S.B. 198 amends OCGA Sections 15-10-3 and 45-3-31 with an effective date of July 1, 1987.

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S.B. 200 - MAGISTRATE COURTS: APPEALS - ACT 697 (1987)

S.B. 200 provides that the same legal procedures governing appeals from magistrate court to superior court, shall apply to appeals from magistrate court to state court. These procedures are contained in Article 2 of Chapter 3 of Title 5 of OCGA.

S.B. 200 amends OCGA Section 15-10-41 with an effective date of July 1, 1987.

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S.B. 205 - ROCKDALE COUNTY STATE COURT: CREATE - ACT 539 (1987)

S.B. 205 creates the State Court of Rockdale County and accordingly specifies jurisdiction, practices, procedures, terms of court, costs, fees, location and other appropriate matters. It provides that the first judge of the court shall be appointed by the Governor for a term of office to begin July 1, 1987, and end on December 31, 1988 with the successor being elected at the 1988 general election.

S.B. 205 enacts Georgia Laws 1987, Page 5452, with an effective date of July 1, 1987.

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S.B. 230 - CRIMES AND OFFENSES: EFFECT OF APPEAL/AMENDMENT TO LAW  
- ACT 175 (1987)

S.B. 230 provides that the repeal, repeal and reenactment, or amendment of a criminal law shall not effect or abate the status of previously committed crimes unless the General Assembly expressly declares otherwise in the Act repealing, repealing and reenacting, or amending such criminal law. S.B. 230 supersedes and abolishes the rule of common law stated by the Supreme Court of Georgia in the case of Robinson v. the State, 256 Georgia 564 (1986) that when a statute making described conduct a crime is repealed, the repeal ends the prosecution if the legislature has not provided otherwise in a saving clause.

S.B. 230 enacts OCGA Section 16-1-11 with an effective date of March 16, 1987.

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S.B. 334 - APPALACHIAN JUDICIAL CIRCUIT: ADD ONE JUDGE - ACT 915  
(1988)

S.B. 334 adds one superior court judgeship to the Appalachian Judicial Circuit. The judgeship is to be appointed by the Governor, for a term beginning on July 1, 1988, and ending on December 31, 1990. This legislation, which was recommended by the Judicial Council of Georgia, should result in reducing the caseload of the Appalachian Judicial Circuit's one current judge. Additionally, it should reduce the current case backlog and expedite the disposition of cases in the circuit.

S.B. 334 amends OCGA Section 15-6-2 with an effective date of July 1, 1988.

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S.B. 339 - COBB JUDICIAL CIRCUIT: ADD JUDGE - ACT 547 (1987)

S.B. 339 creates a seventh superior court judgeship for the Cobb Judicial Circuit. It provides that the initial judge for this judgeship shall be appointed by the Governor for a term beginning July 1, 1987, and ending December 31, 1988, with the successor to be elected at the general election of 1988.

S.B. 339 amends OCGA Section 15-6-2 with an effective date of July 1, 1987.

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S.B. 411 - COUNCIL OF PROBATE COURT JUDGES: ESTABLISH - ACT 1254  
(1988)

S.B. 411 creates the Council of Probate Court Judges of Georgia, composed of the judges and judges emeriti of the probate courts of Georgia. The officers of this Council consist of a president, first vice president, second vice president, secretary-treasurer, and such other officers and committees as is deemed necessary. The Council's purpose is to effectuate the constitutional and statutory responsibilities of the probate courts. Additionally, S.B. 411 redefines the term "probate courts" to include such courts in counties with population in excess of 100,000. Previously, the Code provided for counties with population of 150,000 or more. Judges in smaller counties will be eligible to serve as members of the newly enacted Council of Probate Court Judges of Georgia.

S.B. 411 enacts OCGA Section 15-9-15 and amends Section 15-9-120 with an effective date of July 1, 1988.

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S.B. 413 - PROBATE JUDGES: REIMBURSEMENT OF TRAINING EXPENSES -  
ACT 1256 (1988)

S.B. 413 provides that all expenses of training authorized by law for probate court judges and judges elect, shall be reimbursed by the Institute of Continuing Judicial Education to the extent that funds are available to the Institute for such purpose. This legislation also includes a provision that if training funds are not available from the Institute of Continuing Judicial Education, probate judges and judges elect will be reimbursed through county funds. S.B. 413 will enable probate court judges elect to obtain reimbursement for training expenses incurred prior to their taking office, but after being elected to office. The term "probate court" has been redefined to include probate courts of counties with a population in excess of 100,000. Previously, counties with a population of 150,000 or more were included in the definition. This legislation allows the judges of the smaller probate courts to benefit from the training expense provisions mentioned above.

S.B. 413 amends OCGA Sections 15-9-1.1 and 15-9-120, with an effective date of July 1, 1988.

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S.B. 432 - COUNCIL OF STATE COURT JUDGES AND COUNCIL OF MAGISTRATE  
COURT JUDGES: CREATE - ACT 1174 (1988)

S.B. 432 creates a Council of State Court Judges and a Council of Magistrate Court Judges. The Council of State Court Judges will be composed of the judges, senior judges and judges emeriti of the state courts, with the Administrative Office of the Courts providing technical services and assisting the Council in complying with its legal requirements. S.B. 432 also creates a Council of Magistrate Court Judges with the purpose of promoting and assisting the training of chief magistrates and magistrates. These two new councils will provide an increased level of coordination within these two courts and should help improve training for both state court and magistrate court judges.

S.B. 432 enacts OCGA Sections 15-7-26 and 15-10-7 with an effective date of July 1, 1988.

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S.B. 434 - PROBATION: MAXIMUM DURATION OF ANY PERIOD: REQUIREMENT  
- ACT 1458 (1988)

S.B. 434 provides that no court may revoke any part of a probated or suspended sentence unless admittance by the defendant or unless the evidence at the revocation hearing establishes, by a preponderance of the evidence, the alleged violation. Except upon the commission of a new felony, the court may not revoke more than six months to be served in a diversion center, probation detention center, shock incarceration unit, county jail, county detention center or other special probation programs. The court, however, may revoke the balance of probation or two years confinement, whichever is less, for defendants sentenced under the Code relating to special alternatives to incarceration. For new felony violations, the court may revoke no more than the lesser of the balance of the original probation or the maximum time of the sentence authorized for violation of the new felony offense. Restitution or reparation payments, costs, or fines can be made in one lump sum or in periodic payments to the clerk of the sentencing court or the appropriate probation office. Further, the Code provides for a maximum of four years of supervision under probation or parole whether before or after confinement. The exception to this provision includes a written order of the court to extend the limit of four years for the purpose of enforcing restitution or fines or for the protection of the victim or class of victims.

S.B. 434 amends OCGA Section 42-8 and enacts Section 42-8-34.1 effective upon the Governor's signature.

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S.B. 470 - CRIMINAL PROCEDURE: SATISFACTION OF FINES BY COMMUNITY SERVICE - ACT 1175 (1988)

S.B. 470 provides that defendants, punished in whole or in part by a fine, may satisfy such fine through community service. The sentencing judge may make such a determination. One hour of community service is defined as equivalent to the dollar amount of one hour of labor at the federal minimum wage. Division of the fine amount by the minimum wage amount results in the total number of community service hours the defendant must serve.

S.B. 470 amends OCGA Section 17-10-1 with an effective date of July 1, 1988.

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S.B. 492 - TRIAL WITHOUT JURY: CONSENT OF BOTH PARTIES - ACT 921 (1988)

S.B. 492 provides that all appeals to a superior court or state court shall be tried by a jury at the first term after the appeal has been entered unless good cause is shown for continuance. This legislation enables the trial by jury to be waived by the consent of both parties to the trial.

S.B. 492 amends OCGA Section 5-3-30 with an effective date of July 1, 1988.

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S.B. 556 - BAD CHECK: PARTY INITIALLY RECEIVING: PROSECUTION - ACT 1261 (1988)

S.B. 556 relates to the issuance of bad checks. The bill provides that the party initially receiving any worthless checks or any subsequent holder of the bad checks may bring action to prosecute the issuer. This Act clarifies existing law to enable the party/person that actually paid out funds to seek prosecution rather than having to rely on the financial institution which ultimately holds the check to seek such prosecution.

S.B. 556 amends OCGA Section 16-9-20 with an effective date of March 31, 1988.

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## HOUSE LEGISLATION

### H.B. 19 - SUPREME COURT: SEVEN JUSTICES - ACT 489 (1987)

H.B. 19 simply codifies a Constitutional provision that the Supreme Court of Georgia shall consist of seven Justices.

H.B. 19 enacts OCGA Section 15-2-1.1 with an effective date of July 1, 1987.

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### H.B. 25 - SUPERIOR COURT JUDGES: ELECTION - ACT 492 (1987)

H.B. 25 simply codifies a Constitutional provision declaring that each judge of the Superior Courts in Georgia shall be elected by the voters of the Judicial Circuit in which the judge is to serve.

H.B. 25 enacts OCGA Section 15-6-4.1 with an effective date of July 1, 1987.

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### H.B. 30 - TRAFFIC OFFENSES: JURY TRIAL: WITHDRAWAL OF WAIVER - ACT 493 (1987)

H.B. 30 prohibits the withdrawal of a waiver of a trial by jury in traffic cases in probate or municipal court whenever the waiver was interposed to delay the trial. It also prohibits the withdrawal of a waiver of a trial by jury after the commencement of the trial or the filing of motions on behalf of the defendant, except with the approval of the court.

H.B. 30 amends OCGA Section 40-13-23 with an effective date of July 1, 1987.

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### H.B. 35 - BAIL BONDS: RELEASE OF SURETY FROM LIABILITY: CERTAIN CONDITIONS - ACT 765 (1987)

H.B. 35 extensively revises provisions related to procedures for forfeiture of bail bonds and relief from liability of sureties

(usually bail bondsmen) on bail bonds. It changes the conditions under which a surety may be relieved from (usually financial) liability to include surrender of the principal (usually an accused criminal), incarceration of the principal, military service of the principal, failure to timely prosecute the principal and dead-docketing of the principal's case. It also grants additional rights to sureties with regard to partial refund of forfeited bonds when a principal is produced within a certain period of time after the original forfeiture. It further changes time periods with respect to forfeiture proceedings and changes the time and manner in which notice of such proceedings must be given. Generally, H.B. 35 liberalizes bail bond procedures for bail bondsmen.

H.B. 35 amends OCGA Sections 17-6-31 and 17-6-70 through 17-6-72, with an effective date of July 1, 1987.

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H.B. 44 - GWINNETT JUDICIAL CIRCUIT: ADD JUDGE - ACT 495 (1987)

H.B. 44 creates a fifth superior court judgeship for the Gwinnett Judicial Circuit. It provides that the additional judge shall be appointed by the Governor for a term beginning July 1, 1987, and ending December 31, 1988, with a successor to be elected at the 1988 general election. This Act responds to recommendations of the Judicial Council of Georgia which are based on empirical analyses of caseload statistics in all of Georgia's Judicial Circuits.

H.B. 44 amends OCGA Section 15-6-2 with an effective date of July 1, 1987.

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H.B. 76 - MAGISTRATE COURT: CERTAIN OFFENSES: JURISDICTION -  
ACT 706 (1987)

H.B. 76 expands the jurisdiction of the magistrate courts to include trial and sentencing of misdemeanor violations regarding criminal issuance of bad checks. It provides that defendants in such trials may demand that the case be removed to a state or superior court. It provides that failure to demand this removal will constitute a waiver of any right which could have been secured by such a demand, including the right to trial by jury.

H.B. 76 amends OCGA Section 15-10-2 and enacts OCGA Sections 15-10-200 through 15-10-202. It is effective July 1, 1987, and applicable to prosecutions begun on or after that date.

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H.B. 155 - JURORS/GRAND JURORS: SELECTION: CERTAIN COUNTIES - ACT 797 (1987)

H.B. 155 provides that any county in which more than 70% of the population resides on property of the U. S. Government, the population of the county for the purpose of selecting jurors/grand jurors shall be the total population of the county minus that population residing on U. S. Government property.

H.B. 155 amends OCGA Section 15-12-40 with an effective date of July 1, 1987.

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H.B. 182 - GRIFFIN JUDICIAL CIRCUIT: ADD JUDGE - ACT 315 (1987)

H.B. 182 creates a third superior court judgeship for the Griffin Judicial Circuit. It provides that the additional judge shall be appointed by the Governor for a term beginning July 1, 1987, and ending December 31, 1988, with the successor to be elected at the 1988 general election. This Act responds to recommendations of the Judicial Council of Georgia which are based on empirical analyses of caseload statistics in all of Georgia's Judicial Circuits.

H.B. 182 amends OCGA Section 15-6-2 with an effective date of July 1, 1987.

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H.B. 183 - JURY LISTS: COMPILATION: GRAND/TRIAL JURORS: SELECTION - ACT 677 (1987)

H.B. 183 provides for the separate compilation of trial and grand jury lists, rather than compilation of a single list from which both types of jurors are selected and compiled. It also increases from 60 to 75 the maximum number of grand jurors' names to be drawn from each term of court.

H.B. 183 amends OCGA Section 15-12-40 with an effective date of July 1, 1987.

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H.B. 212 - SUPERIOR COURT: SERVICES: ADMINISTRATIVE SERVICE ASSIST  
- ACT 613 (1987)

H.B. 212 authorizes the Council of Superior Court Judges to contract with the Department of Administrative Services (DOAS) or another agency of state government to provide administrative functions, services and equipment necessary for the fulfillment of the responsibilities of the superior court. It ultimately facilitates the acquisition of additional personnel by DOAS to staff accounting functions associated with operation of the superior courts.

H.B. 212 enacts OCGA Section 15-5-60 with an effective date of April 2, 1987.

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H.B. 264 - DEMAND FOR SPEEDY TRIAL - ACT 652 (1987)

H.B. 264 provides that a demand for a speedy trial by a defendant in a non-capital case shall be served on the prosecutor and be binding only in the court in which the demand is filed, except when the case is transferred from one court to another without a request from the defendant.

H.B. 264 amends OCGA Section 17-7-170 with an effective date of July 1, 1987.

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H.B. 265 - SHOPLIFTING: MUNICIPAL COURTS: JURISDICTION - ACT 746  
(1987)

H.B. 265 grants jurisdiction to municipal courts in cases where a person is charged with a first or second offense of shoplifting when the property involved was valued at \$100 or less and the offense occurred within the municipality. It entitles defendants in such cases to have the case transferred to either the state or superior court in the county upon their request, and provides for punishments



and retention of fines and forfeitures by municipalities and reporting to the Georgia Crime Information Center.

H.B. 265 enacts OCGA Section 36-32-9 with an effective date of July 1, 1987.

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H.B. 266 - DRIVERS' LICENSES: HABITUAL VIOLATORS: AMEND PROVISIONS  
- ACT 725 (1987)

H.B. 266 makes several changes relative to serious traffic offenses and suspension of drivers' licenses: it provides that upon conviction for an offense mandating suspension of license, the court may give notice to the defendant of the suspension; it makes the listing of offenses covered by the habitual offender law consistent with the listing of those offenses for which driver's license suspension is mandatory; it adds to the existing procedures for declaring a person to be an habitual violator the provision that a sentencing court or prosecutor may declare a defendant to be an habitual violator; it makes the periods of suspension for the offense of serious injury by vehicle consistent with the periods of suspension for the offense of homicide by vehicle; and it provides that points may be removed from a driver's record upon completion of an alcohol or drug course, as well as upon completion of a defensive driving course, and raises the number of points to be removed from three to seven.

H.B. 266 amends OCGA Sections 40-5-54, 40-5-58, 40-5-63, and 40-4-86 with an effective date of July 1, 1987.

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H.B. 271 - BRUNSWICK JUDICIAL CIRCUIT: ADD JUDGE - ACT 743 (1987)

H.B. 271 creates a fourth superior court judgeship for the Brunswick Judicial Circuit. It provides that the additional judge shall be appointed by the Governor for a term beginning April 15, 1987, and ending December 31, 1988, with a successor to be elected at the 1988 general election. This Act responds to recommendations of the Judicial Council of Georgia which are based on empirical analyses of caseload statistics in all of Georgia's Judicial Circuits.

H.B. 271 amends OCGA Section 15-6-2 with an effective date of April 15, 1987.

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H.B. 289 - ALCOHOLIC BEVERAGES: CERTAIN VIOLATIONS: MUNICIPAL COURT  
JURISDICTION - ACT 786 (1987)

H.B. 289 grants jurisdiction to municipal courts in cases involving first offense violations of furnishing alcoholic beverages to underaged persons and purchase and possession of alcoholic beverages by underaged persons. It also provides for fines and forfeitures in these cases to be retained by the municipality and grants defendants in such cases the right to have the case transferred to the state or superior court of the county upon their request.

H.B. 289 enacts OCGA Section 36-32-9 with an effective date of July 1, 1987.

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H.B. 338 - LAW LIBRARIES: ESTABLISH FOR SUPERIOR COURT JUDGES -  
ACT 654 (1987)

H.B. 338 increases the maximum amount which may be collected as a law library fee in civil actions, from \$2 to \$3, and provides that proceeds of such fees may be used to establish libraries for the judges of the superior court of the circuit in which the fees are collected.

H.B. 338 amends OCGA Sections 36-15-7 and 36-15-9 with an effective date of July 1, 1987.

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H.B. 377 - STATE COURTS: SOLICITORS: RESIDENCY - ACT 512 (1987)

H.B. 377 changes the residency requirement for solicitors of state courts by expanding the area of required residence from "in the geographic area" to "within the Judicial Circuit containing the geographic area" in which the solicitor serves. H.B. 377 essentially means solicitors of state courts will no longer have to live in the county in which the state court serves as long as they live within a county contained within the Judicial Circuit of the superior court in which the state court is located.

H.B. 377 amends OCGA Section 15-7-24, with an effective date of April 2, 1987.

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H.B. 614 - SENIOR APPELLATE COURT JUSTICE/JUDGE: CREATE OFFICES -  
ACT 319 (1987)

H.B. 614 creates the offices of Senior Appellate Court Justice and Senior Appellate Court Judge to which Justices of the Supreme Court and Judges of the Court of Appeals may, at their option, be appointed upon retirement. It authorizes these individuals, upon request, to exercise judicial power in the Supreme Court, Court of Appeals, superior courts and other courts and entitles them to the same travel, per diem and pay allowances paid to the Senior Judges of the superior courts. It also authorizes the Court of Appeals to hear oral arguments in places other than the seat of government.

H.B. 614 amends OCGA Section 15-3-1 and enacts OCGA Chapter 15-3A with an effective date of March 26, 1987.

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H.B. 615 - COURT OF APPEALS: PREAPPEAL SETTLEMENT CONFERENCE PROCEDURE - ACT 1448 (1988)

H.B. 615 authorizes the Court of Appeals of Georgia to establish by rule of court a voluntary preappeal settlement conference procedure. This legislation provides that the Court of Appeals utilize Senior Appellate Court Justices and judges and senior superior court judges as settlement conference judges. The Court is authorized to provide by rule for the extension of time for the filing of the record, enumerations of error, briefs, or other matters which at time of filing, are prescribed by statute in order to establish a preappeal settlement conference procedure. It is anticipated this new settlement procedure will reduce the current caseload of the Court of Appeals, which has one of the highest caseloads of appellate courts in the nation.

H.B. 615 enacts OCGA Section 15-3-13, with an effective date of February 1, 1989.

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H.B. 653 - CRIMINAL PROCEEDINGS: TWO INDICTMENTS, SAME OFFENSE -  
ACT 583 (1987)

H.B. 653 provides that if two grand jury indictments or presentments for the same offense are quashed, then further prosecution for the same offense shall be barred.

H.B. 653 enacts OCGA Section 17-7-53.1 with an effective date of July 1, 1987. It is applicable to indictments and presentments rendered on or after that date.

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H.B. 663 - SECURITIES LAWS: APPLICABILITY - ACT 686 (1987)

H.B. 663 provides that criminal and civil proceedings under OCGA Chapter 10-5 relating to securities, shall be governed by the provisions of said Chapter as it existed on the date of the alleged facts or circumstances underlying the action, notwithstanding any subsequent amendment of said Chapter unless an amendatory Act specifically declares otherwise.

H.B. 663 amends OCGA Section 10-5-23 with an effective date of July 1, 1987.

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H.B. 723 - STATE COURT OF GWINNETT COUNTY: ADD JUDGE - ACT 625 (1987)

H.B. 723 creates a third judgeship for the State Court of Gwinnett County. It provides that this third judge shall be appointed by the Governor for an initial term lasting from July 1, 1987, to December 31, 1988, and until his successor is elected and qualified at the 1988 general election.

H.B. 723 amends Georgia Laws 1977, Page 3331, with an effective date of July 1, 1987.

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H.B. 741 - JEKYLL ISLAND STATE PARK AUTHORITY: VIOLATION OF ORDINANCES - ACT 736 (1987)

H.B. 741 provides that prosecution of violations of ordinances of the Jekyll Island State Park Authority shall be in the Magistrate Court of Glynn County, rather than in the State Court of Glynn County. It further provides that prosecutions for violations shall be upon citation or accusation and that the Authority may provide that violations may be tried with or without a prosecuting attorney. It also provides that the State Court of Glynn County shall have jurisdiction in cases removed from the Magistrate Court for jury trial, and provides that

the Superior Court shall have jurisdiction to review all convictions by certiorari. H.B. 741 essentially attempts to specialize and expedite the criminal process relative to ordinance violations on Jekyll Island so that the process is similar to that found in municipalities.

H.B. 741 amends OCGA Section 12-3-236.1 with an effective date of April 14, 1987.

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H.B. 774 - STATE COURT OF DEKALB COUNTY: ADD JUDGE - ACT 524 (1987)

H.B. 774 creates a fifth judgeship for the State Court of DeKalb County. It provides that the fifth judge shall be appointed by the Governor for an initial term of office ending on December 31, 1988, with his or her successor to be elected at the 1988 general election.

H.B. 774 amends Georgia Laws 1985, Page 5140, with an effective date of July 1, 1987.

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H.B. 776 - CRIMINAL PROCEDURE: BAIL/RECOGNIZANCE: AMEND CERTAIN PROVISIONS - ACT 1140 (1988)

H.B. 776 concerns the issuance of bail for persons accused of certain offenses. Aggravated assault and trafficking cocaine or marijuana have been included in the existing list of offenses which are bailable only before the judge of the superior court. Burglary, arson, aggravated assault, and kidnapping are now bailable in superior court in circumstances where the person has previously committed such offenses or any offense listed for bail hearings in superior court. All other offenses not listed as bailable by the superior court are therefore bailable at a court of inquiry. When persons are held without bail, the court must be notified within 48 hours of such a decision. The superior court must notify the district attorney and set a date for a bail hearing within 20 days after the receipt of such notification.

H.B. 776 amends OCGA Section 17-6-1 with an effective date of July 1, 1988.

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H.B. 800 - PROBATION: SPECIAL ALTERNATIVE INCARCERATION - ACT 626  
(1987)

H.B. 800 allows trial judges to specify a condition of probation known as "special alternative incarceration" in any probated sentence of one year or more, rather than only in probated sentences of one to five years in length. H.B. 800 generally tends to broaden the discretion of trial judges in sentencing and should increase the use of special alternative incarceration.

H.B. 800 amends OCGA Section 42-8-35.1 with an effective date of April 2, 1987.

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H.B. 805 - MUSCOGEE COUNTY: STATE COURT: ADDITIONAL JUDGE - ACT 269  
(1987)

H.B. 805 creates a second judgeship for the State Court of Muscogee County. It provides that this judge shall be appointed by the Governor for a term ending December 31, 1988, and until his or her successor is elected and qualified in the same manner and for the same term as the existing judge of the State Court of Muscogee County.

H.B. 805 amends Georgia Laws 1884-85, Page 455, with an effective date of July 1, 1987.

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H.B. 877 - SUPERIOR COURT: JUDGES: TRAVEL EXPENSES: REIMBURSEMENT  
- ACT 529 (1987)

H.B. 877 provides that judges and senior judges of the superior court may receive reimbursement of travel expenses incurred in connection with service on the Supreme Court or in connection with certain judicial administrative functions such as attendance at meetings held to carry out a public purpose. It also provides for the auditing of expense statements of senior judges in the same manner as expense statements of other judges. It further provides for reimbursement for continuing judicial education for senior judges, as well as other judges, and provides for additional sources of payment of these expenses. H.B. 877 attempts to correct perceived restraints on reimbursement of judges' expenses for duties that they perform and functions that they attend which are associated with the execution of their jobs.

H.B. 877 amends OCGA Sections 15-6-30 and 15-6-32 with an effective date of July 1, 1987.

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H.B. 878 - CRIMES AND OFFENSES: MENTALLY RETARDED: RESPONSIBILITY  
- ACT 1313 (1988)

H.B. 878 distinguishes a difference between "mentally ill" and "mentally retarded." "Mentally retarded" is having a significantly subaverage intellect resulting in or associated with impairments in the developmental period. The definition for "mentally ill" remains the same. An additional adjudicated finding is set forth in the bill, that being "finding of guilty but mentally retarded." The finding of guilty but mentally retarded shall be made only in felony cases. The plea of "guilty but mentally retarded" will not be accepted unless an examination of the defendant by licensed professionals has been made. Persons adjudged "guilty but mentally retarded" will be in the custody of the Department of Corrections or the Department of Human Resources. An examination by the DHR will be made after sentencing in order to determine the appropriate facility to handle the defendant. Current provisions applying to persons found guilty but mentally ill apply, likewise, to the mentally retarded. Further revision of the Code stipulates that judges accepting a plea of "guilty but mentally retarded" shall not impose the death penalty. The maximum penalty in such a case will be life imprisonment. The Code has also been updated to include numerous specifics and requirements for persons adjudged guilty of a capital offense and subsequently claiming mental incompetence, to be executed.

H.B. 878 amends OCGA Sections 17-7-131, and 17-10-60 through 17-10-70 with an effective date of July 1, 1988.

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H.B. 1123 - TORTS: PERSONS FURNISHING ALCOHOLIC BEVERAGES TO MINORS  
- ACT 1142 (1988)

H.B. 1123 relates to the tort of furnishing alcoholic beverages to minors, so as to provide that either custodial parent or both parents have a right of action against any person who sells or furnishes alcoholic beverages to that parent's underage child without the permission of the child's parents.

H.B. 1123 amends OCGA Section 51-1-18 with an effective date of July 1, 1988.

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H.B. 1202 - PEACE OFFICER AND PROSECUTOR TRAINING FUND: MAGISTRATE  
COURTS: APPLY - ACT 1092 (1988)

H.B. 1202 provides that the additional penalty imposed and paid into the Peace Officer and Prosecutor Training Fund in criminal or traffic cases, and the penalty imposed upon violation of bond, now will be applicable to the magistrate courts. Formerly, only state courts, probate court, municipal courts and superior courts were included. This Act corrects an oversight which occurred with the passage of the 1983 Act creating magistrate courts as a separate class of courts.

H.B. 1202 amends OCGA Section 15-21-73 with an effective date of July 1, 1988.

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H.B. 1235 - APPEALS: STATE COURTS: CERTAIN DECISIONS - ACT 1338  
(1988)

H.B. 1235 amends the Code relating to appeals in state courts. An additional circumstance where appeals are to be taken includes appeals from decisions of the state courts reviewing decisions of the magistrate courts by de novo proceedings. This applies to appeals where the subject matter is not otherwise subject to a right of direct appeal.

H.B. 1235 amends OCGA Section 5-6-35 with an effective date of July 1, 1988.

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H.B. 1322 - ALCOHOLIC BEVERAGE SALES: AGE VERIFICATION - ACT 1343  
(1988)

H.B. 1322 requires persons who sell or furnish alcohol to other persons, where there is reasonable question that the potential customer is 21 years of age, to request to see proper identification verifying the age of the person. Failure to request verification may be considered by the trier of fact in determining whether the selling or furnishing of alcoholic beverages was done so knowingly.

H.B. 1322 amends OCGA Section 3-3-23 with an effective date of July 1, 1988.

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H.B. 1325 - SUPERIOR COURTS: SESSIONS HELD OUTSIDE COUNTY SITE -  
ACT 937 (1988)

H.B. 1325 sets the conditions in which superior court sessions may be held outside of the county site. The state court of the county may be utilized when the chief judge or senior judge of the superior court enters a written order finding that it is impracticable for the session of court to be held at the county site. The judge of the state court must enter a written order consenting for such a session to be held in the state court. The place of filing of documents will remain in the superior court except for documents filed in open court, which may be filed where the session of court is held. State court sessions, conversely, may use superior court facilities under the same circumstances as listed above as long as the state court is made available for superior court sessions.

H.B. 1325 amends OCGA Section 15-6-18 with an effective date of March 15, 1988.

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H.B. 1333 - ATLANTA: TRAFFIC COURT: AMEND PROVISIONS - ACT 1002  
(1988)

H.B. 1333 provides that the jurisdiction of the traffic court shall include not only the state and municipal laws relating to and regulating traffic, but also all other crimes and offenses arising out of the same occurrence as such traffic offenses. Formerly, the Act only mentioned the actual traffic violation itself. Traffic courts now may have jurisdiction that extends beyond the actual traffic offense. The bill also amends the law relating to the salaries of chief and associate judges. Such judges' salaries will be set at a minimum of not less than 90 percent of the salaries of state court judges in the county in which the city lies. This bill brings the annual salary of traffic court judges up to par with comparable state court judges.

H.B. 1333 amends Georgia Law 1967, No. 592, P. 3360 with an effective date of July 1, 1988.

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H.B. 1392 - BAD CHECKS: FORM OF NOTICE: ISSUANCE - ACT 1089 (1988)

H.B. 1392 changes the form of notice relating to the issuance of bad checks. The holder of the bad check may inform the magistrate for

the issuance of a criminal warrant or citation. Formerly, the holder's only recourse was to turn over the dishonored check and pertinent information to the district attorney or solicitor for criminal prosecution.

H.B. 1392 amends OCGA Section 16-9-20 with an effective date of July 1, 1988.

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H.B. 1406 - FAMILY VIOLENCE: PROTECTIVE ORDERS: ENFORCEMENT - ACT  
1323 (1988)

H.B. 1406 gives the courts that issue protective orders, the authority to order the sheriff, deputy sheriff, or any other law enforcement officer to enforce and carry out such protective orders according to the findings of a special House Committee on Domestic Violence. Prior to this Act, some court orders were not enforced by local authorities.

H.B. 1406 amends OCGA Section 19-13-4 with an effective date of July 1, 1988.

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H.B. 1429 - SEXUAL CRIMINAL CONVICTION: FURNISH RECORDS TO GBI  
- ACT 1285 (1988)

H.B. 1429 deletes OCGA Section 15-6-71 which provided for records of sex criminal convictions to be furnished to the Georgia Bureau of Investigation by the clerk of superior courts. This Act also required the clerk of superior court to maintain a separate county list of sex criminals. The Code is repealed. This Act responds to the fact that such information is readily available in the computerized Criminal History Files maintained by the Georgia Bureau of Investigation's Crime Information Center.

H.B. 1429 deletes OCGA Section 15-6-71, reserving for later use such Section, with an effective date of July 1, 1988.

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H.B. 1444 - SUPERIOR COURT CLERKS: COMPUTERIZED INFORMATION NETWORK  
- ACT 1101 (1988)

H.B. 1444 increases the fees private and non-profit firms pay to the Secretary of State's office for annual registration from \$10 to \$15. The legislation provides that this increase in fees will be used to create a statewide county computerized information network for access to corporate records maintained by the Secretary of State. H.B. 1444 mandates that each clerk of a superior court will participate in the computerized network. Once this network is established, it will enable individuals to obtain information on corporations without the necessity of visiting the Secretary of State's office in Atlanta, and the superior court clerks will have an information network which could be expanded with additional public information in the future.

H.B. 1444 enacts OCGA Section 15-6-87.1 with an effective date of July 1, 1988.

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H.B. 1467 - DRIVER'S LICENSE: SUSPENSION FOR CERTAIN CONVICTION:  
NOTIFICATION - ACT 1287 (1988)

H.B. 1467 amends existing law to require the judges of all courts sentencing traffic offenders, for violations of those traffic offenses identified in OCGA Section 40-5-54 which require mandatory suspension of a driver's license, to serve notice on the violator at the time of sentencing that his license has been suspended by the Department of Public Safety. Also, the judge is required to forward a copy of such notice along with the violator's driver's license to the Department of Public Safety within ten days from conviction. The Act further requires law enforcement officers to verify that a person who is caught driving with a suspended license has been served notice of such suspension prior to charging the individual with such offense. The officer must include a notification service date on the Uniform Citation relating to such a charge. Further, if the violator is in possession of a driver's license, the officer shall confiscate the license and forward it to the Department of Public Safety. If service of suspension notification cannot be verified, the officer is required to serve such notification on forms provided and attach a copy of the notice to the driver's license, which is forwarded to the Department of Public Safety. The Act also provides that there shall be no limited driving permits available for persons who have been convicted of driving with a suspended license and

tightens other restrictions relative to driving with a suspended license.

H.B. 1467 amends OCGA Sections 40-5-54, 40-5-56, 40-5-58, 40-5-100 and 40-5-121, with an effective date of July 1, 1988.

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H.B. 1495 - INTOXICATED PERSONS: LIABILITY FOR ACTS - ACT 1419  
(1988)

H.B. 1495 declares that the General Assembly finds that the consumption of alcoholic beverages, rather than the sale or furnishing of such beverages, is the proximate cause of any injury inflicted by an intoxicated person upon himself or upon another person. This legislation provides that a person who sells or serves alcoholic beverages to a person of lawful drinking age will not be liable for injury resulting from the intoxication of such person. However, if an individual knowingly sells or serves alcoholic beverages to a person who is in a state of noticeable intoxication, knowing that such person will soon be driving a motor vehicle, the server may become liable for injury resulting from the intoxication of such person. This same liability would be present when a person knowingly and unlawfully sells or serves alcoholic beverages to a person who is not of lawful drinking age, knowing that such person will soon be driving a motor vehicle.

H.B. 1495 enacts OCGA Section 51-1-40 with an effective date of July 1, 1988.

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H.B. 1529 - COUNTIES: REIMBURSEMENT FOR CAPITAL FELONY EXPENSES  
- ACT 1450 (1988)

H.B. 1529 provides that when one or more capital felony cases result in expenses which are more than 5 percent of county revenue for the calendar year, the county will be reimbursed by the state for all such expenses in excess of the 5 percent level. These capital felony expenses include those incurred from the date of arrest to the date of the superior court conviction. Additionally, the above 5 percent level is applicable when capital felony cases are appealed. This legislation is in response to several very costly trials and appeals which have occurred in small counties that do not have the financial resources to conduct these types of trials.

H.B. 1529 amends OCGA Sections 17-11-21 and 17-11-22, and enacts Section 17-11-23 with an effective date of July 1, 1988.

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H.B. 1545 - AUDITOR/SPECIAL MASTER: FEES ASSESSED AS COURT COSTS  
- ACT 1166 (1988)

H.B. 1545 provides that the compensation of an auditor or special master to whom a case has been referred, shall be assessed as court costs and be paid prior to the filing of any appeal from the judgement of the court. If the compensation has not been determined and assessed at the time of filing an appeal, the compensation would be paid within 30 days from the date of assessment.

H.B. 1545 amends OCGA Sections 9-7-22 and 22-2-106 with an effective date of July 1, 1988.

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H.B. 1627 - WITNESSES: DELIVERY OF CERTAIN PRISONERS: PROCEDURE -  
ACT 1425 (1988)

H.B. 1627 concerns the use of death row inmate's witness testimony in felony cases. The requesting party, either the defense or the prosecution, may interview the proposed witness. Following such an interview, the requesting party may move to produce the witness, accompanied by a document of the testimony of the proposed witness. The requesting party must make a motion for such testimony no later than 20 days prior to the trial date. Formerly, no provisions were made for the testimony of persons under the sentence of death.

H.B. 1627 amends OCGA Section 24-10-60 with an effective date of July 1, 1988.

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H.B. 1670 - STONE MOUNTAIN JUDICIAL CIRCUIT: ADD ONE JUDGE - ACT  
911 (1988)

H.B. 1670 adds one superior court judgeship to the Stone Mountain Judicial Circuit. This judgeship is to be appointed by the Governor, for a term beginning July 1, 1988, and ending on December 31, 1990.

This legislation, which was recommended by the Judicial Council of Georgia, should result in reducing the caseload of the Stone Mountain Judicial Circuit's 8 current judges. Additionally, it should reduce the current case backlog and expedite the disposition of cases in the Circuit.

H.B. 1670 amends OCGA Section 15-6-2 with an effective date of July 1, 1988.

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## RESOLUTIONS

S.R. 138 - DECLARATION OF RIGHTS OF VICTIMS OF CRIMES (1987)

S.R. 144 - CREATION OF GRAND JURY STUDY COMMITTEE (1987)

S.R. 388 - YOUTHFUL OR RETARDED OFFENDERS: DEATH SENTENCE (1988)

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H.R. 75 - DECLARATION OF THE RIGHTS OF VICTIMS OF CRIMES (1987)

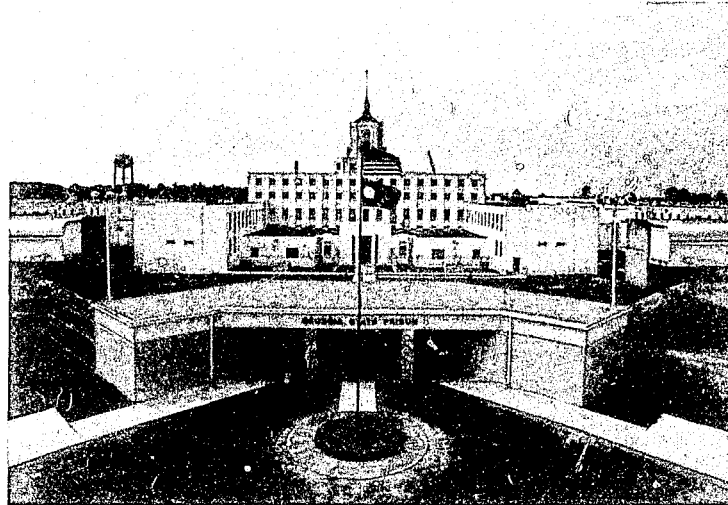
H.R. 176 - CREATION OF THE BRUNSWICK JUDICIAL CIRCUIT STUDY  
COMMITTEE (1987)

H.R. 194 - RELATIVE TO A STUDY BY THE STATE BAR OF THE LAW OF  
EVIDENCE (1987)

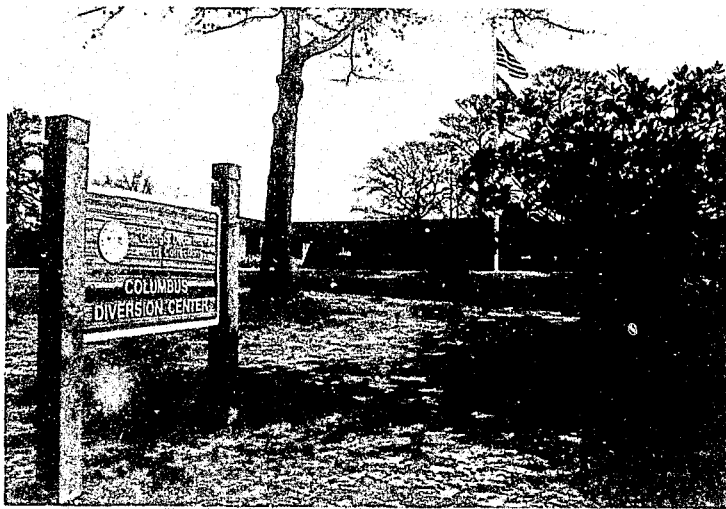
H.R. 310 - CREATION OF THE COBB COUNTY COURT CONSOLIDATION STUDY  
COMMITTEE (1987)

# CORRECTIONS

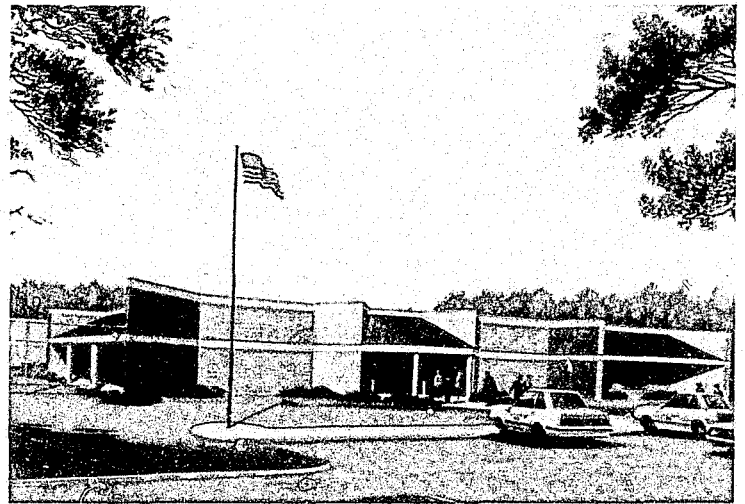
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**Ga. State Prison**



**Diversion Center**



**Dentention Center**



SENATE LEGISLATION

S.B. 39 - PRISONERS: MEDICAL COSTS: REIMBURSEMENT TO COUNTIES -  
ACT 550 (1987)

S.B. 39 provides that to the extent funds are appropriated, the costs of medical services may be included in the reimbursement paid by the State Board of Pardons and Paroles to counties for costs of incarceration of persons arrested pursuant to warrants of the Board.

S.B. 39 amends OCGA Section 42-9-49 with an effective date of April 2, 1987.

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S.B. 142 - PROBATIONER: CERTAIN OVERPAYMENT: NON-REFUNDABLE - ACT  
562 (1987)

S.B. 142 provides any overpayment of fines, restitution, etc., owed as a condition of probation, shall not be refunded to the probationer if the amount of overpayment is under \$5.

S.B. 142 amends OCGA Section 42-8-33 with an effective date of July 1, 1987.

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S.B. 143 - CORRECTIONS: INSTITUTIONS: PERSONNEL ASSIST LAW ENFORCE-  
MENT OFFICERS - ACT 563 (1987)

S.B. 143 allows the Commissioner of the Department of Corrections or his designee to authorize certain employees to assist local law enforcement authorities in preserving order and peace, when so requested to do so.

S.B. 143 amends OCGA Section 42-5-35 with an effective date of July 1, 1987.

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S.B. 144 - PROBATION: RESIDENCY REQUIREMENTS: NOTIFICATION - ACT  
564 (1987)

S.B. 144 provides that when the running of a probated sentence is suspended because the probationer fails to report to their supervisor or cannot be found in the county, the sentence shall not begin to run again until the probationer is taken into custody or is otherwise available to the court. It further provides that any official authorized by law to issue warrants may return the warrant for an absconded probationer showing non est inventus.

S.B. 144 amends OCGA Section 42-8-36 with an effective date of July 1, 1987.

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S.B. 146 - BOARD OF CORRECTIONS: QUORUM - ACT 565 (1987)

S.B. 146 increases the quorum of the Board of Corrections from five to eight members.

S.B. 146 amends OCGA Section 42-2-3 with an effective date of April 2, 1987.

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S.B. 471 - DEATH PENALTY: PERSONS PRESENT AT EXECUTION: AMENDED  
PROVISIONS - ACT 920 (1988)

S.B. 471 provides for additional persons to be present at executions. The Code demands at least three executioners to be present, up from the former number of two. More than one electrician is now required. The Commissioner of Corrections can also determine the need for any other correctional officers, assistants and witnesses to be present at executions. The Commissioner will make judgements concerning the condemned person's requests for relatives and friends to attend, as well. This Act responds to a recent legal ruling which cited a lack of legal authority for the state to have witnesses present at an execution, other than those requested by the convicted offender.

S.B. 471 amends OCGA Section 17-10-41 with an effective date of March 15, 1988.

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S.B. 472 - COMMISSIONER OF CORRECTIONS: AUTHORITY TO MAKE CONTRACTS  
- ACT 1366 (1988)

S.B. 472 provides that the Commissioner of Corrections or his designee is authorized to make and execute contracts or other such necessary instruments for the purpose of acquisition of professional and personal employment services and for the leasing of real property.

S.B. 472 amends OCGA Section 42-2-8 with an effective date of April 11, 1988.

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S.B. 473 - WORKERS' COMPENSATION: CERTAIN EMPLOYEES OF DEPARTMENT OF  
CORRECTIONS - ACT 1297 (1988)

S.B. 473 relates to workers' compensation laws. The bill provides that the workers' compensation laws are applicable to employers and employees of the Department of Corrections who are engaged in farm and livestock operations. Formerly, the compensation laws were not applicable to persons whose employment is not in the usual course of trade, business, occupation, or profession of the employer. Farm and livestock personnel are not considered to engage in traditional Department of Corrections duties, so they were not entitled to any provisions of the compensation laws.

S.B. 473 amends OCGA Section 34-9-2 with an effective date of April 5, 1988.

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S.B. 476 - COUNTY CORRECTIONAL INSTITUTIONS: CONFER POLICE POWERS  
UPON WARDENS - ACT 1176 (1988)

S.B. 476 provides that the Commissioner of Corrections is authorized to confer police powers, including the power to make summary arrests for violations of criminal law and the power to carry weapons, upon wardens of county correctional institutions. This Act expands the Commissioner's existing discretionary grant of such powers to include county wardens.

S.B. 476 amends OCGA Section 42-5-35 with an effective date of March 28, 1988.

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S.B. 546 - JAILS: GRANTS TO MUNICIPAL CORPORATIONS AND COUNTIES -  
ACT 924 (1988)

S.B. 546 allows the Commissioner of Corrections to make grants of funds to municipal corporations and counties in order to build, establish, and operate correctional facilities. These grants are in addition to any state payments to correctional institutions. This Act provides legal authorization for a practice that existed prior to an Attorney General's ruling that the Department had no specific legal authority to make such grants.

S.B. 546 amends OCGA Section 42-2 and enacts Section 42-2-13 with an effective date of March 15, 1988.

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S.B. 651 - TRANSFER OF CERTAIN PROBATIONERS FROM ONE JUDICIAL CIRCUIT  
TO ANOTHER - ACT 1309 (1988)

S.B. 651 provides that a defendant who is placed on probation in a judicial circuit other than the one in which he resides for committing any misdemeanor offense, may have his probation supervision transferred to the judicial circuit in which he resides if specifically ordered by a court. Prior to this legislation, the Probation Division of the Department of Corrections had the policy of not transferring the supervision responsibilities for misdemeanor offenders from one circuit to another because of the large number of potential transfers. S.B. 651 will increase the workload of the Probation Division since a number of misdemeanor cases will no doubt be transferred from one judicial circuit to another.

S.B. 651 amends OCGA Section 42-8-34 with an effective date of July 1, 1988.

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## HOUSE LEGISLATION

### H.B. 92 - PRISONERS: DETERMINATION OF COMMUNICABLE DISEASE - ACT 782 (1987)

H.B. 92 provides that if an inmate of a penal institution injures or contacts a law enforcement officer, correctional officer, fireman, emergency medical technician or other person in a manner that presents a possible threat of transmission of a communicable disease, then the appropriate official may take all steps to determine whether the inmate has a communicable disease including the use of force, if necessary and if approved by the superior court. H.B. 92 responds primarily to public safety officials who might encounter inmates who have Acquired Immune Deficiency Syndrome.

H.B. 92 enacts OCGA Section 42-1-6, with an effective date of April 17, 1987.

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### H.B. 232 - PROBATION: COUNTY SYSTEMS BECOME A PART OF STATEWIDE - ACT 754 (1987)

H.B. 232 provides the legal authority for state court and superior court probation functions in Chatham, Bibb, Richmond and Muscogee Counties to become a part of the Department of Corrections' statewide probation system.

H.B. 232 enacts OCGA Section 42-8-43.2 with an effective date of April 17, 1987, provided, however, that state funding under this Act is not to commence until Fiscal Year 1988.

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### H.B. 1476 - PROBATION: STATE PARTICIPATION IN FUNDING CERTAIN SYSTEMS - ACT 1469 (1988)

H.B. 1476 provides that county probation systems, including state court adult probation systems, will be included for state participation in the cost of funding in certain circumstances. This is effective for counties with a population of 250,000 or more according to the United States decennial census of 1980. The Department of Corrections will participate in the cost of the county probation systems for FY1988-89

by paying 10 percent of the cost of such system and will be required to assume all costs by July 1, 1989. The employees of a county receiving state probation funds are subject to the supervision, control, and direction of the department. The Act also provides for the transition of such employees from the applicable county systems into the State Department of Corrections by ensuring personnel benefits protections. This Act will only impact the Cobb County Probation Department and is part of an annual change to the Georgia Code which has been occurring for the purpose of incorporating the four independent county probation systems in those counties desiring to, into the Probation Division, Department of Corrections. In 1987, Fulton County was merged, in 1988, Richmond County, and in 1989, Cobb County should be merged into the state Probation Division.

H.B. 1476 amends OCGA Section 42-8 and enacts Section 42-8-43.3, and is effective only upon the appropriation of sufficient funds by the General Assembly.

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RESOLUTIONS

S.R. 15 - RECOGNITION OF GEORGIA CORRECTIONAL OFFICERS WEEK  
(1987)

S.R. 347 - COUNTY JAILS: CONSTRUCTION: CERTAIN FEES: CONSTITUTIONAL  
AMENDMENT (1988)

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H.R. 146 - DESIGNATION OF AL BURRUSS CORRECTIONAL TRAINING CENTER  
(1987)

H.R. 223 - RECOGNITION OF GEORGIA CORRECTIONAL OFFICERS WEEK  
(1987)

# CRIMINAL SANCTIONS/CRIMES

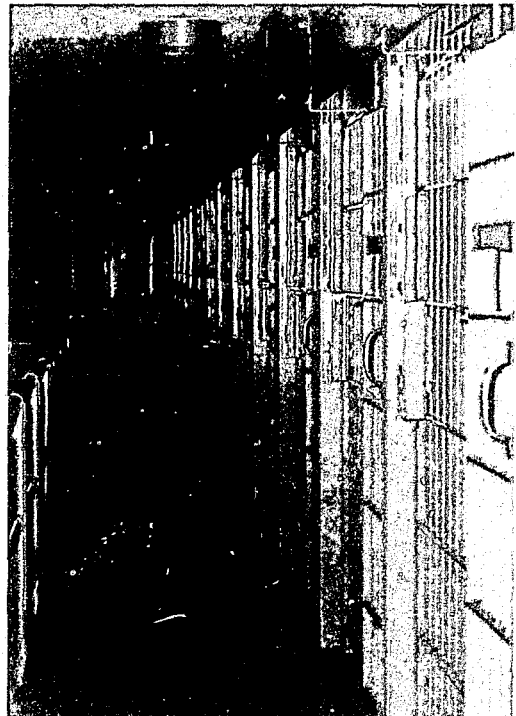
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Arrest



Breathalyzer Test



Incarceration



SENATE LEGISLATION

S.B. 77 - DUI: CONVICTIONS: PARALLEL FEDERAL LAWS - ACT 665 (1987)

S.B. 77 essentially provides that DUI offenses in other states, federal jurisdictions and DUI offenses according to local ordinances, shall all count as a prior violation relative to the application of Georgia's penalties for driving under the influence.

S.B. 77 amends OCGA Section 40-6-391 with an effective date of July 1, 1987.

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S.B. 78 - SECURITIES LAWS: ADMISSIBLE EVIDENCE: CIVIL/CRIMINAL ACTIONS - ACT 556 (1987)

S.B. 78 provides that in any civil or criminal action under the Georgia Securities Act of 1973, a certificate of the Commissioner of Securities stating compliance or non-compliance with the Act shall constitute prima facie evidence of compliance or non-compliance and be admissible as evidence.

S.B. 78 amends OCGA Section 10-5-22 with an effective date of July 1, 1987.

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S.B. 109 - CONTROLLED SUBSTANCES: MANUFACTURE: AMEND PROVISIONS - ACT 1171 (1988)

S.B. 109 changes the listing of controlled substances and dangerous drugs by adding the substance "cocaine". Previously, the Code referred to only coca leaves. Under the new law, the derivative of coca, that being cocaine, is listed among the controlled substances. The bill also eliminates the requirement that a person be in actual possession of certain controlled substances to be guilty of certain offenses. Persons do not have to possess illegal substances on their person or have in their immediate environment any controlled substances to be in violation of possession laws.

S.B. 109 amends OCGA Sections 16-13-26 and 16-13-31 with an effective date of July 1, 1988.

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S.B. 112 - TATOO: MINORS: PROHIBITIONS - ACT 558 (1987)

S.B. 112 makes it illegal (misdemeanor) for any person to tatoo the body of any person under the age of 16.

S.B. 112 enacts OCGA Section 16-5-71 with an effective date of April 2, 1987.

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S.B. 119 - TAX EVASION: CRIMINAL PENALTIES - ACT 559 (1987)

S.B. 119 makes it illegal (felony) for any person willfully to evade or defeat or attempt to evade or defeat any income tax penalty or interest in excess of \$3,000. It provides punishment of one to five years imprisonment and a maximum fine of \$100,000 for individual violators and a maximum fine of \$500,000 for corporate violators. S.B. 119 was supported by the Harris Administration and it enacts Georgia's first criminal penalties for tax evasion. It is aimed in part at countering the substantial profits generated by illegal drug traffickers.

S.B. 119 enacts OCGA Section 48-7-5 with an effective date of April 2, 1987.

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S.B. 151 - LITTER CONTROL: PENALTY - ACT 641 (1987)

S.B. 151 increases from \$25 to \$100 the minimum fine for violations or Georgia's "litter control law".

S.B. 151 amends OCGA Section 16-7-43 with an effective date of July 1, 1987.

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S.B. 203 - CRIMINAL CODE: OFFENSE OF BATTERY: PENALTY - ACT 698 (1987)

S.B. 203 creates a new crime, battery as an intermediate offense between simple battery and aggravated battery. It defines the offense as the intentional causing of substantial physical harm

or visible bodily harm to another person and makes conviction punishable as a misdemeanor. However, it provides that the second offense against the same victim contains certain minimum punishments, and the third or subsequent offense against the same victim constitutes a felony.

S.B. 203 enacts OCGA Section 16-5-23.1 with an effective date of July 1, 1987.

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S.B. 511 - CRIMES: FALSE IDENTIFICATION DOCUMENTS: POSSESSION -  
ACT 1260 (1988)

S.B. 511 relates to the manufacture of false identification. To manufacture, sell or distribute any false identification documents normally issued by a government agency, such as passports, driver's licenses, and military I. D. cards, will result in the commission of a misdemeanor for first-time offenders. Persons engaging in the above activity a second time or any subsequent violations, will be deemed felons and subject to a three-year prison term or a maximum fine of \$5,000 or both.

S.B. 511 amends OCGA Section 16-9 and enacts Section 16-9-4 with an effective date of July 1, 1988.

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S.B. 599 - CRIMES: CONVERSION OF LEASED PROPERTY: PUNISHMENT -  
ACT 1262 (1988)

S.B. 599 redefines the Code for theft by conversion to stipulate that persons converting other's property, including leased personal property, will be subject to the provisions of this Code. Formerly, leased property was not specified in the Code. Further, S.B. 599 strikes the Code relating to conversion of leased personal property. The penalty for violation of theft by conversion is stiffer than for theft of leased property. The bill simply includes theft of leased property in the conversion provisions, thus increasing penalties.

S.B. 599 amends OCGA Section 16-8-4 and strikes Section 16-8-19, reserved for future use, with an effective date of July 1, 1988.

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S.B. 647 - CRIMES: FRAUDULENT PURCHASING RESIDENTIAL PROPERTY:  
PROHIBIT - ACT 1374 (1988)

S.B. 647 provides a definition for foreclosure fraud. Any person who purchases or attempts to purchase residential property by foreclosure fraud will be guilty of a felony. The violation is punishable by imprisonment of one to three years or by a fine of \$1,000 to \$5,000 or both.

S.B. 647 amends OCGA Section 16-9 and enacts OCGA Section 16-9-60 with an effective date of July 1, 1988.

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HOUSE LEGISLATION

H.B. 17 - INMATES: DRUGS, ALCOHOLIC BEVERAGES: ETC.: UNLAWFUL  
TO POSSESS - ACT 608 (1987)

H.B. 17 makes it a misdemeanor for a jail inmate to possess any alcoholic beverage. Additionally, it makes it a felony for a jail inmate to possess a gun, a pistol, or any other dangerous weapon, a controlled substance, a dangerous drug or marijuana.

H.B. 17 enacts OCGA Section 42-4-13 with an effective date of July 1, 1987.

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H.B. 99 - CRIME OF SIMPLE BATTERY AGAINST ELDERLY: PENALTY - ACT  
594 (1987)

H.B. 99 provides that a person who commits the offense of simple battery against a person who is 65 years of age or older, shall be guilty of a misdemeanor of a high and aggravated nature. The offense of simple battery against a person under 65 years of age constitutes a misdemeanor.

H.B. 99 amends OCGA Section 16-5-23 with an effective date of July 1, 1987.

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H.B. 121 - TAX ASSESSORS: CONFIDENTIALITY OF RECORDS - ACT 595  
(1987)

H.B. 121 provides that records which consist of materials containing information gathered by the personnel of the county Board of Tax Assessors, shall not be confidential. It provides that failure of the Board of Tax Assessors to make available such records shall constitute a misdemeanor.

H.B. 121 amends OCGA Section 48-5-314 with an effective date of July 1, 1987.

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H.B. 126 - GENERAL ASSEMBLY SESSIONS: CERTAIN CONDUCT: PROHIBITIONS  
- ACT 610 (1987)

H.B. 126 makes various actions which interfere with or disrupt the conduct of legislative affairs a crime. It includes prohibitions against: disruption of legislative meetings/sessions, possession of weapons in the State Capitol/legislative office buildings, and unauthorized entry into certain areas of the State Capitol.

H.B. 126 enacts OCGA Section 16-11-34.1 with an effective date of July 1, 1987.

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H.B. 166 - MERCHANT PARKING AREAS: CERTAIN TRESPASS - ACT 650 (1987)

H.B. 166 creates the offense of criminal trespass by motor vehicle. It provides that this offense is committed by parking in or repeatedly driving through a posted parking lot after having been requested not to do so by a law enforcement officer, the owner of the parking lot, or an authorized agent of the owner. It provides that parking areas covered by these provisions are those on privately owned property provided by a merchant, a group of merchants or shopping center whenever the parking area has been posted in a specified manner with a specified form of sign. It provides that violations of these provisions shall be punished as a misdemeanor by fine. H.B. 166 is aimed primarily at the prevention of teenage loitering in shopping centers in and around suburban Atlanta.

H.B. 166 enacts OCGA Section 16-7-29 with an effective date of July 1, 1987.

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H.B. 169 - CONTROLLED SUBSTANCES: CHANGE LIST - ACT 178 (1987)

H.B. 169 changes/updates the listings of controlled substances and dangerous drugs. It also makes it illegal for a person to withhold from a medical practitioner that such person has obtained a controlled substance of a similar therapeutic use in a concurrent time period from another practitioner.

H.B. 169 amends OCGA Chapter 16-13 with an effective date of March 19, 1987.

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H.B. 172 - MOTOR VEHICLES: CERTAIN STICKERS: PROHIBITIONS - ACT  
1398 (1988)

H.B. 172 states that no person owning, operating or using a motor vehicle in this state shall affix or attach to the aforementioned vehicle any sticker, decal, emblem or other device containing profane or lewd words describing sexual acts, excretory functions, or human body parts. Violation of any portion of the Code is a misdemeanor punishable by a maximum fine of \$100.

H.B. 172 amends OCGA Section 40-1 and enacts new Code Section 40-1-4 with an effective date of July 1, 1988.

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H.B. 198 - VIDEO MOVIES: DISPLAY OF OFFICIAL RATING - ACT 769 (1987)

H.B. 198 makes it unlawful (misdemeanor) to sell or rent a video movie unless the outside of the movie is marked as "not rated" or is marked with the official rating given to the movie by the Classification and Rating Administration of the Motion Picture Association of America.

H.B. 198 enacts OCGA Section 16-8-81 with an effective date of July 1, 1987.

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H.B. 365 - CERTAIN CRIMES: POSSESSION OF FIREARM OR KNIFE - ACT  
615 (1987)

H.B. 365 provides that for occurrence of the crime of possession of a firearm or knife during the commission of, or attempted commission of certain offenses, such weapon may be on or within arm's length of the person committing the crime.

H.B. 365 amends OCGA Section 16-11-106 with an effective date of July 1, 1987.

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H.B. 466 - FIREARMS: PERSONS ON PROBATION: CERTAIN PROVISIONS -  
ACT 573 (1987)

H.B. 466 makes the law prohibiting the possession of a firearm by a convicted felon applicable to first offenders who are serving

probated sentences without adjudication of guilt.

H.B. 466 amends OCGA Section 16-11-31 with an effective date of July 1, 1987.

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H.B. 516 - ALCOHOLIC BEVERAGES: CERTAIN PREMISES: PROHIBITED CONDUCT  
- ACT 905 (1988)

H.B. 516 prohibits certain nude and sexual conduct on premises where alcoholic beverages are sold or dispensed for consumption on the premises. No person will perform, on licensed premises serving alcoholic beverages, any acts of (1) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts prohibited by law, (2) touching, caressing or fondling of the breasts, buttocks, anus, or genitals, or (3) display any portion of the female breast below the top of the areola or display any portion of any person's pubic hair, anus, cleft of the buttocks, vulva, or genitals. No person can use artificial devices or inanimate objects to portray any of the above behavior on licensed premises. The depiction of any of the above acts by show, exhibit, or display via films, still pictures, electronic reproduction, or any other visual reproduction is prohibited on licensed premises. No operator can knowingly permit any person to remove any alcoholic beverage that was purchased on the licensed premises to adjacent premises for purposes of viewing any of the above conduct that is prohibited on the licensed premises. This, however, does not apply to persons who take drinks to their home. No operator shall employ, encourage, permit, or assist any person to engage in conduct listed above. Penalties for violation of any portion of the Code will constitute grounds for the suspension and revocation of all alcoholic beverage licenses, as well as a misdemeanor of a high and aggravated nature.

H.B. 516 amends OCGA Section 3-3 and enacts OCGA Section 3-3-40 with an effective date of July 1, 1988.

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H.B. 649 - BAD CHECKS: PRESENT CONSIDERATION: ADDITIONAL DEFINITIONS  
- ACT 685 (1987)

H.B. 649 expands the definition of the term "present consideration" to include (1) a simultaneous agreement for extension of additional credit where additional credit is being denied, and (2) a written waiver of



mechanics' or materialman's lien rights. This definition is expanded in the statute which makes issuance of a bad check a crime.

H.B. 649 amends OCGA Section 16-9-20 with an effective date of July 1, 1987.

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H.B. 678 - CRIMES/OFFENSES: CREDIT REPAIR SERVICE ORGANIZATIONS:  
PENALTY - ACT 773 (1987)

H.B. 678 defines a credit repair service organization as an entity which purports to provide services to improve a buyer's credit record or rating or to obtain an extension of credit for a buyer. It makes it illegal (misdemeanor) to operate a credit repair service organization. However, H.B. 678 expressly exempts seven different entities from its definition.

H.B. 678 enacts OCGA Section 16-9-59 with an effective date of July 1, 1987.

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H.B. 751 - MOTOR VEHICLES: SEAT BELT - ACT 819 (1988)

H.B. 751 requires that any occupant of the front seat of a passenger vehicle operating on public roads must be restrained by a federally approved seat safety belt. Exceptions to this requirement include (1) drivers of frequently stopping delivery vehicles whose speed between stops does not exceed 15 miles per hour, (2) drivers possessing a written statement from a physician that such person is unable to wear a safety belt, (3) drivers possessing an official certificate or license endorsement issued by another state or country indicating such person is unable to wear a safety belt, (4) drivers operating vehicles in reverse, (5) vehicles manufactured prior to 1965, (6) vehicles not required to be equipped with seat belts under federal law, (7) operators of passenger vehicles while performing duties as a rural letter carrier, (8) operators performing the duty of newspaper delivery, and (9) operators of passenger vehicles performing an emergency service. Failure to comply with the requirements of this Code shall not constitute a criminal act or violation of ordinance, and will not result in the issue of a citation unless combined with violation of one of the following Codes: Maximum Speed, Racing or Drag Racing, Failure to Render Aid,

Reckless Driving, DUI, Vehicular Homicide, Serious Vehicular Injury, and Eluding or Impersonating a Police Officer. The maximum fine upon conviction is \$15. No record of the court disposition shall be forwarded to the Department of Public Safety in a case of failure to wear a seat safety belt. Additionally, failure to wear a seat safety belt shall not form the basis for cancellation of insurance coverage or cause an increase in insurance rates, shall not be considered by a court on any question of liability, and shall not diminish any recovery for damages.

H.B. 751 amends OCGA Section 40-8-76 and enacts OCGA Section 40-8-76.1 with an effective date of September 1, 1988.

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H.B. 768 - CRIMES: BAIL JUMPING OFFENSE: REDEFINE - ACT 1232 (1988)

H.B. 768 deals with bail-jumping, both at the misdemeanor and felony level. Persons notified in court as to provisions of bail or future return to court are held accountable to a degree that a person who receives notification of appearance by mail. A person can be notified by mail or now, by actual notice in open court. This Act also states that persons charged or convicted of a misdemeanor, after failing to appear before court at a specified time and place, are declared to be in the category of misdemeanor bail-jumping. The provision that the misdemeanor must be of a forcible type or of a high and aggravated nature, has been deleted. Out-of-state bail-jumping is defined by this Act. A person leaving the state in order to avoid court appearance is committing the offense of out-of-state bail-jumping. Such a person is guilty of a felony, punishable by a \$3,000 fine, one to three years imprisonment, or both. The following misdemeanors apply to the provisions set forth in the preceding paragraph concerning out-of-state bail-jumping: (1) abandonment, (2) simple assault, (3) carrying a deadly weapon at a public gathering, (4) bad checks, (5) simple battery, (6) bribery, (7) failure to report child abuse, (8) criminal trespass, (9) contributing to the delinquency of a minor, (10) escape, (11) tampering with evidence, (12) family violence, (13) deceptive business practices, (14) conversion of leased personal property, (15) fraud in obtaining public assistance, food stamps or Medicaid, (16) reckless conduct, (17) DUI, (18) misdemeanor theft, and (19) misdemeanor controlled substances and drug violations. Those persons posting cash bonds, where the failure to appear in court is considered as an admission of guilt and the cash bond is forfeited, are not bound by the provisions in this Code. The cash forfeiture is applied and distributed as any fine imposed by the court would be.

H.B. 768 amends OCGA Section 16-10-51 with an effective date of July 1, 1988.

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H.B. 916 - ANTITERRORISM TRAINING ACT: ENACT - ACT 658 (1987)

H.B. 916 (the Georgia Antiterrorism Training Act) makes it illegal (felony) to teach, train or demonstrate to another person the use, application or making of any illegal firearm, dangerous weapon, explosive or incendiary device if one knows, has reason to know, or intends that such activity will be unlawfully employed for use in or furtherance of a civil disorder, riot, or insurrection.

H.B. 916 enacts OCGA Sections 16-11-150 through 16-11-152 with an effective date of July 1, 1987.

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H.B. 1203 - CONTROLLED SUBSTANCES: IMITATIONS UNLAWFUL DISTRIBUTION  
- ACT 1316 (1988)

H.B. 1203 defines a new term "imitation controlled substance" as being a product designed to look like a controlled substance, where a reasonable person of ordinary knowledge would not otherwise know the difference or be able to distinguish one from the other. If the product, by representations made and/or the dosage unit appearance, color, shape, size, or markings would lead a reasonable person to believe that the product would have a stimulant or depressant effect similar, or the same as, a controlled substance, then the product fits the definition of an imitation controlled substance. Any person distributing, manufacturing, or possessing with intent to distribute an imitation controlled substance, is guilty of a misdemeanor of a high and aggravated nature. Persons registered to manufacture, distribute, or possess imitation controlled substances in the course of lawful practice or research, are not liable for civil or criminal charges under provisions of this Code. All imitation controlled substances in violation of this Act are declared to be contraband and subject to forfeiture.

H.B. 1203 amends OCGA Section 16-13-21 and enacts a new Code Section 16-13-30.2 with an effective date of July 1, 1988.

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H.B. 1221 - SEXUAL OFFENSES: SOLICITATION OF A MINOR - ACT 1439  
(1988)

H.B. 1221 provides that a person convicted of pandering when such offense involves the solicitation of a person under the age of 17 years, to perform an act of prostitution, is guilty of a felony and shall be fined not less than \$1,000 nor more than \$5,000 and/or shall be imprisoned for not less than one year nor more than five years. The same fine and/or imprisonment can be levied against a person convicted when the individual has two or more persons under the age of 17 years old at a fixed place for the purpose of being solicited by others to perform an act of prostitution. Adjudication of guilt for a second or subsequent offense of pandering involving a person under 17 years of age, cannot be suspended or probated. This legislation also provides that a person convicted of solicitation of sodomy for money when such offense involves a person under 17 years of age, will be fined not less than \$1,000 nor more than \$5,000 and/or imprisoned for one to five years. H.B. 1221 is one of several recent legislative actions which increases sanctions for those convicted of sexual misconduct involving minors.

H.B. 1221 enacts OCGA Sections 16-6-12, 16-6-13 and 16-6-15, with an effective date of July 1, 1988.

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H.B. 1263 - TRAFFIC OFFENSES: CERTAIN ACCIDENTS: PENALTY FOR LEAVING  
SCENE - ACT 1383 (1988)

H.B. 1263 mandates a felony charge for those persons leaving the scene of an accident in which an occupant has suffered serious injury or death. The felony is punishable by a minimum of one year and not more than five years imprisonment. Persons failing to stop at accidents where no serious injury or death has occurred will continue to be charged as misdemeanants. Further, the bill amends OCGA Section 40-6-376 to require that violations of the above Code and Section 40-6-393 (homicide by vehicle) be charged as a state violation for prosecution purposes.

H.B. 1263 amends OCGA Sections 40-6-270 and 40-6-376 with an effective date of July 1, 1988.

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H.B. 1273 - DANGEROUS DOG CONTROL ACT: ENACT - ACT 1267 (1988)

H.B. 1273 adopts a new article known as the Dangerous Dog Control Law seq. The Bill contains a definition of a dangerous dog and a definition for a potentially dangerous dog. Each municipality is required to designate an individual to carry out the duties of a dog control officer as required in the new law. Municipalities could contract for the services from another local government. The dog control officer can make investigations and inquiry and classify dogs as either dangerous or potentially dangerous. Such a designation must be followed by a notification in writing to the dog's owner of such a finding. The dog's owner is given the opportunity to have a hearing before either the local board of health, or if the city so desires, an animal control board created by the municipality. Dangerous or potentially dangerous dogs must be registered and issued a certificate of registration to the owner. Once a certificate is issued, the dog must be confined in a proper enclosure, as defined in the Bill, and the premises must be posted with a clearly visible sign warning that there is a dangerous dog on the property and containing a symbol designed to inform children of the presence of a dangerous dog. Further, the owner of a dangerous dog must present to the dog control officer evidence of a policy of insurance in the amount of at least \$15,000 insuring the owner of the dangerous dog against liability or a surety bond in the amount of \$15,000 payable to any person or persons injured by the dangerous dog. A person owning a dangerous dog or potentially dangerous dog must notify the dog control officer any time the dog escapes. The local government may charge annual fees in addition to regular dog license fees to register dangerous dogs and potentially dangerous dogs as required in the Code section. The law contains other restrictions with regard to muzzling and restraining of the dog by chain or leash if the dog is permitted outside a proper enclosure. Various offenses for violation of this Code section by the owner can result in punishment, depending on the offense, ranging from \$150 fine to as high as \$10,000 fines with imprisonment for one to 10 years. The law preserves previously existing local ordinances except to the extent that such previously existing ordinances or resolutions are in conflict with or are inconsistent with the provisions of the new law.

H.B. 1273 amends OCCA Sections 4-8-7 and 4-8-20 through 4-8-29 with an effective date of July 1, 1988, for administrative purposes, and an effective date of January 1, 1989, for all other purposes.

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H.B. 1281 - AIDS: POLICE POWERS - ACT 1440 (1988)

H.B. 1281 deals with numerous problems associated with Acquired Immune Deficiency Syndrome (AIDS) and its causative agent, Human Immunodeficiency Virus (HIV). The legislation authorizes the involuntary testing of persons convicted of sexual crimes or crimes involving illegal drugs and such testing of prisoners who enter the state prison system or such release through the Board of Pardons and Paroles. H.B. 1281 creates a new felony of reckless conduct for HIV infected persons who know they are infected and who engage in sexual acts, needle sharing, or who donate body fluids or body parts without disclosing the fact of infection. An AIDS brochure is required to be distributed by judges of the probate court to all applicants for marriage licenses. Additionally, it is a misdemeanor for certain persons who record, report, or maintain information identifying people who have AIDS or HIV infection, to disclose that information, subject to specified exceptions.

H.B. 1281 amends OCGA Section 16-5-60 and enacts Sections 15-11-35, 31-17A-1, 31-22-9, 42-5-52, 42-9-42, and 44-5-151 with an effective date of July 1, 1988.

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H.B. 1284 - AUTOMATED TELEPHONE DIALING: CERTAIN NUMBERS: PROHIBITION - ACT 1320 (1988)

H.B. 1284 regulates the use of automated dialing equipment (ADAD) and the United States mail in soliciting incoming calls to persons using a 976 prefix (a per-call fee charge exchange). The ADAD systems and the use of the mail system are prohibited for use in soliciting for calls to a 976 number. It is unlawful for a person to use such methods or direct another person to engage in such activities. Any person convicted of violating the provisions of this Act is guilty of a misdemeanor. Violation of the Code will further result in the withdrawal of access to the 976 numbers. The Public Service Commission is responsible for enforcing the Act, except for the criminal sanctions portion thereof.

H.B. 1284 amends OCGA Section 46-5 and enacts Section 46-5-24 with an effective date of July 1, 1988.

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H.B. 1337 - DRIVER'S LICENSE: DRIVING WHILE LICENSE REVOKED: FELONY  
- ACT 1155 (1988)

H.B. 1337 states that habitual violators driving without a driver's license after the expiration of five years from revocation will be guilty of a misdemeanor. This Act changes current law which provides for felony punishment for those people who have completed their 5 years with a license revoked, but who, for whatever reason, have not yet received a new license from the Department of Public Safety and have been caught driving without a valid license.

H.B. 1337 amends OCGA Section 40-5-58 with an effective date of July 1, 1988.

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H.B. 1425 - INDICTMENT OF PUBLIC OFFICIALS: MUNICIPAL OFFICERS -  
ACT 1098 (1988)

H.B. 1425 pertains to those persons eligible for indictment and appearance before a grand jury that have engaged in malpractice of office, partiality, and conduct unbecoming the office. The Code adds to the list, which already includes any judge of the probate court, county judge, or member of any board of commissioners, the mayor or member of any municipal governing authority. The Code broadens the scope of the law to include the municipal executive level.

H.B. 1425 amends OCGA Section 45-11-4 with an effective date of July 1, 1988.

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H.B. 1431 - CRIMES: DAMAGE TO CERTAIN PROPERTY: FELONY OVER  
\$500 - ACT 1099 (1988)

H.B. 1431 provides that persons damaging, destroying, removing concealing, or transferring property subject to a security interest with intent to hinder enforcement of that interest, will be guilty of a misdemeanor of a high and aggravated nature if the property is valued in excess of \$500. Previously, persons in violation of the Code were considered guilty of a misdemeanor only, regardless of monetary value of such property.

H.B. 1431 amends OCGA Section 16-9-51 with an effective date of July 1, 1988.

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H.B. 1479 - JUDICIAL OFFICERS: UNLAWFUL TO INTERFERE WITH OFFICIAL  
DUTIES - ACT 1159 (1988)

H.B. 1479 provides that a person who by threat or force intimidates or injures any grand jurors or petit jurors or any court officer, shall be punished, upon conviction, by a fine of not more than \$5,000 and/or by imprisonment for not more than five years.

H.B. 1479 enacts OCGA Section 16-10-97 with an effective date of July 1, 1988.

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H.B. 1577 - WITNESSES: INFLUENCING TESTIMONY: PROHIBITIONS - ACT  
1110 (1988)

H.B. 1577 widens the parameters of personal areas that are protected under the provisions of the Code relating to influencing witnesses. Any threat of injury or damage to a witnesses' person or property already exists on the books, with this bill protecting a person's employment as well. The same protections will apply to relatives of such a witness. The bill further states that sanctions will be applied to persons who deter witnesses from testifying accordingly to any matter pending in any administrative proceeding. Previously, only matters pending before a court or grand jury were considered.

H.B. 1577 amends OCGA Section 16-10-93 with an effective date of July 1, 1988.

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H.B. 1598 - HEALTH RECORDS: PENALTY FOR DESTRUCTION - ACT 1168  
(1988)

H.B. 1598 provides that any person who, with interest to conceal any material fact relating to a potential claim or cause of action, knowingly destroys, alters, or falsifies a patient's health record shall be guilty of a misdemeanor. A patient's medical record includes evaluation, diagnosis, laboratory reports, xrays, prescriptions and other technical information used in assessing the patient's condition. The legislation also includes a definition of the term "provider" as being all hospitals, special care units, skilled nursing facilities, kidney disease treatment centers, intermediate care facilities, health maintenance organizations and home health agencies.



H.B. 1598 enacts OCGA Section 16-10-94.1 with an effective date of July 1, 1988.

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H.B. 1662 - HAZING: PROHIBIT - ACT 1243 (1988)

H.B. 1662 makes it unlawful for an individual to haze any student in connection with or as a condition of gaining acceptance, membership, office, or other status in a school organization. This legislation defines haze as subjecting a student to an activity which endangers or is likely to endanger the physical health of a student, regardless of a student's willingness to participate in such activity. The penalty for violation of this provision is a misdemeanor punishable by a fine not to exceed \$500. H.B. 1662 is aimed at curbing the hazing activities of social clubs at schools and universities.

H.B. 1662 enacts OCGA Section 16-5-61 with an effective date of July 1, 1988.

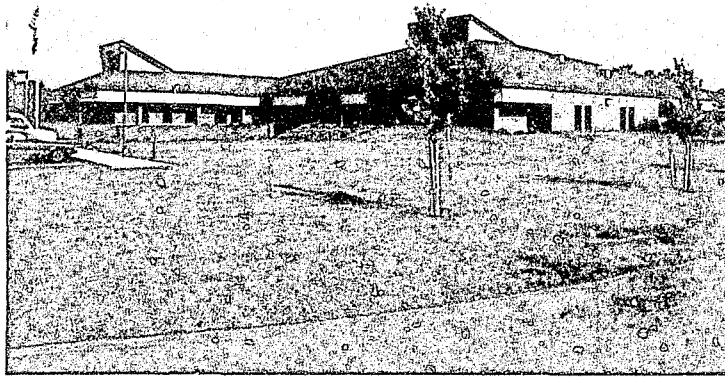
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RESOLUTIONS

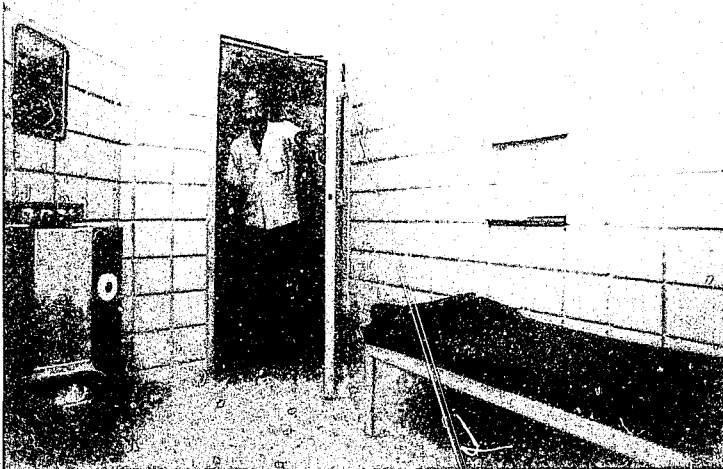
S.R. 300 - COMMISSION ON CRIMINAL SANCTIONS: CORRECTIONAL FACILITIES:  
CREATE (1988)

# CHILDREN AND YOUTH/JUVENILE JUSTICE

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**Youth Detention Center**



**Resident Room**



**Juvenile Counseling**

## SENATE LEGISLATION

### S.B. 121 - CONTROLLED SUBSTANCE/MARIJUANA ABUSE BY CHILD: REPORTS ACT 694 (1987)

S.B. 121 encourages adults with in loco parentis control of children under the age of 18 who have reasonable cause to believe the child is habitually using marijuana/controlled substance, to report such information to the child's parents and a designated child welfare agency. It grants persons making such reports a qualified immunity from liability and provides that all such reports are made confidential subject to inspection only upon order of the juvenile court. S.B. 121 was sponsored by the Harris Administration and is aimed, at least partially, at attempting to encourage the reporting of use of illegal drugs which use/possession is criminal in Georgia.

S.B. 121 enacts OCGA Section 19-7-6, amends Section 49-5-40, and enacts Sections 49-5-41.1 and 49-5-45, with an effective date of July 1, 1987.

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### S.B. 162 - JUVENILES: COMMUNITY SERVICE FOR DELINQUENT ACTS - ACT 798 (1987)

S.B. 162 creates the Juvenile Justice Coordinating Council to perform a variety of functions toward effective coordination of the state's juvenile justice system, and in particular, directs the Council to provide a comprehensive plan for the development of community-based alternatives to incarceration for children who have committed delinquent acts.

S.B. 162 enacts OCGA Sections 49-5-130 through 49-5-155 with an effective date of July 1, 1987.

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### S.B. 215 - JUVENILE COURTS: FELONY ACTS: DEFINITION - ACT 699 (1987)

S.B. 215 redefines the term "designated felony act" to include any act which, if done by an adult, would be a felony, if the juvenile committing the act has three times previously been adjudicated

delinquent for acts which, if done by an adult, would have been felonies. S.B. 215 intends, at least in part, to increase the likelihood of incarceration for serious repeat juvenile offenders.

S.B. 215 amends OCGA Section 15-11-37 with an effective date of July 1, 1987.

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S.B. 229 - ABORTIONS: PARENTAL NOTIFICATION ACT - ACT 700 (1987)

S.B. 229 provides that in order for an unemancipated minor to obtain an abortion, she must provide a specified form of proof that the parent, etc., has been notified of the minor's intent to seek an abortion. Alternatively, it provides that the minor may employ a specified procedure to seek a juvenile court order dispensing with proof of notification on the ground that the minor is mature enough, etc., to make a decision with respect to abortion or on the ground that parental notification is not in the best interest of the minor. It provides that violations of its provisions constitute a crime (misdemeanor).

S.B. 229 enacts the "Parental Notification Act" (OCGA Sections 15-11-110 through 15-11-118) with an effective date of July 1, 1987.

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S.B. 301 - FELONY CONVICTION: PERSONS UNDER 18 SERVING SENTENCE - ACT 762 (1987)

S.B. 301 provides that a person under the age of 17 years who is convicted of a felony and sentenced as an adult to a term of imprisonment, shall be committed to the Department of Youth Services to serve such sentence until such person is 18 years old, at which time such person shall be transferred to the custody of the Department of Corrections.

S.B. 301 enacts OCGA Section 17-10-14 with an effective date of July 1, 1987.

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S.B. 640 - CHILD ABUSE PROTOCOL COMMITTEE: ADDITIONAL MEMBERS -  
ACT 1182 (1988)

S.B. 640 changes the composition of the Child Abuse Protocol Committee to add representatives from (1) the office of the chief of police of a county which has a county police department; (2) the office of the chief of police of the largest municipality in the county; and (3) a representative designated by the chief superior court judge from a local citizen or advocacy group which focuses on child abuse awareness and prevention. These three new representatives will join other individuals representing the office of the sheriff, county Department of Family and Children's Services; office of the district attorney; the juvenile and magistrate courts; county Board of Education and the county mental health organization. The Child Abuse Protocol Committees are established in the counties to coordinate the investigation and prosecution of child abuse cases and to resolve the trauma of the child victim by ensuring all of the victim's needs are met.

S.B. 640 amends OCGA Section 19-1-1 with an effective date of July 1, 1988.

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## HOUSE LEGISLATION

### H.B. 33 - CRIMINAL PROSECUTIONS: LIMITATIONS: CERTAIN OFFENDERS - ACT 494 (1987)

H.B. 33 provides an exception to the general four-year statute of limitations for felony prosecutions by providing a seven-year limitation for prosecution of felonies committed against victims who are at the time of commission of the offense under the age of 14 years.

H.B. 33 amends OCGA Section 17-3-1 with an effective date of July 1, 1987, and it is applicable only to offenses committed on or after that date.

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### H.B. 142 - TOBACCO PRODUCTS: PROHIBIT SALE TO MINORS - ACT 675 (1987)

H.B. 142 makes it illegal for anyone to sell or provide tobacco related objects to one under the age of 17. It also makes it unlawful for anyone under the age of 17 to purchase tobacco related objects or to misrepresent their age for the purpose of obtaining such objects. It requires vendors of such objects to post a notice of the provisions of this law at their place of sale or upon machines vending such objects.

H.B. 142 enacts OCGA Sections 16-12-170 through 16-12-173 with an effective date of July 1, 1987.

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### H.B. 189 - SEXUAL OFFENSES: PENALTIES - ACT 611 (1987)

H.B. 189 modifies the definition of the offense of aggravated child molestation and increases the minimum years of imprisonment for such offense from one to two years.

H.B. 189 amends OCGA Section 16-6-4 with an effective date of April 2, 1987

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H.B. 228 - AMEND AGE USED IN DEFINING MISSING CHILD RELATIVE TO THE  
MISSING CHILDREN INFORMATION CENTER - ACT 1230 (1988)

H.B. 228 changes the age used in defining a missing child as it relates to the Missing Children Information Center from persons under the age of 17 to under the age of 18. This change puts Georgia in line with most other states in defining the age limits of missing children.

H.B. 228 ensures that Georgia will join other states with a uniform reporting age in missing children cases that are submitted to the National Center for Missing and Exploited Children, which is a national clearinghouse for missing children.

H.B. 228 amends OCGA Section 35-3-80, with an effective date of March 31, 1988.

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H.B. 454 - SEXUAL EXPLOITATION OF CHILDREN: AMEND CODE PROVISION -  
ACT 750 (1987)

H.B. 454 extensively amends current law relative to obscene materials depicting minors: it changes the definition of prohibitive conduct and materials; it makes it illegal to possess or bring into the state prohibitive materials; it makes it illegal to provide information as to where to obtain prohibitive materials; it provides for forfeiture of prohibitive materials, proceeds derived from offenses and materials and equipment used in the course of violations; and it requires a person who, while possessing/producing visual printed matter, discovers prohibitive material, to report same to a law enforcement agency.

H.B. 454 amends OCGA Section 16-12-100 with an effective date of July 1, 1987.

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H.B. 501 - CHILD ABUSE: JUVENILE COURT JUDGE APPROVE SHELTER CARE  
- ACT 575 (1987)

H.B. 501 provides that the actual physical placement of an allegedly deprived child in shelter care for pretrial detention must be approved by the judge of the juvenile court or the judge's designee.

H.B. 501 amends OCGA Section 15-11-20 with an effective date of July 1, 1987.

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H.B. 742 - DAYCARE CENTERS: RECORDS CHECKS OF EMPLOYEES - ACT 774  
(1987)

H.B. 742 liberalizes current laws relating to criminal records checks of employees of daycare centers: it eliminates provisions for temporary licenses by substituting a provision allowing facilities to be licensed and persons to be employed after each employee has applied for a preliminary records check determination, rather than only after a preliminary records check determination has been made.

H.B. 742 amends OCGA Section 49-5-60 et seq. with an effective date of July 1, 1987.

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H.B. 913 - CHILD ABUSE: PROTOCOL FOR COUNTY AGENCIES - ACT 722 (1987)

H.B. 913 requires each county to establish procedures to be used in investigating and prosecuting cases arising from alleged child abuse and to be used in coordinating treatment programs for the perpetrator and family of the child. It requires these procedures to be established by a committee consisting of representatives from the office of the sheriff, the County Department of Family and Children Services (DFACS), the office of the district attorney, the juvenile court, the magistrate court, the County Board of Education, the County Mental Health Organization and provides for other members as may be appropriate. It requires that each committee shall adopt procedures by July 1, 1988, and file those with DFACS.

H.B. 913 enacts OCGA Section 19-1-1 with an effective date of July 1, 1987.

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H.B. 1216 - DAYCARE CENTERS: EMPLOYEE RECORD CHECKS - ACT 1405  
(1988)

H.B. 1216 changes the definition of the term "crime" in reference to background checks for employees of daycare centers. The definition is expanded by encompassing all felony crimes into the meaning. Simple battery has also been included. Previously, aggravated battery was a part of the definition. The bill simply clarifies the definition of crime to include a greater number of offenses. The bill further amends the provisions of the Georgia Administrative

Procedure Act concerning hearings requested by any party. At the discretion of the hearing officer, he may consider matters in mitigation of any conviction of a person in question. When no physical harm was done to the victim, no inadequate character flaws are found, and a satisfactory employment history has been examined, then the hearing officer may call for a hearing on the matter. The purpose of the hearing is to determine if employment may continue or if the person is barred from such employment. The prosecuting attorney or such office of original prosecution may present objections to the continuation of employment.

H.B. 1216 amends OCGA Sections 49-5-60 and 49-5-73 with an effective date of July 1, 1988.

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H.B. 1226 - SEXUAL EXPLOITATION OF CHILDREN: PENALTIES - ACT 815  
(1988)

H.B. 1226 corrected several typographical errors and a cross reference relating to sexual exploitation of children and sexually explicit conduct. The legislation provides that it is unlawful for any person knowingly to employ, use, persuade, induce, entice, or coerce any minor to engage in any sexually explicit conduct for the purpose of producing any visual medium depicting such conduct.

H.B. 1226 amends OCGA Section 16-12-100 with an effective date of July 1, 1988.

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H.B. 1355 - CHILD ABUSE: REPORTING BY CERTAIN PERSONS - ACT 1408  
(1988)

H.B. 1355 adds the classes of child counseling personnel and child service organization personnel to those already enumerated individuals who, having reasonable cause to believe that a child under the age of 18 has had physical injury inflicted by a parent or caretaker, has been neglected or sexually assaulted, shall report it to a child welfare agency. The legislation also provides that photographs of the child's injuries, if reasonably possible, be taken in a manner which would not reveal the identity of the subject.

H.B. 1355 amends OCGA Section 19-7-5 with an effective date of July 1, 1988.

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H.B. 1371 - COMMISSION ON CHILDREN AND YOUTH: CREATE - ACT 1276  
(1988)

H.B. 1371 provides for the creation of a Commission on Children and Youth in order to allow for the effective coordination and communication between the providers of children and youth services and all components of state government. The Commission will be comprised of twenty-eight voting members appointed by the Governor, as well as twenty-five ex officio members. The legislation vests the Commission with the authority to convene periodically statewide children and youth conferences involving all levels of government; to develop an integrated state plan for services provided to children; to coordinate all components of the state children and youth systems; to serve in an advisory capacity to the Governor, the General Assembly and the judiciary; and to encourage the establishment of local commissions on children and youth. This legislation was a response by the Governor and the General Assembly to the need for more cooperation and coordination among all youth service programs.

H.B. 1371 amends OCGA Section 49-5-160 with an effective date of July 1, 1988.

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### RESOLUTIONS

- S.R. 10 - COMMENDATION FOR THE ADOLESCENT URINE DRUG SCREENING PROGRAM OF THE COBB COUNTY MEDICAL SOCIETY (1987)
- S.R. 170 - CREATION OF THE SENATE JUVENILE JUSTICE SYSTEM STUDY COMMITTEE (1987)
- S.R. 188 - CREATION OF THE SENATE CHILDREN'S CODES STUDY COMMITTEE (1987)
- S.R. 395 - SENATE ALTERNATIVE SENTENCING FOR YOUTH OFFENDERS STUDY COMMITTEE: CREATE (1988)

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- H.R. 22 - CREATION OF YOUTH AND VIOLENCE STUDY COMMITTEE (1987)
- H.R. 247 - COMMENDATION OF THE COBB AND DEKALB COUNTY ADOLESCENT URINE DRUG SCREENING PROGRAMS (1987)
- H.R. 572 - CREATION OF THE HOMELESS CHILDREN AND STREET PROSTITUTION COMMITTEE (1988)

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