

From: Representative Don Parsons

Legislation Passed by the Georgia House on Day 26 - February 23, 2016

HB 93, sponsored by Rep. John Pezold, seeks to protect an individual's license plate data collected by law enforcement agencies through automated plate recognition systems. This bill states the data collected by these systems must be destroyed by the collecting law enforcement agency after 12 months unless the data is the subject matter of a toll violation or law enforcement purpose. Law enforcement agencies are permitted to exchange this data with other law enforcement agencies for office purposes and are subject to penalties for improper use. This bill defines the terms "automated license plate recognition system" as one or more high-speed cameras combined with computer algorithms to convert images of license plates into computer readable data and "captured license plate data" as the GPS coordinates, data/time, photograph, license plate number, and any other data collected by the automated license plate recognition system. HB 93 also exempts license plate reader data from Open Records Requests.

HB 769, sponsored by Rep. Lee Hawkins, establishes the Georgia ABLE Program ('Georgia Achieving a Better Life Experience'), modeled after education savings plans under Section 529 of the Internal Revenue Code, whereby disabled individuals can save private funds in tax-exempt accounts to pay for qualified disability expenses without becoming ineligible for Medicaid for possessing in excess of \$2,000 in assets.

The ABLE program will be administered by the Georgia ABLE Program Corporation which will be governed by a board of directors consisting of the Commissioner of Community Health, the Commissioner of Behavioral Health and Developmental Disabilities, the State Auditor, the State Treasurer, and three members appointed by the Governor. The Corporation is assigned to the Department of Administrative Services for administrative purposes only and the Georgia ABLE Program Trust Fund - which will receive all payments and contributions - shall be located in the Office of the State Treasurer where the funds will be invested by the Treasurer pursuant to the investment plan adopted by the ABLE Program Board. Georgia may also participate jointly with other states with ABLE programs to raise the necessary assets required to fund the program.

HB 792, sponsored by Rep. Buzz Brockway, would allow anyone at any postsecondary education institutions to carry electroshock weapons (i.e. stun gun or taser) on campus. The bill requires the use of that weapon to be only in self-defense or the defense of another.

HB 804, sponsored by Rep. Ronnie Mabra, adds a fifth judge to the superior courts of the Clayton Judicial Circuit. The additional judge will be appointed by the Governor for a term beginning July 1, 2016 and continuing through December 31, 2018 whereupon his or her successor, chosen by election, will assume the judgeship.

The election will be in 2018 and the term, starting January 1, 2019, will be for four years. The judge's compensation will be the same as for other judges of the Clayton Judicial Circuit, and they will have the same power and facilities as his counterparts. The Clayton Judicial Circuit will be allowed to appoint an additional court reporter as well. This Act will take effect July 1, 2016.

HB 827 - the Pursuing Justice for Rape Victims Act -, sponsored by Rep. Scott Holcomb, was introduced in response to the discovery of a huge backlog of untested rape kits in hospitals, clinic, and law enforcement agencies throughout the state. Specifically, the bill outlines requirements for recording and reporting evidence collected during a forensic medical evaluation for investigations of rape or aggravated sodomy. Law enforcement officers collecting such evidence are required to provide email notification to the GBI Division of Forensic Sciences (the division) within 72 hours of collection. The bill also requires law enforcement to submit said evidence within 30 days and follow procedures of the division regardless of whether the evidence will be tested.

In addition, every law enforcement agency in the state is required to create a list of evidence resulting from any forensic medical evaluation during an investigation of rape or aggravated sodomy in the agency's possession on July 1, 2016. The list must be submitted to the division by September

16, 2016 and must identify whether the listed evidence should be tested or stored. Evidence on the list must be transferred to the division no later than November 16, 2016. HB 827 requires the division to issue an annual report detailing the number of rape and aggravated sodomy cases for which the division has tested or stored evidence. The division is required to submit this annual report to the Speaker, the Lieutenant Governor, the house Committee on Judiciary, Non-Civil, and the Senate Judiciary Non-civil Committee.

HB 851, sponsored by Rep. Alex Atwood, requires county law libraries to have an annual audit of its financial affairs, books, and accounts performed by a certified public accountant, county accountant, or the internal auditor of the county if they are a certified public accountant.

HB 856, sponsored by Rep. Barry Fleming, increases the base bond or surety amount for probate judges from \$25,000 to \$100,000. This bond requirement for probate judges has not been increased since 1982 and is used to cover potential liabilities resulting from a failure to faithfully discharge their duties. This bill was requested by the Probate Judges Council.

HB 900, sponsored by Rep. Sharon Cooper, authorizes the Georgia Drugs and Narcotics Agency (the "agency") to retain aggregated prescription information for two years, instead of one year, from the date the information is received. Additionally, this bill allows the agency to provide requested prescription information to a prescriber's or dispenser's delegate (a member of the prescriber or dispenser's staff) for the purposes of

determining misuse, abuse, or underutilization of prescribed medicine. Further, the agency can provide requested prescription information to state and local law enforcement upon the issuance of a search warrant from an appropriate court or official in the county in which the office of such law enforcement officials are located. Finally, the agency can provide requested prescription information to the Department of Community Health for the state Medicaid program.

HB 923, sponsored by Rep. Regina Quick, exempts fire districts which have elected government bodies and are supported in whole or in part by ad valorem taxes from sales and use taxes. Fire districts are independent, constitutionally-created special use districts with a governing body independent of the county government. These fire districts are financed by ad valorem taxes - similar to school districts - but are currently not exempt from sales and use taxes.

HB 941, sponsored by Rep. Rich Golick: Under current law, if a law enforcement officer is being investigated by a criminal grand jury for potential criminal wrongdoing - including a fatality or serious injury that occurs as a result of a law enforcement officer discharging his or her weapon - the officer involved has the right to be present in the grand jury room the entire time the case is being considered, hear all testimony, and be aware of all evidence. After all evidence has been presented to the grand jury, the officer then has the right to make a statement before the grand jury. However, the officer is not subject to cross examination as any other citizen would be under similar circumstances. Therefore, an officer could potentially tailor his statement to the grand jury to what he has seen and heard presented and not be challenged. Georgia is the only state in the nation to have this approach, which allows for the possible manipulation of the grand jury process.

HB 941 changes this process. This bill would continue to allow an officer the right to make a statement before the grand jury and tell his or her side of the story. However, if he or she chooses to exercise that right, they would be subject to cross examination like any other citizen. In addition, an officer would not be able to hear and see all of the other evidence that the grand jury considers. HB 941 also provides for increased transparency in the form of a written record so that the public can ultimately be aware of what happened and what testimony/evidence was presented.

In sum, HB 941 does not confer any new special rights on law enforcement - those already exist. This bill, in fact, seeks to dial back those special privileges to a certain degree and align Georgia's procedures with more mainstream national policies while eliminating the possibility of manipulation of the grand jury process. HB 941 is endorsed by the Georgia Sherriff's Association, Georgia Fraternal Order of Police, the GBI, and Georgia District Attorney Association.

HB 944, sponsored by Rep. Sheri Gilligan: Under current law, non-physician medical personnel are prohibited from making a determination or pronouncement of death in a nursing home or in hospice care when the deceased patient is registered as an organ

donor. HB 944 deletes this prohibition and expands the non-physician medical personnel authorized to determine or pronounce death.

In the cases of nursing homes, this bill adds nurse practitioners to the list of approved medical professionals authorized to pronounce the death of a patient if it appears said patient dies of natural causes and no physician is present. This list currently only includes physician assistants and registered professional nurses. Further, in the case of hospice care, this bill adds physician assistants and nurse practitioners to the list of approved medical professionals authorized to pronounce the death of a patient when no physician is present. This list currently only includes licensed professional nurses."

HB 970, sponsored by Rep. Eddie Lumsden, revises and updates Title 25 relating to fire protection and safety concerning the issuance of certificates, definitions, functions and powers of the Georgia Firefighter Standards and Training Council, and qualifications of firefighters. This bill brings Georgia into compliance with updated federal law in order for the federal government to continue to perform background investigations for firefighter support personnel on behalf of the GBI.

HB 975, sponsored by Rep. Jason Shaw, updates Georgia's Principal Based Reserve standard in order to maintain its accreditation with the National Association of Insurance Commissioners' requirements. Principal Based Reserve refers to funds set aside by insurers to pay insurance claims when due. These reserves are determined by formulas and assumptions prescribed by state law.

HB 1030, sponsored by Rep. Sam Watson, refines the Georgia Seed Development Commission Board by updating the definition of "licensee" members as "the holder of a license authorizing the propagation and marketing of seed, turf grass, or horticultural plans developed by UGA's College of Agriculture and Environmental Science (CAES)" for membership in the Georgia Seed Development Commission. In addition, it makes the associate dean for research for CAES a non-voting participant and adds another licensee as a non-voting member. The University of Georgia and the Seed Development Council requested the bill and the membership revisions due to the Commission experiencing difficulty in recruiting individuals to serve.

HR 1312, sponsored by Rep. Barbara Sims, authorizes the Department of Transportation to use approximately three acres of a heritage preserve in Houston County belonging to the Department of Natural Resources for the widening of State Route 96.

HR 1363, (was not voted on - postponed to Wednesday, February 24) sponsored by Rep. Wendell Willard, creates a committee to study the reform of the Judicial Qualifications Commission with the authority to issue and enforce subpoenas for witness and documents. The committee is composed of seven members to be appointed by the Speaker of the House