

2005 Enacted Legislation

Prepared by the Administrative Office of the Courts
Legislative and Governmental Affairs Division

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SECTION I: CRIMINAL

HB 10 - Female genital mutilation; define offense; penalties; exceptions

This bill amends the OCGA relating to assault and battery by adding the crime of female genital mutilation. This bill imposes a punishment of imprisonment of no less than five and no more than 20 years, and provides for exceptions.

Effective Date: July 1, 2005

Signed by Governor on May 5, 2005

HB 106 - Sex offender registry; sexually violent offense; redefine

The bill changes certain provisions relating to the state sexual offender registry and updates provisions relating to registration requirements for offenders changing residency to Georgia. If a new Georgia resident has been convicted of a sexually violent crime, they must immediately register as a sex offender with the new county of residence.

Effective Date: May 2, 2005

Signed by Governor on May 2, 2005

HB 170 - Criminal Justice Act of 2005; enact

The major provisions of HB170 include:

- Provides an equal number of jury strikes for both the defense and prosecution. The current system of unequal strikes gives more rights to the defendant than to the victim.

- Allows for the impeachment of a defendant who testifies in a criminal case, in line with standards of the Federal Rules of Evidence. Forty-eight states allow impeachment of all witnesses including a defendant who testifies. Kansas and Georgia are the only states that only allow impeachment of a defendant if he or she first places character at issue.

- Requires reciprocal discovery during the sentencing phase. Georgia currently only has reciprocal discovery during the trial phase. Reciprocal discovery maximizes the presentation of reliable evidence and fosters fairness and efficiency in criminal proceedings.

- Places Georgia in line with the majority of states by providing that the state, the party with the burden of proof, has the right to conclude closing statements at trial.

- Gives the state the right to appellate review of a motion to recuse a judge or motion for a new trial, a right that defendants have under current law.

- Extends Georgia's rape shield law to victims of other sexually violent crimes.

Effective Date: July 1, 2005

Signed by Governor on April 5, 2005

(Applies to all trials which commence on or after this date)

HB 172 - Crime Victims Restitution Act of 2005; enact

The major provisions of HB172 include:

- Allows victims of crime in many cases to delay bringing a civil action against the perpetrator of a crime until the prosecution of the criminal case is complete.

- Requires the court to consider victim impact statements prior to sentencing or determining restitution.

- Makes restitution easier to collect by codifying a procedure that will allow the enforcement of restitution orders after the criminal sentence is complete.

- Restitution will be ordered even if a defendant is sentenced to prison for a period of straight time, life imprisonment, life without parole or even death penalty cases.

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- Clarifies that individuals, businesses and other organizations are entitled to restitution.
- Whenever possible, juveniles that commit a crime must make restitution to their victims.
- The court is authorized, but not required, to make the parent or parents who have supervisory responsibility over the child to pay restitution to the victim where the court finds that the parent or parents knew or should have known of the juvenile's propensity to commit such acts and the acts are due to the parent's negligence or the parents' reckless disregard for the juvenile's propensity to commit such acts.
- In any case where the state, county or city is due restitution, the victim shall receive any restitution first.
- Makes restitution a priority by requiring that at least 50 percent of all payments by criminals be used to satisfy restitution to victims before any such payment can be used to satisfy other fines and/or fees.
- Requires that restitution be disbursed to victims in a timely manner.
- Allows the court to require an offender to assign his or her wages to pay restitution.
- Requires the clerk of court, probation or parole officers to review all restitution orders at least twice a year to ensure that restitution is being paid.
- Allows the Department of Juvenile Justice or the Board of Pardons and Parole to intercept tax refunds when there is an outstanding amount of restitution owed a crime victim. The Department of Corrections already has this authority.

***Also listed under Fines & fees*

Effective Date: July 1, 2005

Signed by Governor on April 11, 2005

HB 188 - Registered sexual offender; publish photo in legal organ

The bill requires certain sexual offenders to register with the sheriff in the county where they reside. Upon release of the offender, the sheriff is now required to publish a notice of conviction along with a photograph of the offender in the "legal organ" of the county.

Effective Date: May 3, 2005

Signed by Governor on May 3, 2005

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HB 216 - Pseudoephedrine sales; limitations and restrictions

This bill limits the sale and manner of sale of products containing pseudoephedrine, making it unlawful to sell such products from anywhere but behind a counter at a pharmacy, etc. and by limiting the sale of such products to 3 packages at a time.

A violation of this provision shall result in a fine up to \$500 for the first offense, and a fine of up to \$1,000 and/or 6 months in jail for future offenses. If the business in which a violation occurs is certified by Georgia Meth Watch and the violation was not committed willfully, that can be used as a defense under this bill.

Further, retail distributors of such products must purchase from a licensed wholesaler or manufacturer or be found guilty of a misdemeanor for a first offense and a misdemeanor of a high and aggravated nature for a second offense. If such products are sold or possessed for the purpose of illegal use, the person shall be guilty of a felony and subject to a prison term of 1-15 years and/or a fine of up to \$100,000.

Effective Date: July 1, 2005

Signed by Governor on April 19, 2005

HB 222 - Criminal procedure; discovery in felony cases; change certain provisions

This bill is related to discovery in felony cases. It changes certain provisions to include cases in which discovery may be obtained through other lawful methods.

Effective Date: May 3, 2005

Signed by Governor on May 3, 2005

HB 236 - Theft; certain services or property knowingly obtained by deception

This bill will amend the Georgia code relating to the theft of services statute regarding rental cars. If a person knowingly uses false identification to obtain a rental car or does not return a rental car to its proper location and does not notify the owner, that person can be found guilty of the crime of theft.

Effective Date: May 9, 2005

Signed by Governor on May 9, 2005

CRIMINAL

HB 254 - Courts; establish drug courts division

The bill would establish drug courts throughout the state, at the option of the local courts in the area. Existing local judges will be assigned to the drug court divisions, and standards for drug courts will be adopted by the Judicial Council. The courts can be funded through grants, private contributions, court fees, and state appropriations.

This bill also allows for the extension of the Family Court Division of Fulton County as a pilot project for three years. The program will be structured similar to the drug courts, and the AOC will be responsible for providing annual reports on the efficacy of the program.

Tacked onto the bill is a provision relating to all clerks of the various courts whereby they are allowed, but not mandated, to create and maintain documents in a digital format.

Effective Date: May 10, 2005

Signed by Governor on May 10, 2005

HB 366 - Indigents; legal defense; amend certain provisions

This bill allows single county judicial circuits to request alternative delivery systems for indigent defense to the Public Defender's Standards Council. The Council shall determine if the alternative system is acceptable. If not, they shall make a finding and give it to the county in writing. The county can then appeal the decision to the Supreme Court of Georgia.

Effective Date: May 6, 2005

Signed by Governor on May 6, 2005

HB 455 - Motor vehicles; new & used dealers; temp license plates; amend provisions

This bill amends the number of dealer license plates a dealership may have, and establishes regulations for used motor vehicle dealerships. A misdemeanor violation of no more than \$1,000 and/or one year imprisonment for violating the regulations of used dealerships.

Effective Date: July 1, 2005 (*except Section 2 relating to registration and licensing of dealers and manufacturers of motor vehicles, which becomes effective on January 1, 2006*).

Signed by Governor on May 2, 2005

HR 515 - House Study Committee on Restructuring Georgia's Criminal Penalties; create

The resolution will create the House Study Committee on Restructuring Georgia's Criminal Penalties. The committee will examine the laws specifying criminal offenses and punishments and will seek ways to more efficiently and effectively apply the option of incarceration. The goal of the committee is "to find ways to balance the use of the threat of incarceration so that there is maintained sufficient deterrence from that threat with-

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out implicating the right to counsel for so many offenders as to drain the resources of the state and counties in their efforts to administer justice."

The committee shall consist of the following members: nine members appointed by the Speaker of the House; the director of the Georgia Public Defender Standards Council or his or her designee; the executive director of the Prosecuting Attorneys' Council of the State of Georgia or his or her designee; the executive director of the Association County Commissioners of Georgia or his or her designee; the executive director of the Georgia Municipal Association or his or her designee; the legislative chairperson of the Georgia Association of Criminal Defense Lawyers or his or her designee; the chairperson of The Council of Superior Court Judges of Georgia or his or her designee; and the chairperson of the Georgia Alliance of African American Attorneys or his or her designee.

Effective Date: March 29, 2005

(Date passed by the House of Representatives)

SB 62 - Georgia Slam Spam E-mail Act; deceptive commercial e-mail; criminal penalties

This bill creates the new crime of initiation of deceptive commercial e-mail (deceptive spam) when a person knew or should have known that a commercial e-mail is false or misleading. A violation constitutes a misdemeanor with penalties of up to a year in jail and/or a \$1,000 fine. The bill also creates a felony level violation with penalties of up to five years in jail and/or a \$50,000 fine if e-mails sent out violate this provision total 1,000 in 24 hours, 10,000 in 30 days, or 1,000,000 in a year. Also, if the person makes \$1,000 or more from a specific e-mail or \$50,000 or more from a litany of e-mails that violate this provision, the crime constitutes a felony-level violation. This bill also provides that a victim of a violation of this statute can assert a civil action.

Effective Date: April 19, 2005

Signed by Governor on April 19, 2005

SB 89 - Controlled Substances, Schedule I; definitions, exceptions

This bill is an annual supplement to the drugs characterized as Schedule I controlled substances. The bill adds a number of new chemicals/compounds to be considered controlled substances for law enforcement purposes.

Effective Date: May 9, 2005

Signed by Governor on May 9, 2005

CRIMINAL

SB 100 - Georgia Residential Mortgage Fraud Act; define offense; provide penalties

This bill defines the criminal offense of residential mortgage fraud and provides for penalties. A person commits the crime of residential mortgage fraud when they make deliberate misstatements or omissions during the mortgage lending process with the intention that it will be relied on or if they receive proceeds from a closing that they knew resulted from these types of omissions or lies. The bill provides for a felony with penalties of 1-10 years in jail and/or a \$5,000 fine. If a pattern of fraud is found the penalties become 3-20 years in jail and/or a fine of \$100,000. The bill also provides that property that comes under this bill's provisions is subject to forfeiture.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

SB 127 - Georgia Computer Security Act; definitions; deceptive acts; penalties

The purpose of this bill is to prohibit certain deceptive acts and practices with regard to computers; to require certain notices be given prior to certain software or programs being loaded onto certain computers; to require certain functions be available in certain software. The penalty provisions for a violation of this Act are as follows: Any person who violates the provisions of [this Act] shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years and/or a fine of not more than \$3 million. The Attorney General may bring a civil action against any person violating this article to enforce the penalties for the violation and may recover any or all of the following: (1) A civil penalty of up to \$100.00 per violation of this article, or up to \$100,000.00 for a pattern or practice of such violations; (2) Costs and reasonable attorney's fees; and (3) An order to enjoin the violation.

Effective Date: May 10, 2005

Signed by Governor on May 10, 2005

SB 134 - Juvenile Justice; persons violate terms/ conditions of probation; change provisions

If a juvenile commits a delinquent act, this bill provides that the juvenile can have his/her license suspended until they turn 18 years of age. The bill also provides that the court may order that a juvenile be sent to a youth development center for 60 days if they violate probation stemming from a delinquent act due to the commission of another delinquent act, or if the crime that he/she commits would be either a felony or a misdemeanor of a high and aggravated nature (if it involves injury or harm or a high likelihood of injury or harm) if it were committed by an adult.

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The bill further provides that the Department of Juvenile Justice in conjunction with the Council of Juvenile Court Judges shall establish and monitor a graduated alternative sanctions program.

Effective Date: April 25, 2005

Signed by Governor on April 25, 2005

SB 141 - Gambling; prohibit pyramid promotional schemes; definitions; penalties

This bill deals specifically with pyramid schemes; it tightens the definition of a pyramid scheme. The bill struck the previous code section relating to chain letters, pyramid schemes, and like groups as lotteries. Any person who participates in a pyramid promotional scheme shall be guilty of a misdemeanor of a high and aggravated nature. Any person who establishes, promotes, or operates a pyramid promotional scheme shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years.

Effective Date: May 2, 2005

Signed by Governor on May 2, 2005

SB 269 - Pen Register; district attorney having jurisdiction; apply for/extend order

This bill amends the OCGA relating to application and issuance of order authorizing installation and use of pen register or trap and trace device, so as to provide that the district attorney having jurisdiction over the prosecution of the crime under investigation may apply for or extend an order authorizing the installation and use of a pen register or trap and trace device. This bill also provides that any superior court judge may authorize such use.

Effective Date: May 3, 2005

Signed by Governor on May 3, 2005

SECTION II: CIVIL

HB 195 - Parental rights; petitions to terminate; change provisions

The bill is an effort to cut the time between a DFACS ruling and the termination of parental rights for children in foster care. The bill provides for a 90-day time instead of the current time period of one year.

Effective Date: May 3, 2005

Signed by Governor on May 3, 2005

CIVIL

HB 212 - Juvenile court; guardian ad litem; training for deprivation cases

This bill requires standard training for guardians ad litem appointed for children in deprivation cases. As part of the training, guardians ad litem must show proficiency in effective child representation.

Effective Date: May 4, 2005

Signed by Governor on May 4, 2005

HB 221 - Child support; guidelines; basic obligation amounts

This bill proposed an “income shares” model which considers the incomes of both parents and apportions the child-rearing costs according to each parent's respective income. Important provisions include the decreased child support with increased custodial parenting time (by non-custodial parents) and the establishment of a 15% grounds for modification figure. The bill will also establish a permanent Georgia Child Support Guidelines Commission, which will determine the numbers used to calculate child support. The commission will issue its recommendations by January 1, 2006 and the new guidelines will become effective on March 1, 2006.

Effective Date: Section 11 creating the Child Support Guidelines Commission effective April 22, 2005. The remainder of the bill goes into effect on July 1, 2006.

Signed by Governor on April 22, 2005

HB 406 - Trusts; allocation of principal and income; amend provisions

The bill changed the law regarding the duties of trustees as to receipts and expenditures as well as the law regarding the allocation and principal and income for trusts. It also changes a provision relating to concurrent jurisdiction of the juvenile court with superior court by adding a circumstance of concurrent jurisdiction, hearings related to “conversion to a unitrust and related matters.”

Effective Date: May 3, 2005

Signed by Governor on May 3, 2005

HB 665 - Public employees; fraud, waste, and abuse; complaints or information

This is the whistleblower bill of the Governor's ethics package. Any public employee who exposes fraud, waste, or abuse will be protected from retaliation under this bill. Public employees under this provision are also provided with civil remedy if they are fired or negatively affected by exposing fraud, waste, or abuse. The definition of public employee is expanded to include the judicial and legislative branches as well as the Governor's office.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

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CIVIL

SB 52 - Child Support; unreimbursed payment; provide negotiation, waiver

This bill allows unreimbursed public assistance (in form of welfare payments, Medicare, Medicaid, etc.) owed to the state by the non-custodial parent as part of child support to be reduced if it is shown that the debt causes an undue burden on the debtor. DHR can petition the courts for the modification of an order.

Effective Date: May 10, 2005

Signed by Governor on May 10, 2005

SB 53 - Paternity; petition of legitimation of child; provide consent of mother/father

This bill relates to petition for legitimation of a child, notice to mother, court order, effect, and intervention by father, so as to provide that legitimation of a child may take place contemporaneously with the establishment of paternity with the consent of the mother and the father.

Effective Date: May 10, 2005 (Date signed by Governor)

Signed by Governor on May 10, 2005

SECTION III: CIVIL/TORTS

HB 196 - Common-sense Consumption Act; amend provisions

This bill provides that a person cannot sue food sellers, manufacturers, etc. just because they become obese if no other mitigating circumstances exist.

Effective Date: May 2, 2005 (Date signed by Governor)

Signed by Governor on May 2, 2005

HB 416 - Torts; asbestos or silica claims; definitions and provisions

The bill imposes a requirement that physical impairment shall be an essential element of an asbestos claim or a silica claim. You must also be a Georgia resident or have been exposed in Georgia; the case must be filed either in the county of residence of the plaintiff or in the county where the exposure occurred (if exposed in more than one county, the trial court shall determine which county is the best “forum”).

Effective Date: April 12, 2005

Signed by Governor on April 12, 2005

All claims filed on or after the effective date are subject to this law.

CIVIL/TORTS

SB 3 - Torts; evidentiary matters, civil practice; revisions of provisions

This is the tort reform bill limiting non-economic damages to \$350,000 in medical malpractice cases. Other changes include: making it more difficult to sue emergency room doctors, raising the standard for expert witnesses in torts, removing joint and several liability, and allowing value of service and earning potential to be used in assessing economic damages for home-makers and children respectively.

Effective Date: February 16, 2005

Signed by Governor on February 16, 2005

This applies only with respect to causes of action arising on or after the effective date.

SB 19 - Class Actions; appellate procedures; limitations/conditions on certification

This bill relates to class actions. The bill provides for procedures, conditions, and limitations on certification of class actions. The bill also provides for appellate procedures relating to class actions certification.

Effective Date: April 22, 2005

Signed by Governor on April 22, 2005

This applies to all cases pending on the effective date in which the court has not yet certified the case as a class action and all cases filed on or after the effective date.

SB 139 - Torts; liquefied petroleum gas providers; limit liability/damages

This bill provides immunity from civil liability for a liquefied petroleum gas provider if it can be shown in court that the damages arose from negligence not on the part of the gas provider (i.e. if the user, not the provider, made alterations or modifications to essential equipment).

Effective Date: July 1, 2005

Signed by Governor on May 9, 2005

Only applies to causes of action arising on or after this date.

SECTION IV: FINES/FEES

HB 172 - Crime Victims Restitution Act of 2005; enact

The major provisions of HB172 include:

- Allows victims of crime in many cases to delay bringing a civil action against the perpetrator of a crime until the prosecution of the criminal case is complete.
- Requires the court to consider victim impact statements prior to sentencing or determining restitution.
- Makes restitution easier to collect by codifying a procedure that will allow the enforcement of restitution orders after the criminal sentence is complete.
- Restitution will be ordered even if a defendant is sentenced to prison for a period of straight time, life imprisonment, life without parole or even death penalty cases.
- Clarifies that individuals, businesses and other organizations are entitled to restitution.
- Whenever possible, juveniles that commit a crime must make restitution to their victims.
- The court is authorized, but not required, to make the parent or parents who have supervisory responsibility over the child to pay restitution to the victim where the court finds that the parent or parents knew or should have known of the juvenile's propensity to commit such acts and the acts are due to the parent's negligence or the parents' reckless disregard for the juvenile's propensity to commit such acts.
- In any case where the state, county or city is due restitution, the victim shall receive any restitution first.
- Makes restitution a priority by requiring that at least 50 percent of all payments by criminals be used to satisfy restitution to victims before any such payment can be used to satisfy other fines and/or fees.
- Requires that restitution be disbursed to victims in a timely manner.
- Allows the court to require an offender to assign his or her wages to pay restitution.
- Requires the clerk of court, probation or parole officers to review all restitution orders at least twice a year to ensure that restitution is being paid.
- Allows the Department of Juvenile Justice or the Board of Pardons and Parole to intercept tax refunds when there is an outstanding amount of restitution owed a crime victim. The Department of Corrections already has this authority.

**Also listed under Criminal

Effective Date: July 1, 2005

Signed by Governor on April 11, 2005

FINES/FEES

HB 197 - Abortion; Woman's Right to Know Act; enact

The bill requires giving women information on the risks, age and development of the fetus, fetal pain, and alternatives to abortion. Women would have to wait 24 hours after receiving the information before having an abortion. The bill also requires minors seeking to obtain an abortion to be accompanied by their parent or guardian.

Physicians will be required to submit a report detailing the number of abortions performed by the physician as well as whether the required information was disseminated to women seeking abortions via telephone or via mail. Any doctor failing to provide such a report within the stated time period will be subject to a \$500 fine.

Effective Date: May 10, 2005

Signed by Governor on May 10, 2005

HB 378 - Marriage; premarital education; provide for

The bill provides that there will be no fee for a marriage license if the marrying couple has had the approved amount of certified premarital counseling; a \$35 fee will still be charged if the couple has not had premarital counseling. The application for marriage license will ask whether the couple has had counseling.

Effective Date: May 10, 2005

Signed by Governor on May 10, 2005

HB 413 - Lumpkin County; probate court; charge technology fee

The bill authorizes the Probate Court of Lumpkin County to charge a technology fee not to exceed \$8.00 for each civil case filed and criminal fine imposed. It also provides guidelines for how this fee can be used.

**Also listed under Local Bills

Effective Date: July 1, 2005

Signed by Governor on May 10, 2005

HB 414 - Lumpkin County; magistrate court; charge technology fee

The bill authorizes the Magistrate Court of Lumpkin County to charge a technology fee not to exceed \$8.00 for each civil case filed and criminal fine imposed. It also provides guidelines for how this fee can be used.

**Also listed under Local Bills

Effective Date: July 1, 2005

Signed by Governor on May 10, 2005

FINES/FEES

HB 520 - Employment security; amend certain provisions; Department of Labor; supplemental appropriation

This bill is in regard to the Unemployment Insurance Trust Fund. This legislation contains a provision that will extend the 35% ceiling on the employer surcharge through December 31, 2005. It also increases the weekly benefit amount for employees to \$450. Those found in violation of the law will be subject to a fine of no more than \$5,000 per violation.

Effective Date: May 10, 2005

Signed by Governor on May 10, 2005

HB 708 - Chatham County; recorder's court; impose technology fee

The clerk of the Recorder's Court of Chatham County shall be entitled to charge and collect a technology fee to be set by the court, not to exceed \$5.00, as a surcharge to each fine imposed. Technology fees shall be used exclusively to provide for the technological needs of the court as follows: computer hardware purchase, lease, maintenance, and installation; imaging, scanning, facsimile, communications, projection, and printing equipment; and software purchase, lease, maintenance, development, and installation.

**Also listed under Local Bills

Effective Date: May 6, 2005

Signed by Governor on May 6, 2005

SB 97 - Juvenile Court Supervision Fees; used for truancy intervention services

The bill allows the Juvenile Courts to collect supervision fees from those who are placed in their care. The fee may be no less than \$10.00 and no more than \$200.00 for the initial fee and no less than \$2.00 but no more than \$30.00 per month for each month the child receives supervision.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

SB 106 - Violent Video Game; display explanation of rating system; penalty

This bill would require video game retailers to post rating system guidelines in a prominent and conspicuous location. Those violating the law will be subject to a civil fine of between \$250 and \$500 dollars per violation.

Effective Date: May 10, 2005

Signed by Governor on May 10, 2005

FINES/FEES

SB 226 - Joshua's Law; create Georgia Driver's Education Commission

This bill would require 16 year olds who wish to obtain a driver's license to complete a driver's education course (either through public school or at a private driving school). Those teenagers who do not complete a driver's education course will have to wait until they are 17 to obtain a driver's license. The bill also restricted the number of non-family members a teenage driver may have in the car.

Additionally, a 5 percent fee will be assessed in the issuance of every traffic ticket issued in the state. The fee will be assessed and collected by the clerk or other court officer in charge of collecting moneys from fines. The fees will be paid to the Georgia Superior Court Clerk's Cooperative Authority for remittance to the Office of Treasury and Fiscal Services to be deposited into the general fund of the state treasury.

Effective Date: The section applying to fees becomes effective on May 10, 2005, and will be repealed on June 30, 2008; the rest of the bill becomes effective January 1, 2007

Signed by Governor on May 10, 2005

SB 328 - DeKalb County Court Technology Fund; create; authorize imposition/collection of fee for filing

The clerk of the State Court of DeKalb County is authorized and shall be entitled to charge a surcharge of \$5.00 to each fine imposed in each citation or accusation for which a defendant is found guilty or enters a plea of guilty, nolo contendere, or other plea resulting in the imposition of a fine in the State Court of DeKalb County. Such surcharges shall be deposited by the clerk in the DeKalb County Court Technology Fund for use by the Superior Court, State Court, Magistrate Court, and other courts in DeKalb County court system.

**Also listed under Local Bills

Effective Date: July 1, 2005

VETOED by Governor on May 10, 2005

Governor Perdue's Press Release:

VETO NUMBER 7 - SB 328

SB328 is local legislation applicable to DeKalb County. This bill, among other things, would impose a \$5.00 surcharge to fines levied by the State Court or Recorders Court in DeKalb County for the purpose of creating a technology fund for use in the offices of the clerk of the Superior Court, State Court, Magistrate Court and other courts in DeKalb County. In recent years, there has become an over-proliferation of court fines and fees as a means of funding various services at the state and local levels. The proliferation has occurred without a concurrent ability to track, account for and manage receipts to ensure efficiencies. I am unwilling to expand court fines for technology funds for the State and Superior Courts which have greater access to resources than other local courts. I therefore VETO SB328

FINES/FEES

SB 351 - Athens-Clarke County State Court; charge technology fee

The clerk of the state court shall be entitled to charge and collect the same fees as the clerk of the superior court is entitled to charge and collect for the same or similar services. All such fees shall be paid into the county treasury, except those sums which are directed by law to be paid otherwise. The clerk of the state court shall be entitled to charge and collect a technology fee to be set by the court in an amount not to exceed \$5.00 for the filing of each civil action and not to exceed \$5.00 as a surcharge to each fine paid.

**Also listed under Local Bills

Effective Date: July 1, 2005

VETOED by Governor on May 10, 2005

Governor Perdue's Press Release:

VETO NUMBER 15 - SB 351

SB 351 is local legislation applicable to Athens-Clarke County. Among other things, this bill would authorize the clerk of the state court to impose an additional \$5.00 filing civil filing fee and a \$5.00 surcharge to fines for the purpose of creating a technology fund for use in the State Court of Clarke County. In recent years, there has become an over-proliferation of court fines and fees as a means of funding various services at the state and local levels. The proliferation has occurred without a concurrent ability to track, account for and manage receipts to ensure efficiencies. I am unwilling to expand court fines for technology funds for the state court system which has greater access to resources than other local courts. I therefore VETO SB 351.

SECTION V: LOCAL LEGISLATION/COMPENSATION

HB 37 - Sandy Springs, City of; incorporate; new charter

This bill provides for the incorporation of the city of Sandy Springs. It authorizes a June referendum in which the citizens of Sandy Springs will be able to vote either for or against the incorporation of their city. It also details the services the city must provide within three years of incorporation; it also revises the local option sales tax distribution formula by requiring the new city's proceeds to come from the county's share of taxes. Further, the bill creates the Municipal Court of Sandy Springs.

Effective Date: April 15, 2005

Signed by Governor on April 15, 2005

There will be a June referendum.

LOCAL LEGISLATION/ COMPENSATION

HB 259 - Evans County; probate judge, nonpartisan election

This bill provides nonpartisan elections for probate judges in Evans County.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

HB 332 - Stephens County; probate judge; nonpartisan elections

This bill provides nonpartisan elections for probate judges in Stephens County.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

HB 334 - Juvenile courts; salary supplements; amend provisions

Provides for a 4% salary increase for juvenile judges with 2% coming from the local government and 2% from the state. The bill allows the local government to provide more than the minimum 2% required to be eligible for the 2% increase of state funds.

Effective Date: January 1, 2006

Signed by Governor on May 2, 2005

HB 360 - Richmond Hill, City of; new charter

This bill incorporates the city of Richmond Hill; it also provides for the establishment of the Municipal Court of Richmond Hill.

Effective Date: May 10, 2005

Signed by Governor on May 10, 2005

HB 396 - Cobb County, State Court; clerk; chief deputy clerk; compensation

The bill changes the compensation for the chief deputy state clerk of Cobb County from \$71,536.74 to \$84,846.09. It further changes the compensation for the clerk of the state court of Cobb County from \$87,290.22 to \$94,273.44.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

HB 397 - Cobb County, State Court; compensation of judges and associate judges

The bill changes the compensation for state court judges in Cobb County from \$134,164.87 to \$139,531.46.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

LOCAL LEGISLATION/ COMPENSATION

HB 411 - Lumpkin County; clerk of superior court; probate judge; compensation

The bill repeals the provision that previously required salary increases for the superior court clerks and the probate judge in the case where any other county officer received a salary increase in any calendar year in Lumpkin County.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

HB 413 - Lumpkin County; probate court; charge technology fee

The bill authorizes the Probate Court of Lumpkin County to charge a technology fee not to exceed \$8.00 for each civil case filed and criminal fine imposed. It also provides guidelines for how this fee can be used.

**Also listed under Fines and Fees

Effective Date: July 1, 2005

Signed by Governor on May 10, 2005

HB 414 - Lumpkin County; magistrate court; charge technology fee

The bill authorizes the Magistrate Court of Lumpkin County to charge a technology fee not to exceed \$8.00 for each civil case filed and criminal fine imposed. It also provides guidelines for how this fee can be used.

**Also listed under Fines and Fees

Effective Date: July 1, 2005

Signed by Governor on May 10, 2005

HB 415 - Crisp County; board of elections and registration; create

The bill creates the Crisp County Board of Elections and Registration, which will have the duties, powers, and responsibility previously held by the judge of the probate court and the board of registrars.

Effective Date: July 1, 2005 (this is the full effective date, the bill becomes effective on May 5, 2005, but on July 1, the superintendent of elections and the board of registrars are relieved of power)

Signed by Governor on May 5, 2005

HB 456 - Cobb Judicial Circuit; judges; supplement

This bill amends an Act creating the Cobb Judicial Circuit, approved February 19, 1951. Each judge of the Superior Court of the Cobb Judicial Circuit shall receive an annual supplement of \$44,711.00, with the chief judge receiving an additional \$7,800.00.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

LOCAL LEGISLATION/ COMPENSATION

HB 457 - Social Circle, City of; new charter

This bill incorporates the city of Social Circle; it also provides for the establishment of the Municipal Court of Social Circle.

Effective Date: July 1, 2005

Signed by Governor on May 5, 2005

HB 511 - Bronwood, City of; new charter

This bill incorporates the city of Bronwood; it also provides for the establishment of the Municipal Court of Bronwood.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

HB 585 - Berrien County; board of elections and registration; create

The bill creates the Berrien County Board of Elections and Registration, which will have the duties, powers, and responsibility previously held by the judge of the probate court and the board of registrars.

Effective Date: July 1, 2005 (this is the full effective date, the bill becomes effective on May 5, 2005, but on July 1, the superintendent of elections and the board of registrars are relieved of power)

Signed by Governor on May 5, 2005

HB 587 - Irwin County; nonpartisan elections; chief magistrate

This bill provides nonpartisan elections for the chief magistrate in Irwin County.

Effective Date: May 5, 2005; for elections after January 1, 2006

Signed by Governor on May 5, 2005

HB 588 - Irwin County; nonpartisan elections; probate judge

This bill provides nonpartisan elections for probate judges in Irwin County.

Effective Date: May 5, 2005; for elections after January 1, 2006

Signed by Governor on May 5, 2005

HB 598 - Peach County; nonpartisan elections; probate judge

This bill provides nonpartisan elections for probate judges in Peach County.

Effective Date: May 5, 2005; for elections after January 1, 2006

Signed by Governor on May 5, 2005

LOCAL LEGISLATION/ COMPENSATION

HB 599 - Peach County; nonpartisan elections; chief magistrate

This bill provides nonpartisan elections for the chief magistrate in Peach County.

Effective Date: May 5, 2005; for elections after January 1, 2006

Signed by Governor on May 5, 2005

HB 610 - Southern Judicial Circuit; judges; supplement compensation

This bill provides for a supplement to the compensation of the judges of the superior courts of the Southern Judicial Circuit.

The amount of the supplement shall be as follows: \$15,000.00 for 2005; \$17,500.00 for 2006; \$20,000.00 for 2007; \$22,500.00 for 2008; and \$25,000.00 for 2009.

Effective Date: May 10, 2005

Signed by Governor on May 10, 2005

HB 612 - Warren County; nonpartisan elections; probate judge

Elections for judge of the probate court in Warren County are hereafter nonpartisan and will be held in conjunction with the general primary election.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

HB 614 - Gwinnett County; Recorder's Court; assistant solicitor

This bill allows for the implementation of assistant solicitors in Gwinnett County. Such assistant solicitors must be members in good standing of the Georgia Bar and shall be compensated by the county.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

HB 616 - Echols County; nonpartisan elections; probate judge

Elections for judge of the probate court in Echols County are hereafter nonpartisan and will be held in conjunction with the November general election.

Effective Date: May 5, 2005; for elections after January 1, 2006

Signed by Governor on May 5, 2005

LOCAL LEGISLATION/ COMPENSATION

HB 635 - Rockdale Judicial Circuit; court reporters' salary; provisions

This bill allows the appointment of court reporters by Superior Court judges in Rockdale County. The salary for court reporters is set at \$14,709.96 annually.

Effective Date: June 1, 2005

Signed by Governor on May 6, 2005

HB 650 - Cobb County Probate Court; compensation of judge and clerk

The judge of the Probate Court of Cobb County shall receive an annual salary of \$104,098.54; the clerk of the probate court shall receive a salary of \$71,986.91.

Effective Date: May 6, 2005

Signed by Governor on May 6, 2005

HB 671 - Fulton County; change number of magistrates

The number of magistrates authorized for the Magistrate Court of Fulton County shall be nine magistrates upon this bill becoming law.

Effective Date: May 6, 2005

Signed by Governor on May 6, 2005

HB 673 - Coffee County; board of elections and registration

The bill creates the Coffee County Board of Elections and Registration, which will have the duties, powers, and responsibility previously held by the judge of the probate court and the board of registrars.

Effective Date: July 1, 2005 (this is the full effective date, the bill becomes effective May 6, 2005, but on July 1, the superintendent of elections and the board of registrars are relieved of power)

Signed by Governor on May 6, 2005

HB 676 - Warm Springs, City of; new charter

This bill allows for the incorporation of the city of Warm Springs. It also creates the Municipal Court of Warm Springs.

Effective Date: May 10, 2005

Signed by Governor on May 10, 2005

LOCAL LEGISLATION/ COMPENSATION

HB 708 - Chatham County; recorder's court; impose technology fee

The clerk of the Recorder's Court of Chatham County shall be entitled to charge and collect a technology fee to be set by the court, not to exceed \$5.00, as a surcharge to each fine imposed. Technology fees shall be used exclusively to provide for the technological needs of the court as follows: computer hardware purchase, lease, maintenance, and installation; imaging, scanning, facsimile, communications, projection, and printing equipment; and software purchase, lease, maintenance, development, and installation.

**Also listed under Fines and Fees

Effective Date: May 6, 2005

Signed by Governor on May 6, 2005

HB 712 - Jones County; nonpartisan elections; probate judge

This bill provides nonpartisan elections for probate judges in Jones County.

Effective Date: May 6, 2005; for elections after January 1, 2006

Signed by Governor on May 6, 2005

HB 766 - Dougherty County; change number of magistrates

This bill provides that Dougherty County will have a chief magistrate and two additional magistrates.

Effective Date: July 1, 2005

Signed by Governor on May 6, 2005

HB 768 - Dougherty County; state court judge; compensation

The bill sets the compensation for state court judges in Dougherty County as 90% of the salary (including local supplement) of the superior court judges in Dougherty County.

Effective Date: July 1, 2005

Signed by Governor on May 6, 2005

HB 776 - Cobb County; superior court; clerk and deputy clerk; compensation

This bill sets the salary of the deputy superior clerk at \$82,467.00.

Effective Date: May 6, 2005

Signed by Governor on May 6, 2005

HB 787 - DeKalb County; sheriff; compensation

The annual salary of each of the officials of DeKalb County listed below shall be the following percentages of the gross salary of the Superior Court Judge of DeKalb County:

Judge of the Probate Court - 85%

Clerk of the Superior Court - 75%

Judge of the Juvenile Court - 90%

Effective Date: May 6, 2005

Signed by Governor on May 6, 2005

LOCAL LEGISLATION/ COMPENSATION

HB 789 - Stone Mountain Judicial Circuit; compensation; supplement

This bill increases the supplemental salary provided for superior court judges of the Stone Mountain Judicial Circuit of \$33,246 by \$9,000.00 for a total of \$44,246.

Effective Date: January 1, 2006

Signed by Governor on May 6, 2005

HB 828 - Columbia County; chief magistrate and magistrate

This bill requires that any new magistrate in Columbia County shall have been a member of the bar for at least one year.

Those currently in office shall finish out their term.

Effective Date: July 1, 2005

Signed by Governor on May 6, 2005

HB 830 - Crawford County; board of elections and registration; create

This bill creates the Crawford County Board of Elections which will have the duties, powers, and responsibility previously held by the judge of the probate court and the board of registrars.

Effective Date: May 6, 2005

Signed by Governor on May 6, 2005

HB 862 - Ware County; solicitor-general; state court judge; compensation

The bill sets the salary for the solicitor-general in Ware County at \$36,000 and the salary for state court judges in Ware County at \$60,000.

Effective Date: June 1, 2005

Signed by Governor on May 6, 2005

SB 185 - Gwinnett Judicial Circuit; salary supplements for judges; provisions

The compensation and allowances of the judges of the Superior Court of the Gwinnett Judicial Circuit shall be supplemented in the amount of \$40,711.

Effective Date: July 1, 2005

Signed by Governor on May 10, 2005

SB 235 - Douglas Judicial Circuit; district attorney; investigators powers

This bill creates a District Attorney position in Douglas Circuit, and provides for the Board of Commissioners to employ additional assistance for the District Attorney. This bill also gives the investigator for Douglas Circuit all the powers of a peace officer including the power to make arrests.

Effective Date: May 6, 2005

Signed by Governor on May 6, 2005

LOCAL LEGISLATION/ COMPENSATION

SB 297 - Probate Court Judge; Baldwin County; non-partisan elections

This bill provides nonpartisan elections for probate judges in Baldwin County.

Effective Date: May 6, 2005; for elections after January 1, 2006

Signed by Governor on May 6, 2005

SB 328 - DeKalb County Court Technology Fund; create; authorize imposition/collection of fee for filing

The clerk of the State Court of DeKalb County is authorized and shall be entitled to charge a surcharge of \$5.00 to each fine imposed in each citation or accusation for which a defendant is found guilty or enters a plea of guilty, nolo contendere, or other plea resulting in the imposition of a fine in the State Court of DeKalb County. Such surcharges shall be deposited by the clerk in the DeKalb County Court Technology Fund.

**Also listed under Fines and Fees

Effective Date: July 1, 2005

VETOED by Governor on May 10, 2005

Governor Perdue's Press Release:

VETO NUMBER 7 - SB 328

SB328 is local legislation applicable to DeKalb County. This bill, among other things, would impose a \$5.00 surcharge to fines levied by the State Court or Recorders Court in DeKalb County for the purpose of creating a technology fund for use in the offices of the clerk of the Superior Court, State Court, Magistrate Court and other courts in DeKalb County. In recent years, there has become an over-proliferation of court fines and fees as a means of funding various services at the state and local levels. The proliferation has occurred without a concurrent ability to track, account for and manage receipts to ensure efficiencies. I am unwilling to expand court fines for technology funds for the State and Superior Courts which have greater access to resources than other local courts. I therefore VETO SB328

SB 339 - Clayton County State Court; clerk; increase in compensation

Each judge of the State Court of Clayton County shall receive a salary equal to 90 percent of the state salary provided for judges of the superior courts, plus 1 1/2 percent of such base salary and any supplement received multiplied by the number of complete years of service as judge served by such person since January 1, 2005. The clerk of the state court shall be compensated in the amount of \$65,783.00 or in an amount not less than 95 percent of the base amount of the minimum salary of a clerk of the superior court.

Effective Date: July 1, 2005

VETOED by Governor on May 10, 2005

LOCAL LEGISLATION/ COMPENSATION

Governor Perdue's Press Release:

VETO NUMBER 9 - SB 339

SB 339 is local legislation applicable to Clayton County. The Clayton County Board of Commissioners has requested that it be vetoed. Local legislation should be a partnership between local officials and their legislative delegation. This bill will have a significant budgetary impact on the county for which the county commission is unprepared to bear the financial burden. I therefore VETO SB 339.

SB 340 - Clayton County Superior Court; clerk; increase salary

This bill increases the salary of the clerk of the Superior Court of Clayton County to a total annual salary of \$87,966.00.

Effective Date: July 1, 2005

VETOED by Governor on May 10, 2005

Governor Perdue's Press Release:

VETO NUMBER 10 - SB 340

SB 340 is local legislation applicable to Clayton County. The Clayton County Board of Commissioners has requested that it be vetoed. Local legislation should be a partnership between local officials and their legislative delegation. This bill will have a significant budgetary impact on the county for which the county commission is unprepared to bear the financial burden. I therefore VETO SB 340.

SB 341 - Clayton Judicial Circuit; increase county supplement to state salary of judges

In addition to the salary payable from state funds, each judge of the superior court of the Clayton Judicial Circuit shall receive a local salary supplement of \$32,000.00.

Effective Date: July 1, 2005

VETOED by Governor on May 10, 2005

Governor Perdue's Press Release:

VETO NUMBER 11 - SB341

SB 341 is local legislation applicable to Clayton County. The Clayton County Board of Commissioners has requested that it be vetoed. Local legislation should be a partnership between local officials and their legislative delegation. This bill will have a significant budgetary impact on the county for which the county commission is unprepared to bear the financial burden. I therefore VETO SB 341.

LOCAL LEGISLATION/ COMPENSATION

SB 343 - Clayton County Probate Court; judges; change compensation

This bill establishes the salary for judges on the Clayton County Probate Court at \$104,120.83.

Effective Date: July 1, 2005

VETOED by Governor on May 10, 2005

Governor Perdue's Press Release:

VETO NUMBER 13 - SB 343

SB 343 is local legislation applicable to Clayton County. The Clayton County Board of Commissioners has requested that it be vetoed. Local legislation should be a partnership between local officials and their legislative delegation. This bill will have a significant budgetary impact on the county for which the county commission is unprepared to bear the financial burden. I therefore VETO SB 343.

SB 351 - Athens-Clarke County State Court; charge technology fee

The clerk of the state court shall be entitled to charge and collect the same fees as the clerk of the superior court is entitled to charge and collect for the same or similar services. All such fees shall be paid into the county treasury, except those sums which are directed by law to be paid otherwise. The clerk of the state court shall be entitled to charge and collect a technology fee to be set by the court in an amount not to exceed \$5.00 for the filing of each civil action and not to exceed \$5.00 as a surcharge to each fine paid.

**Also listed under Fines and Fees

Effective Date: July 1, 2005

VETOED by Governor on May 10, 2005

Governor Perdue's Press Release:

VETO NUMBER 15 - SB 351

SB 351 is local legislation applicable to Athens-Clarke County. Among other things, this bill would authorize the clerk of the state court to impose an additional \$5.00 filing civil filing fee and a \$5.00 surcharge to fines for the purpose of creating a technology fund for use in the State Court of Clarke County. In recent years, there has become an over-proliferation of court fines and fees as a means of funding various services at the state and local levels. The proliferation has occurred without a concurrent ability to track, account for and manage receipts to ensure efficiencies. I am unwilling to expand court fines for technology funds for the state court system which has greater access to resources than other local courts. I therefore VETO SB 351.

SECTION VI: RETIREMENT

HB 492 - Judicial Retirement System; dates and election for participation; amend

This bill struck an entire code section regarding the election for participation in the Judicial Retirement System. It allows individuals to participate in the Judicial Retirement System so long as they are members of the system as of June 30, 2005, and limits future admittance to the retirement system to judicial employees only (instead of any state job that requires admittance to the State Bar).

Effective Date: July 1, 2005

Signed by Governor on April 8, 2005

SECTION VII: TRAFFIC

HB 20 - Motor vehicles; window tint restrictions; provisions

This bill modifies current law regarding window tinting on personal automobiles. Current law will be changed to allow for no more than a 32 percent light transmission, plus or minus 3 percent, or increase light reflectance to more than 20 percent. The bill exempts law enforcement vehicles and limousines.

Effective Date: May 2, 2005

Signed by Governor on May 2, 2005

HB 279 - Highways; vehicles hauling certain products; weight limitation variance

Vehicles hauling certain raw materials are allowed a 5% variance on the weight limitations when hauling from the farm to the first point of marketing or processing. Anything over the newly allowable 5% variance will be subject to a fine of 5 cents per pound.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

HB 501 - Department of Driver Services; create as successor to DMVS

This bill dissolves the Department of Motor Vehicles, and replaces it with the Department of Driver Services. The new department will be responsible for issuing driver's licenses, which have been modified to create five- and ten-year licenses. Previous functions handled by the DMVS will be divided between the Departments of Public Safety and Revenue and the Public Service Commission. The bill will also remove the requirement that a driver take an eye examination; only first-time drivers and those over the age of 65 will be required to take such an examination. An amendment was incorporated into the bill which will modify the DUI license reinstatement fee from \$200 to \$500.

Effective Date: July 1, 2005

Signed by Governor on May 2, 2005

TRAFFIC

SB 273 - Driver's Licenses; Class C; change definition

This bill changes the definition of a class C license as follows: Any single vehicle with a gross vehicle weight rating of less than 26,001 pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating in excess of 10,000 pounds, provided that the combination of vehicles has a gross combined vehicle weight rating less than 26,001 pounds.

Effective Date: July 1, 2005

Signed by Governor on May 5, 2005

SECTION VIII: ELECTIONS

HB 48 - Ethics in government; amend provisions

This bill provides for a comprehensive change to ethics policy in relation to state government, local government, and public officers (which includes all judicial officers). Specifically, the bill affects ethics and conflicts of interest; changes certain definitions; changes certain provisions relative to declaration of policy; and changes several provisions relating to the Ethics Commission. With respect to the judiciary in particular, a person would not be eligible to fill a vacancy on the Supreme Court, Court of Appeals, superior court, or state court in the case that the person had contributed to the Governor's campaign committee in the 30 days prior to the vacancy or any time after the vacancy. Any person aggrieved by a finding in violation of the provisions of the bill by the Commission shall be entitled to "judicial review."

Effective Date: January 9, 2006

Signed by Governor on May 5, 2005

HB 244 - Elections and voting; amend provisions

This bill is generally known for its provision requiring a state-issued photo ID in order to vote, but it also contains vast changes to many code sections in Title 21.

The provisions of this bill are completely dependent upon federal approval by the Department of Justice for compliance with the Voting Rights Act of 1965 and the Help America Vote Act (HAVA). Some of the other provisions include acceptable identification when registering to vote for the first time, ballot form and procedures in nonpartisan elections (such elections will be held in conjunction with the November general election), qualification procedures for candidates, and many changes to the provisions governing the use of absentee ballots (i.e. application for absentee ballots not more than 180 days prior to the election, etc.).

There are also specific provisions governing the filing of notice of candidacy for the office of judge of the superior court, Judge of the Court of Appeals, Justice of the Supreme Court, and other county and municipal judicial offices (see Sections 14 & 17 in particular). The penalties for violations of the provisions of this Act range from misdemeanor to felony. The Attorney General shall bring an action against the violator in the superior court of the county of residence of the violator

ELECTIONS

upon complaint by the State Election Board.

Effective Date: July 1, 2005 except Section 13 relating to filing notice of candidacy which is effective on January 1, 2006

Signed by Governor on April 22, 2005

HB 521 - Sheriffs; qualifications; certified peace officers

“Office of sheriff shall by operation of law be deemed vacant upon certification by the Georgia Peace Officers Standards and Training Council to the judge of the probate court of the county that the certification required to be a peace officer has been revoked for the sheriff of said county.”

Effective Date: May 3, 2005

Signed by Governor on May 3, 2005

SECTION IX: GENERAL

HB 36 - Municipal corporations; creation; revise provisions

This bill allows for the incorporation of municipal corporations. Among its many provisions, it eliminates certain distance requirements (“three-mile rule”). The bill also allows for the creation of municipal courts at the discretion of the new municipality.

Effective Date: April 15, 2005

Signed by Governor on April 15, 2005

This applies to 2005 legislation.

HB 84 - Supplemental appropriations; FY 2004-2005

Supplemental budget passed this session.

HB 85 - General appropriations; FY 2005-2006

This is the budget passed this session that employs program budgeting techniques.

Effective Date: July 1, 2005

Governor Signed and Line-Item Vetoed on May 10, 2005

Governor Perdue's Press Release:

“And at a time when the rest of state government was working diligently to trim the fat from our state budget, the Judiciary Branch continued to submit recommendations that were increasing well beyond the budget growth rate. I expect the Judiciary Branch to live by the same means as everyone else, and I'm confident they can readjust their budget to meet the needs of the councils for Prosecuting Attorneys and Superior Court Judges.”

Due to separation of powers, Governor Perdue's only tool for managing the growth of the Judiciary budget is the line-item veto. With the vetoes, the FY06 Judiciary budget still reflects an increase over the FY05 budget.

CRIMINAL

Governor Perdue issued line-item vetoes in the FY06 budget for the following:

Section 8, pertaining to the Prosecuting Attorneys, page 5 of 85:

In the appropriations for the Prosecuting Attorneys, the Prosecuting Attorney's Council Program is to be appropriated \$5,465,257. This program can be funded through the transfer of funds from the District Attorneys Program within the Prosecuting Attorneys Budget Unit. Therefore, the \$5,465,257 for the program (page 5 of 85, lines 74 through 76) in the provisions relative to Section 8, Prosecuting Attorneys is vetoed. Section 10, pertaining to the Superior Courts, page 6 of 85: In the appropriations for the Superior Courts, the Council of Superior Court Judges Program is to be appropriated \$882,809. This program can be funded through the transfer of funds from the other programs within the Superior Courts Budget Unit. Therefore, the \$882,809 for the program (page 6 of 85, lines 90 through 92) in the provisions relative to Section 10, Superior Courts is vetoed.

HB 97 - Appalachian Judicial Circuit; add judge (NOTE: Amended to include 5 judgeship bills)

This bill provides for the addition of a judgeship to several superior courts in the following circuits, Appalachian, Cherokee, Flint, Gwinnett, and Southern Judicial Circuits. The judges will be appointed by the Governor and then elected after initial appointment.

Effective Date: January 1, 2006

Signed by Governor on May 9, 2005

HB 180 - Human Resources; criminal history information; provisions

This bill permits DHR to obtain criminal history information from all adults who reside in a home where a child in the custody of the department has been or may be placed or who provide care to a child.

Effective Date: May 4, 2005

Signed by Governor on May 4, 2005

HB 186 - Counties and municipalities; expand purposes for using federal funds

This bill amends the OCGA relating to the authority of counties and municipal corporations to participate in federal programs, so as to expand the purposes for which federal funds may be used by a county or municipal corporation by adding the phrase “such purposes included but not limited to” before a list of programs federal funding can be used for.

Effective Date: May 10, 2005

Signed by Governor on May 10, 2005

GENERAL

HB 201 - Veterinarians; boarders of animals; liens for treatment

Every licensed veterinarian shall have a lien on each animal or pet treated, boarded, or cared for by him or her while in his or her custody and under contract with the owner of the animal or pet for the payment of charges for the treatment, board, or care of the animal or pet; and the veterinarian shall have the right to retain the animal or pet until the charges are paid.

Effective Date: April 8, 2005

Signed by Governor on April 8, 2005

SB 6 - Criminal Background Checks; authorize national exchange of information

The bill authorizes (but does not mandate) the national exchange of information relating to background checks for those individuals who provide care for small children, the elderly, and persons with disabilities, including volunteers with youth sports organizations and other youth activities.

Effective Date: May 10, 2005

Signed by Governor on May 10, 2005

SB 258 - Military Members on Duty; licenses; jury duty; exemptions/terminations

The bill allows active duty military personnel and their spouses to be exempted from jury duty. It also allows military personnel to terminate home rental or wireless service agreements without

GENERAL

penalty, and to renew pharmacy licenses, any professional licenses, and driver's licenses, and to receive honorary hunting and fishing licenses for a period of six months after discharge from duty.

Effective Date: July 1, 2005

Signed by Governor on April, 2005

SR 161 - Juvenile Code Rewrite; create Joint Study Committee

This is a resolution creating the Juvenile Code Rewrite Joint Study Committee that will draft changes to the current code through a research based best practices legal model that would simplify and govern juvenile practice and procedure.

Effective Date: May 5, 2005

Signed by Governor on May 5, 2005

Report to be made by December 31, 2005.

SR 431 - Security for State/County Buildings; create Senate study committee

This bill creates a Senate study committee to look at security in state and county buildings as a result of the Atlanta Fulton County Courthouse shootings on March 11, 2005.

Effective Date: March 22, 2005

Date Passed by the Senate: March 22, 2005

Report to be made by December 31, 2005.

Director

DAVID L. RATLEY

Chief Justice

NORMAN S. FLETCHER

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244 Washington Street, S.W., Suite 300
Atlanta, GA 30334-5900