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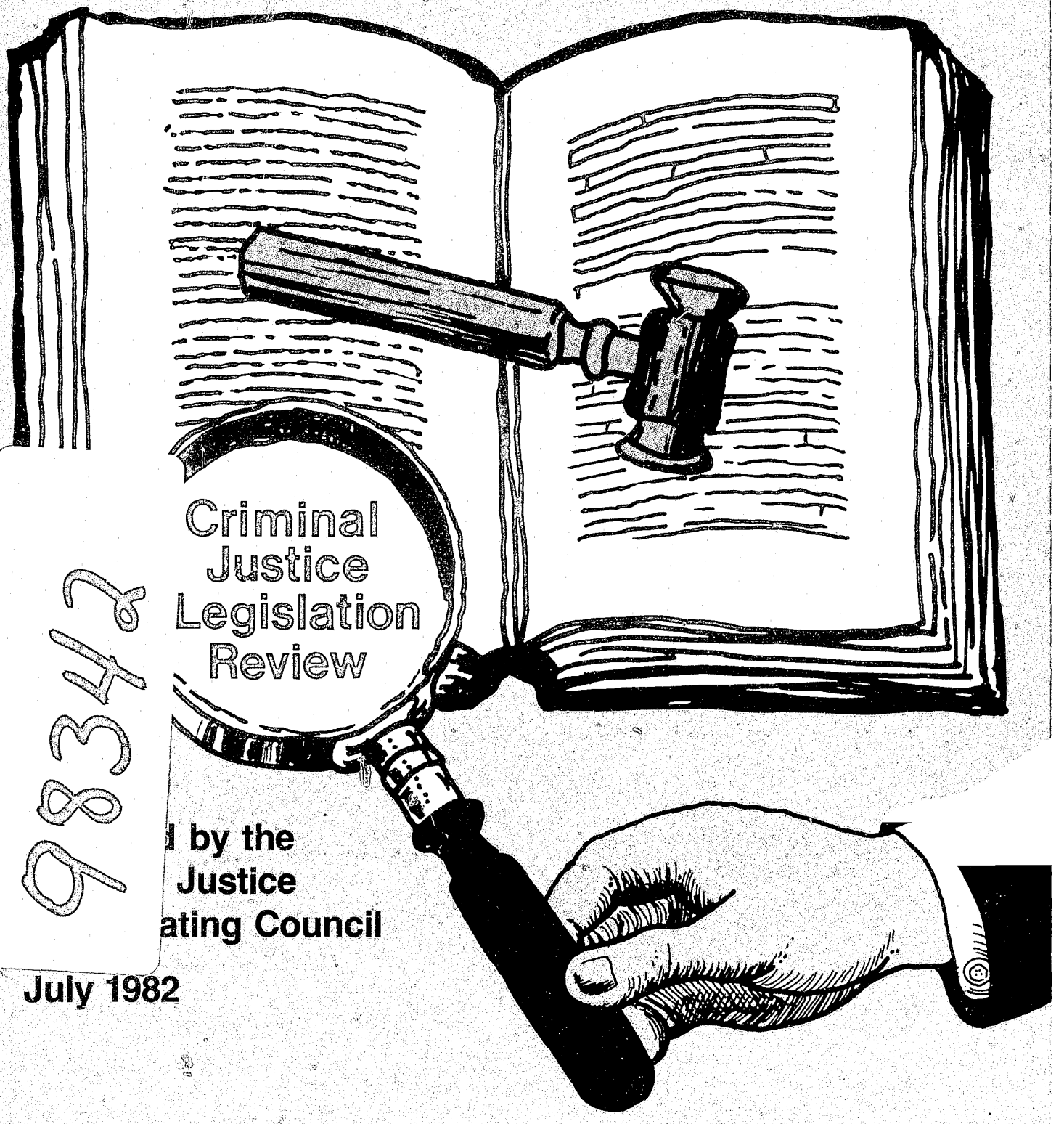
State of Georgia
1982 General Assembly



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July 1982

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CRIMINAL JUSTICE LEGISLATION REVIEW

STATE OF GEORGIA
1982 GENERAL ASSEMBLY

98342

U.S. Department of Justice
National Institute of Justice

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FOREWORD

The Criminal Justice Legislation Review contains analyses of the legislation enacted by the 1982 Georgia General Assembly which impacts the foundation and operation of our criminal justice system, as well as the functions of State and local governments. The purpose of this publication is to afford criminal justice practitioners, state and local government officials, and interested members of the general public an opportunity to review the content of such legislation. This analysis is the third annual review of criminal justice legislation and is a further continuation of an effort commenced in 1980 by the then State Crime Commission, and continued in 1981 by the Criminal Justice Coordinating Council.

As was done in the two previous publications, each major piece of legislation is analyzed in a similar manner. The first paragraph outlines the purposes of the legislation and "what the law says." The second paragraph provides insights as to what the law is expected to do, or how it affects a particular facet of the criminal justice system, or governmental entities. The third paragraph explains the background of the legislation, or "where the bill comes from." The analyses are presented in the following order: House Bills, Senate Bills, House Resolutions, and Senate Resolutions.

Because Georgia has recently undergone a Code Revision, a new official Code of Georgia Annotated becomes effective November 1, 1982, and the present Georgia Code Annotated is repealed that same date. Therefore, legislation passed this year is one of three categories. The first amends the current Code and the new Code; the second amends the new Code only, and the third enacts a new law which effectively also amends only the new Code. Therefore, the initial sentence of the first paragraph of each analysis indicates which Code is being amended, indicating whether, due to an effective date earlier than November 1, 1982, the existing Code is being amended as well as the new Code.

In addition to the synoptic review of the major legislation passed and signed into law by the Governor, legislation of local interest is listed in numerical order, by the originating Chamber, along with the title of the Act. Because of the local, rather than statewide impact of this legislation, no analysis is included. Also a further listing is provided for several criminal justice related bills which are more narrow in scope than statewide legislation, but which may impact more widely than local legislation, or which contain a certain relevance to some criminal justice practitioners. This section is entitled "Related Legislation."

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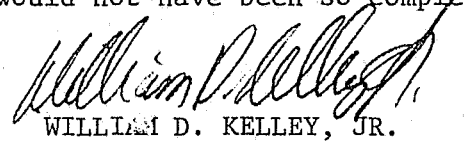
Also not synoptically reviewed and analyzed are the various bills which passed the General Assembly pertaining to retirement funds. Because each bill may affect different individuals in different ways, as was done in the 1981 publication, these retirement bills are listed in a separate section entitled, "Criminal Justice System Retirement Legislation."

It is hoped that this third publication analyzing criminal justice legislation will help to bring about a greater understanding and belief in the laws of our State, and thus insure their successful implementation and use. We have continued to receive comments indicating the usefulness of the publication, and that increased understanding is being achieved.

Special acknowledgement is made to two interns from the Governor's Intern Program, who provided significant assistance during the initial legislation review process, and during the preparation of this Review. Without the outstanding assistance of Lawrence Daniel and Dale Brown, preparation of the publication 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 staff inquiries concerning the impact of many pieces of legislation. Without their expertise and insight, our analyses would not have been so complete.



WILLIAM D. KELLEY, JR.
DIRECTOR

INTRODUCTON

The 1982 General Assembly considered legislation pending from the 1981 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 reviewed in this publication. Acts and Resolutions of a localized nature, systemwide retirement legislation, and several related items of legislation are also listed for the convenience of interested persons.

The House considered a total of 1,354 bills. Of these, 520 were pending from the 1981 Session and 834 were new bills. Of these, 574 were passed, 568 were signed into law by the Governor and 55 are reviewed in this publication. Additionally, 130 local bills are listed. The House also considered 579 Resolutions, 102 pending from the 1981 Session, and 477 new Resolutions. Of these, 403 were adopted and 3 are reviewed. Also listed are 19 Resolutions of a local nature.

The Senate considered a total of 537 bills. Of these, 212 were pending from the 1981 Session and 325 were new bills. A total of 179 were passed and 173 were signed into law by the Governor. Reviewed herein are 31 of these new laws and 22 local bills are listed. Additionally, the Senate considered 257 Resolutions, 45 pending from the 1981 Session and 212 new Resolutions. Of these, 183 were adopted, 13 of these Resolutions are reviewed, and 2 of a local nature are listed.

A total of 6 House Bills, 4 Senate Bills, and 1 House Resolution, which impact upon systemwide retirement funds and procedures, are listed, as are 18 House Bills, 4 Senate Bills, 4 House Resolutions and 1 Senate Resolution concerning related legislation.

Users of this publication can readily see the impact of the statewide criminal justice legislation which was enacted into law. The staff of the Criminal Justice Coordinating Council tracked and analyzed almost 400 separate items of legislation. That which passed affects all of the citizens of the State and occupied a considerable amount of the General Assembly's deliberative time and effort. The real impact of this new legislation will be felt throughout the State as the various components of the criminal justice system and State and local governmental agencies become aware of them and they are implemented. This publication is in furtherance of the effort to contribute to that awareness.

HOUSE BILLS

HOUSE BILLS

H.B. 73 - THEFT: PUNISHMENT - ACT 1432

H.B. 73 amends Ga. Code Ann. 26-1812 (Ga. Laws 1972, p. 842; O.C.G.A. 16-8-12, effective November 1, 1982). It provides that for persons convicted of Theft by Taking, Theft by Deception, Theft by Conversion, Theft of Services, Theft of Lost or Mislaid Property, Theft by Receiving Stolen Property, Theft by Receiving Property Stolen in Another State or Theft by Receiving Stolen Property into the State, to be punished as felons, the property which was the subject of the theft must exceed $500 in value rather than $200, as was provided in the previous law. It continues to provide felony punishment for all convictions of those theft crimes where motor vehicles are the subject of theft, regardless of the value of the vehicle. It retains the previous felony punishment provisions of imprisonment for not less than one and not more than 10 years, or, in the discretion of the trial judge, as for a misdemeanor. Effective July 1, 1982.

H.B. 73 ultimately should result in persons convicted of stealing property valued between $200 and $500 spending less time confined in jails and prisons. Hence, it may have some reductive impact on jail and prison populations in local and State correctional facilities.

H.B. 73 apparently reflected inflationary pressures and a determination that the theft of property valued at $200 or less does not warrant the possibility of imprisoning persons from one to ten years. It, in a broader sense, responds to a move to adjust criminal punishments for monetary crimes to the declining value of the dollar.

****

H.B. 218 - PRISONERS: OUTSTANDING SENTENCES: DETAINERS - ACT 1433

H.B. 218 amends Ga. Code Ann. 77-330 (Ga. Laws, 1968, p. 1110; O.C.G.A. 42-6-1, effective November 1, 1982). It extends the definition of a detainer beyond that of a request for the Department of Offender Rehabilitation (DOR) to retain custody of an inmate pending his delivery to stand trial to include pending his delivery to await final disposition of all appeals or other motions pending on any outstanding sentence. It provides that in such cases, a copy of the conviction shall be attached to the detainer, which must contain a statement that prosecuting officials intend to seek final disposition of all appeals and other motions. Effective April 16, 1982.

H.B. 218 responds to the need of the Department of Offender Rehabilitation to be informed of pending cases which are on appeal. In a situation where an offender has been sentenced in one county and has completed the sentence, the Department of Offender Rehabilitation may release the offender while there may be an outstanding sentence from another county longer than the sentence from which the offender was released. In order to prevent this situation from occurring, District Attorneys must now advise DOR of cases pending where there has been a conviction and it is under appeal.

H.B. 218 makes technical corrections to existing law to extend the detainer information provided to the Department of Offender Rehabilitation. It was drafted and supported by the Department to cure a defect in previous law.

****

H.B. 580 - SERIOUS TRAFFIC OFFENSES: PENALTIES - ACT 1482

H.B. 580 amends Ga. Code Ann. 68A-903 and 68A-1507 (Ga. Laws 1974, p. 633, as amended; O.C.G.A. 40-6-393 and 40-6-376, effective November 1, 1982). It defines and adds an offense of homicide by vehicle (68A-903) for violating Code Section 68-1620 (duty to give information or render aid) to the present statute which includes violations of Section 68A-901 (reckless driving); 68A-902 (driving impaired by alcohol or drugs); and 68A-904 (fleeing or attempting to elude a police officer). It increases punishment for conviction of vehicular homicide under this code section from not less than one year nor more than five years to not less than one year and not more than ten years. It adds a similar provision to Section 68A-903(b) which provides for homicide by vehicle in the second degree, which is punishable as for a misdemeanor. It further amends existing law to provide that, if after being declared a habitual violator under the provisions of section 68B-308, while such person's license is in revocation, one causes the death of another person by operation of a motor vehicle, it shall be homicide by vehicle in the first degree. One convicted under this subsection shall be punished by imprisonment for not less than three years nor more than ten years, and adjudication of guilt or imposition of such sentence may be suspended, probated, deferred, or withheld, but only after such person shall have served at least one year in the penitentiary. It further amends Section 68A-1507 to provide that any offense, except a violation of Section 68A-903, may be charged at the discretion of the local law enforcement officer or prosecutor as a State or local violation. It mandates

that a violation of Code Section 68A-903 shall be charged as a violation of State law, and that any judgement rendered by other than a State court (Superior Court only) in such cases shall be null and void. Effective July 1, 1982.

H.B. 580 should, by increasing penalties for and broadening the definition of vehicular homicide, have a reductive impact on the occurrence of vehicular homicides. Additionally, it may lead to greater assurance that vehicular homicide charges are less frequently dropped or reduced, given its requirement that all such cases may not be tried in local courts, rather in the Superior Courts, the only State court authorized to try felony cases.

H.B. 580 responds to the growing concern that those who flee the scene of an accident or fail to render aid to injured parties, have not been dealt with severely enough under previous punishment provisions. Additionally, it responds to a general public concern over the number of incidents of driving under the influence of alcohol or drugs in which the driver is involved in a fatal automobile accident. More severe penalties for such acts are considered to have a deterrent effect upon those who drink and drive. It further responds to the belief that habitual violators who operate vehicles illegally, and cause the death of another, should be subject to more certain punishment.

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H.B. 610 - JUVENILE COURTS: DESIGNATED FELONY - ACT 1513

H.B. 610 amends Ga. Code Ann. 24A-23A and 24A-25 (Ga. Laws 1980, p. 1013); O.C.G.A. 15-11-37 and 15-11-39.1, effective November 1, 1982). It amends provisions of the "Juvenile Court Code of Georgia" relating to designated felony acts, to add to the definition of "designated felonies" the acts of aggravated battery, robbery, and burglary, provided that burglary is classified as a designated felony, only when it is done by a juvenile 13 or more years of age who previously had been adjudicated delinquent at separate court appearances for an act which, if done by an adult, would have been the crime of burglary. It further provides that restrictive custody shall be ordered by the court if the juvenile is found to have committed a designated felony act which would have constituted the crime of burglary if done by an adult and the juvenile has two or more times previously been found to be delinquent because of the commission of an act which would have constituted the crime of burglary if done by an adult. It adds a new Code Section concerning mandatory transfer from

the Juvenile Court to the Superior Court. Specifically, it provides:

(1) if a child 15 years or older has been found at separate court appearances to have committed actions which would have constituted the crime of burglary if done by an adult on three or more previous occasions, the provisions of this Code Section (24A-2502) shall apply; (2) for a hearing and for notification thereof; and (3) that if at the hearing, the court determines that there are reasonable grounds to believe that the child committed the designated felony act (burglary) alleged, the court shall transfer the offense to the Superior Court for prosecution, terminating the jurisdiction of the Juvenile Court over the child with respect to the designated felony act alleged. After such transfer, until and unless a judgement of guilt is entered and sentence pronounced, it provides that the child shall be detained as a juvenile under Code Section 24A-1403. After transfer to the Superior Court, it provides that the District Attorney shall report to the Superior Court judge whether, after investigation, the matter should be retransferred to Juvenile Court, and the Superior Court may, upon such a report or on its own motion, order the matter retransferred to Juvenile Court. If the case is not retransferred, it provides that the youth shall be tried in the Superior Court for the designated felony alleged. Effective July 1, 1982.

H.B. 610 should result in more certain and more lengthy periods of incarceration for "older" juvenile offenders who are found guilty of committing aggravated battery, robbery and multiple burglaries. It, as a consequence, may have some reductive impact on the commission of these acts by "older" juvenile offenders. It may lead to some increase in the number of inmates incarcerated in adult and juvenile correctional facilities and some increase in workload for district attorneys' staffs and Superior Court judges.

H.B. 610 responds most directly to the commission of multiple burglaries by juvenile offenders in certain intown neighborhoods in the City of Atlanta. It, in a broader sense, reflects a feeling among law enforcement and prosecutorial officials, as well as the general public, that serious/violent/repeat juvenile offenders are not punished severely enough by the juvenile justice system. It represents a compromise among the various interest groups who either opposed or supported it in its original form. It was originally opposed by the Department of Human Resources' Division of Youth Services, the Governor's Advisory Council on Juvenile Justice and Delinquency Prevention and other juvenile justice interests. It was originally supported by prosecutorial and law enforcement officials, the Criminal Justice Coordinating Council and private citizen residents of the Grant Park area of the City of Atlanta.

****

H.B. 717 - TRAFFIC VIOLATIONS: CASH BONDS - ACT 1366

H.B. 717 amends Ga. Code Ann. 27-508 (Ga. Laws 1975, p. 845); Ga. Code Ann. 27-511 (Ga. Laws 1975, p. 845 and Ga. Laws 1976, p. 213); O.C.G.A. 17-6-5, 17-6-8 and 17-6-11, effective November 1, 1982). It clarifies and expands existing law relative to the authority to accept cash bonds for certain law violations, the authority to order cash bonds forfeited and the authority to deposit drivers' licenses in lieu of bail for certain law violations. It specifies that any sheriff, deputy sheriff, county peace officer or other county officer charged with enforcing State laws relative to: (1) traffic or the operation or licensing of motor vehicles or operators; (2) the width, height, or length of vehicles and loads; (3) motor common carriers and motor contract carriers; (4) road taxes on motor carriers as provided in Ga. Code Ann. 91A51; (5) game and fish; (6) boating; or (7) litter control, who makes an arrest outside the corporate limits of any municipality for a violation of the above laws may accept a cash bond fron the offender if he is authorized to do so by a court of record having jurisdiction over such violations. (Note: cash bonds previously were authorized only for violations relative to items 1, 5, 6 and 7 above.) It provides for the removal or modification of this authority also. It provides procedures for the forfeiture of such cash bonds. It allows for the deposit of drivers' licenses in lieu of immediate court appearance, cash bond, or incarceration for violations of State laws or ordinances relative to: (1) traffic, except any offense for which a license may be suspended for a first offense; (2) the licensing and registration of motor vehicles and operators; (3) the width, height and length of vehicles and loads; (4) motor common carriers. (Note: deposit of license in lieu of bail previously was limited to traffic law violations per item 1 above.) Effective July 1, 1982.

H.B. 717 should result in violators of vehicle dimension laws, common and contract carrier laws and road tax laws being able to deposit cash bonds with certain authorized officers in lieu of statutory bonds or recognizance. Additionally, it should result in these violators being able to deposit drivers' licenses in lieu of cash bonds, appearance or incarceration. It consequently should remove detentions of some apparent unnecessary inconveniences on, or what are considered to be, minor law violations while minimizing any potential abuses of its leniency by officers or violators through specific statutory guidelines.

H.B. 717 apparently responds to a need to provide for the expeditious release from any prolonged detainment of law violators whose detention is not deemed to be necessary for public safety and protection.

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H.B. 723 - CRIMINAL PROCEDURE: BAIL: CHANGE PROVISIONS - ACT 1266

H.B. 723 amends the Official Code of Georgia Ann. 17-6-1 (Ga. Laws 1973, p. 454). It provides that any person who is charged with murder, rape, armed robbery, kidnapping, arson, burglary, aircraft hijacking, certain controlled substance violations, or aggravated assault shall not be entitled to or released on bail if: (1) he has previously been convicted of any of the above crimes; (2) he is on probation or parole relative to any of the above crimes; or (3) he is on bail or recognizance release relative to any of the above crimes. It provides that such persons so denied bail may petition the Superior Court and request release on bail through a specified hearing procedure. It further provides that the court shall be authorized to release such person on bail if the court finds that he: (1) poses no significant risk of fleeing from the jurisdiction of the court or failing to appear when required; and (2) poses no significant threat or danger to the community or any person or property therein; and (3) poses no significant risk of committing any additional felony pending trial; and (4) poses no significant risk of intimidating witnesses or otherwise obstructing the administration of justice. It also provides that if such person or the prosecuting attorney is aggrieved by a decision of the court relative to the denial or grant of bail, such decision may be appealed. Effective November 1, 1982.

H.B. 723 should have some substantial reductive/deterrent impact on the commission of crimes by repeat felony offenders - particularly relative to those who are already on bail or probation or parole. It will insure swifter and more certain detention of offenders who have a "track" record of committing felony crimes and thereby afford the public greater protection. It will contribute to some increase in local jail populations. It may increase the workload of the Superior Courts to a significant degree and result in increased appeals relative to its preventive detention features.

H.B. 723 responds to opinions of the public and criminal justice practitioners that dangerous repeat offenders should remain incarcerated at all stages of the criminal process in order to prevent their continued involvement in criminal activity. It also reflects evidence that offenders who are released on bail, probation or parole may account for a significant amount of crime. It was supported by the Criminal Justice Coordinating Council.

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H.B. 813 - RACKETEERING: CERTAIN VIOLATIONS: SECURITIES: ALCOHOLIC BEVERAGES - ACT 1435

H.B. 813 amends Ga. Code Ann. 26-3004 and 26-34 (Ga. Laws 1972, p. 615, 952, 953 and Ga. Laws 1980, p. 405; O.C.G.A. 16-11-64 and 16-14, effective November 1, 1982). It embodies an extensive, complex series of amendments to Georgia's Racketeer Influenced and Corrupt Organizations (R.I.C.O.) Act, designed to strengthen the effectiveness of the Act. It clearly establishes that evidence derived from wiretaps may be used in the prosecution of racketeering cases. It adds several new "predicate offenses" which may lead to R.I.C.O. violations - felony violations of the Georgia Securities Act, certain alcoholic beverage violations which were recently recodified, felonies involving unlawful use of credit and bank teller cards, violations of motor vehicle certificate of title act, removal of vehicle identification numbers, violations related to use of items with altered identification numbers, violations of the Computer Systems Protection Act and conduct defined as racketeering under the Federal R.I.C.O. Act. It makes felony violations of other states' and federal laws evidence of racketeering under the Georgia Act. It provides that an individual may constitute an enterprise. It excludes periods of imprisonment from the requirement that acts of racketeering occur within four years of each other. It strengthens and expands the definition of R.I.C.O. lien notices. It makes conspiracy to violate the R.I.C.O. Act a substantive offense. It increases the amount of time within which a R.I.C.O. forfeiture can be instituted following seizure of evidence. It permits all proceedings relative to a R.I.C.O. prosecution to be held in a single jurisdiction. It provides for reciprocal enforcement with other states having R.I.C.O. acts. It permits civil R.I.C.O. cases to be given priority on civil calendars of the court. It provides for procedures to curtail disposal of assets by defendants while R.I.C.O. proceedings are pending. Effective April 16, 1982.

H.B. 813 should serve to strengthen significantly the effectiveness of the R.I.C.O. Act's potential to reduce and deter the activities of organized crime operatives in Georgia. More specifically, if prosecutorial expertise sufficient to successfully pursue R.I.C.O. cases in Georgia is developed, it should contribute to a decrease in fraudulent securities schemes, large scale credit fraud operations, organized auto theft, farm and heavy equipment rings, large scale narcotic trafficking and other large scale criminal actions and related violent criminal acts. Further, given this expertise, it should result in the seizure and/or "freezing" of assets generated by organized criminal activity and it should minimize evasions of R.I.C.O. prosecutions.

H.B. 813 responds to requests of Georgia's Prosecuting Attorneys' Council to correct errors of omission and inclusion present in Georgia's original

R.I.C.O. Act of 1980. It more generally reflects a need for sophisticated statutory authority in Georgia to counter effectively complex criminal organizations which have correlated with legitimate business enterprises as a guise or means of evading prosecution. It was supported by the Georgia Organized Crime Prevention Council and the Criminal Justice Coordinating Council.

****

H.B. 823 - GRAND JURIES: ELECTED OFFICIALS - ACT 1218

H.B. 823 amends Ga. Code Ann. 59-201 (Ga. Laws 1977, p. 341; O.C.G.A. 15-12-60, effective November 1, 1982). It redefines the qualifications of grand jurors by providing that all persons holding elective office in State or local government shall be incompetent to serve on grand juries while in such office and for two (2) years following their service in such office. Effective July 1, 1982.

H.B. 823 should serve to minimize opportunities for abuses of grand jury powers by individuals who have held elected offices previously, i.e., particularly ill-founded investigations of other elected officials. It will also require county officials to devise a method of insuring that former elected officials are not called to serve on grand juries until two years subsequent to their leaving office. It should increase the integrity of and respect for grand juries and their actions by protecting it from "conflicts of interest."

H.B. 823 apparently is designed to prevent initial or future occurrences of recently defeated elected officials, or those whose terms have expired from serving on grand juries and using their position as a grand juror (or giving the appearance that they are using such position) to seek revenge against individuals who defeated or replaced them. Additionally, it may also address elimination of the possibility that a former elected official could be the subject of an investigation by a grand jury on which he/she is called to serve.

****

H.B. 870 - COMPREHENSIVE TREATMENT OF ALCOHOLISM: EFFECTIVE DATE ACT 1219

H.B. 870 amends Ga. Code Ann. 99-39 (Ga. Laws 1974, p. 200; O.C.G.A. 37-8-53, effective November 1, 1982). It provides that

the date on which the Uniform Alcoholism Act shall become effective shall be extended to July 1, 1983. Effective April 13, 1982.

H.B. 870 will delay the date for the implementation of comprehensive treatment designed to approach alcoholism and intoxification as symptoms of a disease rather than as criminal offenses. It may hence contribute to or increase jail overcrowding by delaying diversion of inebriants from incarceration into treatment programs. It will perpetuate fragmentation of treatment of publicly undesirable alcohol-related behavior as localities enact their own ordinances or continue to enforce previously enacted ordinances pertaining to these behaviors, in lieu of such statewide policy. It may lead to a higher incidence of individuals displaying inebriated, disruptive qualities in public, increase police functions necessary to deal with these disruptions, and consequently, further impact jail populations.

H.B. 870 is the eighth annual extension of the effective date of the Uniform Alcoholism Act. It is a response to the current lack of sufficient funding, facilities, programs, and other resources necessary to implement fully the Act and decriminalize alcoholism or behavior associated with the disease of alcoholism. It further responds to a continued debate over the appropriate approach to public habitual inebriated behavior - as a criminal offense or as a symptom of the disease of alcoholism.

****

H.B. 931 - HABEAS CORPUS: RELIEF FROM COURT SENTENCES - ACT 1221

H.B. 931 amends Ga. Code Ann. 50-127 (Ga. Laws 1975, p. 1143; O.C.G.A. 9-14-42 and 9-14-48, effective November 1, 1982). It limits the grounds for a Writ of Habeas Corpus or what may be alleged in a habeas corpus petition to denials of rights which were complained of at trial. Specifically, it provides that State prisoners may institute habeas proceedings if there was a substantial denial of State or federal constitutional rights at trial, provided the defendant complained of the denial at trial. Under previous law, the denial was not required to be brought up at trial and denials of State statutory rights also served as grounds for habeas corpus proceedings. It further provides that habeas corpus relief shall not be granted unless the court, upon review of the trial record, finds that: (1) the defendant made timely motion or objection at trial to denials alleged; or (2) the defendant shows cause for failure to make such motions or objections and shows actual prejudice. It does not apply to habeas corpus petitions filed prior to January 1, 1983. Effective April 13, 1982.

H.B. 931 will place the burden on the defendant to raise objections to denials of constitutional rights at trial, if he wishes to raise these denials in habeas corpus petitions subsequent to his conviction; i.e., it basically assumes that he voluntarily waived these rights if no objection is raised at trial. It should reduce significantly frivolous, repititious and abusive habeas corpus actions, the workload of the Superior Courts, the workload of the State Attorney General's Criminal Division, and ultimately expedite the judicial process and accelerate finality in the criminal process.

H.B. 931 responds to manifold abuses of the Writ of Habeas Corpus by defendants who have used the Writ to delay finality of their conviction. It was supported by prosecutors, the State Attorney General's Office and the Criminal Justice Coordinating Council.

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H.B. 1087 - COBB JUDICIAL CIRCUIT: ADD JUDGE - ACT 862

H.B. 1087 amends Official Code of Georgia Annotated 15-6-2. It adds one Superior Court Judge and the amenities of judgeship to the Cobb Judicial Circuit, increasing the number of judges in that Circuit to five. Effective January 1, 1983.

H.B. 1087 should result in reducing the caseload of the Cobb Circuit's current four judges. Additionally, it should reduce case backlog and expedite the disposition of cases there. Costs for implementation will be approximately $96,000 to $110,000 in State funds. It may also result in some additional costs to the counties in the Circuit related to salary supplements, fringe benefits, support personnel, office space and supplies.

H.B. 1087 is the result of recommendations of the Judicial Council of Georgia's Ninth Annual Report Regarding the Need for Additional Superior Court Judgeships in Georgia. This report recommended that additional judgeships be created in four circuits. These recommendations are based on empirical analyses of caseload statistics in all judicial circuits.

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H.B. 1145 - MOTOR VEHICLE CERTIFICATE OF TITLE: TOTAL LOSS CLAIM - ACT 832

H.B. 1145 amends Ga. Laws 1961, p. 68, as amended by Ga. Laws 1981, p. 655 (Ga. Code Ann. 68-401 et seq; O.C.G.A. 40-3-2, effective November 1, 1982). It amends the "Motor Vehicle Certificate of Title Act" provisions concerning Certificates of Title for salvage or rebuilt vehicles to make a technical change in the law providing for requests for salvage or rebuilt titles. It changes one of the requirements whereby such vehicle requires the replacement of two or more major component parts, by deleting the requirement that the insurance company has paid a total loss claim and replacing it with the word "or" so that a title could be issued if two or more component parts were replaced, or if the insurance paid a total loss claim. Effective February 16, 1982.

H.B. 1145 will authorize issuance of a Certificate of Title for a salvage or rebuilt vehicle if the insurance company has paid a total loss claim for the vehicle involved. It should ease procedures for acquiring the title while not affecting enforcement provisions of the Act.

H.B. 1145 responds to the request of the Georgia Bureau of Investigation and that of salvage car dealers, to ease a technical restriction, not involving enforcement procedures. Once a total loss claim has been paid for a vehicle, the remaining parts of the vehicle which are salvageable may be used to rebuild other vehicles as prescribed by current law.

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H.B. 1153 - CONCEALED WEAPONS: EXEMPTION: PROBATION SUPERVISORS - ACT 1222

H.B. 1153 amends Ga. Code Ann. 26-2907 (Ga. Laws 1968, p. 1249; O.C.G.A. 16-11-130, effective November 1, 1982). It adds to the list of those individuals who are authorized to carry concealed weapons while in pursuit of their official duty, the following: probation supervisors employed by the State, who are designated and authorized in writing by the Director of the Department of Offender Rehabilitation's (DOR's) Division of Probation, and public safety directors of municipal corporations. Effective April 13, 1982.

H.B. 1153 should contribute to an increase in public safety, as well as individual security and protection, for probation officers and public safety directors in the performance of their duties, which may often require the offensive and defensive use of firearms.

H.B. 1153 responds to requests by probation officers and public safety directors to be statutorily exempted from concealed weapon prohibitions in order that they could be protected sufficiently and avoid unnecessary liability risks in performance of their cuties. It was supported by DOR.

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H.B. 1156 - MOTOR VEHICLE SAFETY INSPECTIONS: REPEAL CERTAIN PROVISIONS - ACT 845

H.B. 1156 amends the "Uniform Act Regulating Traffic on Highways" (Ga. Code Ann. Title 68, Ga. Laws 1972, p. 989, as amended), the "Georgia Motor Vehicle Emission Inspection and Maintenance Act" (Ga. Laws 1979, p. 1213), and the "Georgia Motor Vehicle Safety Inspection Act" (Ga. Code Ann. Title 68E, Ga. Laws 1979, p. 906). (O.C.G.A. 4-8, effective November 1, 1982.) It repeals all statutory references to a required annual automobile safety inspection. It retains safety inspection requirements for school buses, and also retains emission inspection requirements in certain counties. Effective February 26, 1982.

H.B. 1156 eliminates the requirement for an annual motor vehicle safety inspection, and the display of a safety inspection sticker, on private motor vehicles in Georgia. It may contribute to an increase in the presence of dilapidated, unsafe automobiles on the roads in Georgia and a corresponding increase in motor vehicle accidents. While eliminating the inspection requirements for private vehicles, it has retained the previous inspection requirement for school buses, and the vehicle emission inspection in Fulton, Cobb and DeKalb Counties.

H.B. 1156 responds to the general public belief that the annual vehicle inspection program was not necessary and that it was often ineffective, or no inspection was conducted and safety stickers were easily available. It corresponds with a general trend to remove the inconvenience that unnecessary government regulations place on private citizens. The vehicle emission inspection requirements were retained in order to comply with requirements of the Federal Clean Air Act.

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H.B. 1157 - FIRE DEPARTMENTS: ARSON REPORTS - ACT 1223

H.B. 1157 amends the Official Code of Georgia Annotated, by adding a new Code Section 25-2-33.1 (Ga. Laws, 1977, p. 1232). It provides that all organized fire departments shall report every incident or suspected incident of arson to the local law enforcement agency, the State Fire Marshal, and every insurance company with a known pecuniary interest in the cause of the fire in which arson is involved or suspected. It provides that if there is no local organized fire department, the local law enforcement agency investigating a fire shall make the required reports. It provides that reports shall be made on forms provided for that purpose by the State Fire Marshal. It further provides that no insurance company receiving the required report of arson or suspected arson shall pay any claim relating thereto prior to notifying in writing the State Fire Marshal and local fire department of the date the claim is to be paid. Effective November 1, 1982.

H.B. 1157, by requiring notification to the State Fire Marshal, and to involved insurance companies, will enable both to play a role in the investigation of fires in which arson is suspected or involved. It will provide a data bank for the State Fire Marshal to gauge the full impact of arson in Georgia. It will provide insurance carriers more information concerning the causes of fires which may be considered in the determination of claims payments. It provides law enforcement officials information concerning the extent of arson in local jurisdictions. Further, it provides a mechanism to determine the extent of the arson problem in this State, and it may have a reductive impact upon arson, should insurance carriers receive sufficient information to make determinations not to pay a claim for fires caused by arson. It should create a greater awareness of the extent of arson, the dollar loss to this State as a result of arson, and have some reductive impact on the incidence of arson in Georgia.

H.B. 1157 is in partial response to a 1980 Task Force on Arson, coordinated by the State Crime Commission. It is in further response to the efforts of the State Fire Marshal to determine the extent of the problem and to cooperate with insurance carriers in protecting their interests in making claim determinations.

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H.B. 1172 - GWINNETT JUDICIAL CIRCUIT: FOUR JUDGES - ACT 863

H.B. 1172 amends Official Code of Georgia Ann. 15-6-2. It adds one Superior Court Judge and the amenities of judgeship to the Gwinnett

Judicial Circuit, increasing the number of judges in that Circuit to four. Effective November 1, 1982.

H.B. 1172 should result in reducing the caseload of the Gwinnett Circuit's current three judges. Additionally, it should reduce case backlog and expedite the disposition of cases there. Costs for implementation will be approximately $96,000 to $110,000 in State funds. It may also result in some additional costs to the counties in the Circuit related to salary supplements, fringe benefits, office space and supplies.

H.B. 1172 is the result of recommendations of the Judicial Council of Georgia's Ninth Annual Report Regarding the Need for Additional Superior Court Judgeships in Georgia. This report recommended that additional judgeships be created in four circuits. These recommendations are based on empirical analyses of caseload statistics in all judicial circuits.

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H.B. 1175 - WIRETAPPING: CONTROLLED SUBSTANCES INVESTIGATIONS - ACT 1544

H.B. 1175 amends Official Code of Georgia Ann. 16-11-64 (Georgia Laws 1967, p. 844, as amended). It permits the authorization of surveillance devices by an investigation warrant when there is probable cause to believe that a person(s) is importing or selling any controlled substance, or has imported or sold any controlled substance, or there is probable cause to believe that a private place is being utilized or has been utilized for the importation or sale of any controlled substance. It essentially adds importation or sale of any controlled substance to a long list of crimes for which issuance of a warrant permitting the use of eavesdropping devices in an investigation of the crime may be authorized. Effective November 1, 1982.

H.B. 1175 should increase the capability of law enforcement personnel to detect and apprehend importers and sellers of controlled substances and to provide more evidence for the prosecution of controlled substance trafficking cases.

H.B. 1175 responds to the need to statutorily clarify and extend the legality of the use of eavesdropping devices in the investigation

of controlled substance trafficking cases which are often perpetrated in a clandestine manner. It reflects the growth in the illegal use and sale of a wide variety of new controlled substances. Under previous law, such devices could be used in the investigation of crimes involving narcotics and dangerous drugs or the importation or sale of marijuana; however, the importation or sale of any controlled substance was not specified as a crime which could be investigated with the aid of eavesdropping devices.

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H.B. 1192 - JURIES: ADMINISTRATION OF OATH - ACT 1227

H.B. 1192 amends Ga. Code Ann. 59-704.1 (Ga. Laws 1979, p. 1048; O.C.G.A. 15-12-132, effective November 1, 1982). It provides that the oath of juries on voir dire may be administered by the clerk of the court as well as the presiding judge. Effective April 13, 1982.

H.B. 1192 serves to clarify a matter of courtroom procedure. Previously, the clerk of the court administered the oath swearing in the jury, while the trial judge administered the oath of jury on voir dire. This bill allows either the trial judge or the clerk to administer both oaths and should contribute to more efficient judicial administration.

H.B. 1192 responds to the request of several Superior Court Judges to eliminate a previously annoying discrepancy in jury procedure and to standardize oath procedures for juries throughout the State.

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H.B. 1210 - CONTROLLED SUBSTANCES: FORFEITURE OF PROPERTY - ACT 1546

H.B. 1210 amends Official Code of Georgia Ann. 16-12-32 (Ga. Laws 1968, p. 1249) and 16-13-49 (Ga. Laws 1979, p. 879). It essentially rewrites and expands Georgia law relative to seizure and forfeiture of property used in the crimes of gambling and trafficking in controlled substances Relative to gambling, it provides for the seizure and forfeiture of all property of value or any interest in such property if: (1) it is used . in, intended for use in, used to facilitate or derived from a violation of Georgia's gambling statutes; or (2) it is located within any gambling place or any vehicle or other conveyance used to transport any gambling device or related part thereof. It provides for seizure by any peace officer, who must, within 10 days of the seizure, report it to the district attorney of the Superior Court which has jurisdiction in the

county of seizure. It requires the district attorney to file, within 30 days of the notice of seizure, an action against the seized property and related interests in the Superior Court of the county of seizure. It provides for procedures relative to notification of this action. It provides that 30 days subsequent to filing of this action, judgment by default shall be entered and the seized property forfeited if no defense has been filed. It provides that if it appears that any person filing a defense in such an action knew that the property was used in violation of gambling laws, the property shall be sold by order of the court and no such person shall have claim upon it or the proceeds of its sale. Otherwise, it provides the forfeited property shall be disposed of by order of the court as follows: (1) the court may permit any law enforcement agency (who has applied) to retain the property for use in law enforcement work; or (2) the court may sell that which is not required to be destroyed by law with sale proceeds to go first toward expenses of the sale and then to the general fund of the county.

Relative to trafficking in controlled substances, it provides for the forfeiture of the following, if they are relative to the violation of Georgia's controlled substances laws: (1) all controlled substances and marijuana; (2) all raw materials, equipment, etc.; (3) all containers for items 1 or 2; (4) all conveyances used to transport items 1 or 2; (5) all books, records, research products, etc.; (6) all moneys, negotiable instruments, securities, etc.; and (7) all objects and materials distributed in violation of Code Section 16-13-32.1 or possessed in violation of Code Section 16-13-32.2. It provides certain restrictions for forfeiture of conveyances. It provides for seizure of the above properties by any law enforcement officer and procedures for seizure without process or warrant. It provides that seized property shall be deemed to be in the custody of the Superior Court wherein the seizure was made or where it can be proven the violation of law took place. It provides for reports of seizure, actions against seized property, procedures relative to notification of seizure actions which are essentially identical to those prescribed for property seizures related to gambling violations. However, it provides that where more than one county has the right to file condemnation proceedings, the county wherein the actual seizure was made shall take precedence over all others. Otherwise, it provides that the judge of the Superior Court may, relative to forfeited property: (1) retain it for official use by any State or local government agency; (2) sell that which is not required to be destroyed by law and apply sale proceeds toward expenses of the sale; or (3) require the sheriff or county police chief to take custody of the property and remove it for disposition in

accordance with law. Further, it provides that all money and currency forfeited shall be paid into the county treasury where condemnation proceedings are filed. It provides that Schedule I controlled substances which are seized, are contraband and shall be summarily forfeited to the State. It provides for procedures for the State to seize and receive by summary forfeiture plants from which Schedule I and II controlled substances may derive. Finally, it provides that by ex parte application, the district attorney or sheriff of the county in which property was seized may order up to 25% of the proceeds of sale of forfeited property to be paid to informants. Effective November 1, 1982.

H.B. 1210's most substantial impact should be to allow local governments and their law enforcement agencies to derive greater benefit and use of properties seized and forfeited during investigations of gambling and controlled substance violations. Most significantly, relative to seizures in controlled substance violations, it shifts the discretion as to disposition of seized and forfeited property from the State Board of Pharmacy to the Superior Courts. While this may result in increased workloads for district attorneys and Superior Court Judges, and result in a loss of funds for the State, it should provide badly needed funding and resources to local agencies. Additionally, it should result in greater conformity in seizure and forfeiture procedures on a statewide basis and limit related potential corruption, although it appears to provide no penalties for officials who violate its dictates.

H.B. 1210 responds to concerns expressed by many representatives of local governments and law enforcement agencies to the Joint Narcotics and Drug Abuse Committee during hearings conducted prior to the 1982 General Assembly. It further responds to general public awareness of the great profitability which can result from illegal gambling and controlled substances activities, and is a method to diminish the resources of large-scale operators and redirect these resources to the legitimate duties (law enforcement and others) of local and State government.

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H.B. 1224 - CRIMINAL FETICIDE: NEW CHAPTER - ACT 1567

H.B. 1224 enacts a new law. It amends Chapter 5, Title 16 of the Official Code of Georgia Annotated, relating to crimes against the person by adding a new Article 6. Code Section 16-5-80 provides that a person commits the offense of feticide if he willfully kills an unborn child so far developed as to be ordinarily called "quick" by any injury to the mother of such child, which would be murder if it results in the death of the mother. It provides that a person convicted of the offense of feticide shall be punished by imprisonment for life. Effective November 1, 1982.

H.B. 1224 defines the new crime of feticide and prescribes punishment for such act. Should the offense committed be one that could have caused the death of the mother and the unborn child was killed, it is chargeable under this statute. The statute does not pertain to an act of abortion. It may result in some increase in criminal charges related to the death of unborn babies resulting from assaults, gunshot wounds, and other criminal acts. It may impact upon the number of persons sentenced to a term of life imprisonment and affect jail and prison populations.

H.B. 1224 responds to the previous inability of charging an act of murder when a woman carrying a child is attacked and her unborn child dies while the woman survives. It further responds to several highly publicized cases of this type which caused concern among the general public regarding the inability to bring a criminal prosecution relative to the death of the unborn child.

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H.B. 1240 - SEIZED PROPERTY: DISPOSITION OF - ACT 1548

H.B. 1240 amends Official Code of Georgia Ann. 17-5-50 (Ga. Laws 1979, p. 761). It requires the person having charge of the property section of any law enforcement agency to enter in a ledger a description of every article of property alleged to be stolen or otherwise unlawfully obtained and brought into the office or taken from the person of a prisoner and attach a number to each article and to enter the number in the ledger. It provides for an administrative procedure (in lieu of a court procedure and order) for disposition of such property, by the person in charge of the property section, to a legally identified claimant who files proper sworn documents, if the claim is not contested by the person (defendant) from whom custody of the property was taken. It provides, however, that in the case of motor vehicles and the like, stolen vehicles shall be returned to the person evidencing ownership through a Certificate of Title, tag receipt, bill of sale or other such evidence. It retains the provisions of previous law for the defendant to assert a claim to the property and request a hearing for the court to determine ownership of the property, as well as the previous law's procedures for conduct of such hearings. Effective November 1, 1982.

H.B. 1240 should make it easier for victims of criminal activity to reclaim property lost in connection with the crime by avoiding the need for court hearings in uncontested cases. It will, however, place

more responsibility on law enforcement agencies in making ownership determinations, and may provide potential for abuse of the law.

H.B. 1240 is an apparent response to complaints from victims of crime relating to the difficulty of reclaiming property seized as evidence of crimes. It appears to respond more specifically to several areas in the State where specific complaints have been filed concerning the lengthy procedures required to be followed for a victim to have his property returned to him.

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H.B. 1283 - CONTROLLED SUBSTANCES: UNLAWFUL TO USE COMMUNICATION FACILITY - ACT 1550

H.B. 1283 enacts a new law. It amends Chapter 13 of Title 16 of the Official Code of Georgia Annotated relating to controlled substances, by adding a new Code Section 16-13-32.3. It makes it illegal for any person to knowingly or intentionally use any communication facility in furtherance of any act(s) constituting a felony under Code Section 16-13 (controlled substance violations). It provides that each separate use of a communication facility shall be a separate offense. It defines communication facility "as any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures or sounds of all kinds and includes mail, telephone, wire, radio and all other means of communication." It provides that punishment upon conviction shall be by a fine not to exceed $30,000 or by imprisonment for one to four years, or both. Effective November 1, 1982.

H.B. 1283 will provide law enforcement agencies and the courts with an additional means of investigating, apprehending and convicting illegal drug traffickers in Georgia. It should have a deterrent impact on the overall activity of trafficking in illegal drugs, as well as the use of communications facilities in furtherance of trafficking, since it sets such use(s) apart as separate offenses with separate penalties. It, in conjunction with H.B. 1175 - Act 1544, should lead toward conviction of some major traffickers who have evaded conviction heretofore. It may contribute to an increase in jail and prison populations.

H.B. 1283 responds to the work of the Joint Committee on Drug and Narcotic Abuse which held hearings prior to the 1982 General Assembly and heard testimony relative to the direction and control of large-scale illegal drug operations via communication facilities. It was supported by the Georgia Bureau of Investigation, other law enforcement agencies and prosecutors.

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H.B. 1284 - CRIME INFORMATION CENTER: CAREER CRIMINAL - ACT 1289

H.B. 1284 amends Ga. Code Ann. 92A-3001 (Ga. Laws 1973, p. 1301, as amended; O.C.G.A. 35-3-33, effective November 1, 1982). It defines a "career criminal" as any person who has been previously convicted three times under the laws of Georgia, of felonies, or under the laws of any other states or the United States, of crimes which would be felonies if committed in Georgia. It also provides an additional function for the Georgia Crime Information Center - to obtain and maintain identifying data on persons who are or become career criminals. Effective April 13, 1982.

H.B. 1284 should, if coupled with other investigative and prosecutorial resources aimed at the apprehension and prosecution of career criminals, serve to facilitate the conviction and incarceration of career criminals.

H.B. 1284 responds to a recommendation of the Criminal Justice Coordinating Council. It is meant to clearly "flag" and identify career criminal records so that they may be targeted for prosecution and receive maximum penalties provided for by law. It represents an initial, necessary step in concentrating criminal justice system resources on career criminals.

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H.B. 1285 - CRIME INVESTIGATIONS: CHILDREN: FINGERPRINTS - ACT 1272

H.B. 1285 amends Ga. Code Ann. 24A-3503 (Ga. Laws 1971, p. 709; Ga. Laws 1973, p. 882; O.C.G.A. 15-11-60, effective November 1, 1982). It provides that in investigating the commission of the crimes of murder, voluntary manslaughter, involuntary manslaughter, rape, robbery, armed robbery, aggravated assault, aggravated battery, burglary and motor vehicle theft, fingerprints of a child 15 or more years of age, who is referred to the juvenile court, shall be taken and filed by law enforcement officers. It provides that relative to investigation of these same crimes, fingerprints of a child 13 or 14 years of age, who is referred to the juvenile court, may be taken and filed by law enforcement officers. Prior law provided only for permissive ("may") fingerprinting of children 13 years or older who were suspects in investigations of the aforementioned crimes. Effective April 13, 1982.

H.B. 1285 should serve to reduce confusion among law enforcement personnel as to which juvenile suspects to fingerprint in criminal investigations. More significantly, it should aid investigative

personnel in resolving serious crimes which hinge on the availability of physical evidence for identification and prosecution of offenders. It will assure that basic investigative techniques can be applied to some serious juvenile crimes.

H.B. 1285 responds to a recommendation of the Criminal Justice Coordinating Council to mandate fingerprinting of all juvenile suspects in serious felonies who were 13 or more years of age. It, however, is a compromise version addressing suspects who are 15 or more years of age. It more broadly responds to a move to treat serious juvenile criminals as adults.

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H.B. 1290 - CRIMINAL PROCEDURE: PLEA OF INSANITY: TIME OF COMMISSION - ACT 1439

H.B. 1290 amends Ga. Code Ann. 27-1503 (Ga. Laws 1977, p. 1293; O.C.G.A. 17-7-131, effective November 1, 1982). It provides for a new plea or finding of "guilty but mentally ill," applicable only to felony cases. It defines "mentally ill" as having a disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality or ability to cope with the ordinary demands of life or having a state of significantly sub-average general intellectual functioning existing concurrently with defects of adaptive behavior, which originates in the developmental period. It reenacts previous law concerning insanity and incompetency, including the finding of "not guilty by reason of insanity," and technical procedures relative to such a verdict. It provides that if a defendant pleads or is found "guilty but mentally ill" for a felony offense, the court shall sentence him in the same manner as a defendant found guilty of the offense. It provides that if committed to an appropriate penal facility, he shall be further evaluated and treated (within the limits of State funds appropriated therefor) in such a manner as is psychiatrically indicated for his mental illness. It provides that treatment may be provided by the penal facility or the Department of Human Resources after transfer pursuant to procedures set forth in the regulations of the Department of Offender Rehabilitation and the Department of Human Resources. It provides that if such defendant is placed on probation, the court may require him to undergo available outpatient medical or psychiatric treatment or seek similar available voluntary inpatient treatment as a condition of probation, and that persons required to receive such services may be charged fees by the provider of the services. Effective July 1, 1982.

H.B. 1290 should serve to minimize abuses or misuses of the "not guilty by reason of insanity plea." Although it does not alter significantly this

plea/finding, it adds the guilty but mentally ill plea/finding which should limit, ultimately, "improper" uses of the not guilty by reason of insanity plea/finding. In a broader sense, it should contribute to efficient judicial administration and restoration of public confidence in the criminal justice system by providing for incarceration of dangerous criminals who may have been able to avoid imprisonment under the previous law. It may contribute to a slight increase in State prison populations.

H.B. 1290 responds to the belief that some "borderline" criminal cases resulted in a finding of not guilty by reason of insanity, and the resultant administrative handling by the Department of Human Resources, rather than incarceration. By providing a fourth alternative, the guilty but mentally ill finding, some will be incarcerated for the length of the sentence in a penal institution under the control of the Department of Offender Rehabilitation. This legislation was supported by both the Department of Human Resources and by prosecuting attorneys.

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H.B. 1293 - SUPERIOR COURT JUDGES: SECRETARIES: COMPENSATION - ACT 1440

H.B. 1293 amends Ga. Laws 1957, p. 273, as amended by Ga. Laws 1975, p. 1506 and Ga. Laws 1977, p. 668 (O.C.G.A. 15-6-25; 15-18-17; effective November 1, 1982). It essentially permits salary increases for Superior Court Judges and district attorneys' secretaries. It retains the basic conditions of and procedures for employment which existed in previous law. It increases the base annual salary for each secretary to $12,192 and continues to provide for additional increases consistent with across-the-board increases for members of the classified service of the State Merit System for judges' secretaries and, for the first time, extends this provision to district attorneys' secretaries. It provides that the judge or district attorney may, not more than once a year and on not more than five occasions, grant each secretary a merit increase of 5% of the secretary's previous year salary. It provides that any new secretary's initial salary shall be the base salary plus any cost-of-living increases granted on or after July 1, 1983. For district attorneys' secretaries, it provides that the salary of any secretary employed before July 1, 1982, shall not be reduced if it exceeds the base salary. Effective July 1, 1982.

H.B. 1293 should result in judges and district attorneys being better equipped to recruit, select and retain secretaries with a higher degree

of competence, efficiency and expertise based upon their ability to pay salaries more commensurate with those paid by private legal corporations. It will increase the amount of State funds necessary to be appropriated for the operation of the Superior Courts.

H.B. 1293 responds to the desire of Superior Court Judges and district attorneys to hire and retain competent secretaries and provide them salaries and benefits commensurate with their experience and ability, and the work they perform. Previous salary levels were exceptionally low when compared to those paid by private industry, and for secretaries employed by other State agencies.

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H.B. 1299 - POST-MORTEM EXAM ACT: TEST FOR INTOXICANTS - ACT 1291

H.B. 1299 amends Ga. Code Ann. 21-227 (Ga. Laws 1974, p. 561; O.C.G.A. 45-16-46, effective November 1, 1982). It relates to persons who are admitted to hospitals or morgues as a result of any casualty and are for any reason whatsoever unable to give their consent to the taking of a blood sample from them for analytical purposes. It provides that the peace officer in charge of investigating circumstances surrounding the casualty may, in addition to notifying a medical examiner to draw blood to test for the presence of intoxicants, request any licensed physician, registered nurse, or medical laboratory technician who draws blood from patients as a regular duty, to draw blood to later be tested for the presence of intoxicants. It further provides that no civil or criminal liability shall be incurred by the persons so requested, when the peace officer's request is in writing. Effective April 13, 1982.

H.B. 1299 should serve to relieve unnecessary burdens on medical examiners and result in a more expeditious, convenient method of obtaining blood samples to test for intoxicants from casualty victims. It, therefore, should insure maximum validity/accuracy of such blood samples and contribute to their ability to provide evidence to determine causes of serious accidents.

H.B. 1299 responds to delays experienced in obtaining blood samples from accident victims, when medical examiners are not readily available. This delay factor has been more apparent in smaller medical facilities and has constituted a substantial problem since blood samples to determine alcohol content should be drawn as soon as possible following the admission of accident victims.

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H.B. 1323 - DELINQUENCY OF A MINOR - CONTRIBUTING TO - ACT 1295

H.B. 1323 amends Official Code of Georgia Ann. 16-2-1 (Ga. Laws, 1953, Nov.-Dec. Sess., p. 321, as amended). It redefines the offense of contributing to the delinquency of a minor, clarifies vagueness in previous law and provides increased graduated penalties for multiple violators of its provisions. It establishes that a person commits the offense of contributing to the delinquency, unruliness, or deprivation of a minor when: (1) he knowingly and willfully encourages, causes, abets, connives, or aids a minor in committing a delinquent act; (2) he knowingly and willfully encourages, causes, abets, connives, or aids a minor in committing an act which would cause the minor to be found to be an unruly child; or (3) he willfully commits an act or acts or willfully fails to act when such act or omission would cause a minor to be found to be a deprived child. It further provides that it shall not be a defense to the offense provided in the code section that the minor has not been formally adjudged to have committed a delinquent act or has not been found to be unruly or deprived. It provides that a person convicted of the offense of contributing to the delinquency, unruliness, or deprivation of a minor shall be punished as follows: (1) first offense, guilty of a misdemeanor, fined not less than $200 nor more than $500, or imprisoned for not less than one month nor more than five months, or both fined and imprisoned; (2) second offense, guilty of a misdemeanor and fined not less than $400 nor more than $1,000, or imprisoned for not less than three months nor more than one year, or both fined and imprisoned; and (3) third or subsequent offense, guilty of a felony, and fined not less than $1,000 nor more than $5,000, or imprisoned for not less than one year nor more than three years, or both fined and imprisoned. Effective November 1, 1982.

H.B. 1323 follows federal guidelines requiring separate punishment for contributing to unruly as opposed to contributing to delinquent acts. It makes a distinction between encouraging by action or encouraging by inaction. It should deter parents/guardians from contributing to truancy, runaway, and other unruly acts, while minimizing their children's potential for entrance into the penal system.

H.B. 1323 was supported by the Department of Human Resources, Division of Youth Services, to ensure compliance with federal guidelines and directives concerning unruly vs. delinquent acts and treatment. It has the potential for assisting in obtaining parental cooperation, while minimizing the adjudication process and consequent stigma for the child.

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H.B. 1328 - SUPERIOR COURTS: CONTEMPT: PUNISHMENT - ACT 1297

H.B. 1328 amends Ga. Code Ann. 24-2615 (Ga. Laws, Acts 1868, p. 131; O.C.G.A. 15-6-8, effective November 1, 1982). It raises the maximum fine for punishment for contempt of court in Superior Courts from $200 to $500. The maximum imprisonment penalty for contempt, of 20 days, remains unchanged. Effective April 13, 1982.

H.B. 1328 may discourage the commission of the offense of contempt of court, through imposition of a higher fine. It may also result in slightly increased incarceration in local jails for the offense, as some offenders may not be able to pay the higher fee.

H.B. 1328 responds to the effect of inflation, in that the previous fine of $200 was reasonably low, and probably had little deterrent effect in some cases of contempt. The higher fine authorized reflects increased costs and the effects of inflation.

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H.B. 1335 - PRISON & JAIL OVERCROWDING: RELEASE OF INMATES - ACT 1428

H.B. 1335 enacts a new law. It adds a new Code Section (42-9-60) to the Official Code of Georgia Annotated, effective November 1, 1982. It essentially authorizes the Governor and the State Board of Pardons and Paroles to remedy emergency conditions relative to overcrowding of the State prison system. It provides specific recognition of the following: (1) the number of persons sentenced to serve time in the State prison system has increased greatly in recent years; (2) there is a limit to the present capacity of the State prison system; (3) because of the limited capacity of the State prison system, there is a crisis in overcrowding of local jails due to the backlog of convicted persons awaiting transfer to the State prison system; (4) given the delay in time required to construct new State prison facilities to increase capacity, new construction would cause little present relief of the overcrowding crisis in local jails; (5) if alternatives to incarceration are adequately developed and utilized, there is uncertainty as to the future needs for additional capacity in the State prison system; (6) if present State capacity may be better utilized to relieve the overcrowding crisis in local jails, there is uncertainty as to the necessity for local governments to build additional jail space at their own expense to relieve the crisis; and (7) during a declared emergency, the release of State prison inmates not otherwise eligible for release on parole may be necessary to alleviate overcrowding.

It defines population as the number of inmates present in correctional institutions of the State prison system, not including State inmates assigned to county operated correctional institutions. It defines capacity as the actual bed space in the State prison system now or in the future, as certified by the Commissioner of the Department of Offender Rehabilitation (DOR) and approved by the Director of the Office of Planning and Budget (OPB). It defines dangerous offender as a State prison inmate who is imprisoned for conviction of any of the following crimes: murder, voluntary manslaughter, kidnapping, armed robbery, rape, aircraft hijacking, aggravated sodomy, aggravated battery, aggravated assault, incest, child molestation, child abuse, enticing a child for indecent purposes or any felony punishable under Code Section 79A-811 relating to prohibited acts regarding marijuana and controlled substances. (Note - effective November 1, 1982, this crime is replaced with "any felony punishable under Code Section 16-13-31 relating to prohibited acts regarding marijuana, cocaine and illegal drugs" in language defining a dangerous offender for the purposes of H.B. 1335.) It also defines dangerous offender as an inmate who is incarcerated for a second or subsequent time for the commission of a crime for which the inmate could have been sentenced to life imprisonment.

It provides that when the Commissioner of DOR certifies and the Director of OPB approves that the population of the State prison system has exceeded capacity for 30 consecutive days, the Governor, upon receipt of such certification, may declare a state of emergency relative to jail and prison overcrowding. It provides that upon such declaration, the State Board of Pardons and Paroles shall select sufficient State prison inmates to reduce the population of the State prison system to 100 percent of its capacity and issue such selected inmates a parole. It further provides that no dangerous offender may be eligible for selection for such paroles and that the selection of inmates for such paroles may be made without regard to statutory limitations placed on the service of a portion of the prison sentence by Ga. Laws 1943, p. 185, as amended (O.C.G.A. 42-9-45). It requires the Director of OPB to prepare an annual report on prison inmates paroled pursuant to its provisions. It specifies that the report shall summarize each inmate's behavior since parole so as to evaluate his success or lack of success in becoming a law-abiding member of society and that the report shall be filed with the Clerk of the House and the Secretary of the Senate on or before December 31 of each year that paroles are made pursuant to H.B. 1335. Effective April 14, 1982.

H.B. 1335 will allow the State to parole (release) non-dangerous offenders before the expiration of their sentence through a highly regulated process when and only when State prisons exceed capacity

and the Governor declares that an emergency overcrowding situation exists. It should prevent mass release actions by authorities outside of State government and eliminate the possibility of any unplanned mass release actions by any entity. It should serve to limit intervention into the operation of State and local correctional facilities by the federal courts. It should serve to reduce overcrowding in local and State correctional facilities, if its provisions are "triggered." Consequently, it should minimize the eruption of many problems related to overcrowding. If its provisions are "triggered," it could undermine public confidence in the State's criminal justice system.

H.B. 1335 is an Administration Bill. It responds to a recommendation of a short-term committee on overcrowding consisting of four county sheriffs and four county commissioners appointed by the Governor. It is a product of deliberation and compromise among sheriffs, county commissioners, Superior Court Judges, OPB, the Criminal Justice Coordinating Council, DOR, the State Board of Pardons and Paroles and the General Assembly. It is similar to a statutory emergency release mechanism used in the State of Michigan. It is a companion bill to H.B. 1337.

H.B. 1335 - Additional Background

For the past decade, local jail and State prison populations have frequently been equal to or exceeded capacity. In turn, when State facilities have been overloaded, State prisoners have been "backlogged" in local jails and thereby exacerbated already crowded conditions in local jails. In early 1982, nearly 3,000 State prisoners were "backlogged" in local jails.

Given these conditions, in order to reduce overcrowding and provide space to imprison incoming prisoners, over the past decade, the Parole Board has exercised its powers and engaged, on a relatively frequent basis, in early mass release or commutation actions. Generally, these actions (particularly in the past five years) have been preceded by careful study in order to maximize public safety. However, release actions have also been taken without the benefit of time (i.e., due to system pressures) for careful study. Absent H.B. 1335, the potential remained for such dangerous release actions to be forced to occur in the future by system pressures.

The State Board of Pardons and Paroles stated a substantial reluctance, if not a total opposition, to engaging in any further early mass release or commutation actions absent agreement among criminal justice system leaders on a release mechanism which was statutorily enacted to regulate such releases. H.B. 1335's presence and potentially, its use, appear to be

necessary in Georgia unless jail and prison populations take a sudden and drastic downturn or a decision is made to maintain a policy of increased overload populations in State and local correctional facilities, which avoids the objections and interventions of the federal judiciary, which traditionally accompany such policies.

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H.B. 1336 - PRISONS: MEDICAL COSTS: RESPONSIBILITY - ACT 1429

H.B. 1336 amends Ga. Code Ann. 77-309 (Ga. Laws 1956, p. 161, as amended, O.C.G.A. 42-5-2, effective November 1, 1982). It requires the Department of Offender Rehabilitation (DOR) to pay the cost of any reasonable and necessary emergency medical and hospital care, and the cost of follow-up medical or hospital care related to the initial emergency care and treatment which is provided to any inmate who is incarcerated in a local jail, if DOR has received commitment documents sentencing said inmate to DOR's custody. It, however, requires local governments to pay such costs if custody of an inmate has been transferred from DOR to a local jail pursuant to any order of any court in Georgia. It authorizes DOR to promulgate rules and regulations relative to the payment of the aforementioned costs. Effective April 1, 1982.

H.B. 1336 will relieve county governments from the unnecessary and improperly placed financial burden of having to pay emergency medical costs for State prisoners who are housed in county jails. It will require some increase in State fund appropriations to DOR. Its precise financial impact is unknown.

H.B. 1336 is an Administration Bill. It responds to a recommendation of the Governor's Short-Term Committee on Jail/Prison Overcrowding.

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H.B. 1337 - PRISONERS: LOCAL FACILITIES: CONFINEMENT DURING APPEAL - ACT 1430

H.B. 1337 amends Official Code of Georgia Ann. 42-5-50 and 42-5-51 (Ga. Laws 1956, p. 161, as amended). It provides that when a person is convicted of violating the criminal laws of Georgia and is sentenced to the custody of the Department of Offender Rehabilitation (DOR),

the clerk of the sentencing court shall, upon imposition of the sentence, forward notification of the sentence and other related documents to the Commissioner of DOR. It provides that within 15 days after receipt of such notification and related documents, the Commissioner of DOR shall assign the convicted person to a State or county correctional institution and transfer him from the county jail to the assigned place of confinement or reimburse the county no less than $7.50 per day per inmate for the cost of incarceration. Its reimbursement provisions apply only to felony inmates, except they do not apply to inmates under death sentence awaiting transfer after their initial trial, or to inmates imprisoned in DOR's custody at the time they were returned to the county jail for trial on additional charges, a new trial or other purposes. It provides that if the attorney for a convicted person files a written request with the court which sets forth that the presence of such person is required in the county jail, in order to properly prepare the appeal of his conviction, such person shall not be transferred to the custody of DOR and shall remain in the county jail until all appeals of his conviction are disposed of or until his attorney files an affidavit stating that his presence in the county jail is no longer required. It specifically requires DOR to reimburse counties who incarcerate State inmates "on appeal," no less than $7.50 per day per inmate for each day he remains in a county jail after DOR receives his sentencing documents. It provides that sentencing documents for convicted persons who are free on appeal bond shall not be transmitted to DOR until all appeals have been disposed or the appeal bond is revoked. It deletes a series of provisions in previous law which related to the transfer of convicted State inmates pending appeal from county jails to the custody of DOR. Effective January 1, 1983.

H.B. 1337 should accelerate the transfer of State prisoners from county jails to State correctional institutions. It should serve to reduce overcrowding in county jails. It ultimately should reduce the absolute number of State prisoners who are "backlogged" in county jails, as well as the length of time that State prisoners remain in county jails. It will provide county governments with increased compensation from the State for maintaining any State prisoners for inordinate time periods. It may require an increase in State fund appropriations to DOR to fully finance reimbursements to county governments as prescribed. It will do little, if anything, to remove convicted State prisoners "on appeal" from county jails. It will, however, for the first time assure that counties receive some State fund reimbursement for convicted State prisoners "on appeal" who remain in county jails. It ultimately should relieve or substantially reduce a burden that is improperly placed on county governments - the responsibility of incarcerating convicted State prisoners.

H.B. 1337 is an Administration Bill. It responds to recommendations of the Governor's Short-Term Committee on Jail/Prison Overcrowding. It is a product of deliberation and compromise among sheriffs, county commissioners, Superior Court judges, DOR, the Office of Planning and Budget, the State Board of Pardons and Paroles, the Criminal Justice Coordinating Council and the General Assembly. It responds most specifically to the following factors: (1) in late 1981 and 1982, the number of convicted State prisoners remaining in county jails after DOR received their sentencing documents, varied from 1500 to 3000; (2) an additional 600 to 700 convicted State prisoners "on appeal" are also incarcerated in county jails; (3) several counties "board out" prisoners to other jurisdictions at costs ranging from $15 to $35 a day; (4) county jails are severely overcrowded and nearly 50 county jails are involved in litigation related to overcrowding; and (5) the State generally realizes a cost savings by allowing its prisoners to remain in county jails, instead of transferring them to State facilities. H.B. 1337 was not passed in its original version - it was passed in a compromise version. It will not fully correct all of the conditions it was originally intended to correct. It does have the potential to correct these conditions or drastically reduce their impact by January 1, 1983. Its provisions were designed to be "phased in" and the "jail backlog" gradually reduced through implementation of its provisions during Calendar Year 1982. It did reduce the amount of time (from 30 to 15 days) which DOR has to transfer State prisoners to State facilities after DOR receives sentencing documents. It did increase (from $5 per day to $7.50 per day, given appropriations) the amount of per diem to be paid to counties housing convicted State prisoners after the aforementioned time period elapses. It is a companion bill to H.B. 1335.

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H.B. 1345 - SHERIFFS: CHARGES AGAINST: INVESTIGATIONS - ACT 856

H.B. 1345 amends Official Code of Georgia Ann. 15-16-26 (Ga. Laws 1968, p. 1248). It changes provisions relative to the investigation of charges against sheriffs. It specifies that the Governor's determination that an investigation of a sheriff is necessary shall be as a result of criminal charges, alleged misconduct in office, or alleged incapacity of a sheriff to perform the functions of office, rather than as a result of "any charges." It provides that, if the appointed investigating committee (2 sheriffs and the State Attorney General) recommends suspension of a sheriff, the Governor may suspend

him for 60 days, may extend that period for 30 more days and may request the district attorney of the county of the sheriff's residence to bring a removal petition against him based upon the evidence reported by the investigating committee. It provides that the Governor may request additional investigation by a special committee he appoints, as well as by the original committee, the Georgia Bureau of Investigation (GBI) or any State or local law enforcement agency. It provides that the chief judge of the Superior Court of the county of the sheriff's residence shall appoint a person statutorily qualified to assume the duties and responsibilities of the office of sheriff during any period of suspension. It requires the district attorney of the county of the sheriff's residence to bring a removal petition against any sheriff convicted of a felony immediately upon conviction. It requires that a vacancy immediately be declared in any sheriff's office if he does not appeal any felony conviction against him. If a sheriff appeals a felony conviction, it requires the chief judge of the Superior Court of the county of the sheriff's residence to appoint an appropriately qualified person to serve as sheriff on a temporary basis until all such appeals are exhausted or the sheriff's term of office expires. It requires the probate court to declare a vacancy in the sheriff's office to be filled, as provided by law, if a sheriff's felony conviction is upheld after all appeals are exhausted. It provides that any sheriff removed from office relative to a felony conviction, who later has such conviction reversed, nullified or set aside, shall be reinstated in office automatically for any remainder of time on his unexpired term. Effective November 1, 1982.

H.B. 1345 should serve to protect the integrity and honor of the office of sheriff in the State of Georgia by providing a comprehensive mechanism to deal with sheriffs charged with or convicted of criminal activities. It should prevent any unnecessary delays or breaks in continuity of law enforcement in counties where sheriffs are charged with criminal activity and result in the swift and permanent removal of any sheriffs convicted of felonious criminal activity.

H.B. 1345 is an apparent response to the recent criminal activity of several sheriffs in Georgia. It is reflective of the Georgia Sheriffs' Association's efforts to take swift, effective corrective action to deal with circumstances surrounding the charging and/or conviction of sheriffs for criminal actions. It, in a broader sense, responds to corruption of law enforcement officials associated with large-scale illegal drug trafficking.

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H.B. 1348 - PROBATION ACT: SPECIAL ALTERNATIVE INCARCERATION - ACT 1352

H.B. 1348 amends Ga. Code Ann. 27-2702 (Ga. Laws 1956, p. 27 as amended; O.C.G.A. 42-8-35.1, effective November 1, 1982). It provides that the trial judge may provide that, as a condition of probation, certain probationers (those sentenced to one to five years on probation) must complete satisfactorily a program of incarceration in a "special alternative incarceration" unit (shock incarceration) provided by the Department of Offender Rehabilitation (DOR). It provides for procedures for processing and transporting such offenders, stipulates that such period of confinement shall be for 180 days, requires that probationers assigned to the program be capable of strenuous physical activity, and that the probationer shall be entitled to earned time credit while incarcerated. It limits use of this special alternative incarceration to individuals not less than 17 years of age, nor more than 25 years of age at the time of sentencing. It requires DOR to certify to the trial court, at least five days prior to the individual's expected release, whether he has satisfactorily completed this condition of probation. It provides that an unsatisfactory report shall constitute grounds for revocation of probation. Effective July 1, 1982.

H.B. 1348 ultimately should serve to deter young adult offenders from engaging in criminal activity. It provides sentencing judges with an additional sentencing alternative between "street" probation and long-term imprisonment. It should not compound prison overcrowding since assignments to this program require the approval of DOR and because a special unit is being constructed for this program at the Dodge Correctional Institution.

H.B. 1348 responds to the combined efforts of DOR administrators and legislators, to establish a program of "shock incarceration" involving strenuous physical labor for young adult offenders. It further responds to the requests of Superior Court judges for a broader range of sentencing alternatives than those that have been available in the past.

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H.B. 1349 - CONTROLLED SUBSTANCES: COUNTERFEIT SUBSTANCES - ACT 1554

H.B. 1349 amends Official Code of Georgia Ann. 16-13-21 and 16-13-30 (Ga. Laws 1978, p. 2199). It defines counterfeit substances as: (1) a controlled substance which, without authorization, bears the trademark, etc. of a manufacturer other than the person who, in fact, manufactured the controlled substance; (2) a controlled or noncontrolled

substance held out to be a controlled substance or marijuana, whether in a container or not, which does not bear a label accurately identifying the substance contained therein; or (3) any substance, whether in a container or not, which bears a label falsely identifying the contents as a controlled substance. It defines noncontrolled substance as any substance other than a controlled substance. It makes it unlawful for any person to manufacture, deliver, distribute, dispense, possess with intent to distribute, or sell a noncontrolled substance if such person, expressly or by implication, represents it to: (1) be a narcotic or non-narcotic controlled substance; (2) be of such nature that the recipient of delivery would be able to distribute it as a controlled substance; or (3) have the same pharmacological action as a controlled substance. It provides that an implied representation may be shown by proving any two of the following: (1) the manufacture, delivery, etc. included an exchange of value as consideration for delivery of the substance which substantially exceeded the reasonable value of the noncontrolled substance; (2) the physical appearance of the finished product containing the substance is substantially identical to a specific controlled substance; or (3) the finished product bears an identifying mark, etc. substantially identical to the trademark, etc. of a manufacturer licensed by the U. S. Food and Drug Administration. It provides that in any prosecution for unlawful manufacture, etc. of a noncontrolled substance, it is no defense that the accused believed the noncontrolled substance to be a controlled substance. It does not prohibit duly licensed businesses from dispensing drugs not bearing a label stating that the drug preparation requires a prescription. It provides that the unlawful manufacture, etc. of noncontrolled substances is a felony, punishable upon conviction by not less than one year nor more than 10 years imprisonment or by a maximum fine of $25,000 or both. It provides that all property used to facilitate, or property derived from a violation of its provisions is contraband and subject to forfeiture. It provides a severability clause. Effective November 1, 1982.

H.B. 1349 will provide the criminal justice system with a legal basis to proceed against distributors, etc. of "counterfeit" substances which they purport to be controlled substances. It should have a significant reductive impact on the counterfeit drug market in Georgia, which is correlated with Georgia's illegal drug market.

H.B. 1349 responds to testimony before the General Assembly's Joint Committee on Drug and Narcotic Abuse in which dealing in counterfeit drugs was outlined in detail, i.e., sale of caffeine as a controlled substance. It was supported by the Georgia Bureau of Investigation (GBI) and local law enforcement agencies. It reflects generally the involvement and correlation of "counterfeit dealers" with illegal drug traffickers and the large amounts of illegal capital which they generate to sustain illegal trafficking and use.

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H.B. 1358 - LAW ENFORCEMENT OFFICERS: COURT ATTENDANCE: COMPENSATION - ACT 1301

H.B. 1358 amends Ga. Code Ann. 38-801 (Ga. Laws 1966, p. 502 as amended by Ga. Laws 1980, p. 439; O.C.G.A. 24-10-27, effective November 1, 1982). It provides for an increase in per diem for law enforcement officers who are subpoened to attend any court proceeding during any hours except the regular duty hours to which the officer is assigned. It provides that the officer shall be paid for such attendance at a rate fixed by the court, but not less than the per diem paid grand jurors in the preceding term of the Superior Court of the county, or $20.00 per diem, whichever is greater. Effective July 1, 1982.

H.B. 1358 should assure that Georgia peace officers are more adequately compensated for their attendance to testify at proceedings of Georgia's courts when they are not on duty. It will assist in encouraging their willing participation in matters requiring their oral testimony, and thereby have an overall positive impact on the administration of justice in Georgia. It will impact county budgets from which such fees are paid.

H.B. 1358 generally responds to increased inflationary pressures and specifically to inadequate compensation of peace officers who must give up their "free time" to testify in court proceedings.

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H.B. 1359 - ROCKDALE JUDICIAL CIRCUIT: CREATE - ACT 865

H.B. 1359 enacts and provides for repeal of a new law. It also amends Official Code of Georgia Ann. 15-6. It creates a new judicial circuit of the Superior Courts, to be known as Rockdale Judicial Circuit, as of January 1, 1983. It removes Rockdale County from the Stone Mountain Judicial Circuit. It provides for one judge and one district attorney for the Rockdale Circuit to be elected for a term of four years at the 1982 general election. It provides that all proceedings and litigations, etc. pending in the Superior Court of Rockdale County, when it was a part of the Stone Mountain Judicial Circuit, shall be transferred to the Rockdale Judicial Circuit on January 1, 1983. Effective March 24, 1982.

H.B. 1359 should result in the insurance of timely processing of present and future caseloads, minimize judicial travel, and insure the continued availability of a Superior Court Judge for Rockdale County. Under the

former Stone Mountain Judicial Circuit (consisting of DeKalb and Rockdale Counties), the caseload and use of judicial time have been increasing steadily, resulting in excessive judicial travel in order to handle both counties. By removing Rockdale County, the caseload ratio should decrease to a reasonable level. It should also facilitate the establishment of an individual calendaring system for DeKalb County, and lead to greater efficiency in case management. Costs for implementation will be approximately $153,000 to $173,000 in State funds. It may also result in some additional costs to Rockdale County related to salary supplements, fringe benefits, office space, and supplies. It will increase the number of judicial circuits of the Superior Courts of Georgia to 44, and contribute to decentralization of Georgia's Superior Courts.

H.B. 1359 is the result of recommendations of the Judicial Council of Georgia's A Report on the Need to Create a New Judicial Circuit for Rockdale County. These recommendations are based on empirical analyses of caseload statistics in all judicial circuits.

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H.B. 1365 - SUPPLEMENTAL APPROPRIATION: EXTRA SESSION: GBI BUILDING: REPEAL - ACT 843

H.B. 1365 repeals an Act which provided an appropriation to the Georgia Department of Administrative Services for Fiscal Year 1982 (Ga. Laws 1981, Ex. Sess., p. 10) to fund the construction of a new headquarters building for the Georgia Bureau of Investigation (GBI) to house its administrative, investigative, and forensic science divisions and its crime information center. It provides that all monies drawn from the State treasury relative to this Act's authority must be remitted within 72 hours of H.B. 1365's effective date. Effective February 26, 1982.

H.B. 1365 allowed an appropriation of $16,500,000 for construction of the GBI building to be replaced with funds generated by the sale of General Obligation Bonds by the State of Georgia. It does not otherwise affect funding of the GBI building. It merely facilitates a different form of funding for the building.

H.B. 1365 merely made a different use of cash available to the State. Cash not appropriated for the GBI building was made available for other purposes in the FY 1982 Appropriations Act. Issuance/sale of the G. O. Bonds provided the funds for construction of the GBI building.

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H.B. 1384 - SHERIFFS' BONDS: INTEREST BEARING ACCOUNTS - ACT 1306

H.B. 1384 amends Ga. Code Ann. Chapter 24-28 to create a new code section 24-2813.1 (O.C.G.A. 15-16-27, effective November 1, 1982). It provides that a sheriff of any county with a population of 400,000 or more, according to the decennial census of 1980 or any future decennial census, may deposit cash bonds and cash reserves of professional bondsmen which he holds in one or more financial institutions designated as county depositories. It provides interest earned on any such account shall periodically be transferred from the depository into the general fund of the county treasury. It provides that proceeds may be used for any purpose for which general county funds may be used lawfully. Effective July 1, 1982.

H.B. 1384 should provide larger, metropolitan counties and, potentially, their sheriffs' departments, with increased operating funds generated by interest on cash bonds and cash reserves of professional bondsmen. It could also create conflicts of interest between professional bondsmen and county governments.

H.B. 1384 responds to the concerns of at least one large metropolitan county's (DeKalb's) sheriff that bond funds being held by the county could earn interest which could be used to support county operations and somewhat lessen financial burdens on county taxpayers.

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H.B. 1389 - USED CAR DEALERS: BOARD OF REGISTRATION: CONTINUE - ACT 1239

H.B. 1389 amends Ga. Code Ann. 84-3904 (Ga. Laws 1958, p. 55; O.C.G.A. 43-47-16, effective November 1, 1982). It extends the existence of the State Board of Registration of Used Car Dealers from the previous expiration date of July 1, 1982, to July 1, 1988. Effective April 13, 1982.

H.B. 1389 removes the "sunset" provisions of the State Board of Registration of Used Car Dealers, which regulates the used vehicle business in Georgia, and extends its existence to July 1, 1988, a period of six years. Relative to law enforcement and criminal justice, the continuation of the Board should serve to limit the operations of used vehicle dealers in Georgia who receive vehicles for sale from vehicle theft rings. Consequently, it may have some indirect, reductive impact on motor vehicle theft by limiting "legitimate" markets for stolen vehicles.

H.B. 1389 responds to the need to adjust the "sunset" date of the regulatory board. It does not alter the functions of the existing board; rather, it continues the board and its regulatory authorities for a period of six years.

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H.B. 1403 - COUNTY LAW LIBRARY: USE FOR FUNDS - ACT 1354

H.B. 1403 amends Official Code of Georgia Ann. 36-15-7 and Section 36-15-9 (Ga. Laws 1971, p. 180, as amended). It provides that in the event the Board of Trustees of a county law library determines, in their discretion, that there exists excess funds in the county law library fund, those funds shall be turned over to the county commissioners and shall be used by them for the purchase of fixtures and furnishings for the courthouse. Effective November 1, 1982.

H.B. 1403 removes a restriction that the money paid into the county law library fund be used solely for the purchase of law books, reports, texts, periodicals, supplies, desks and equipment for the operation of the law library. It authorizes, when it is determined that excess funds exist, after satisfying the aforementioned needs, that excess funds can be used by the county for fixtures and furnishings for the courthouse. It should result in counties which have excess funds in the library fund, being able to pay for needed furnishings and minor renovations of their courthouses from these, rather than other county funds.

H.B. 1403 responds to the request of county commissioners, and of several County Law Library Boards of Trustee, to use excess funds effectively, rather than maintaining those funds in a bank after satisfying the county law library needs. It frees up otherwise unavailable funds for a very appropriate use.

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H.B. 1435 - DANGEROUS DRUGS: AMEND LIST - ACT 1560

H.B. 1435 amends Ga. Code Ann., Title 79A (Ga. Laws 1967, p. 296, et seq, as amended; O.C.G.A. Titles 16-13 and 26-4, effective November 1, 1982). It amends the list of dangerous drugs, amends certain exemptions from the list of dangerous drugs, amends the list of controlled substances and provides certain procedural changes pertaining to prescriptions and the licensing of pharmacists. It further provides that all written prescriptions for dangerous drugs shall be dated as of, and be signed on, the date

when issued and shall bear the full name and address of the patient, complete directions for administration, and the number of permitted refills. It further provides that the prescribing practitioner shall be responsible if the prescription does not conform in all essential respects to State and federal laws and regulations. It provides for additional authority of the Georgia State Board of Pharmacy in regulating and/or disciplining registered pharmacists. Effective April 22, 1982.

H.B. 1435 responds to the requirement of the Georgia Drug and Narcotics Agency to report annually to the General Assembly a list of known dangerous drugs. It further increases controls on prescribing practitioners, making them personally responsible to comply with federal and State laws concerning the prescribing of dangerous drugs and should reduce violations of them. It is a necessary effort to update control lists of dangerous drugs, given the rapid proliferation of available drugs. It should provide sufficient authority to the Georgia State Board of Pharmacy to more closely regulate pharmacists who dispense those drugs.

H.B. 1435 is a continuation of past efforts to update and keep current lists of controlled substances and dangerous drugs. It is part of a comprehensive effort to control the sale and use of such substances in Georgia and to regulate dispensing pharmacists effectively. It also reflects increased medical knowledge concerning harmful effects of new drugs which continue to become available and may be subject to abuse in use or dispensing. It responds to continuing efforts to control the prescription and dispensing of dangerous drugs by physicians and pharmacists.

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H.B. 1459 - MOTOR VEHICLE: CERTIFICATE OF TITLE: REJECTED APPLICATION - ACT 848

H.B. 1459 amends Ga. Code Ann. Title 68A (Ga. Laws 1961, as amended; O.C.G.A. 40-3-29 and 40-3-35, effective November 1, 1982). It adds a provision that if the application for a first certificate of title for a motor vehicle is rejected by the Commissioner of Public Safety, the application shall be returned to the holder of the first security interest or lien named in the application, or to the owner. It further provides that anyone who rebuilds or repairs a motor vehicle whose current certificate of title is marked "salvage" shall make application for and obtain a certificate of title as a "rebuilt" vehicle prior to the sale or transfer of said vehicle.

H.B. 1459 ensures that the holder of a security interest in a motor vehicle is informed of a rejected application for title, if such application is rejected. If there is no security interest involved, the owner is notified. This ensures that those who have a financial interest in a vehicle, which is used as security for a loan, are aware that the vehicle has been rejected for a title. It also provides a procedure to change a certificate of title from that of "salvage" to "rebuilt" if the vehicle is repaired and requires the replacement of two or more major component parts, or can be repaired without such replacement. Once a certificate of title is issued bearing the word "rebuilt", any future purchaser is thereby advised that the vehicle was salvaged and rebuilt. This should provide increased protection to the public by effectively advising a purchaser of the true status of a vehicle when it is purchased and serve to limit the theft of vehicle parts and their subsequent use in rebuilt vehicles.

H.B. 1459 is a further refinement of legislation enacted during the 1981 General Assembly concerning salvage and rebuilt vehicles. This, and the previous legislation, is an outgrowth of the recommendations of the Joint Motor Vehicle Study Committee created by the 1980 General Assembly to inquire into the whole range of automobile sales, transfers, theft, rebuilding, and salvaging of parts, and was supported by the Department of Public Safety and the Georgia Bureau of Investigation. It relates to S.B. 696.

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H.B. 1490 - PEACE OFFICER STANDARDS AND TRAINING: DEFINITIONS - ACT 1561

H.B. 1490 amends Ga. Code Ann. Title 92A (Ga. Laws 1970, p. 208, as amended; O.C.G.A. 35-8-2, 35-8-3 and 35-8-14, effective November 1, 1982). It basically brings all personnel of the Department of Offender Rehabilitation (DOR), the State Board of Pardons and Paroles and the county correctional institutions, who are authorized to exercise the power of arrest, under the provisions of the Peace Officer Standards and Training (POST) Act. It includes these employees in the POST Act's definition of peace officer. It includes the aforementioned department, board and institution in the POST Act's definition of law enforcement unit. It increases the ex-officio membership of the POST Council from 15 to 18 by adding the following members: the Commissioner of DOR or his designee; the Chairman of the State Board of Pardons and Paroles or his designee; and the President of the Georgia Prison Warden's Association or his designee. It deletes statutory requirements for the Board of Offender Rehabilitation to establish a program of required training for all DOR employees and county correctional institution employees who have arrest powers. It deletes the same requirement relative to the Parole Board. Effective April 22, 1982.

H.B. 1490 should enhance recruitment, selection and retention of qualified correctional personnel in Georgia and ultimately increase public confidence in the quality of services provided by such personnel. It will contribute to the centralization and coordination of the regulation function relative to training criminal justice personnel. It will necessitate some increased staffing and related State funding for the POST Council for its full and proper implementation. It should ultimately contribute to better coordination of Georgia's criminal justice system.

H.B. 1490 responds to efforts among DOR, the Parole Board and the POST Council to develop a coordinated standards and training program for criminal justice personnel. It responds more generally to the need to better coordinate the functions of components of the criminal justice system in Georgia and improve communications among them.

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H.B. 1495 - PRECIOUS METALS OR GEMS: DEALER REGULATION: AMEND - ACT 1444

H.B. 1495 amends Ga. Laws 1981, p. 1570 (O.C.G.A. 43-37-1, 43-37-2, 43-37-4 and 43-37-6, effective November 1, 1982). It deletes the definition of "chief law enforcement officer" from the list of definitions in the law providing for regulation of certain dealers in precious metals or gems. It requires that registration as a dealer in precious metals shall be with the sheriff of the county, unless the county has a county police department, in which case registration shall be with the chief of the county police. It further defines that registration in a municipality shall be with the chief of police. It further makes technical corrections to the law to conform with these stipulations by inserting "appropriate" before the term "law enforcement officer" throughout to ensure consistency. Effective April 16, 1982.

H.B. 1495 removes confusion from the original law concerning with which law enforcement agency dealers in precious metals and gems must register. It clarifies the law, making more specific that registration shall be with the sheriff, or if there is a county police department, with the chief of the department. It leaves unchanged that in a municipality, registration shall be with the chief of police of the municipality.

H.B. 1495 responds to the need to clarify a law passed in 1981 to regulate dealers in precious metals and gems.

H.B. 1554 - HABITUAL VIOLATOR: REMOVE RECKLESS DRIVING - ACT 1250

H.B. 1554 amends Official Code of Georgia Ann. 40-5-58 (Ga. Laws, 1980, p. 691). It deletes the offense of reckless driving (Code Section 40-6-390) from the list of offenses for which any three violations would result in suspension or revocation of a driver's license. Effective November 1, 1982.

H.B. 1554 alters the penalty for reckless driving. It is currently the only offense for which a driver accumulates both points and also suspension/revocation of license for three-time repeaters. It thereby standardizes the Code into two divisions: offenses for which points are assessed against the driver's record, and offenses for which suspension/revocation of license is required, and standardizes penalties for similar types of offenses.

H.B. 1554 responds to the desire of the Department of Public Safety to remove a technical inequity in existing law. (Repeat offenders for violation of reckless driving statutes could eventually have their license suspended/revoked; however, it would be the result of the accumulation of too many points against the record, rather than a mandatory provision.)

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H.B. 1585 - WEAPONS: POSSESSION: FELONS - ACT 1374

H.B. 1585 amends Ga. Code Ann. 26-2914 (Ga. Laws 1980, p. 1509; O.C.G.A. 16-11-131, effective November 1, 1982). It provides that convicted felons who have been granted relief from legal restrictions relative to firearms pursuant to 18 U.S.C. 925, must, in addition to providing proof that such relief has been granted, establish to the satisfaction of the Board of Public Safety, based on the circumstances of the conviction and the applicant's record and reputation, that he would not present a threat to the safety of the State's citizens, prior to the Board granting authority for such felon to acquire, receive, transfer, ship, or possess a firearm within the State. Effective April 14, 1982.

H.B. 1585 should have a significant impact on the attitude of law enforcement personnel and the general public concerning the State's ability to protect its citizens from identified criminal offenders. It should make it more difficult for convicted felons to obtain firearm permits and licenses without first providing evidence of a pattern of behavior which demonstrates conformance with society's norms.

H.B. 1585 responds to the concerns of members of the Board of Public Safety that under previous law, they had to grant relief from firearms restrictions placed on convicted felons, regardless of their record or any other circumstances, upon the presentation of proof that such relief from the restriction of federal law relative to possessing firearms had been granted by the Secretary of the Treasury.

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H.B. 1636 - CRIMINAL PROCEDURE: APPEARANCE BONDS: FORFEITURE - ACT 1395

H.B. 1636 amends Official Code of Georgia Ann. 17-6-31,70,71,72,73 and 17-7-91 (Ga. Laws 1943, p. 282; 1966, p. 430; 1977, p. 1098). It provides that a surety on a bond may surrender the principal in open court, or to the sheriff if court is not in session, in order to be released from liability. It provides that if the principal does not appear by the end of the day on which the principal was bound to appear, forfeiture proceedings shall be initiated. It provides that death of the principal shall be equivalent to surrender. It provides that a bond forfeiture proceeding shall be commenced immediately upon the failure of appearance of a principal. It provides that the judge shall set a bond forfeiture hearing for no more than ninety (90) days after the failure to appear or as soon thereafter as the case may be heard and that the clerk of court shall mail notice of the hearing to the principal and to each surety at addresses given on the bond. It provides that if at the hearing it is determined that the bond should be forfeited, the judge shall so order and an execution on the order will be immediately issued. It provides that every bond given to secure the appearance of any person in any criminal proceeding shall have entered thereon the mailing addresses of the principal and each surety. It further provides that if the defendant has posted a bond or recognizance, a copy of the order setting forth the arraignment date will be provided to each surety on the bond. Effective January 1, 1983.

H.B. 1636, should it be implemented in all circuits, may simplify and streamline the current out-dated process of bond forfeiture. Under current law, the procedure can be interminable due to the requirement of court clerks to draw up forfeiture papers and the sheriff to serve the papers - the process can become very repetitive. The new law provides the court (particularly district attorneys and court clerks) a concise and quick tool to allow the forfeiture of a bond, eliminating considerable paperwork and process serving time.

H.B. 1636 responds to the request of several Superior Court Clerks to aid in the simplifying of court procedures, the saving of court time, and a reduction in the backlog of cases relative to bond forfeitures. It relates to S.B. 644.

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H.B. 1719 - CORDELE/ROME JUDICIAL CIRCUITS: NUMBER OF JUDGES - ACT 898

H.B. 1719 amends O.C.G.A. 15-6-2, relating to the number of judges of Superior Courts for each judicial circuit, to accurately reflect that the Cordele Circuit currently contains not one (1) but two (2) judges, and that the Rome Circuit contains not two (2) but three (3) judges. Effective November 1, 1982.

H.B. 1719 will allow proper dissemination of adequate numbers of reference materials, such as Georgia Reports and Georgia Appeals Reports, to all Superior Court Judges in the Cordele and Rome Judicial Circuits.

H.B. 1719 is a "housekeeping" bill. It is designed to update the Official Code of Georgia Annotated so that the Cordele and Rome Circuits Superior Court Judges may receive the correct quantity of reference materials.

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H.B. 1724 - PROBATE COURTS: POWERS AND DUTIES - ACT 1443

H.B. 1724 amends Official Code of Georgia Ann. 15-9-30 (Ga. Laws 1969, p. 505) relative to the jurisdiction of probate courts. It provides that, in addition to the jurisdiction statutorily granted to the probate courts previously, they shall have the power to carry out the following duties as assigned by specific laws: (1) performance of county governmental administration duties; (2) performance of duties relating to elections; (3) filling of vacancies in public offices by appointment; (4) administration of oaths to public officers; (5) acceptance, filing, approval and recording bonds of public officers; (6) registration and permitting of certain enterprises; (7) issuance of marriage licenses; (8) hearing of traffic cases; (9) receiving pleas of guilty and imposing sentences in cases of violation of game and fish laws; (10) holding criminal commitment hearings; and (11) performing such other judicial and ministerial functions as may be provided by law. Effective November 1, 1982.

H.B. 1724 consolidates into one Section of the Official Code of Georgia Ann. (15-9-30) the subject matter jurisdiction of the probate courts now contained in various sections of the Ga. Code Ann. to be repealed November 1, 1982. It provides one specific additional function of the probate court judge, that of holding criminal commitment hearings. By authorizing the probate court to act as a court of inquiry, this fills a gap in some rural counties where a Justice of the Peace may not be readily available.

H.B. 1724 was designed by the Judicial Article Revision Committee of the new Constitution to consolidate and group together the jurisdiction of the probate courts, rather than to spell them out in detail in the new Constitution. While this amendment did not originate with the judges of the probate courts, it has support among them, along with some opposition in that some probate court judges feel that court should not act as a court of inquiry.

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H.B. 1729 - CRIMINAL JUSTICE: PUBLIC DEFENDER: PRACTICE CRIMINAL LAW - ACT 1381

H.B. 1729 amends Ga. Code Ann. Chapter 27-32 (Ga. Laws 1968, p. 999; O.C.G.A. 17-12-7, effective November 1, 1982). It provides that if an office of public defender is established for a county, that the public defender may engage in the practice of criminal law, if approved in writing to do so by the senior judge of the Superior Court of his judicial circuit. Effective April 14, 1982.

H.B. 1729 removes the previous specific prohibition against a public defender practicing criminal law. It authorizes the senior judge of the Superior Court to make specific exception to this prohibition in writing. While it is not anticipated that many such specific exemptions will be made, there could be a conflict of interest where a public defender, paid by county funds, is also engaged in the private practice of law.

H.B. 1729 appears to be in response to a specific situation wherein the public defender, for economic reasons, desired to practice law to augment monies paid for his public defense services by the county. It may further respond to difficulty in hiring qualified persons to serve as a public defender exclusive of a private law practice, which practice can be fairly lucrative. The Prosecuting Attorneys' Council views public defenders engaged in the private practice of law as having the potential to lead to a conflict of interest.

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H.B. 1776 - JURY COMMISSIONERS: COMPENSATION - ACT 1398

H.B. 1776 amends Ga. Code Ann. 59-105 (Ga. Laws 1974, p. 388) O.C.G.A. 15-12-24, effective November 1, 1982. It increases the compensation jury commissioners receive for revising jury lists from $5 a day to $25 a day. It increases the compensation that Clerks of the Board receive from $5 a day to $25 a day. It provides that this compensation may be increased a maximum of $10 a day and it transfers the authority to provide this increase from the grand jury to county governing authorities. Effective April 14, 1982.

H.B. 1776 provides increased compensation for jury commissioners and the clerk of the board, requiring additional county funds to pay for it. The shifting of fiscal responsibility for providing additional compensation from the grand jury to the county governing authority provides counties a greater ability to exercise control over budgets through action of the governing authority, rather than independent action of the grand jury. It recognizes the impact of inflation, and while requiring additional expenditure of county funds, should result in better qualified individuals serving on the Jury Commission, or increasing their standard of efficiency and performance due to increased compensation.

H.B. 1776 responds to the recognition that compensation for jury commissioners and the Clerk of the Board was set extremely low and did not adequately compensate them for drawing up the jury list. It was supported by Clerks of the Court, Jury Commissioners, and Clerks of the Boards.

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H.B. 1783 - SUPREME COURT/COURT OF APPEALS: PUBLISHER MAINTAIN REPORTS - ACT 1261

H.B. 1783 amends Ga. Code Ann. Chapter 90-2 (Ga. Laws 1972, p. 460; O.C.G.A. 50-18-32, 50-18-35, 50-18-36, effective November 1, 1982). It relates to reports of the Supreme Court and the Court of Appeals to provide that the publisher of such reports shall, at all times during his contract, keep on hand in the capital city of the State an adequate supply of the reports such publisher has published during the contract period for sale to the citizens of the State and to the State when it so requires. It further provides that should the publisher not have in stock any report published during the contract period, the State may declare the contract breached and the publisher shall be liable to the State for a sum of money assessed by the State for each week the report is not available. It further provides that the publisher must maintain a means to reproduce any volume

published during the term of the contract, and that upon expiration of the contract, the publisher may sell all unsold copies of the reports to anyone, with the price remaining the same as fixed by the contract under which the reports were published. Effective April 13, 1982.

H.B. 1783 requires publishers of the reports of the Supreme Court and the Court of Appeals to keep sufficient copies on hand only during the term of their contract with the State. It provides a means to open bidding to other publishers who will not be required or responsible for maintaining copies of the reports published by any previous publisher. It ensures that any publisher, during the term of his contract, will have available copies of all publications or has the means to reproduce them if needed.

H.B. 1783 responds to a perceived need to open bidding for publication of the reports of the Supreme Court and Court of Appeals to other than the current publisher, providing a means for wider and more competitive bidding. It was the result of a study by the State Bar of Georgia, requested by the Supreme Court, to examine the needs for maintaining past and future reports, and to determine if there was interest in publishing such reports by more than one firm.

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H.B. 1814 - APPEALS CRIMINAL CASES: INDIGENT CLIENT - ACT 1384

H.B. 1814 amends Official Code of Georgia Ann. 5-6-4 (Ga. Laws 1965, p. 650). It provides that upon filing of a case with the Supreme Court or the Court of Appeals, that in addition to other provisions for establishing indigency, counsel for the appellant may file with the appellate brief his own affidavit that he was appointed to represent the defendant by the trial court, because of the defendant's indigency. Effective November 1, 1982.

H.B. 1814 provides the means for a lawyer for an indigent client to establish indigency before Georgia's appellant courts by filing his own affidavit, rather than obtaining a client's affadavit, should one not have previously been filed by the defendant. Previously, situations have occured where an affidavit of indigency was not available at the time of filing of the brief before the appellate court, and filing was delayed while the defendant's affidavit was obtained. This new provision should simplify and expedite the process.

H.B. 1814 responds to concerns of lawyers who represent indigents that the filing process for appellate briefs was often delayed through absence of a defendant's affidavit of indigence. It was supported by

defense lawyers who are frequently appointed by trial courts to represent indigent clients.

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H.B. 1847 - COURTS OF LIMITED JURISDICTION COMPENSATION ACT: ENACT - ACT 1488

H.B. 1847 enacts a new law entitled "Courts of Limited Jurisdiction Compensation Act of 1982" (Official Code of Georgia Ann. 15-22). It defines a court of limited jurisdiction to mean a justice of the peace court, a small claims court, or any other court in which the judge is compensated in whole or in part from fees charged and collected for the performance of the duties of the court. It defines full and parttime judges and other terms. It specifically excludes the provisions of this law from applying to any court in which the judge is compensated by the State or any political subdivision thereof on a salaried basis. It requires counties to elect a method of compensating affected judges by county resolution, either electing compensation plan A or B as provided in this Act. Such election must be made by July 1, 1982, or compensation shall be as provided in compensation plan B. Plan A provides for compensation of full and parttime judges by a reasonable salary as determined by the county governing authorities. Plan A provides that such compensated judges shall continue to collect fees as prescribed by law, but said fees shall be turned over to the county which shall pay the judges' compensation, as determined by the county government. Plan B provides for establishment of a "Courts of Limited Jurisdiction Fund" administered by a trustee appointed by the judges of the superior court. Plan B provides that affected judges shall pay all fees collected by them to the fund. Plan B provides that annual salaries will be paid to full and parttime judges from that fund, with salaries fixed by the judges of the superior court of the county. It further provides that judges of the superior courts will determine who will be full or parttime judges. The Act provides for administration of the fund, if established. It further requires that the judges of the courts of limited jurisdiction in each county will, on or before July 1, 1982, develop a written schedule which ensures that at least one judge is available 24 hours a day, seven days a week, for the purpose of issuing arrest and search warrants. It further provides the technical means for adjusting from one type of payment plan to another on the part of the county governing authority, and for determination of the required number of full and parttime judges. Effective May 1, 1982.

H.B. 1847 enacts a mechanism for compensating judges of the courts of limited jurisdiction through a salary basis, while retaining their authority to collect prescribed fees for their activities. It should reduce the

risk of the "fee collection" courts being declared illegal by the U. S. District Court in a case pending in the Northern District similar to a case in Mississippi which declared "fee collection" courts illegal. The provision for twenty-four hour availability of a judge in each county will ensure their access by law enforcement officials who need arrest and search warrants, reducing the time spent in trying to find a magistrate authorized to issue them.

H.B. 1847 was supported by the courts of limited jurisdiction, having abandoned hope for passage of H.B. 1604 which would have created a statewide magistrate system. It was further supported by the Prosecuting Attorneys' Council which was instrumental in drafting the bill. Its apparent intent is to circumvent possible Federal District Court action against the fee system, which would seriously dismantle the limited jurisdiction courts of this State. It is further supported by law enforcement officials in that the requirement to provide twenty-four hour availability of a judge for the purpose of issuing arrest and search warrants will reduce time required to locate a magistrate when one is needed.

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SENATE BILLS

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SENATE BILLS

S.B. 4 - JUVENILE COURT CODE: AMEND - ACT 1519

S.B. 4 amends Official Code of Georgia Ann. 15-11-3, 15-11-10 and 15-11-35 (Ga. Laws 1974, p. 1126; Ga. Laws 1973, p. 579). It creates a juvenile court in every county of the State. It provides that the judge or a majority of the judges of the superior court in each circuit may appoint one or more qualified persons as judge of the juvenile courts of the circuit, unless otherwise provided by a local act. It provides that each judge so appointed will have the authority to act as judge of each juvenile court in the circuit. It provides that if no juvenile judge is appointed, then the superior court judge or judges of the circuit shall assume the duties of the juvenile judge in all counties in the circuit in which a separate juvenile court judgeship has not been established. It provides that all juvenile court judgeships, their methods of compensation, selection, and operation established before July 1, 1983, shall continue until such time as a circuit-wide juvenile court judge is appointed or until terminated by two successive recommendations of the grand jury of the county with the concurrence of the judge or judges of the superior court of the circuit. It further provides, however, that in any circuit where a superior court judge assumes the duties of the juvenile judge, such circuit shall not be entitled to State funds provided relative to this Act. It provides for continuation in office of judges holding office at the time the circuit-wide juvenile court is created. It provides that terms for juvenile judges appointed shall be for a term of years equal to that of the superior court judges of the circuit. It provides that compensation of the juvenile judge shall be set by the judge or judges of the superior court with the approval of the governing authority of the county or counties for which he is appointed. It provides that the State, out of funds appropriated to the judicial branch, shall contribute toward the salary of the judges on a per circuit basis ranging from $35,000 for circuits with a population of 400,000 or more, to $5,000 for circuits with a population of less than 70,000. It further provides, however, that no State funds shall be available for these contributions toward the salary of the judges on a per circuit basis until the General Assembly has appropriated funds for that specific purpose. It provides that the remaining amount of the salary of the juvenile judge shall be paid by the counties comprising the judicial circuit in the ratio which the population of the county bears to the total population of the counties comprising the circuit as shown by the latest official decennial census. It provides prohibitions barring certain juvenile judges from practicing law, and

provides that the judge, at the time of his appointment, be 30 years of age, a citizen of the State for three years, and have practiced law for three years. It provides that if more than one juvenile court judge is appointed, one shall be designated presiding judge. It further provides that each juvenile court created under this Act shall be assigned and attached to the superior court of the county for administrative purposes, and all expenditures of the court are declared to be an expense of the court and payable out of the county treasury with the approval of the appropriate county or counties. It provides for vesting of existing judges in current pension plans, or for the alternative of participating in a new one. It provides for appointment of one or more referees, and their qualifications and compensation. It further provides that at the conclusion of an adjudicatory hearing in juvenile court, if a child is found to have committed a delinquent act, the child's driver's license may be suspended until the child becomes 18 years of age, or in the case of a child who does not have a license, the court may prohibit the issuance of same for a period not to exceed the date on which the child becomes 18 years of age. Effective July 1, 1983.

S.B. 4 should, when and if its provisions are fully funded so as to allow their implementation, result in creation of a separate, unified juvenile court, in most counties of the State, on a circuit-wide basis. The incentive provided by the State bearing part of the cost of the court should spur most counties into the creation of the court. It should result ultimately in separate juvenile courts, exclusively dedicated to the administration of justice for juvenile offenders, while at the same time providing for continuation of the current practice whereby the superior court judge also sits as the juvenile court judge in circuits not creating a separate juvenile court. It provides the basis for significant improvement of juvenile court operations and the entire juvenile justice system, through specializing of judges in the juvenile area.

S.B. 4 responds to concerted efforts on the part of juvenile advocates over the past several years to create a unified juvenile court system in this State. It recognizes the unique status and circumstances of juvenile offenders and responds to a long-standing need to create a special system of courts with the capability and expertise necessary to successfully deal with these unique circumstances and to maximize efforts toward attainment of the goal of rehabilitating juvenile offenders. It is the result of conciliatory and compromise efforts on the part of the opposing factions to create legislation with incentives to establish juvenile courts, while at the same time retaining some of the prerogatives of the superior court judges, i.e., length of

term and establishment of compensation. It was strongly supported by many youth-oriented agencies, including the Governor's Advisory Council on Juvenile Justice and Delinquency Prevention, the Department of Human Resources' Division of Youth Services and the Council of Juvenile Court Judges.

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S.B. 227 - AGGRAVATED ASSAULT: MAXIMUM PENALTY - ACT 1402

S.B. 227 amends Ga. Code Ann. 26-1302 (Ga. Laws 1968, p. 1249, as amended; O.C.G.A. 16-5-21, effective November 1, 1982). It adds to the existing crime of aggravated assault an act of assault with any object, device or instrument, which, when used offensively against a person, is likely to or actually does result in serious bodily harm. It increases the maximum term of imprisonment for conviction of aggravated assault from the current ten years to twenty years, leaving the minimum sentence at the current one year. Effective April 14, 1982.

S.B. 227 creates a new set of circumstances in which the offense of aggravated assault may be committed. In addition to use of a deadly weapon, it provides the same penalties if any other object or device is used which could or actually does result in serious bodily injury. It provides for increased judicial discretion in sentencing and the imposition of a longer maximum sentence which could impact upon the jail and prison population. It should serve to have some deterrent impact on the crime of aggravated assault, as well as to ease prosecution efforts relative to assaults involving implements with the potential to cause serious harm to victims of assaults.

S.B. 227 responds to legislative efforts and public demand to increase prison penalties for serious predatory criminal offenses, while defining acts which create a new offense. The additional definition of a deadly weapon responds to the need to expand existing law to include other objects which can inflict great bodily harm other than a "deadly weapon", i.e., knife, blunt instrument, etc.

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S.B. 417 - MEDICAL FACILITIES: REPORTS OF CERTAIN INJURIES - ACT 1405

S.B. 417 amends Ga. Code Ann. 88-1913 (Ga. Laws 1980, p. 1040; O.C.G.A. 31-7-9, effective November 1, 1982). It requires the person in charge of a medical facility, or his designated delegate, to notify the local

law enforcement agency having primary jurisdiction in the area where the facility is located, of any physical injury or injuries by other than accidental means, which come to their attention in the medical facility. Effective April 14, 1982.

S.B. 417 serves to clarify existing law, defining that subject reports are to be made to the law enforcement agency with primary jurisdiction. It should facilitate law enforcement agencies being informed of injuries of suspicious or criminal circumstances. Its primary impact may be in cases of battered women or abused children, ensuring law enforcement knowledge of these offenses, and their subsequent investigation. It may facilitate apprehension of perpetrators of a criminal act.

S.B. 417 responds to increasing concern of the lack of reporting and investigation of certain physical injuries, by ensuring proper notification to the appropriate law enforcement agency. It expands upon and clarifies the language of existing law.

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S.B. 457 - FULTON COUNTY: ADULT PROBATION DEPARTMENTS: CERTAIN EMPLOYEES - ACT 1490

S.B. 457 enacts a new law of local application. It expresses approval for the county probation system of each county having a population of 550,000 or more to become a part of the statewide probation system, created by S.B. 531. Effective April 19, 1982.

S.B. 457 complies with the requirement of S.B. 531 that local legislation be enacted by counties with independent probation systems expressing approval of joining the statewide system. It is the implementation mechanism for S.B. 531 for Fulton County, the only county in the State with a population within the affected range.

S.B. 457 responds to the Fulton County delegation's desire to express approval of the Fulton County independent probation system becoming part of the statewide probation system under the administration of the Georgia Department of Offender Rehabilitation.

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S.B. 463 - CRIMINAL CODE: PROHIBIT DOGFIGHTING - ACT 1522

S.B. 463 amends Ga. Code Ann. 26-27 by creating a new code section 26-2714 (Ga. Laws 1976, p. 1158, as amended; O.C.G.A. 16-12-36, effective November 1, 1982). It creates the felony offense of dogfighting, making it unlawful for any person to cause or allow a dog to fight another dog for sport or gaming purposes. It also prohibits operation of any event at which dogs are allowed or encouraged to fight one another. It provides that upon conviction thereof, a mandatory fine of $5,000, or a mandatory fine of $5,000 and imprisonment for not less than one nor more than five years, shall be imposed as a penalty. Effective July 1, 1982.

S.B. 463 should serve as a substantial disincentive to those persons organizing and conducting dogfights throughout the State. Under previous law, these individuals could only be charged with misdemeanor offenses under the Gambling Section of the Criminal Code. It should have minimal impact upon the operation or budget of the Georgia Bureau of Investigation and other local law enforcement agencies, as they previously investigated and apprehended under misdemeanor statutes.

S.B. 463 responds to public concern and outrage as a result of publicized investigations of dogfighting operations in the State. It reflects that dogfights correlated with gambling activities in Georgia constitute serious offenses in which large amounts of money are illegally exchanged and other criminal offenses are promoted or engaged in. It was supported by the Georgia Bureau of Investigation and local law enforcement agencies.

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S.B. 476 - MERIT SYSTEM: CLASSIFIED SERVICE: EXCLUSION - ACT 1406

S.B. 476 amends Ga. Code Ann. 40-2202 (Ga. Laws 1975, p. 79, as amended; O.C.G.A. 45-20-2, effective November 1, 1982). It provides that positions in the class of Major assigned to the Uniform Division of the Georgia State Patrol, are excluded from the classified service in the State Merit System of Personnel Administration. Effective April 14, 1982.

S.B. 476 will allow the Commissioner of Public Safety and Commander of the Georgia State Patrol discretionary flexibility in hiring, dismissal, demotion, transfer, and other related administrative actions, relative to individuals in the rank of Major in the Georgia State Patrol. It provides the Georgia State Patrol discretionary authority over its highest ranking officers, similar to that exercised by many other State Patrol agencies throughout the United States.

S.B. 476 is an Administration Bill. It responds to the interest of the Georgia State Patrol in having increased discretionary authority over those in the rank of Major.

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S.B. 479 - TRAFFICKING IN ILLEGAL DRUGS: AMEND PROVISIONS - ACT 1523

S.B. 479 amends Official Code of Georgia Ann. 16-13-31 (Ga. Laws 1980, p. 432). It deletes the word "to" concerning sentencing for possession of cocaine, morphine or morphine derivatives, or marijuana, and replaces it with the word "shall" so as to read "...and shall pay a fine of..." It further adds a subsection (d) concerning any person who knowingly sells, manufactures, delivers or brings into this State, or who is knowingly in actual possession of 4,000 grams or more of methaqualone or any mixture thereof, shall be punished as follows: (1) 4,000 to 20,000 grams, mandatory minimum of five years and $50,000; (2) 20,000 to 75,000 grams, mandatory minimum of seven years and $100,000; and (3) 75,000 or more grams, mandatory minimum of 15 years and a fine of $250,000. Effective November 1, 1982.

S.B. 479 should remove any discretion that may have been attached by judges in drug-related cases concerning fines by prescribing the fines through use of the word "shall." It should assure imposition of concurrent imprisonment and monetary penalties for large-scale trafficking convictions. It further prohibits manufacturing and trafficking in methaqualone, curing a defect in previous law, and prescribes punishment for such trafficking, et al, as well as for those with actual possession. It left intact the law concerning selling, manufacturing, delivering, actual possession, or bringing into the State, of cocaine, morphine, morphine derivatives, and marijuana. It should result in a reduction in trafficking in methaqualone, and in increased convictions for violators, as well as for significant mandatory fines. It may impact upon jail and prison population through enforcement of the new provisions concerning methaqualone.

S.B. 479 is in response to information developed during hearings conducted by the General Assembly's Joint Study Committee on Drug and Narcotic Abuse. While favored and supported by the Georgia Bureau of Investigation, the GBI would have favored stronger legislation deleting the word "actual" concerning possession, thus allowing enforcement and prosecution based upon constructive possession as well. Other law enforcement agencies and prosecutors expressed support for the additional provisions concerning methaqualone. It responds to

the perception that Georgia is a major conduit for drug trafficking, and that harsher penalties may have a reductive impact upon such trafficking. The new provisions concerning methaqualone provide law enforcement agencies the legal authority to proceed against another dangerous drug not previously codified as prohibited in Georgia and recognize widespread illegal trafficking in this drug in Georgia.

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S.B. 480 - FINANCIAL INSTITUTIONS: CERTAIN CURRENCY TRANSACTIONS: REPORT - ACT 1524

S.B. 480 amends Chapter 1 of Title 7 of the Official Code of Georgia Ann. relating to financial institutions, by adding a new Article 11 (O.C.G.A. 7-1-910 through 7-1-915). It states that the purpose of the new article is to require certain reports and records of transactions involving United States currency where such reports and records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings. It defines terms and financial institutions, and requires every financial institution to keep a record of currency transactions in excess of $10,000. It prescribes that they shall file with the Department of Banking and Finance within 15 days of the date of the transaction pursuant to regulations prescribed by the Commissioner of the Department, a complete report of such transactions in excess of $10,000 provided that the department shall be notified by telephone or wire before the close of business on the next succeeding business day whenever such currency transaction amounts to more than $25,000. It provides that the Commissioner of the Department of Banking and Finance shall prescribe regulations to carry out these requirements, and may provide for exemption of such transactions that the Commissioner determines to be clearly of a legitimate nature, for which mandatory reporting would serve no useful purpose. It further provides that the Georgia Bureau of Investigation and the Department of Revenue shall have access to and be authorized to inspect and copy any reports filed with the Department concerning these transactions. It prescribes that whoever willfully violates any provisions of this law where the violation is committed in furtherance of the commission of any other violation of Georgia law, or is committed as part of a pattern of illegal activity involving transactions exceeding $100,000 a year, shall be guilty of a felony, and upon conviction shall be punished by a fine of not more than $500,000 or by imprisonment for not more than five years, or both. It also provides for a civil penalty and remedies for violation of enforcement of these provisions on the part of financial institutions. Effective November 1, 1982.

S.B. 480 is aimed at deterring large-scale financial activity with monies garnered as a result of illegal activities, particularly illegal large-scale trafficking in drugs. It provides a means for the Georgia Bureau of Investigation and the Department of Revenue to review the records of financial transactions reported by the State's financial institutions to determine if patterns related to law violators exist or are developing, and thus allowing them to take necessary investigative action, possibly leading to criminal charges and prosecution. Its provision for civil penalties against institutions which fail to comply with its intent should ensure a high degree of compliance. Ultimately, it should deter illegal operatives from placing cash proceeds from illegal activities in legitimate financial institutions. In the interim, it should provide law enforcement agencies with a significant investigative tool relative to investigating criminal activities which characteristically produce large amounts of capital, i.e., drug trafficking. It may have a specific deterrent impact on legitimate businessmen and public officials relative to their investment in illegal activities.

S.B. 480 responds to information developed during hearings before the General Assembly's Joint Study Committee on Drug and Narcotic Abuse. It reflects recognition of the fact that certain illegal activities generate large sums of cash which are placed in legitimate financial institutions. It also responds to the need to equip law enforcement agencies with more sophisticated, comprehensive investigative tools in order to increase their ability to curtail organized crime activities. It was supported by the Georgia Bureau of Investigation and local law enforcement agencies.

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S.B. 482 - CRIMINAL BONDS: FEES - ACT 1408

S.B. 482 amends Official Code of Georgia Ann. 17-6-30 (Ga. Laws 1958, p. 120). It provides that sureties on criminal bonds in any court shall not charge or receive more than 10 percent of the principal amount of the bonds as compensation from defendants or from anyone acting for defendants. Effective November 1, 1982.

S.B. 482 has the overall effect of increasing the amount of return to commercial bail bondsmen, or others making bond in criminal cases. While retaining the previous limit of 10% on the first $500 of the bond, it raises from 5% to 10% the amount authorized on bonds or portions thereof over $500. The effect of this increase could easily contribute to increased jail overcrowding on a statewide basis by "driving up" the cost of obtaining a bond for defendants. Ostensibly, this

may seem to afford greater protection to the public, but realistically it will not impact upon those with financial ability to pay for a bond, but will impact only upon indigent or near indigent defendants. It will result in a greater rate of return for bail bondsmen.

S.B. 482 is an apparent recognition of the increased cost of money (interest rates) and it increases the rate of return for commercial bondsmen, who supported this legislation and have consistently sought increases in bond fees.

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S.B. 485 - POLYGRAPH EXAMINERS: CONTINUATION OF BOARD - ACT 1449

S.B. 485 amends Ga. Code Ann. Chapter 84-50, as amended (Ga. Laws 1968, p. 1217; O.C.G.A. 43-36-16, effective November 1, 1982). It provides for the continuance of the State Board of Polygraph Examiners pursuant to Section 9 of the "Sunset Act" (Ga. Laws 1977, p. 961). It continues the existence of the State Board of Polygraph Examiners until July 1, 1987. Effective April 16, 1982.

S.B. 485 should assure the continued regulation and integrity of polygraph examiners in Georgia and thereby, at least indirectly, insure the utility and reliability of polygraph exam results for use in criminal investigations, background investigations and preserving internal security in private businesses. It will minimize the operations of unscrupulous or unethical polygraph examiners.

S.B. 485 recognizes the need to continue a regulatory board that indirectly makes a significant contribution to protection of the public. It was generally supported by law enforcement agencies, private security concerns and polygraph examiners.

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S.B. 503 - PROBATION: COMMUNITY SERVICE - ACT 1410

S.B. 503 enacts a new law (O.C.G.A. 42-8-70 through 42-8-74, effective November 1, 1982). It provides for community service as a condition of probation. It defines community service as uncompensated work by an offender with an agency approved by the court for the benefit of the community pursuant to an order by a court as a condition for probation. It provides that agencies desiring to participate in a community service program, shall file with the court a letter of application providing

specific information concerning the agency and the work to be performed, along with provisions for supervising the offender. It further provides that community service may be considered as a condition of probation with primary consideration given to the following categories of offenders: (1) traffic violators; (2) ordinance violators; (3) noninjurious or nondestructive, nonviolent misdemeanors; (4) noninjurious or nondestructive, nonviolent felonies; and (5) other offenders considered upon the discretion of the judge. It provides that if community service is ordered as a condition of probation, the court shall order: (1) not less than 20 hours nor more than 250 hours in cases involving traffic or ordinance violations or misdemeanors, to be completed within one year; or (2) not less than 20 hours nor more than 500 hours in felony cases, to be completed within three years. It provides that community service shall be scheduled around the probationer's employment so as not to interfere with such employment. It further provides that upon completion of the community service sentence, the community service officer who supervised the offender shall prepare a written report evaluating the offender's performance which will be used to determine if the conditions of probation have been satisfied. Effective April 14, 1982.

S.B. 503 expresses legislative intent to persuade the judiciary to utilize a sentencing alternative already available to them. It should have the effect of increasing the use of community service as a condition of probation and publicizing an "additional" variation on the probation sentencing alternative. It may increase the use of probation. Community service programs for offenders possess the potential of reducing costs to local government for public works and other labor intensive needs. The major cost factor in such programs is in personnel to supervise the offender. Since S.B. 503 provides for a paid professional or volunteer to provide such supervision, the financial impact upon local governments and agencies should be minimal.

S.B. 503 is essentially an expression of legislative intent, encouraging the judiciary to make more use of community service alternatives available in the various jurisdictions, or those which could be made available. Local government officials have voiced a need for more use of offenders to aid in reducing costs for labor and to provide offenders with meaningful work to repay society for the violation of its rules. It responds input to a recommendation of the Governor's Short-Term Committee on Jail/Prison Overcrowding which reflected community desires to use offenders in community service/public works and an effort to make the use of probation more attractive and feasible and consequently, more frequent. The Department of Offender Rehabilitation's Probation Division was supportive of this legislation.

S.B. 506 - DUI: LICENSE SUSPENSION: DEATH IN ACCIDENT - ACT 1454

S.B. 506 amends Ga. Code Ann. 68B-312 (Ga. Laws 1975, p. 1008, as amended; O.C.G.A. 40-5-63, effective November 1, 1982). It provides for an increase in the period of suspension of drivers' licenses in cases where a person refuses to submit to a chemical test or tests of blood, breath or urine (as provided in Code Section 68B-306) and has been charged with homocide by vehicle (as provided in Code Section 68A-903). It provides that suspension of the driver's license of such person shall be for twelve (12) months, rather than six (6). Effective April 16, 1982.

S.B. 506 could result in encouraging drivers charged with DUI and homicide by vehicle to submit to chemical test(s) of blood, breath or urine because of the increase in the period of suspension for refusing to submit. It also could result in law enforcement authorities having more evidence to present in court in order to gain a conviction. Under current law, because the period of suspension is only six (6) months, many drivers are refusing to submit to chemical tests, thus restricting the ability of law enforcement authorities to obtain adequate evidence to convict. It should result in greater public safety by contributing to the removal of dangerous drivers from the roads of Georgia for longer periods of time.

S.B. 506 is the result of requests by local law enforcement authorities to enable them to have more leverage in reducing the number of traffic accidents and deaths resulting from DUI's. It responds more generally to public dissatisfaction with lenient treatment of drunken drivers.

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S.B. 519 - DRIVER'S LICENSE: 16 OR 17 YEARS OF AGE: CONDITIONAL LICENSE - ACT 1510

S.B. 519 amends Official Code of Georgia Ann. 40-5-26 and 40-5-58 (Ga. Laws 1975, p. 1008, as amended). It provides that an application for an instruction permit or driver's license by any person under 18 years of age shall be signed by a parent or guardian (or another responsible adult in the event of no parent or guardian). It also provides for readily distinguishable licenses to be issued to persons under 18 years of age. It provides the condition that such person shall not commit any offense enumerated in O.C.G.A. 40-5-54, or the offense of speeding in excess of 25 or more miles per hour above the speed limit. It provides that relative to these offenses and this Act, forfeiture of bail or bond, a plea of guilty or a plea of nolo contendre shall constitute a conviction. It provides that the distinctive conditional license belonging to any person convicted of any of the above offenses, shall be suspended for one year

on a first offense. It also provides, however, that after at least 60 days, if the person convicted of such offense(s) submits proof that he has completed an approved defensive driving course or an approved alcohol or drug course (if the offense was DUI), and pays a restoration fee of $20.00, the Department of Public Safety (DPS) may reinstate the distinctive conditional driver's license. It provides that upon being convicted for a second offense, the distinctive conditional driver's license shall be revoked for a period of 90 days or until the license holder's eighteenth birthday, whichever is later. It also provides that when a person is convicted as outlined above, the court to which the distinctive conditional license is surrendered shall forward the license and appropriate documentation to DPS within 15 days after conviction. It also provides for a fine of not less than $750.00 and/or a sentence of one to five years in the penitentiary for a person declared to be an habitual violator and whose driver's license has been revoked under this Code Section and who is thereafter convicted of operating a motor vehicle while his license is revoked. Effective November 1, 1982.

S.B. 519 should result in some redesigning of Georgia's accident reporting procedures and driver history programs. It should also give DPS more physical control over the licenses of habitual violators and others convicted of the enumerated offenses by changing the current law pertaining to license suspension. The current law allows the license of a person convicted of such offense to be reinstated immediately after completion of a defensive driving course or a basic alcohol or drug course. S.B. 519 institutes a suspension of at least 60 days on first offense and at least 90 days on second offense. It also tightens control over 16 and 17-year-old drivers by including the plea of nolo contendre as constituting a conviction.

S.B. 519 is a continuation of the effort to address the problem of alcohol and drug-related traffic accidents and deaths, particularly among 16 and 17-year-olds. It is a companion piece of legislation to Senate Resolution 274, which creates a Hazardous Driver Study Committee.

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S.B. 528 - SHERIFFS, MINIMUM SALARIES - ACT 1414

S.B. 528 amends Ga. Code Ann. 24-2831 (Ga. Laws 1971, p. 380, as amended, O.C.G.A. 15-16-20, effective November 1, 1982). It provides for an increase in the minimum annual salaries for sheriffs to be paid from county funds. It provides for a continued salary scale, based on county population, and effective July 1, 1982, increases sheriffs' minimum salaries across the board by 10%. It further provides for an additional

10% across the board increase in minimum salaries to be effective July 1, 1983. It creates a new population/salary bracket for sheriffs in counties with populations of 300,000 and up. It further provides that minimum salaries shall be increased by five percent for each four-year term of office served by a sheriff, figured at the end of each such period of service. It also provides that these five percent increases for each term shall apply to each term served by any sheriff after December 31, 1976, and prior to July 1, 1982, and provides that the term of sheriff in office on July 1, 1982, shall be counted for determining the appropriate salary. It provides that minimum salaries prescribed are to be considered salary only and other costs for the operation of sheriffs' offices shall come from funds other than funds specified as salary. Effective July 1, 1982.

S.B. 528 should serve to continue the improvement in the quality of individuals seeking the office of sheriff, by offering adequate compensation for the duties of that office. By providing total salary increases ranging from 20 to 30% over the four-year period from July, 1979, to July, 1983, and providing for future 5 percent increases for each term of office served, it should also contribute to the retention of qualified, competent individuals in the office of sheriff. It provides the first minimum salary increase for sheriffs since 1979. It will impact county budgets throughout the State.

S.B. 528 responds to the request of the Georgia Sheriff's Association for a salary increase to meet costs of living and bring sheriffs' salaries to a level more commensurate with their duties. It was strongly supported by all Georgia sheriffs. The Association County Commissioners of Georgia is on record as being in opposition to the general concept of a minimum annual salary for Constitutional officers; however, it leaves specific opposition or support for such legislation to the discretion of each individual county government.

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S.B. 531 - STATEWIDE PROBATION ACT: COUNTY SYSTEMS - ACT 1456

S.B. 531 amends Official Code of Georgia Ann. by adding a new Code Section 42-8-43.1 (Ga. Laws 1956, p. 27, as amended). It applies to county adult probation systems of all counties having a population of 400,000 or more (Fulton and DeKalb) according to the 1980 United States decennial census or any future such census. It provides that the State Department of Offender Rehabilitation (DOR) shall (for fiscal year 1983 and 1984, based on the statewide average cost per State probationer) contribute funds to

the governing authorities of the affected counties in the amount of 10% in fiscal year 1983 and from 10 to 100% in fiscal year 1984, i.e., if the average cost per probationer is $5 and Fulton County supervises 20,000 probationers, Fulton County would receive $10,000 in State funds in fiscal year 1983. It provides that for a county to qualify for these funds, the employees of such county's adult probation system must be subject to the supervision, control and direction of DOR. It provides, in essence, that the adult probation system of Fulton and DeKalb Counties shall become a part of the statewide probation system under DOR and be fully State funded commencing July 1, 1984. However, it also provides that a local act or a general law of local application must be adopted and become effective on or before April 1, 1983, which expresses approval that each county probation system affected by this Act become a part of the statewide probation system in order for this Act to be effective. It further provides procedures for incorporating personnel of each county system into DOR and specifies that no existing employee of such county system shall receive a salary reduction as a result of the transfer. Effective April 1, 1983.

S.B. 531 will, if the appropriate local acts are passed, result in all felony adult probationers in the State being under the supervision and control of DOR. Since the counties it affects account for over 1/3 of all felony probationers in the State, it should have a considerable impact on standardizing and centralizing probation policies, procedures and programs. In turn, this will greatly facilitate the State's ability to successfully impact the correction of probationers through application of several new programs, as well as traditional programs. It will create a new, additional recurring expenditure to the State as of July 1, 1984, which will amount to several million dollars.

S.B. 531 responds generally to the efforts and recommendations of the Senate's Special Task Force On Adult Probation. It is a product of compromise designed to accomplish two major objectives: (1) a halt to double taxation, i.e., the State funds adult felony probation services in all counties but Fulton and DeKalb; therefore county revenues in these two counties should not be used to fund such services; and (2) consolidation of all adult felony probation services into one statewide probation system under the administration of DOR to standardize services and maximize their impact. The local legislation required by S.B. 531 for Fulton County has already been passed (S.B. 467). In order for S.B. 531 to be fully implemented, the DeKalb County delegation must pass similar legislation during the 1983 General Assembly.

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S.B. 538 - MISDEMEANORS: SENTENCE REVIEW - ACT 1415

S.B. 538 amends Ga. Code Ann. 27-2511.1 relating to review of certain sentences (Ga. Laws 1974, p. 352; O.C.G.A. 17-10-6, effective November 1, 1982). It provides that sentences imposed in misdemeanor cases or cases in which a life sentence is imposed for murder, shall not be subject to review by the Superior Courts Sentence Review Panel. Effective April 14, 1982.

S.B. 538 specifically excludes review of misdemeanor offenses, or sentences to life for the crime of murder, by the Superior Courts Sentence Review Panel. This exclusion means that one found guilty of several misdemeanor counts and sentenced to consecutive sentences, which may run more than five years, could not petition the Review Panel to determine if the sentence(s) so imposed is excessively harsh. It further excludes from review life sentences for murder. It affects only a limited number of cases filed for review with the Review Panel.

S.B. 538 responds to concerns of a State Court judge who imposed a sentence on several bad check charges which included a total of 27 years, six years in incarceration, and the remainder probated. The defendant petitioned the Superior Court Sentence Review Panel for review of the sentence. The State Court judge objected on the basis that the Panel, by law, reviews sentences of the Superior Courts. The Panel chose to review the case, and this legislation is an effort to prevent the Superior Court Sentence Review Panel from reviewing misdemeanor sentences of State Courts.

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S.B. 564 - PROBATE COURTS: JUDGES TRAINING - ACT 1203

S.B. 564 amends Official Code of Georgia Ann. and enacts a new law by adding a new Code Section 15-9-1.1. It provides that any person who is elected, appointed, or becomes a judge of the probate court on or prior to January 1, 1983, shall satisfactorily complete the required initial training course conducted by the Institute of Continuing Judicial Education, and shall file a certificate issued by the Institute with the Secretary-Treasurer of the Judges of the Probate Courts Retirement Fund on or before December 31, 1983, in order to become a certified judge. It further provides that any probate judge who takes office after January 1, 1983, who does not satisfactorily complete the training course, or does not file a certificate of training within one year of taking office, shall become a certified judge upon completion of such requirements at any later time. It provides that each judge of the probate court shall be required to complete additional training prescribed by the Executive Probate Judges Council of Georgia and the Institute of Continuing Judicial Education of Georgia

each year he serves as a judge after the initial training, and that failure to file certificate of such training will prevent the judge from receiving retirement credit for that year. It provides that for each year required training courses are not completed and certificates not filed, the judge will not receive credit for that year of service relative to retirement benefits. It also provides that judges may make up training deficiencies one year, in the next succeeding year only. It further provides that costs of training shall be paid by the judge, reimburseable by the Institute of Continuing Education to the extent that funds are available to the Institute for that purpose. It further amends Code Section 47-11-70 relating to retirement benefits to state that any judge of the probate court may not include service for eligibility purposes for years in which the judge has not completed the requirements set out in Code Section 15-9-1.1. Effective November 1, 1982.

S.B. 564 should ensure adequate judicial training for probate judges, enhancing their ability to perform their functions. The prohibition against claiming retirement credit should provide adequate incentive to ensure that all judges receive the training. It may require out-of-pocket expenditures by judges to cover training costs if the Institute of Continuing Judicial Education lacks funds to reimburse them and if the counties they serve are not willing to reimburse them.

S.B. 564 responds to a Resolution of the Probate Court Judges Association calling for the required training prescribed by this legislation. It was supported by the Probate Court Judges Association, and is in further response to required training of judges of several other courts which has been mandated by the legislature in the past several years. It is part of the continuing effort of Probate Court Judges to improve and expand their judicial knowledge and expertise. It relates to Senate Bill 567 which creates the Executive Probate Judges Council.

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S.B. 567 - EXECUTIVE PROBATE JUDGES COUNCIL: CREATE - ACT 1459

S.B. 567 enacts a new law (O.C.G.A. 15-9-100 through 15-9-105, effective November 1, 1982). It creates the Executive Probate Judges Council of Georgia and attaches it to the Administrative Office of the Courts. It provides that the Council's primary duty shall be to advise and coordinate with the Institute of Continuing Judicial Education concerning educational programs for probate judges and probate judges elect. It specifies other duties: to assist probate judges

in improving the operations of the probate courts; to perform such other duties that may be required by law or requested by judges of the probate courts. It provides for membership of 13: three members from the State at large, elected by the probate judges at the annual meeting of County Officers Association for two-year terms; one member from each of the 10 judicial administrative districts, who shall be a probate judge elected by the judges of the probate courts within the district, for four-year terms. It provides for initial staggered terms, and for filling vacancies on the Council. It provides that the Council may accept funds, grants, and gifts from public or private sources for use in defraying its expenses. It authorizes audit of funds annually and for bonding of any staff the Council may employ. It provides that members of the Council are to receive no compensation for their services, but shall be reimbursed for their actual expenses incurred in the performance of their duties as members of the Council. Effective July 1, 1982; however, provisions for appointment of members to the Council are effective April 16, 1982.

S.B. 567 should assume that training required for probate judges is responsive to the actual knowledge and skills necessary for such judges to perform their duties and functions adequately. It should result in better qualified judges sitting on the bench of probate courts, and should improve service to the general public utilizing those courts.

S.B. 567 responds to the desires of the Probate Court Judges Association to improve the quality and performance of probate judges throughout the State, by making available educational opportunities specifically tailored to their requirements. It was supported by the Probate Court Judges Association of Georgia. It relates to Senate Bill 564 which established training requirements for probate court judges.

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S.B. 579 - FIRST OFFENDERS: CONFINEMENT - ACT 1503

S.B. 579 amends Official Code of Georgia 42-8-60, 42-8-61, 42-8-62, and 42-8-65 (Ga. Laws 1968, p. 324). It provides that, in the case of a first offender, not previously convicted of a felony, the court may, without entering a judgement of guilt and with the consent of the defendant, sentence the defendant to a term of confinement as provided by law. It further provides that upon certification by the chief executive officer of any State or local law enforcement agency of a pending criminal investigation, and the need for the record of discharge from first offender status, the record of discharge can be released to such law enforcement agency. Effective November 1, 1982.

S.B. 579 provides an additional sentencing option for first offenders, in that the sentence may be for a period of incarceration, rather than just probation as provided under the previous first offender law. It should result in some first offenders being sentenced to confinement, impacting upon jail and prison population. It should have some deterrent impact on first offenders repeating criminal actions. It in no way alters any other provisions of the first offender statutes. It, additionally, authorizes release of first offender status information by the Georgia Crime Information Center to law enforcement agencies, if a previous first offender is under investigation for a subsequent offense. This information will be beneficial to law enforcement agencies in determining a previous criminal background and in expediting investigation of the subsequent offense and charges for the offense.

S.B. 579 is a compromise of previous versions of the bill whereby the first offender could have been sentenced to a jail or county correctional institute, rather than to the custody of the Department of Offender Rehabilitation (DOR). Upon removal of that objectionable language, the bill was supported by judges, law enforcement agencies, and prosecutors. S.B. 579 was also amended to incorporate language allowing release of first offender records to law enforcement agencies which was originally contained in H.B. 1286 (which did not pass). Release of these records was supported by the Criminal Justice Coordinating Council, by prosecutors, and law enforcement agencies. This release responds to the need for law enforcement agencies to have access to records which may indicate a pattern of criminal behavior helpful in solving future criminal cases.

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S.B. 582 - PROBATE COURTS: COMBINE CERTAIN RECORDS - ACT 1460

S.B. 582 amends Ga. Code Ann. 24-1804 (Ga. Laws 1958, p. 354, as amended; O.C.G.A. 15-9-37, effective November 1, 1982). It provides that probate courts may maintain any required records in one or more suitable books, but in any case, that they shall be indexed, permanent, economical, and accessible to the public. Effective April 16, 1982.

S.B. 582 does not alter the requirement for clerks of the probate court to keep certain records, but it does authorize those records to be combined into one or more books. This procedure will allow records to be combined, indexed, and readily available, as well as permanent. Consolidation of probate court records may provide for an improved method of maintaining them, ensure their permanancy,

and reduce potential for loss. It should provide easier access through indexed records. It is not anticipated that this requirement will place any additional burden upon clerks of the court.

S.B. 582 was generally supported by probate court clerks as a measure to provide for economies in keeping probate court records. The Probate Court Judge's Association also supported this measure. It generally responds to a need to assure ready accessibility to probate court records.

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S.B. 625 - ATLANTIC JUDICIAL CIRCUIT: ADD JUDGE - ACT 860

S.B. 625 amends current law and Official Code of Georgia Ann. 15-6-2, effective November 1, 1982. It adds one superior court judge and the amenities of judgeship to the Atlantic Judicial Circuit, increasing the number of superior court judges in that circuit to three. It provides that this judge shall be elected at the 1982 general election for a term of four years, commencing January 1, 1983. Effective March 24, 1982.

S.B. 625 should result in reducing the caseload of the Atlantic Circuit's current two judges. Additionally, it should reduce case backlog and expedite the disposition of cases there. Costs for implementation will be approximately $96,000 to $110,000 in State funds. It may also result in some additional costs to the counties in the Circuit related to salary supplements, fringe benefits, office space and supplies.

S.B. 625 is the result of recommendations of the Judicial Council of Georgia's Ninth Annual Report Regarding the Need for Additional Superior Court Judgeships in Georgia. This report recommended that additional judgeships be created in four circuits. These recommendations are based on empirical analyses of caseload statistics in all judicial circuits.

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S.B. 632 - SHERIFF'S/PUBLIC OFFICIALS: DEPUTIES: BONDS - ACT 1494

S.B. 632 amends Ga. Code Ann. 24-2811 and 89-426 (O.C.G.A. 15-16-23 and 45-4-2, effective November 1, 1982). It provides that sheriff's deputies shall be required to execute a bond with a surety in the amount of $5,000, payable to the sheriff, and conditioned upon the faithful performance of their duties. It makes a technical change to Section 89-426 to accommodate this provision. Effective April 19, 1982.

S.B. 632 reduces deputies' surety bonding fees, making them a fixed amount of $5,000, rather than in the same amount as the sheriff's bond. It should reduce county operating costs, as bonding fees are paid by the county and as sheriff's bonds are now $25,000.

S.B. 632 responds to a request of the Georgia Sheriff's Association request to reduce deputy bonds because of excess costs to counties, and the belief that deputy's bonds did not require the same level of surety as those of sheriffs.

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S.B. 642 - CONTROLLED SUBSTANCES: FORFEITURES: LAW ENFORCEMENT USES - ACT 1534

S.B. 642 amends Official Code of Georgia Ann. 16-13-49 (Ga. Laws 1979, p. 879), relating to forfeitures with respect to controlled substances. It provides that money and currency which is forfeited or which is realized from the sale or disposition of forfeited property in controlled substances cases, may be expended by the county within which the property is found, for law enforcement purposes, once the costs of any necessary sale are paid. Effective November 1, 1982.

S.B. 642 authorizes that, when a county benefits fiscally from the forfeiture of items related to controlled substances, that the law enforcement agencies responsible for their seizure should be the actual beneficiary. It should have a significant impact in the coastal region where large-scale drug trafficking occurs, and seizures/forfeitures are frequent. It has the potential to increase local law enforcement funding. However, the language "the county may expend or use such funds for law enforcement purposes," appears permissive, rather than specific and may result in such funds being spent on other county government functions.

S.B. 642 responds to information gathered at hearings of the General Assembly's Joint Study Committee on Drug and Narcotics Abuse. It reflects the requests of various local law enforcement interests who testified at those hearings. It should be noted that Senate Bill 642 amends precisely the same law amended by House Bill 1210. While the language of the two bills is not identical and, in fact, may be conflicting, both bills appear to have the same intent - allowing local law enforcement agencies to benefit from controlled substances forfeitures seized or sold within a given county.

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S.B. 644 - CRIMINAL PROCEDURE: BONDS & RECOGNIZANCES: FORFEITURE - ACT 1470

S.B. 644 amends Official Code of Georgia Ann. 17-6-70 and 17-6-72 (Ga. Laws 1966, p. 430 and Ga. Laws 1965, p. 266). It deletes a provision that when a prosecutor fails to prosecute, he shall forfeit the bond/recognizance of the person charged with a penal offense. It further adds a new provision that no judgement concerning the forfeiture of a bond may be rendered for a period of three years after the date of posting bond if the defendant has not been brought to trial. Effective November 1, 1982.

S.B. 644 removes outdated and archaic language from existing law concerning prosecutors forfeiting bond if they fail to prosecute. Since prosecutors sign warrants, they should not be held responsible for bond forfeiture should they eventually make a decision not to prosecute. It also extends the period of time that prosecutors may have to prosecute a case without forfeiture of bond if the defendant has not been brought to trial for a period of three years after the date of posting bonds. This provision provides a longer time frame for prosecutorial decisions, and may have an adverse affect by creating time delays in some cases.

S.B. 644 was a procedural change to eliminate archaic language and to prevent someone from using an obscure law to retrieve bonds when prosecutors did not follow through with the prosecution of a matter. It had some support from prosecutors, but is essentially a change without substance. It should be noted that Senate Bill 644 and House Bill 1636 both amend the same law. However, the two amendments appear to have different purposes and do not appear to be conflicting.

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S.B. 655 - SHERIFFS: FEES - ACT 1471

S.B. 655 amends Ga. Code Ann. 24-2823 (Ga. Laws 1979, p. 988; O.C.G.A. 15-16-21, effective November 1, 1982). It changes certain fees of the sheriffs, increasing the fee for serving copy of process and returning original, per copy, from the previous $15.00 to $20.00, and executing and returning or serving any warrant from the previous $15.00 to $20.00. Effective July 1, 1982.

S.B. 655 will provide additional funds to contribute toward paying the increased sheriff's compensation provided for in S.B. 528 passed during the 1982 General Assembly. Increased funds to counties were necessary in order to raise sheriffs' salaries, and increasing the costs of certain service actions by sheriffs was the method chosen to do so.

S.B. 655 responds to the recommendations of the Georgia Sheriffs' Association to provide additional funds to facilitate the compensation of sheriffs at higher salaries.

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S.B. 669 - MOTOR VEHICLES: CERTIFICATE OF TITLE: INSPECTION OF RECORDS - ACT 1497

S.B. 669 amends Ga. Code Ann. 68-410a (Ga. Laws 1961, p. 68, as amended; O.C.G.A. 40-3-24, effective November 1, 1982). It provides that records pertaining to motor vehicles, i.e., registration and certificate of title, may be made available for inspection by tax collectors, tax receivers, or tax commissioners. Effective April 19, 1982.

S.B. 669 corrects an ommission in 1981 legislation (H.B. 132) by adding tax collectors, receivers, or commissioners to the list of persons authorized to inspect motor vehicle records. It may also be useful in tax fraud investigations.

S.B. 669 was introduced at the request of some local tax commissioners to correct and clarify a housekeeping matter created by a previous error of omission.

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S.B. 696 - MOTOR VEHICLE: CERTIFICATE OF TITLE: ASSIGNED IN BLANK - ACT 1475

S.B. 696 amends Official Code of Georgia Ann. 40-3-35.1 (Ga. Laws 1961, p. 68, as amended). It requires that the Georgia Bureau of Investigation (GBI) shall verify that the word "rebuilt" is permanently affixed to a motor vehicle which required the replacement of two or more major component parts in order to restore it to operable condition, prior to a certificate of title being issued for such vehicle. It provides that the word "rebuilt" is required to be affixed in a clear and conspicuous manner to the door post or some other location as prescribed by the Commissioner of Revenue. It provides that the word shall be stamped on a metal plate which shall be riveted to the motor vehicle or permanently affixed by some other means. It provides that this requirement shall only apply to motor vehicles restored after November 1, 1982. Effective November 1, 1982.

S.B. 696 provides a means for the GBI to verify that a motor vehicle has been rebuilt and ensures that it complies with all State laws and safety requirements. It further provides protection to the buying public by ensuring that the rebuilt vehicle is so identified, permanently, thus alerting any purchaser to the fact that the vehicle has been rebuilt.

S.B. 696 strengthens legislation enacted during the 1981 General Assembly concerning rebuilt and salvage vehicles. It responds to the need of the GBI and of consumers to have some permanent means of identifying rebuilt vehicles. It relates indirectly to efforts to halt the use of stolen auto parts to rebuild vehicles, which are later sold and represented to be "new". It relates to House Bill 1459.

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S.B. 701 - PROBATE COURTS JUDGE: COURTS OF INQUIRY - ACT 893

S.B. 701 amends Ga. Code Ann. 27-401 (O.C.G.A. 17-7-20, effective November 1, 1982). It adds the judge of the probate court to the list of those judges who may hold courts of inquiry to examine an accusation against a person(s) legally arrested and brought before them. Effective April 12, 1982.

S.B. 701 statutorily legitimizes the practice of probate court judges holding preliminary hearings and issuing search warrants. It will provide an additional court official in a county who may do so, thereby creating a larger pool of available officials to perform these duties. It will contribute to increased concurrent jurisdiction among Georgia's courts.

S.B. 701 responds to the request of the probate judges of several larger counties to expand their authority to issue search warrants due to difficulty being experienced in locating magistrates authorized to do so on some occasions. It was generally supported by the probate court judges.

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S.B. 709 - FEDERAL LAW ENFORCEMENT OFFICERS: ASSIST STATE OFFICERS - ACT 1349

S.B. 709 enacts a new law and amends the Official Code of Georgia Ann. by adding a new Code Section 35-9-15. It provides that, on the request of the sheriff or the chief or director of a law enforcement agency of this State or any political subdivision, and with the consent of the employee concerned, a law enforcement officer of the United States or any other

State may be appointed a law enforcement officer of this State for the purpose of providing mutual assistance in the enforcement of the laws of this State or of the United States. It further provides for the powers, duties, privileges and immunities of such officers, provides for an oath of office, and provides for procedures for appointment of the officer to act in this State. It excludes such officers from Georgia laws relative to eligibility to hold civil office and the requirements of the Peace Officer Standards and Training Act. It includes prosecuting attorney's offices among the agencies who may request/utilize the assistance provided for in this Act. Effective April 13, 1982.

S.B. 709 should have a significant impact on the State's ability to enforce its criminal laws, especially in drug related matters, since it authorizes federal officials to enforce such state laws in state courts. It broadens the powers of federal law enforcement officials in this state, subject to the authorization of the head of a law enforcement agency. It also establishes a precedent of granting police powers to federal employees over which the state and local governments have limited management control.

S.B. 709 responds to concerns of law enforcement officials that federal law enforcement officers working on joint investigations with state and local agencies have been unnecessarily restricted from enforcing state laws and violations thereof which they encounter during the performance of their duties, especially when they are unable to make a strong case for a federal violation.

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S.B. 714 - LABOR DEPARTMENT: CORRECTIONAL SERVICES DIVISION - ACT 1350

S.B. 714 amends Ga. Code Ann. 54-101 (Ga. Laws 1937, p. 230, as amended; O.C.G.A. 32-2-14 and 32-2-15, effective November 1, 1982). It creates, within the Department of Labor, a Correctional Services Division. It further provides the authority for this Division to enter into agreements with district attorneys and solicitors to establish pre-trial intervention programs in the State's judicial circuits. It further authorizes the Correctional Services Division to administer such programs. Effective April 13, 1982.

S.B. 714 provides the basis for continuation of the functions of pre-trial intervention programs which have previously been carried out by the

Department of Labor under Federal Civilian Employment Training Act (CETA) funds. These programs have proven to be a cost-effective alternative to incarceration. It should be expected that State fund increases will probably be sought in the future by the Department to offset the future loss of the CETA monies for this program. Notably, these programs have considerable potential to relieve jail/prison overcrowding and related costs.

S.B. 714 responds to the request of the Department of Labor to formalize the programs which had previously been carried out under Federal CETA money, and provides a basis for future budgetary requests when federal funds are reduced or eliminated. It was supported by the Department of Labor.

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S.B. 720 - PROBATION: CONTROLLED SUBSTANCES ACT VIOLATIONS - ACT 1536

S.B. 720 amends Ga. Code Ann. 27-2702 (Ga. Laws 1956, p. 27, as amended; O.C.G.A. 42-8-35.1, effective November 1, 1982). It provides that in cases involving violations of Code Section 79A-811(b), (d), (f), (j), or (k), or paragraph (3) of subsection (1) of Code Section 79A-811, concerning possession, selling, or trafficking in controlled substances or marijuana, the judge shall impose a special term of three years probation in addition to any imprisonment. It further provides that in any such subsequent convictions, the court shall impose a special term of six years probation as an additional sentence. It further provides for rules relative to probation revocation and suspension of such probationary terms by the court. It provides that a special term of probation imposed under this Act may be revoked if the terms and conditions of the probation are violated, and the original term of imprisonment shall be increased by the period of the special term of probation, and the resulting new term of imprisonment shall not be diminished by the time which was spent on special probation. Effective April 22, 1982.

S.B. 720 could increase the case load of the Probation Division of the Department of Offender Rehabilitation (DOR) by approximately 1,000 cases annually, and require about 8 to 12 additional probation officers. It should serve as a significant signal to those engaged in Controlled Substances Act violations that the public is "fed up" with their actions and intends to supervise their conduct and activities much more closely, and for a longer period of time. The threat of revocation of the special term of probation may have some deterrent effect on some drug dealers and traffickers. It is consistent with the Probation Division's philosophy of mandatory split sentences which require supervision during a period of probation before

complete release into society. While full enforcement of these terms of probation will deter some controlled substance violators and even facilitate any necessary therapy for them, it will also facilitate incarceration of these violators for longer periods of time and should increase prison populations.

S.B. 720 responds to the interests of law enforcement and prosecution groups which favored this special term of probation as a possible deterrent against repeat drug violators. It provides a specific period of time during which released offenders' behavior will be monitored in a probation situation, and the concept was supported by DOR. It responds, in a broad sense, to increasing efforts to curtail the freedom of drug violators to engage in repetitive criminal activity.

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HOUSE RESOLUTIONS

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HOUSE RESOLUTIONS

H.R. 510 - NEW CONSTITUTION: AMEND ART. IV, VI, VII, IX, XI - CA 134

H.R. 510 proposes several amendments to the new Constitution. It substitutes a new Paragraph II of Section II of Article IV. It provides that upon conviction for armed robbery, the Board of Pardons and Paroles shall not have authority to consider such person for pardon or parole until at least five years have been served in the penitentiary. It further amends the proposed Article to provide that the General Assembly, by law, may prohibit the Board from granting, and may prescribe the terms and conditions of the Board's granting, a pardon or parole to: (1) any person incarcerated for a second or subsequent time for any offense for which such person could have been sentenced to life imprisonment; or (2) any person who has received consecutive life sentences as the result of offenses occuring during the same series of acts. It further makes technical changes to Paragraph V of Section I of Article VI, providing for uniformity of jurisdiction and powers of the courts, to refer to the provisions of the Constitution rather than to specific paragraphs of the Constitution. It further amends the proposed Constitution by striking Section 1, Paragraph VII, Section VII of Article VI by adding to the list of reasons a judge may be disciplined, removed, or involuntarily retired, conduct which is prejudicial to the administration of justice which brings the judicial office into disrepute. It further amends the proposed Constitution by striking Section I, subparagraph (6) of Paragraph I of Section X of Article VI to provide that the County Court of Echols County shall be a magistrate court, and the County Court of Baldwin and Putnam Counties shall become State Courts with the same jurisdiction and powers as other State Courts. Amendments to Articles VIII, IX, and XI do not pertain to criminal justice issues and are not discussed.

H.R. 510, if its provisions are adopted by the voters as a Constitutional Amendment, will dilute and diminish the powers of the Board of Pardons and Paroles and provides for legislative authority to prohibit granting pardons and paroles to the enumerated categories of offenders. It will probably have the effect of causing individuals convicted of sentences for which they could have received a life sentence for a repeat offense to serve longer sentences. Further, if convicted and sentenced to consecutive life sentences - for the same act or series of acts, the offender can be expected to spend longer time in prison. Depending upon how the General Assembly writes laws in the future to implement this Amendment, its impact upon the prison population and facilities could range from negligible to very severe. Further, it clarifies references in the Constitution in Article VI concerning the uniformity of jurisdiction and powers of the courts to remove ambiguous wording. The addition to Article VI concerning reasons a judge may be disciplined, removed, or involuntarily retired, provides an additional

reason for such actions where conduct prejudicial to the judicial office has occurred. Further, references to the county courts are an effort to standardize the various courts of the State and addressed three county courts placing them into the new category of courts created by the new Constitution, Article VI.

H.R. 510, in part, is an apparent response to public and legislative concern regarding the length of time convicted felons serve in prison. That portion of the Resolution represents language compromises between members of the General Assembly and the State Board of Pardons and Paroles. Previous versions of these changes were stricter in that earned time was eliminated for the enumerated offenses. Due to publicity early during the Session, this new language could cause confusion among the voters. The Board of Pardons and Paroles is generally in opposition to all efforts to dilute or diminish its role/functions/powers and did not actively support this proposed change. It views it as the best compromise of language that could be arrived at. The other proposed changes concerning the judiciary and the courts are technical changes to provide for uniformity of the courts and for discipline of judges who may bring the judicial office into disrepute.

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H.R. 560 - CONGRESS MEMORIALIZE: DEATH PENALTY LEGISLATION

H.R. 560 urges Congress to pass certain legislation relative to the death penalty. It cites the public's concern over the dramatic increase in violent crime, and their lack of understanding as to the lack of finality in death penalty cases. It also cites the delayed, complex legal system, the 91 offenders on Death Row in Georgia, and the expensive, time-consuming appeals process. It states that Georgia's unified appeals process in death penalty cases is virtually meaningless due to the cumbersome and lengthy appellate procedures in the federal courts. It urges Congress to pass legislation providing for a sentence of death in state court to be reviewed only once in the federal judiciary by the United States Supreme Court on direct appeal from the highest appellate court of a state. It authorizes that copies of this resolution be sent to each member of the Georgia Congressional Delegation.

H.R. 560 is symbolic in impact, and could result in legislative action by the United States Congress. It will communicate the frustration of the Georgia House of Representatives to Georgia's congressional delegation relative to the apparent impotency of the death penalty and the negative image said impotency gives our State and county's criminal justice system.

H.R. 560 is a unified effort by the General Assembly to express their support of the death penalty. It is a response to recent public outcry concerning increases in crime and lack of finality in death penalty cases. It relates to Senate Resolution 240 and Senate Resolution 255.

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H.R. 589 - 1975 RESOLUTION: SERIOUS CRIME: RECONFIRM - RESOLUTION 107

H.R. 589 reconfirms House Resolution 161 adopted during the 1975 General Assembly. That Resolution urged trial judges of this State to give more severe penalties to persons convicted of committing serious crimes. It further stated that the General Assembly continues to be alarmed at the rising tide of crime in this State. It authorizes and directs the Clerk of the House to transmit a copy of the Resolution to each judge of the superior courts and to each district attorney in Georgia. Effective April 14, 1982.

H.R. 589 directs the attention of trial judges and district attorneys to the continuing concerns of the General Assembly that serious criminal offenders are not receiving severe enough punishment commensurate with the crimes they commit. It may result in trial judges heeding the wishes of the General Assembly and using their sentencing authority to the maximum, thus increasing the length of prison stay for serious offenders. Should this be the result, it will impact upon the Department of Offender Rehabilitation in that additional facilities and staff will be required to support increased population.

H.R. 589 is responsive to the general alarm expressed by the citizens of Georgia that serious offenders do not receive punishment to confinement for terms commensurate with the seriousness of the crime committed. It reinforces similar concerns expressed in 1975.

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SENATE RESOLUTIONS

SENATE RESOLUTIONS

S.R. 52 - DEATH PENALTY: RELATIVE TO

S.R. 52 expresses the concern of the Georgia Senate in the lack of finality in death penalty cases. It expresses its complete and unwavering support for the death penalty statute in Georgia. It calls upon the federal judiciary to expend every effort to resolve, in an efficient and expeditious manner, all challenges to the imposition of the death penalty to assure swift and appropriate punishment. It provides that a copy of the Resolution be provided the Georgia Congressional Delegation and to each appellate and district court judge of the 11th U. S. Judicial Circuit.

S.R. 52 highlights the sentiments of the Senate in urging imposition and execution of death sentences in appropriate cases. Its impact is primarily symbolic. It provides visibility to frustration with the lack of finality in capital punishment cases.

S.R. 52 is in response to the widespread perception that the death penalty, when imposed, is not carried out in a swift manner and, therefore, has a negligible effect in deterring crime. It is an indication of the legislative branch of government's indignation at the apparent mockery our justice system becomes when finality in all criminal cases becomes increasingly evasive. It may indicate future legislative (statutory) intervention in the judicial process. By specifically calling upon federal judges to expedite the appeal process, it highlights where the lack of finality actually takes place and focuses attention on the unified appeal process of the Georgia court system in capital punishment cases. It relates to Senate Resolution s 240 and 255 and to House Resolution 560.

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S.R. 171 - JOINT CHILDREN & YOUTH STUDY COMMITTEE: CREATE - RESOLUTION 87

S.R. 171 creates the Joint Children and Youth Study Committee. It expresses concern regarding acts of crime and violence by juveniles, and the effect such violence and disruption is having on the youth, particularly in the school systems of this State. It indicates that physical and sexual abuse trends show an increase in cases and that the present juvenile justice system needs to be studied to determine where improvements need to be made and to determine if alternative procedures and programs are needed. It provides that the Children and Youth Study Committee is to be composed of four members of the Senate appointed by the President of the Senate, four members of the House appointed by the Speaker of the House, two citizens

at large appointed by the President of the Senate and two citizens at large appointed by the Speaker of the House. It authorizes the Committee to study and make recommendations regarding the entire juvenile justice system of this State, regarding troubled children and child abuse and neglect, and regarding behavioral problems of students from elementary through high school. It authorizes the Committee to conduct a regional conference of State Legislators on children and youth issues. It provides that the Department of Education and other State agencies shall assist and support the Committee in its study. It requires the Committee to establish an advisory committee made up of representatives from various professional groups and associations, State agency personnel, and others designated by the Committee (such advisory committee members are to serve without compensation). It authorizes the Committee to hire a staff person to serve at the Committee's direction. It provides that funds to carry out the provisions of this Resolution shall come from the funds appropriated to or available to the legislative branch, and that the Committee shall stand abolished on December 31, 1982. Effective April 14, 1982.

S.R. 171 will continue in effect some of the study effort of the Juvenile Justice Study Committee created by S.R. 133 during the 1981 General Assembly, which Committee stood abolished on December 31, 1981. It will provide a study forum to continue to study the entire juvenile justice system of Georgia, and may result in recommendations for legislative action for improvement in the system. It may develop recommendations to provide a means to deter juvenile crime, reduce incidence of child abuse, and improve school conditions. It should also result in a forum for exchange of information between juvenile justice and child advocacy practitioners and members of the General Assembly.

S.R. 171 is in partial response to a continuing request from juvenile justice advocates in Georgia to create a permanent standing committee or subcommittee on juvenile justice, although it simply creates a study committee of one year duration in lieu of a standing body. It relates to Senate Resolution 344.

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S.R. 233 - HEALTH CARE: JAILS/PRISONS: RELATIVE TO

S.R. 233 resolves that the Georgia Senate recognizes the importance and necessity of quality health care in jails and prisons and recommends that both the Department of Offender Rehabilitation (DOR) and the Department of Community Affairs (DCA) make every reasonable effort to

establish statewide standards for jail health care based on the Georgia Jail Standards Study Commission Report of 1979.

S.R. 233 should have no impact on the criminal justice system other than to place renewed emphasis on the voluntary compliance with the health care standards contained in the existing Standards for Georgia Jail Facilities, 1979, which were previously adopted by S.R. 249 (1980 Session of the General Assembly). These standards are voluntary in nature and are met by individual jails as their resources will allow them.

S.R. 233 is part of the continuing efforts concerning the standards set down in the Department of Community Affairs' Standards for Georgia Jail Facilities, 1979, which encouraged voluntary compliance through their technical assistance programs and with the assistance of S.R. 249 from the 1980 Session. These efforts are continuing but may be hampered due to the lack of mandatory standards. Anything more than current voluntary efforts to comply would require additional statutes and funding.

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S.R. 240 (and 255) - CONGRESS MEMORIALIZE: DEATH PENALTY (Identical Resolutions

S.R. 240 (and S.R. 255) urges Congress to pass certain legislation relative to the death penalty. It cites the public's concern over the dramatic increase in violent crime, and their lack of understanding as to the lack of finality in death penalty cases. It also cites the delayed, complex legal system, the 91 offenders on Death Row in Georgia, and the expensive, time-consuming appeals process in capital cases. It states that Georgia's unified appeals process in death penalty cases is virtually meaningless due to the cumbersome and lengthy appellate procedures in the federal courts. It urges Congress to pass legislation providing for a sentence of death in state court to be reviewed only once in the federal judiciary by the United States Supreme Court on direct appeal from the highest appellate court of a state. It authorizes that copies of this Resolution be sent to each member of the Georgia Congressional Delegation.

S.R. 240 (and S.R. 255) is symbolic in impact. It could result in legislative action by the United States Congress.

S.R. 240 (and S.R. 255) represents a unified effort by the General Assembly to express their support for imposition of the death penalty. It is a response to recent public outcry concerning increases in crime and the lack of finality in death penalty cases. It relates to Senate Resolution 52 and Senate Resolution 255, and to House Resolution 560.

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S.R. 255 (and 240) - DEATH PENALTY LEGISLATION: MEMORIALIZE CONGRESS
(Identical Resolutions)

S.R. 255 (and S.R. 240) urges Congress to pass certain legislation relative to the death penalty. It cites the public's concern over the dramatic increase in violent crime, and their lack of understanding as to the lack of finality in death penalty cases. It also cites the delayed, complex legal system, the 91 offenders on Death Row in Georgia, and the expensive, time consuming appeals process in capital cases. It states that Georgia's unified appeals process in death penalty cases is virtually meaningless due to the cumbersome and lengthy appellate procedures in the federal courts. It urges Congress to pass legislation providing for a sentence of death in state court to be reviewed only once in the federal judiciary by the United States Supreme Court on direct appeal from the highest appellate court of a state. It authorizes that copies of this Resolution be sent to each member of the Georgia Congressional Delegation.

S.R. 255 (and S.R. 240) is symbolic in impact. It could result in legislative action by the United States Congress.

S.R. 255 (and S.R. 240) represents a unified effort by the General Assembly to express their support of the death penalty. It is a response to recent public outcry concerning increases in crime and the lack of finality in death penalty cases. It relates to Senate Resolutions 52 and 240, and to House Resolution 560.

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S.R. 270 - CORONERS: OFFICIAL MANUAL - RESOLUTION 188

S.R. 270 resolves that the "Georgia Coroners Manual," prepared by the Georgia Police Academy to assist coroners in the investigation of certain deaths, shall be designated as the official operating manual for coroners in the State of Georgia. It further authorizes and directs all coroners to utilize this manual and to follow the instructions, procedures, and techniques detailed therein in the performance of their duties. Effective April 16, 1982.

S.R. 270 should serve to encourage the widespread use of the "Georgia Coroners Manual" to improve the operations of the coroners' offices. It should result in improved death investigations, while having minimal cost impact.

S.R. 270 responds to the concerns that only approximately 60% of new coroners attend coroner's training programs, and that they, and others should be encouraged to identify and use resource materials which might aid them in the performance of their duties.

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S.R. 274 - HAZARDOUS DRIVERS STUDY COMMITTEE: CREATE - RESOLUTION 202

S.R. 274 creates the Hazardous Drivers Study Committee. It states that the incidence of serious traffic offenses such as driving under the influence of alcohol or drugs, have increased dramatically during recent years and that the General Assembly should review the laws dealing with serious traffic offenses and the administration of those laws by the courts, in an effort to find more effective methods to remove hazardous drivers from the streets and highways. It provides that the Committee shall be composed of 18 members: (1) four members of the Senate, three appointed by the President, and the fourth shall be the Chairman of the Senate Public Safety Committee; (2) four members of the House, three appointed by the Speaker, and the fourth shall be the Chairman of the Motor Vehicles Committee of the House; (3) one official or employee of the Department of Public Safety appointed by the Commissioner of Public Safety; (4) one official or employee of the Department of Human Resources appointed by the Commissioner of the Department; (5) one official or employee of the Office of Highway Safety appointed by its Director; (6) four judges of courts of this State appointed by the Governor, one a municipal or recorder's court judge, one a probate court judge exercising jurisdiction over traffic offenses, one a judge of a state court, and one a juvenile court judge; and (7) three citizens appointed by the Governor. It provides that the Committee shall conduct a comprehensive study of the existing laws relating to serious traffic offenses, with particular emphasis on driving under the influence of alcohol or drugs. It also requires study of the administration of such laws by the courts. It states that the purpose of the study will be to find more effective methods of substantially reducing the number of hazardous drivers operating in this State. It provides for a chairman, organization and procedures, reimbursement for expenses for Committee members, and that the Committee shall make a report of its findings and recommendations, including proposed legislation, to the Governor and all members of the General Assembly on or before the date the General Assembly convenes in regular session in 1983, on which date the Committee shall stand abolished.

S.R. 274 should result in a detailed study of road and highway laws and regulations, their enforcement, and punishment for violations of them.

It provides an opportunity to review previous laws, changes made during this and past sessions of the General Assembly, and resolves conflicts and duplications. It may result in more streamlined "rules of the road," stiffer or more graduated punishments for violations, changes in license revocation or suspension procedures, and other modernization and updating of existing law.

S.R. 274 is an apparent response to increased concern on the part of the General Assembly, and the people of Georgia, concerning violence and death on the highways and roadways of this State. It is also responsive to increased legislative efforts to stiffen penalties and eliminate evasions of the law relative to driving under the influence violations. It relates to Senate Resolution 378.

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S.R. 275 - CONGRESS MEMORIALIZE: FEDERAL JUDGES: ELECTION - RESOLUTION 92

S.R. 275 calls upon the Congress of the United States to pass an amendment to the United States Constitution which would require that the record of all federal judges be reviewed every eight years. It cites that federal judges are appointed for life and are removable only through impeachment or voluntary retirement, and that this system of selecting federal judges appropriately insulates them from the people and the government they serve. It calls for procedures to be available to remove judges found, during the eight year performance review, to be derelict in the performance of their constitutional duties. It calls upon the legislatures of the other states to adopt similar resolutions and to forward such resolutions to the Congress. It directs that copies of this Resolution shall be forwarded to the President of the U. S. Senate, the Speaker of the U. S. House of Representatives, the Secretaries of State of the various states and the presiding officers of the legislatures of the several states. Effective April 14, 1982.

S.R. 275 is an expression of sentiment of the Georgia General Assembly against the impossibility of removing federal judges. While not specifying the review procedures to be utilized, it is assumed that by some standards, if adopted, federal judges could be removed in the future should they not have been effectively performing their duties. It could result in legislative action by the United States Congress.

S.R. 275 responds to the perceived encroachment of the federal judiciary upon state affairs, particularly in the operation of jails and prisons, and in the lack of finality concerning the death penalty,

and the availability of too many avenues of appeal from state to federal courts. It is essentially a statement of frustration over the states' inability to influence the selection and/or retention of federal judges. It relates to House Resolution 641, which called for election of federal judges, but did not pass both houses of the General Assembly.

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S.R. 310 - MOTOR VEHICLE SAFETY WEEK: ESTABLISH - RESOLUTION 94

S.R. 310 supports the establishment of a "Georgia Motor Vehicle Safety Week," to be held the third week of November of each year. It recognizes that periodic maintenance of the family vehicle will provide safer driving for family members and others. It further recognizes that the winter holiday season is a particularly hazardous driving time, and that the Department of Public Safety (DPS) and private industry, through their personnel and the news media, can promote car inspection and maintenance during the third week of November. Effective April 14, 1982.

S.R. 310 supports a media/industry/DPS news and information effort during the third week of November, to remind drivers of the need for proper motor vehicle maintenance, and caution, in winter driving. While the media already supports such public safety efforts and special events such as the Safety Week, DPS may be required to utilize personnel and some funds to promote the effort, arranging public meetings and other forms of visibility to accomplish its goal of safer driving.

S.R. 310 recognizes past efforts on the part of the Department of Public Safety to encourage safer mechanical condition of vehicles and safe driving. It is supported by DPS and, further, is in partial response to abolition of required annual vehicle inspections by the 1982 General Assembly. It is a means of maintaining an information and inspection program to continue to alert the public to the hazards of driving a vehicle not in proper mechanical condition.

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S.R. 318 - CRIMINAL JUSTICE COORDINATING COUNCIL: RESEARCH

S.R. 318 calls upon the Criminal Justice Coordinating Council to examine the data accumulated by the California Crime Control and Violence Prevention Commission, established by the California legislature in 1979.

It indicates that violent individuals must be held accountable for their acts while, at the same time, society is held accountable so that social conditions which contribute to individual violence are altered. It cites that a preliminary report of the three-year California study, which examined sociological, economic, psychological, and human development data, in an effort to arrive at long-range solutions to crime and violence, has been prepared. It urges the Criminal Justice Coordinating Council to cull the California data and extrapolate and highlight what is relevant for Georgia and to supplement this information with an analysis of other research sources. It urges the Council to seek funding to conduct this evaluation on a short-term basis and to make recommendations to the 1983 General Assembly relative to long-range solutions to the causes of crime and violence in Georgia.

S.R. 318 will result in a review of the reports of the California Crime Control and Violence Prevention Commission, and background and research data used in compiling the report. It may result in recommended legislative or executive action, based upon California data and experience, that may be useful to Georgia's long-range crime control efforts.

S.R. 318 responds to the desires of the Georgia Senate to be able to utilize research data from California, and other sources, in determining courses of legislative action which will contribute to an increase in crime control measures and crime prevention and intervention activities. It is also responsive to a more general need to examine the root causes of crime and violence and to develop remedial courses of action to minimize the operation of such causes.

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S.R. 336 - ALCOHOL ABUSE STUDY COMMITTEE: CREATE

S.R. 336 creates the Senate Alcohol Abuse Study Committee, composed of seven Senate members to be appointed by the Lieutenant Governor, who shall also appoint the Chairman of the Committee. It provides that the Committee is to study the magnitude of the problems created by alcohol abuse and alcoholism, and to recommend necessary steps needed to be undertaken to alleviate such problems. It provides for allowances of the Committee members, for not more than fifteen days, and that a report of findings and recommendations, with suggestions for proposed legislation, shall be made no later than December 15, 1982, when the Committee shall stand abolished.

S.R. 336 creates a committee similar to the Alcohol Abuse Study Committee created by the 1980 General Assembly. It is a forum for testimony and information-gathering about the correlation between alcohol abuse and such other areas of concern as crime and delinquency, child and spouse abuse, suicide, traffic fatalities, and the economics of business and industry and unemployment rates. It should result in recommendations for appropriate legislation to address these issues.

S.R. 336 appears to be in continuing response to the public concern by widespread publicity and alarming statistics about alcohol abuse and alcoholism among both adults and youth. It may also be in partial response to current research which merits a reevaluation of, or further inquiry into, the alcohol abuse problem and its status within the criminal justice system. It will probably continue the study effort carried out by the similar committee established by the 1980 Senate, which stood abolished on December 15, 1980.

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S.R. 344 - SENATE COMMITTEE ON SUSPENSION/DISCIPLINE IN SCHOOLS: CREATE

S.R. 344 will continue a Senate Study Committee on Suspension and Discipline in schools which was originally created by S.R. 93 during the 1981 General Assembly. It states that the Committee would like to continue its study and work, in cooperation with the House Education Committee and the State Board of Education Ad Hoc Committee on Discipline and Suspension. It provides that the President of the Senate shall appoint six members from the Senate, and that the Committee shall appoint an advisory group. It further authorizes the Committee to have a staff person to serve at the Committee's direction. It provides for the study of alternatives to inappropriate school suspensions and programs for improving the overall school climate. It provides for the study of behavior problems of students from elementary through high school, and the methods schools use to deal with these problems, and authorizes the Committee to visit facilities, view records, and hear testimony relating to these issues. It requires the Committee to make a report of its findings and recommendations not later than December 31, 1982, at which time it shall stand abolished.

S.R. 344 provides a mechanism to continue compiling information regarding unruly behavior and discipline policies/procedures in public schools for utilization by the legislature in formulating alternative policies which may ultimately reduce the disruptions caused by unruly classroom behavior and suspension or expulsion from classes. It continues to provide the

opportunity to discover, document and analyze the effects school discipline problems have on communities and how communities may respond effectively, possibly leading to reductions in juvenile crime. It may lead to the discovery of alternatives to suspension/expulsion not affecting school attendance or revenue based on attendance rates, thus not depriving students of learning and replacing some funds in school budgets.

S.R. 344 responds to continuing objections to the number of suspensions, expulsions and dropouts attributed to discipline problems in schools and the viewpoint that children's education and behavior would better benefit from in-school suspension programs or other unexplored discipline alternatives. It further responds to the desire of the original committee to continue its work which began last year. It relates to Senate Resolution 171.

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S.R. 378 - DRIVERS' LICENSE SUSPENSION/REVOCATION STUDY COMMITTEE: CREATE

S.R. 378 creates the Senate Driver's License Suspension and Revocation Study Committee to be composed of five members of the Senate appointed by the Lieutenant Governor, who shall also appoint the Chairman of the Committee. It provides that the Committee shall undertake a comprehensive study of the laws relating to the suspension or revocation of drivers' licenses to determine if such laws need to be changed in order to prevent serious violators from operating vehicles and to assure the safety of persons using the highways of this State. It provides for the necessary powers and funding to enable the Committee to complete its study. It provides that the Committee shall make its report no later than December 15, 1982, at which time the Committee shall stand abolished.

S.R. 378 should result in recommendations and suggestions for proposed legislation pertaining to drivers' license suspensions and revocations.

S.R. 378 is a companion resolution to S.B. 506 which increased the period of suspension of licenses of drivers charged with homicide by vehicle and DUI, who refuse to submit to chemical test(s) of blood, breath or urine from six (6) to twelve (12) months. It is aimed at studying and clarifying the confusion that currently exists relative to the area of DUI's and license suspensions. It relates to Senate Resolution 274.

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