

SENATE
PUBLIC SAFETY
AND
HOMELAND SECURITY

2007 Session

**PUBLIC SAFETY AND HOMELAND SECURITY
2007 SESSION**

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Senate Public Safety and Homeland Security Committee

2007 Rules

1. Quorum of the Committee shall be five (5) members.
2. The Chairman shall determine which bills and resolutions are to be considered and the order in which said measures are considered; the Chairman shall have the authority to call a bill, resolution, substitute, or amendment for debate and explanation only.
3. The Chairman shall have the authority to refer bills and resolutions to subcommittees for study. Such subcommittees in turn shall have the authority to make recommendations on such measures to the full committee at such time as shall be designated by the Chairman.
4. The Committee shall convene, recess, and adjourn upon the order of the Chairman.
5. The Chairman reserves the right to delay action on substitutes and amendments not provided to the Chairman at least 24 hours prior to hearing.
6. Any member or members of the Committee who disagree with the majority report of the Committee shall be privileged to file a minority report in writing, setting forth concise reasons for their dissent.
7. These rules may be amended upon a motion duly made and subsequently approved by a quorum of the Committee, in a meeting called by the Chairman.
8. A bill, resolution, or other matter will be considered only after presentation by its principal author or a legislator whom he or she designates to do so. In the event that more than one member of the General Assembly has signed a measure, the principle author shall be the one whose name appeared first in the list of authors.
9. When these rules are silent on a specific issue, the Rules of the Senate, as adopted, shall govern.

PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE MEETING

Tuesday, January 30, 2007

2:00 p.m. – 307 CLOB

MEMBERS: Whitehead, 24th, Chairman
Mullis, 53rd, Vice-Chair
Chapman, 3rd, Secretary
Butler, 55th
Carter, 13th
Davenport, 44th
Grant, 25th, Ex-Officio
Jones, 10th
Seay, 34th

The Senate Public Safety and Homeland Security Committee met on Tuesday, January 30, 2007, in 307 CLOB. Chairman Whitehead, 24th, called the meeting to order at 2:07 p.m.

Present were Senators Whitehead, 24th, Mullis, 53rd, Chapman, 3rd, Carter, 13th, Davenport, 44th, Grant, 25th, and Seay, 34th.

Chairman Whitehead, 24th, welcomed everyone and introduced the Committee members and staff.

Chairman Whitehead, 24th, presented the rules to the Committee. Senator Mullis, 53rd, made a motion for the adoption of the Committee Rules with a second from Senator Seay, 34th. The rules were unanimously adopted.

SB 44 (Senator Jeff Mullis, 53rd) Georgia Fire Officer Development Act; fire officer development training; definitions

Senator Mullis, 53rd, introduced Chief Carl Smith of the Thunderbolt Volunteer Fire Department and Chief Gordon Anderson of the Rome Fire Department which is a paid fire department. Senator Mullis, 53rd, pointed out that both volunteer and paid fire departments are working together for a safer Georgia.

Chief Carl Smith explained that currently while there is training for police chiefs and sheriffs, there is no training available for fire chiefs in the state of Georgia. He is working to research and coordinate a way to take training courses to the volunteer and paid fire chiefs. He said that this request for training is being brought from the fire departments to the Senate.

Chairman Whitehead, 24th, asked Chief Smith to explain the makeup of the departments. Chief Smith stated that according to the Fire Standards and Training Council, there are approximately 700 fire departments in Georgia with 30,000 firefighters; 75% of these firefighters are voluntary and receive no compensation or pension benefits for their work.

Senator Mullis, 53rd, pointed out that an effective date was not specifically stated in the bill and he requested that an amendment be created to state an effective date of 7/1/2007.

Senator Seay, 34th, asked if firefighters receive police training and what happens if they encounter a fire that appears to be arson. Chief Smith said the firefighters do not receive police training and a special team is summoned to investigate the cause of the fire.

Senator Mullis, 53rd, commented that there are a number of volunteer firefighters from across America who come from law enforcement.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Mullis, 53rd, made the motion to accept the amendment. Senator Carter, 13th, seconded the motion. Senator Chapman, 3rd, made the motion to **“DO PASS AS AMENDED.”** Senator Seay, 34th, seconded the motion. Hearing no nays, the motion carried.

Andy Lord, representing Authentix, gave a presentation on tax-evasion on tobacco tax stamps.

Mr. Lord had documentation regarding contraband cigarette trafficking; a quote by U. S. Senator Orrin G. Hatch (R-Utah) follows:

“Contraband cigarettes contribute heavily to the profits of organized crime syndicates, specifically global terrorist organizations. Furthermore, illegal cigarette trafficking has had a damaging impact on the economies of numerous states.”

U.S. Senator Herb Kohl (D-Wisconsin) was quoted as saying: “It is clear that cigarette trafficking is becoming a method of terrorist financing. In reducing cigarette smuggling, we will simultaneously help deny terrorists a needed source of funding and help our financially struggling states collect their revenue.”

Mr. Rob Saiter, VP, Business Development, Authentix, spoke about the advantages of using the counterfeit-resistant digital tax stamp technology marketed by Authentix. The technology allows for proper tracking at the pack level back to a distribution source.

Documentation from the U. S. General Accounting Office was also provided. It was a report to the Committee on Government Reform, House of Representatives entitled “Cigarette Smuggling: Federal Law Enforcement Efforts and Seizures Increasing.”

Mr. Saiter and Mr. Lord asked that a recommendation be made to the Full Appropriations Committee and to the Department of Revenue to look into this issue and address it as soon as possible. It was suggested that the system would pay for itself within the first year and maybe sooner.

According to Mr. Saiter, the current tax stamps are easy prey; California has a system somewhat like this system and they have found that by making it more difficult to counterfeit the stamps, the counterfeiters tend to move to another state where the thermal stamps are still being used.

Another point brought out by Mr. Lord was that both North Carolina and South Carolina do not have tax stamps on their cigarettes so if cigarettes are bought in those states and then counterfeit Georgia tax stamps are put on them and sold in Georgia, the counterfeiters can realize about \$60-80,000 per truckload.

Chairman Whitehead, 24th, said that he would prepare a letter to go to the appropriate Appropriations Committee asking for support for this program.

The meeting adjourned at 3:00 p.m.

Respectfully Submitted,

/s/ Senator Jeff Chapman, 3rd
Secretary

/s/ Diana Hauser
Recording Secretary

PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE MEETING

Thursday, February 1, 2007

3:00 p.m. – 310 CLOB

MEMBERS: Whitehead, 24th, Chairman
Mullis, 53rd, Vice-Chair
Chapman, 3rd, Secretary
Butler, 55th
Carter, 13th
Davenport, 44th
Grant, 25th, Ex-Officio
Jones, 10th
Seay, 34th

The Senate Public Safety and Homeland Security Committee met on Thursday, February 1, 2007, in 310 CLOB. Chairman Whitehead, 24th, called the meeting to order at 3:09 p.m.

Present were Senators Whitehead, 24th, Mullis, 53rd, Chapman, 3rd, Carter, 13th, Davenport, 44th, and Grant, 25th. Senator Jones, 10th, arrived at the meeting at 3:23 p.m. and left at 4:00 p.m.

SB 5 (Senator Mitch Seabaugh, 28th) Secure and Verifiable Identity Document Act; drivers' licenses; provisions

Senator Seabaugh, 28th, explained that this legislation authorizes the Governor to delay compliance with certain provisions of the federal REAL ID Act until the Department of Homeland Security expressly guarantees that implementation of the Act will not compromise the economic and biological privacy of Georgia's citizens.

This legislation also prohibits the Department of Driver Services from issuing an identification card, license, permit, or other official documents to noncitizen applicants unless such applicants have been confirmed through the SAVE program¹ to be lawfully present in the U.S. This provision does not apply to instances when a federal law mandates acceptance of a document.

¹ The Systematic Alien Verification for Entitlements (SAVE) Program is operated by the U.S. Bureau of Citizenship and Immigration Services and enables federal, state, and local government agencies and licensing bureaus to obtain immigration status information they need in order to determine a noncitizen applicant's eligibility for public benefits. The Program also administers employment verification pilot programs that enable employers to quickly verify the work authorization of their newly hired employees.

Senator Seabaugh, 28th, further explained concerns with the federal legislation: 1) violation of privacy of individuals, 2) the lack of rules or regulations from the feds to accompany the Real ID Act, and 3) the fact that HR 1582 is an unfunded mandate and the cost to the states of implementing it is in the millions and in some cases billions of dollars.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Mullis, 53rd, made the motion to “**DO PASS BY SUBSTITUTE (LC 34 1006S).**” Senator Chapman, 3rd, seconded the motion. Hearing no nays, the motion carried.

SB 38 (Senator Chip Rogers, 21st) Motor Vehicles; registration of a vehicle; require driver’s license/identification card

Senator Rogers, 21st, presented this bill to the committee.

This legislation requires all applicants for the initial issuance of a vehicle registration to present a valid Georgia driver’s license or Georgia identification card, unless such applicants are exempt under Code Section 40-5-21.²

Senator Carter, 13th, asked whose license would be used as identification in cases where one person is in charge of buying tags for a fleet of vehicles.

Senator Rogers, 21st, explained it would be the license of the one person who was buying the tags for the fleet.

Senator Jones, 10th, asked about the process when a person has a suspended or revoked driver’s license and they want to buy a tag.

Senator Rogers, 21st, explained that a valid Georgia ID card can be purchased for \$5 from the Department of Driver Services and it would suffice.

Ms. Jean McRae and Mr. George Wingo, both of the Georgia Association of Taxing Officials, had some issues with the wording of the bill—wanting it changed to be broader and yet still tight enough to be effective.

Senator Jones, 10th, asked what form of ID is needed to get a Georgia ID card. Senator Rogers, 21st, explained it is the same as what was originally used to get a driver’s license—birth certificate, SSN card, or a sworn affidavit.

Senator Jones, 10th, also asked if this bill would affect the way dealers handled getting tags for customers to which Senator Rogers, 21st, replied that it did not.

² Code Section 40-5-21 exempts specific individuals from having to possess a Georgia driver’s license such as a nonresident on active duty in the armed forces who has a valid license issued by his or her home state.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Chapman, 3rd, made the motion “**DO PASS BY SUBSTITUTE (LC 38 0262S).**” Senator Carter, 13th, seconded the motion. Hearing no nays, the motion carried. Note: Senator Jones, 10th, citing a conflict of interest, abstained from the vote.

SB 25 (Senator John Douglas, 17th) License Plates; driver’s license; issuance; payment/disposition of fees; proof of citizenship

Senator Douglas, 17th, presented the bill to the committee. Stating that the federal government has not fixed the illegal immigration problem and that states are limited in what they can do about it, this bill is an attempt to control illegal immigrants driving on Georgia’s roads.

This legislation provides that any person who knowingly makes a false statement in an application for a vehicle registration, in transferring any certificate of registration, or in applying for a new certificate of registration, and any person who aids or abets another to do so, will be guilty of false swearing. Upon conviction, such person will be punished by up to a \$5,000.00 fine, or by a prison term from one to five years, or both.

This legislation also provides that any person who knowingly makes any false statement in an application for a driver’s license, and any person who aids or abets another to do so, will be guilty of making a false statement and will be punished by up to a \$5,000.00 fine, or by a prison term from one to five years, or both.

Finally, this legislation requires all applicants for the initial issuance of a vehicle registration to present a valid Georgia driver’s license or Georgia identification card, unless such applicants are exempt under Code Section 40-5-21.³

Senator Carter, 13th, and Senator Jones, 10th, both expressed concerns about violations of “aiding and abetting;” for example, if a sales person, notary, or car dealer processed a transaction where an illegal, invalid driver’s license were presented to them, would they be liable?

Senator Douglas, 17th, responded that they would not be liable; however, the person who helped produce the fake license would be classified as “aiding and abetting.”

Sgt. Mark McDonough, Executive Assistant to the Commissioner of the Georgia Department of Public Safety, stated the Commissioner’s support of this bill.

Mr. George Wingo, Georgia Association of Taxing Officials, wanted a change to the bill adding wording to specify any person “who knowingly aids or abets another” to make a false statement would be guilty of false swearing. Senator Carter, 13th, agreed to make this change.

³ Code Section 40-5-21 exempts specific individuals from having to possess a Georgia driver’s license such as a nonresident on active duty in the armed forces who has a valid license issued by his or her home state.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Carter, 13th, made the motion “**DO PASS BY SUBSTITUTE (LC 35 0417S).**” Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried. Note: Senator Jones, 10th, citing a conflict of interest, abstained from the vote.

SB 48 (Senator Joseph Carter, 13th) Penal Institutions; transmittal information on convicted persons; provide notice to the attorney of record for the convicted persons

Terry Norris, Executive Vice President of the Georgia Sheriffs’ Association, Inc., presented the bill to the committee which addresses the transfer of convicts into state custody. It gives the court some discretion in the timing of the transfer.

This legislation requires the state to pay the county the per diem rate of \$7.50, as specified in O.C.G.A. § 42-5-51(c), for each day a convicted inmate has not been transferred from a county facility to the custody of the Department of Corrections after the Department has received a notice of conviction from the county.

Mr. David McDade, the DA of Douglas County, expressed his wholehearted support of this bill.

Kem Kimbrough, of ACCG, said he supports the DAs and sheriffs in support of this bill.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Mullis, 53rd, made the motion “**DO PASS BY SUBSTITUTE (LC 29 2628S).**” Senator Chapman, 3rd, seconded the motion. Hearing no nays, the motion carried.

SB 62 (Senator Jeff Mullis, 53rd) Georgia Crime Information Center; provide certain conditions for requesting criminal history records

Senator Mullis, 53rd, explained that this is a housekeeping bill. It allows fingerprints to be in an electronic format for transfer between agencies thereby facilitating this process.

Senator Chapman, 3rd, asked if the transfer process is secure to which Senator Mullis, 53rd, replied that dedicated lines would be used keeping the process secure.

Both Vernon Keenan, Director of the GBI, and John Bankhead, Legislative Public Affairs Officer of the GBI, were present and expressed the support of the GBI for this bill.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Carter, 13th, made the motion to “**DO PASS.**” Senator Grant, 25th, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 4:12 p.m.

Respectfully Submitted,

/s/ Senator Jeff Chapman, 3rd
Secretary

/s/ Diana Hauser
Recording Secretary

**PUBLIC SAFETY AND HOMELAND SECURITY
COMMITTEE MEETING**

Thursday, February 8, 2007

3:00 p.m. – 307 CLOB

MEMBERS: Whitehead, 24th, Chairman
Mullis, 53rd, Vice-Chair
Chapman, 3rd, Secretary
Butler, 55th
Carter, 13th
Davenport, 44th
Grant, 25th, Ex-Officio
Jones, 10th
Seay, 34th

The Senate Public Safety and Homeland Security Committee met on Thursday, February 8, 2007, in 307 CLOB. Chairman Whitehead, 24th, called the meeting to order at 3:10 p.m.

Present were Senators Whitehead, 24th, Chapman, 3rd, Carter, 13th, Davenport, 44th, and Butler, 55th. Senator Jones, 10th, arrived at the meeting at 3:18 p.m.

SB 81 (Senator Chip Pearson, 51st) Special Licenses; 100 years of scouting; Boy Scouts of America

Senator Pearson, 51st, explained that this legislation authorizes a special license plate commemorating 100 years of scouting. Further, it provides that a portion of the funds generated by the sale of this special license plate be disbursed to the Boy Scouts of America for the development of scouting programs.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Chapman, 3rd, made the motion to **“DO PASS.”** Senator Carter, 13th, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 3:19 p.m.

Respectfully Submitted,

/s/ Senator Jeff Chapman, 3rd
Secretary

/s/ Diana Hauser
Recording Secretary

PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE MEETING

Tuesday, February 13, 2007

2:00 p.m. – 307 CLOB

MEMBERS: Whitehead, 24th, Chairman
Mullis, 53rd, Vice-Chair
Chapman, 3rd, Secretary
Butler, 55th
Carter, 13th
Davenport, 44th
Grant, 25th, Ex-Officio
Heath, 31st, Ex-Officio
Jones, 10th
Moody, 56th, Ex-Officio
Seay, 34th

The Senate Public Safety and Homeland Security Committee met on Tuesday, February 13, 2007, in 307 CLOB. Chairman Whitehead, 24th, called the meeting to order at 2:08 p.m.

All members were present including the two additional ex-officio members, Senators Heath, 31st, and Moody, 56th.

SB 86 (Senator Don Thomas, 54th) Safety Belts; passenger vehicles; eliminate certain exceptions to the required use

Senator Thomas, 54th, presented this bill to the Committee. He stated his belief that by requiring passengers in pickup trucks to wear seat belts, hundreds of lives could be saved and thousands of injuries could be avoided. He stated that 2 in 5 vehicles on the road are pickup trucks.

In addition to these benefits, over \$20.6 million would be realized for the State in federal funding for transportation.

Mike Healey of AAA, Auto Club South, spoke in support of the bill. According to a survey they had taken, they found 88.5% of those polled in Georgia were in favor of this bill.

Senator Jones, 10th, thanked Mr. Healey for his testimony. He commented that most new pickup trucks have passive restraints in them and that the Ford Motor Company is in support of this bill. He personally supports this bill.

Senator Seay, 34th, commented that today's pickup trucks are more like luxurious automobiles. She supports this bill.

Chairman Whitehead, 24th, took a moment to recognize former Georgia Department of Transportation Commissioner Wayne Shackelford who was in attendance at the meeting.

Jason Broce of Children's Health Care of Atlanta (CHOA) spoke in support of the bill. He suggested that children imitate the example set by their parents; for them to see their parents wearing a seat belt is good for them.

Steve Henry, Director of Operations for the Georgia Department of Transportation, presented Georgia pickup safety facts to the committee.

Senator Carter, 13th, asked if the language in this bill conforms to the federal requirement necessary to receive the funding provided by the incentive grant program authorized in August 2005 to which Mr. Henry replied that it did.

Senator Butler, 55th, rhetorically asked why, if this money were available since 2005, it was only now that a bill was being proposed that would enable Georgia to receive this grant money. She added that she was glad to see that it was being proposed at this time.

Dr. John S. O'Shea, of the Georgia Chapter of Pediatricians, stated that he is strongly in favor of this bill and believes that 80 lives per year could be saved and an even greater number of non-fatal injuries could be prevented with the passage and adherence of this bill requiring that seat belts be worn in pickup trucks. He also suggested that there could be more living parents and uninjured parents as a result of this bill.

Mr. Bob Cucchi, of the Ford Motor Company and the Alliance for Automobile Manufacturers, stated that both of these groups support this legislation. He added that a huge segment of the population is not covered under the current law. He believes this new law will improve highway safety.

Senator Jones, 10th, pointed out that the Ford Motor Company is a leader in providing safe vehicles.

Senator Heath, 31st, asked if reduced speed limits could also save lives to which Mr. Cucchi responded that he had not prepared statistics to answer that question. Senator Heath, 31st, suggested that automobiles be manufactured that would not go over 45 miles per hour, thereby promoting highway safety. Mr. Cucchi replied that people probably wouldn't buy a vehicle that only went 45 miles per hour.

Philip Jackson of the Georgia Hospital Association voiced the Association's support of this bill.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Seay, 34th, made the motion to **“DO PASS.”** Senator Jones, 10th, seconded the motion. Having nine yeas and two nays, the motion carried. The nays were by Senators Chapman, 3rd, and Heath, 31st.

The meeting adjourned at 3:08 p.m.

Respectfully Submitted,

/s/ Senator Jeff Chapman, 3rd
Secretary

/s/ Diana Hauser
Recording Secretary

PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE MEETING

Thursday, February 22, 2007

3:00 p.m. – 307 CLOB

MEMBERS: Whitehead, 24th, Chairman
Mullis, 53rd, Vice-Chair
Chapman, 3rd, Secretary
Butler, 55th
Carter, 13th
Davenport, 44th
Grant, 25th, Ex-Officio
Jones, 10th
Seay, 34th

The Senate Public Safety and Homeland Security Committee met on Thursday, February 22, 2007, in 307 CLOB. Chairman Whitehead, 24th, called the meeting to order at 3:10 p.m.

Present were Senators Whitehead, 24th, Chapman, 3rd, Carter, 13th, Davenport, 44th, and Butler, 55th. Senator Jones, 10th, arrived at the meeting at 3:18 p.m.

SB 91 (Senator Chip Pearson, 51st) Traffic Offenses; fleeing/attempting to elude a pursuing police vehicle; punishment; change provisions

Senator Pearson, 51st, explained that this legislation makes fleeing a pursuing police vehicle a felony punishable by a fine of up to \$5,000.00, or imprisonment from one to five years, or both.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Carter, 13th, made the motion to “**DO PASS BY SUBSTITUTE (LC 35 0501S).**” Senator Chapman, 3rd, seconded the motion. Hearing no nays, the motion carried.

SB 125 (Senator Ronnie Chance, 16th) Motor Vehicles; speed restrictions; instruments charging violations of speed regulations; specify two-lane or highway

Senator Chance, 16th, explained that this legislation has a two-fold purpose: to slow people down and to provide extra fees to fund the trauma care network.

This legislation increases fines for specific traffic violations. All penalties collected under this legislation will be deposited in the state's general fund with the intent that the money will be used to fund a trauma care system in Georgia and the costs associated with the administration of this legislation. The Department of Driver's Services (DDS) is directed to administer and collect penalties for the specific traffic offenses as cited in the bill.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Jones, 10th, made the motion to **“DO PASS BY SUBSTITUTE (LC 21 9359S).”** Senator Seay, 34th, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 3:19 p.m.

Respectfully Submitted,

/s/ Senator Jeff Chapman, 3rd
Secretary

/s/ Diana Hauser
Recording Secretary

PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE MEETING

Tuesday, February 27, 2007

2:00 p.m. – 307 CLOB

MEMBERS: Whitehead, 24th, Chairman
Mullis, 53rd, Vice-Chair
Chapman, 3rd, Secretary
Butler, 55th
Carter, 13th
Davenport, 44th
Grant, 25th, Ex-Officio
Jones, 10th
Seay, 34th

The Senate Public Safety and Homeland Security Committee met on Tuesday, February 27, 2007, in 307 CLOB. Chairman Whitehead, 24th, called the meeting to order at 2:08 p.m.

Present were Senators Whitehead, 24th, Mullis, 53rd, Chapman, 3rd, Butler, 55th, Carter, 13th, Jones, 10th, and Seay, 34th.

SB 202 (Senator Chip Rogers, 21st) Mattie’s Call Act; revise/redesignate Article 7

This legislation transfers the responsibilities for overseeing the state-wide alert systems for missing disabled adults and for unapprehended murder or rape suspects from the Department of Public Safety and GEMA, respectively, to the GBI. It also corrects code sections.

Chairman Whitehead, 24th, asked if there were any others who wanted to speak to the bill. Having none, Senator Jones, 10th, made the motion “**DO PASS.**” Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried.

SB 33 (Senator Ed Harbison, 15th) Emergency Management; state-wide first responder building mapping information system; definitions; rule/regulations

Senator Harbison, 15th, explained that this bill passed last year in the Senate but ran out of time in the House.

This legislation’s purpose is to help prepare state and local governments to respond to disasters, criminal acts, and acts of terrorism, by creating a state-wide first responder building mapping information system that will provide first responders with information they need to be successful when disaster strikes.

Once the building mapping information system is operational, GEMA will make the information available electronically to all state, local, and federal law enforcement agencies, the Georgia Department of Defense, and public fire departments. However, it will be within the discretion of state and local agencies to determine which government-owned or government-leased buildings, if any, should be mapped with special consideration given to schools, courthouses, and larger public structures utilized by large numbers of employees or private citizens. Nothing in this legislation requires any state or local agency to map any building.

Chairman Whitehead, 24th, asked if there were any others who wanted to speak to the bill. Having none, Senator Seay, 34th, made the motion “**DO PASS.**” Senator Jones, 10th, seconded the motion. Hearing no nays, the motion carried.

SB 77 (Senator Tommie Williams, 19th) Commercial Vehicles; local tag agents; International Registration Plan

This legislation directs local tag agents to accept and process registrations under the International Registration Plan (IRP).

Background information: The IRP is a method of registering fleets of vehicles that travel in two or more member jurisdictions. All states (except Alaska and Hawaii), Washington D. C., and all Canadian provinces (except Northwestern Territories, Nunavut, and Yukon) are members of the plan. Motor carriers that qualify for IRP must register fleets of vehicles in their home or “base” jurisdiction. A fleet, for IRP purposes, is comprised of one or more vehicles that pay registration fees in multiple states. The base jurisdiction collects the appropriate registration fees and distributes them to the other jurisdictions in which the carrier requested IRP registration.

Senator Williams, 19th, presented his bill to the committee. He cited multiple service issues in the IRP office: poor service, exact change needed, no personal checks accepted, and no fax machine available to name some of them.

Senator Williams, 19th, went on to explain that the bill would require that an online system to process IRP tag applications be created by the Department of Revenue (DOR) by 1/1/2008. Also, he explained that local tag offices would help people with the application process for a fee of \$25.

Chairman Whitehead, 24th, spoke of the importance of the trucking industry as a revenue source for the state since business owners need to move vehicles. He commended Senator Williams, 19th, for his judgment to do something to try to fix the problem with the IRP system.

Senator Mullis, 53rd, asked if the proposed fee of \$25 would stay with the local tag office and Senator Williams, 19th, said that it would.

There were several speakers for the bill.

Speaking as part of **GATO (Georgia Association of Taxing Officials)**, **Jean McRae** thanked Senator Williams, 19th, for proposing this bill.

Sylvia Hollums, the Tax Commissioner from Spaulding County, was concerned about the number of resources necessary to provide help for people using the new online system, especially for those counties with lots of trucks. She said that most offices have the Tax Commissioner and only one employee. With this plan, one or two additional employees might be needed.

George Wingo, the Tax Commissioner from Fayette County, also thanked Senator Williams, 19th, for his efforts. He supports having DOR provide an online solution. With only about 240-250 vehicles being registered each year in Fayette County, he did not foresee the need for more employees to help with the registration.

Senator Jeff Chapman, 3rd, asked where the money would come from to provide training on the new system.

Senator Williams, 19th, said that DOR would be responsible for the training required on the new system.

Ed Crowell, Georgia Motor Truckers Association (GMTA), also commended Senators Williams, 19th, and Mullis, 53rd, for presenting this bill. He said that last November the Board of Directors of GMTA identified fixing the IRP as their top priority.

Mr. Crowell believes that truckers will register in other states because it is so difficult to register in Georgia. He went on to say that although the department is making progress, the online facet is an important improvement needed. A more efficient system is needed. He cited that in Virginia the process to get a tag and title takes only 15 minutes.

There was a question by Senator Jones, 10th, about temporary permits. A substitute was created with more specific wording concerning temporary permits:

“A temporary operating permit may be valid for any length of time; provided, however, that in no event shall the total number of days of all temporary operating permits issued for a vehicle exceed 30 days from the registration application filing date.”

Chairman Whitehead, 24th, asked if there were any others who wanted to speak to the bill. Having none, Senator Mullis, 53rd, made the motion **“DO PASS BY SUBSTITUTE (LC 35 0523S).”** Senator Chapman, 2nd, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 3:00 p.m.

Respectfully Submitted,

/s/ Senator Jeff Chapman, 3rd
Secretary

/s/ Diana Hauser
Recording Secretary

PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE MEETING

Wednesday, March 14, 2007

3:00 p.m. – 307 CLOB

MEMBERS: Whitehead, 24th, Chairman
Mullis, 53rd, Vice-Chair
Chapman, 3rd, Secretary
Butler, 55th
Carter, 13th
Davenport, 44th
Grant, 25th, Ex-Officio
Jones, 10th
Seay, 34th

The Senate Public Safety and Homeland Security Committee met on Wednesday, March 14, 2007, in 307 CLOB. Chairman Whitehead, 24th, called the meeting to order at 3:13 p.m.

All senators were present except for Senator Jones, 10th.

SB 251 (Senator Curt Thompson, 5th) Motor Vehicles; require establishment by Dept. of Revenue of internet website for stolen/towed motor vehicles

Senator Grant, 25th, presented this bill to the committee on behalf of Curt Thompson, 5th. He explained that this bill would require the establishment by the Dept. of Revenue of an internet website for owners to check when their vehicle has been towed without their knowledge. It would list the vehicle ID and the license plate of “missing” vehicles. This website would also be used to track vehicles that have been reported as stolen to law enforcement authorities.

Senator Seay, 34th, asked what the current process is when vehicles are towed. Senator Grant, 25th, explained that the towing company gets the owner’s information from the police and then is supposed to call the owner; however, this doesn’t always happen in a timely manner and the owner doesn’t realize that his/her car is being stored after having been towed.

Senator Chapman, 3rd, asked if the time requirement to post the information within 12 hours of the vehicle being towed is adequate. Senator Grant, 25th, said it is.

Mr. John Haliburton of the Georgia Independent Automobile Dealers Association explained that the towing company must contact the local enforcement agency within 7 days to obtain the owner information. Therefore, a car can be sitting in a towing lot for a number of days before the owner is contacted.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Carter, 13th, made the motion to “**DO PASS BY SUBSTITUTE (LC 14 9700S).**” Senator Chapman, 3rd, seconded the motion. Hearing no nays, the motion carried.

SB 274 (Senator Joseph Carter, 13th) Georgia Crime Information Center; publication of statistics; revise provisions

Senator Carter, 13th, explained that this bill revises current code to allow the Georgia Crime Information Center (GCIC) to publish more detailed information regarding crime statistics.

Current law directs the GCIC to publish crime statistics that do not identify persons, agencies, corporations, or other legal entities and that accurately reflect the level and nature of crime in the state and the operations of the different types of agencies within the criminal justice system. This legislation allows such statistics to identify agencies, corporations, and other legal entities.

Senator Carter, 13th, said that the Chiefs of Police and the GBI are in favor of this bill.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Mullis, 53rd, made the motion to “**DO PASS.**” Senator Butler, 55th, seconded the motion. Hearing no nays, the motion carried. Note: Senator Seay, 34th, was out of the room when the vote was taken.

SB 249 (Senator Jim Whitehead, 24th) Sexual Offender Registration Review Board; register with sheriff of any county where offender resides

Chairman Whitehead, 24th, explained that this legislation clarifies several provisions of the State Sexual Offender Registry Act. It tightens the current law and at the same time makes a provision for exemption of specific, low-risk offenders from the 1000-foot rule as follows:

A superior court may issue an order releasing a registered offender from the residency requirements if the individual petitions the superior court, the court finds by a preponderance of the evidence that the individual does not pose a substantial risk of perpetrating any future dangerous sexual offense, and the individual:

- Resides in a hospice facility, skilled nursing home, residential care facility for the elderly, or nursing home;
- Is totally and permanently disabled;
- Is otherwise seriously physically incapacitated due to illness or injury; or
- Is 75 years of age or older and at least ten years have elapsed since the date of release from prison or placement on parole, supervised release, or probation.

Mr. Terry Norris, Executive Director of the Georgia Sheriffs' Association explained the legislation in more detail:

- Makes the law clear that sex offenders cannot claim their address as a vehicle;
- Complies with provisions of the federal Adam Walsh Act of 2006 by (1) requiring the sex offender to register in multiple counties if they work or attend school outside of their county of residence and (2) requiring that palm prints be taken in addition to fingerprints and other information;
- Provides that the Georgia Department of Corrections notify sheriffs 30 days prior to the release of sex offenders;
- Makes the law clear that the sex offender must report in person to the sheriff;
- Specifies that the sheriff in the county of the sex offender's residence is the primary law enforcement official for purposes of communicating whereabouts of the offender and any chances to register information;
- Upon the order of a Superior Court, the residency requirement can be waived for sex offenders permanently disabled, incapacitated, or who have reached the age 75 or older and at least 10 years have passed since being released from prison.

The above points are highlights, but not all, of the requirements of the legislation.

Mr. Norris stated that the Board of Pardons and Paroles is in agreement with this legislation.

Ms. Sarah Geraghty, Legal Counsel for the Southern Center for Human Rights, expressed her concern for the undue hardship for the elderly and disabled people who have fallen subject to the 1000-foot rule. She is in support of this legislation which addresses that issue.

In addition, Ms. Geraghty requested that in the future the legislature consider changes for offenses committed when the offender is under legal age.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Mullis, 53rd, made the motion to **“DO PASS BY SUBSTITUTE (LC 35 0559S).”** Senator Butler, 55th, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 3:45 p.m.

Respectfully Submitted,

/s/ Senator Jeff Chapman, 3rd
Secretary

/s/ Diana Hauser
Recording Secretary

PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE MEETING

Monday, March 19, 2007

9:00 a.m. – 125 CAP

MEMBERS: Whitehead, 24th, Chairman
Mullis, 53rd, Vice-Chair
Chapman, 3rd, Secretary
Butler, 55th
Carter, 13th
Davenport, 44th
Grant, 25th, Ex-Officio
Jones, 10th
Seay, 34th

The Senate Public Safety and Homeland Security Committee met on Monday, March 19, 2007, in Room 125 of the Capitol. Chairman Whitehead, 24th, called the meeting to order at 9:15 a.m. The start of this meeting was delayed due to a conflicting Transportation Committee meeting that prevented the necessary quorum from being present.

Present were Senators Whitehead, 24th, Mullis, 53rd, Chapman, 3rd, Carter, 13th, Jones, 10th, and Grant, 25th.

SB 219 (Senator Bill Hamrick, 30th) Offenses; seizure of motor vehicles by person to facilitate sexual offenses

This legislation provides that any motor vehicle operated by a person to facilitate the commission of rape, aggravated sodomy, child molestation or aggravated child molestation, enticing a child for indecent purposes, or aggravated sexual battery is declared to be contraband and subject to forfeiture to the state.⁴ However, the forfeiture is not absolute unless the defendant is finally convicted.

Senator Bill Hamrick, 30th, presented his bill to the Committee and then introduced Oliver Hunter, deputy general counsel for the Georgia Sheriffs' Association, to further explain SB 219 to the committee members.

Senator Carter, 13th, asked what would happen if a vehicle that was being forfeited had a lien on it. It was explained that procedurally it would be handled no differently than any other foreclosure.

Sheriff Pope of Butts County explained that a vehicle is used in 90% of crimes.

⁴ "Motor vehicle" means every vehicle which is self-propelled other than an electric personal assistive mobility device.

Senator Jones, 10th, asked if this bill would keep a criminal from buying another car in the future. It was stated that it would not; it only addresses the forfeiture of a vehicle used in the perpetration of a crime.

The substitute presented, **LC 35 0564S**, corrects the code section being added; rather than section 40-6-391.2, it should be 16-6-26.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Mullis, 53rd, made the motion **“DO PASS BY SUBSTITUTE.”** Senator Chapman, 3rd, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 9:25 a.m.

Respectfully Submitted,

/s/ Senator Jeff Chapman, 3rd
Secretary

/s/ Diana Hauser
Recording Secretary

PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE MEETING

Wednesday, March 28, 2007

2:00 p.m. – 307 CLOB

MEMBERS: Whitehead, 24th, Chairman
Mullis, 53rd, Vice-Chair
Chapman, 3rd, Secretary
Butler, 55th
Carter, 13th
Davenport, 44th
Grant, 25th, Ex-Officio
Jones, 10th
Seay, 34th

The Senate Public Safety and Homeland Security Committee met on Wednesday, March 28, 2007, in 307 CLOB. Chairman Whitehead, 24th, called the meeting to order at 4:00 p.m. due to the late adjournment of session.

All senators were present except for Senator Jones, 10th.

HB 76 (Rep. Burke Day, 163rd) Emergency management; nomenclature and symbols; require permission; provisions

Rep. Neal, 1st, presented the bill for Rep. Day, 163rd, since Rep. Day, 163rd, had a personal illness and could not attend. Rep. Neal, 1st, explained that this legislation moves Senator Rogers', 21st, bill known as Mattie's Call to the correct section within Georgia code.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Mullis, 53rd, made the motion to **“DO PASS BY SUBSTITUTE (LC 35 0604S).”** Senator Grant, 25th, seconded the motion. Hearing no nays, the motion carried. Senator Rogers, 21st, will be carrying the bill in the Senate.

HB 220 (Rep. Burke Day, 163rd) Georgia Criminal Justice Improvement Council; repeal Chapter 8

Rep. Neal, 1st, presenting for Rep. Day, 163rd, explained that this legislation abolishes the Georgia Criminal Justice Improvement Council.

Senator Seay, 34th, asked what happened to the council. Senator Grant, 25th, clarified that it met for about two years after its establishment; however, it hasn't met in twenty years so they were asked to abolish the council.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Mullis, 53rd, made the motion to “**DO PASS.**” Senator Grant, 25th, seconded the motion. Hearing no nays, the motion carried. Senator Grant, 25th, will be carrying the bill in the Senate.

HB 218 (Rep. Burke Day, 163rd) Georgia Ports Authority; employees; power of arrest; peace officers; require

Rep. Neal, 1st, presenting for Rep. Day, 163rd, explained that this legislation re-designates Georgia Ports Authority security guards as peace officers, and as such, will now be subject to the requirements of the Georgia Peace Officer Standards and Training Act. While in the performance of their duties, such peace officers will have the same powers of arrest and the same powers to enforce law and order as the sheriff of the county and the chief of police of the county or municipality wherein any such peace officer is performing his or her duty.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Seay, 1st, made the motion to “**DO PASS.**” Senator Chapman, 3rd, seconded the motion. Hearing no nays, the motion carried. Chairman Whitehead, 24th, will be carrying the bill in the Senate.

HB 69 (Rep. Bobby Franklin, 43rd) Driver's records; online; Department of Driver Services; charging fee; prohibit

Rep. Franklin, 43rd, explained that this legislation prohibits the Department of Driver Services from charging a fee to an individual for providing his or her driver's record online.

Senator Seay, 34th, asked where the current fee of \$10 goes when a driver retrieves his or her driver's record online and how much is collected each year through these fees.

Rep. Franklin said that the money goes to DOAS but he did not know the total amount collected each year.

Senator Chapman, 3rd, commented that public records are available for 25 cents per page; after 15 pages, an hourly research fee applies. He said that he did not believe that a \$10 fee is justified. Further, being able to get one's driver record online would result in less traffic on the road by not having to travel to a DDS office.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Grant, 25th, made the motion to **table** HB 69 until an answer regarding the amount of the funds collected and how they are used could be obtained from the DOAS. Senator Seay, 34th, seconded the motion. Having five yeas and two nays (Senator Mullis, 53rd, and Senator Chapman, 3rd) the motion to **table** the bill carried. Rep. Franklin, 43rd, agreed to get the information from the DOAS before the next meeting of the Senate Public Safety and Homeland Security Committee.

HB 79 (Rep. Ron Forster, 3rd) Motor vehicles; light transmission through windows; materials; provisions

Rep. Forster, 3rd, explained that this legislation allows exemptions from the state's window tinting law as follows:

- Any vehicle registered as a State, County, or Municipal vehicle;
- Any vehicle bearing a special license plate for a U.S. Senator, Congressmen, Governor, Lieutenant Governor, Georgia Speaker of the House of Representatives, Justices of the Supreme Court, Judges of the Court of Appeals, or members of the General Assembly;
- Any vehicle bearing a sheriff's license plate;
- Any vehicle bearing an honorary consuls' license plate; and
- Any vehicle operated in the course of business by a person licensed or registered under Chapter 38 of Title 43, relating to private detective and private security businesses.

The intent of the original legislation was to protect law enforcement officers; however, there were some unforeseen consequences that made it necessary to change the Georgia code to allow certain exemptions.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Mullis, 53rd, made the motion to **“DO PASS.”** Senator Chapman, 3rd, seconded the motion. Having only one nay from Senator Grant, 25th, the motion carried. Chairman Whitehead, 24th, will be carrying the bill in the Senate.

SR 403 (Senator Jeff Mullis, 53rd) EMS Recruitment, Retention, and Retirement; create Senate Study Committee

Senator Mullis, 53rd, explained that this is a resolution creating the Senate Study Committee on EMS Recruitment, Retention, and Training in Georgia; and for other purposes. The study committee is to be composed of five members of the Senate appointed by the Lieutenant Governor. The Lieutenant Governor will designate a member to serve as chairperson of the committee.

The committee will examine various issues, including training and compensation, to determine if legislative action is required to ensure that Georgia retains an adequate number of EMS professionals.

Senator Mullis, 53rd, introduced Assistant Chief Bill Myers of the Gwinnett Fire & EMS and Blake Thompson of Wilkes County EMS to speak to the bill. Mr. Thompson has served on over 11,000 EMS calls over the past 35 years.

Bill Myers gave two illustrations to show the need for a study committee. He explained that (1) of the pool of paramedics and EMT's, nearly 60% have been recruited from outside the state and (2) that while the training process itself has been less and less, so much so that the EMT's are now training their own folks, the educational requirements have increased. In fact, only one to two more semesters are needed to be a nurse.

Blake Thompson said there are not enough trained paramedics or EMT's. In Wilkes County, they usually get them through school or scouting and the average life span of an EMS tech is five years. He explained that there are less than 8,100 in the entire state.

Chairman Whitehead, 24th, commended Mr. Thompson for his years of service to the public and the exemplary job he has done.

Senator Mullis, 53rd, said that the volunteer fire services across the state need people to be trained to be first responders and he would like to have a study committee formed to address the shortage of professionals and what can be done to improve the situation.

Senator Chapman, 3rd, suggested that the study committee look at the requirements that are put on the EMT's, what training is needed that will add to the quality of life, and what can be done to make it easier to recruit personnel.

Senator Butler, 55th, said she wanted to applaud Mr. Thompson's efforts over the past 35 years.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Carter, 13th, made the motion to **"DO PASS."** Senator Seay, 34th, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 4:45 p.m.

Respectfully Submitted,

/s/ Senator Jeff Chapman, 3rd
Secretary

/s/ Diana Hauser
Recording Secretary

PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE MEETING

Thursday, April 12, 2007

11:00 a.m. – 307 CLOB

MEMBERS: Whitehead, 24th, Chairman
Mullis, 53rd, Vice-Chair
Chapman, 3rd, Secretary
Butler, 55th
Carter, 13th
Davenport, 44th
Grant, 25th, Ex-Officio
Heath, 31st, Temp. Ex-Officio
Jones, 10th
Seay, 34th

The Senate Public Safety and Homeland Security Committee met on Thursday, April 12, 2007, in 307 CLOB. Vice-Chair Mullis, 53rd, called the meeting to order at 11:25 a.m.

Present were Senators Mullis, 53rd, Chapman, 3rd, Davenport, 44th, Heath, 31st, Jones, 10th, and Seay, 34th. Chairman Whitehead, 24th, joined the meeting at 11:40 a.m. because he was testifying in another committee meeting. Senator Carter, 13th, also arrived at 11:40 a.m.; his presence was required at another committee meeting.

SB 307 (Senator Jack Murphy, 27th) Uniform Rules; leaving a motor vehicle unattended; repeal Code Section 40-6-201

Senator Murphy, 27th, presented the legislation to the committee. He explained that current law prohibits a person from leaving a running motor vehicle unattended. This legislation repeals that law since it has become archaic; it was created as a safety measure when most vehicles were manual, stick shifts.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Seay, 34th, made the motion to “**DO PASS.**” Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried.

HB 69 (Rep. Bobby Franklin, 43rd) Driver's records; online; Department of Driver Services; charging fee; prohibit

Rep. Franklin, 43rd, introduced this legislation to the committee on March 28, 2007. It prohibits the Department of Driver Services (DDS) from charging a fee to an individual for providing his or her driver's record online. He brought additional information to this committee meeting today in response to a request from the committee at the previous meeting. Rep. Franklin, 43rd, stated that the revenue generated from the current fee of

\$10 for an online driver's record is approximately \$69,000 which goes to the state's General Fund.

Senator Heath, 31st, asked if a reduction in expenses was made to correlate to the reduced revenue. Rep. Franklin, 43rd, said that the cost to maintain the driver's records would remain the same; however, the DDS would have decreased costs from requiring less time from clerks who would have to provide service to those people making the request in person.

An amendment, AM 28 0792, was offered for this bill which authorizes the delay of compliance to the Federal Real ID Act. This amendment is the substance of [SB 5](#) which hadn't moved through the House so it was attached to this bill.

Senator Chapman, 3rd, asked about the security of the printout of the driver's record. Commissioner Greg Dozier, Department of Drivers Services, said there would be security through the use of a password (PIN) and a PDF file which would be sent to the driver's personal email account.

Senator Mullis, 53rd, commended Commissioner Dozier on his success in making improvements within the DDS since he has been its commissioner.

Senator Mullis, 53rd, asked for other speakers. Having none, Senator Seay, 34th, made the motion to **“DO PASS AS AMENDED (AM 28 0792).”** Senator Chapman, 3rd, seconded the motion. Hearing no nays, the motion carried. Senator Seabaugh, 28th, will be carrying the bill in the Senate.

[HB 254](#) (Rep. Jay Roberts, 154th) Limited driving permits; certain offenders; allow issuance

Rep. Roberts, 154th, explained that this legislation makes a change in existing law concerning limited driving licenses.

This legislation allows a driver, 18 years old or over, whose driver's license has been suspended due to a conviction of speeding between 24 miles per hour and 34 miles per hour over a speed limit, to apply for a limited driving permit. However, the sentencing judge, in his or her discretion, will decide if it is reasonable to issue a limited driving permit.

A Senate substitute was presented to include SB 86 in this bill. SB 86 is the pickup truck safety belt legislation authored by Senator Thomas, 54th.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Seay, 34th, made the motion to **“DO PASS BY SUBSTITUTE (LC 36 0781S).”** Senator Carter, 13th, seconded the motion. Having four yeas (Senators Carter, 13th, Jones, 10th, Seay, 34th, and Whitehead, 24th) and three nays (Senators Chapman, 3rd, Heath, 31st, and Mullis, 53rd), the motion carried. Senator Thomas, 54th, will be carrying the bill in the Senate.

HB 313 (Rep. Terry Barnard, 166th) Georgia Correctional Industries Administration; certain inmate work programs; clarify

Rep. Barnard, 166th, explained that this legislation has four sections relating to the Department of Corrections, the Board of Corrections, and the Georgia Correctional Industries Administration. It defines the administrative process for voluntary inmate work programs and the management thereof.

A substitute was presented for the bill by Rep. Barnard, 166th, to include the wording from his HB 695 which did not get through the House before cross-over day. HB 695 adds code “The commissioner shall be authorized to issue a warrant for the arrest of an offender who has escaped from the custody of the department upon probable cause to believe the offender has violated Code Section 16-10-52, relating to escape from lawful confinement.”⁵

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Jones, 10th, made the motion to “**DO PASS BY SUBSTITUTE (LC 35 0630S).**” Senator Seay, 34th, seconded the motion. Hearing no nays, the motion carried. Senator Grant, 25th, will be carrying the bill in the Senate.

HB 314 (Rep. Jay Neal, 1st) Persons convicted of certain sex offenses; probation; DNA analysis; provide

Rep. Neal, 1st, explained that this legislation was created with the intention of closing a loophole in the law. It expands the DNA data base. The GBI helped with the language of this bill.

Vernon Keenan, Director of the GBI, spoke about this legislation. He explained that 700 cold cases of sex crimes have been solved through the DNA database. When an offender is incarcerated for property crimes, burglary, drugs—not sex crimes—their DNA is obtained which can then be used in solving cold cases of sex crimes.

Senator Seay, 34th, asked how DNA would be obtained from probationers. Mr. Keenan explained that they would swab the probationers the same as they do with the incarcerated offenders.

Senator Heath, 31st, asked if the judge could order the DNA testing when offenders are sentenced. Mr. Keenan said he /she could but this bill will establish the database vehicle.

Senator Jones, 10th, asked if the part of this legislation that prohibits the photographing of a minor by a sexual offender would cause a photographer to lose his/her job. In answer to this question, Melanie Stockwell, Chief of Staff/General Counsel for the Senate President Pro Tempore’s Office, explained that the wording comes from SB 1 and states that a registered sex offender cannot **intentionally** photograph a minor. Mrs. Stockwell explained that this bill also includes the language from [SB 249](#).

⁵ [HB 695](#) -- Board and Department of Corrections; commissioner to issue warrants; authorize

Senator Heath, 31st, explained that the substitute proposed, LC 29 2906S, does not contain the language of the original HB 314 but rather contains the language from SB 1 and SB 249.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Heath, 31st, made the motion to **“DO PASS BY SUBSTITUTE (LC 29 2906S).”** Chairman Whitehead, 24th, seconded the motion. Hearing no nays, the motion carried. Senator Smith, 52nd, will be carrying the bill in the Senate.

HB 419 (Rep. Johnny Floyd, 147th) Commercial drivers' licenses; definitions; issuance; provisions

Rep. Floyd, 147th, explained that this legislation redefines and clarifies several definitions as they relate to commercial driver’s licenses.

Specifically, the legislation streamlines the process in which a person will be disqualified from driving a commercial motor vehicle due to specific traffic violations, knowingly using a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, cultivation, sale, transfer of, trafficking in, or dispensing of a controlled substance or marijuana, or possession with intent to manufacture, distribute, cultivate, sell, transfer, traffic in, or dispense a controlled substance or marijuana; or committing specific railroad grade crossing offenses while operating a commercial motor vehicle.

This legislation also extends the period of a valid commercial driver’s license from four to five years.

Commissioner Greg Dozier, of the Department of Driver Services, explained that this legislation is the result of an audit identifying changes necessary in Georgia to comply with requirements for federal funding.

Senator Wiles, 37th, presented a substitute to the committee which addresses traffic violations and disqualifications, revocations, and suspensions of commercial drivers’ licenses as penalties for these violations.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Mullis, 53rd, made the motion to **“DO PASS BY SUBSTITUTE (LC 34 1260S).”** Senator Seay, 34th, seconded the motion. Hearing no nays, the motion carried. Senator Mullis, 53rd, will be carrying the bill in the Senate.

HB 457 (Rep. Tom Rice, 51st) Revenue, Department of; special license plates; process all applications; provisions

Rep. Rice, 51st, explained that this legislation establishes a standardized administrative process to provide for the authorization and issuance of special license plates. It provides for the Department of Revenue to process all applications for special license plates requested after July 1, 2007.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Seay, 34th, made the motion to “**DO PASS.**” Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried. Chairman Whitehead, 24th, will be carrying the bill in the Senate.

HB 518 (Rep. Tom Rice, 51st) Motor vehicles; commercial motor vehicle; define; license plates; provisions

Rep. Rice, 51st, explained that this legislation addresses two issues: (1) Registration of Commercial Motor Vehicles and Transporters and (2) Certificate of Titles or Registration Transfers.

Regarding the registration of commercial motor vehicles and transporters, it clarifies and streamlines several provisions relating to the registration of commercial motor vehicles and transporters. Furthermore, a “commercial motor vehicle” is redefined to now include only motor vehicles with a gross vehicle weight of 10,001 pounds or more.

A transition period will commence on October 1, 2007, and conclude on December 31, 2007, for all existing registrations and any new registration applications presented prior to January 1, 2008. On or after January 1, 2008, new applications for registration will be submitted and remain valid until the expiration of such registration.

Regarding certificates of title or registration transfers, the current law requires the owner to submit an application for a title certificate to the authorized county tag agent within 90 days from the date the vehicle was purchased. This legislation shortens the deadline to within 30 days.

Doug Hooper, Director, Motor Vehicle Services, Georgia Department of Revenue, explained further that the legislation addresses two areas (1) staggered time frames for license registrations, and (2) tags for certain government vehicles and that this would keep Georgia in agreement with federal guidelines.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Heath, 31st, made the motion to **“DO PASS BY SUBSTITUTE (LC 35 0631S).”** Senator Seay, 34th, seconded the motion. Hearing no nays, the motion carried. Chairman Whitehead, 24th, will be carrying the bill in the Senate.

The meeting adjourned at 12:55 p.m.

Respectfully Submitted,

/s/ Senator Jeff Chapman, 3rd
Secretary

/s/ Diana Hauser
Recording Secretary

PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE MEETING

Monday, April 16, 2007

10:00 a.m. – 310 CLOB

MEMBERS: Whitehead, 24th, Chairman
Mullis, 53rd, Vice-Chair
Chapman, 3rd, Secretary
Butler, 55th
Carter, 13th
Davenport, 44th
Douglas, 17th, Ex-Officio
Grant, 25th, Ex-Officio
Jones, 10th
Seay, 34th

The Senate Public Safety and Homeland Security Committee met on Monday, April 16, 2007, in 310 CLOB. Chairman Whitehead, 24th, called the meeting to order at 10:20 a.m.

Present were Senators Whitehead, 24th, Mullis, 53rd, Chapman, 3rd, Carter, 13th, Davenport, 44th, Grant, 25th, Heath, 31st, Jones, 10th, and Seay, 34th. In addition, Senator Douglas, 17th, was present serving as an ex-officio member.

[HB 527](#) (Rep. Billy Horne, 71st) Probation; private supervision services; minimum fee; establish

Rep. Horne, 71st, explained that this legislation eliminates registration fees for private or local governmental probation services registering with the County and Municipal Probation Advisory Council.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Grant, 25th, made the motion to **“DO PASS.”** Senator Chapman, 3rd, seconded the motion. Hearing only one nay by Senator Mullis, 53rd, the motion carried. Note: Senator Seay, 34th, left the room at 10:35 a.m. and returned at 10:40 a.m. and missed voting on this bill.

Senator Murphy, 27th, will be carrying the bill in the Senate.

[HB 51](#) (Rep. Mike Jacobs, 80th) Sheriffs' duties; security plans; change frequency

Rep. Jacobs, 80th, explained that this legislation clarifies current language by requiring each sheriff to conduct a formal review of their respective courthouse security plans at least once every four years.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Grant, 25th, made the motion to **“DO PASS.”** Senator Seay, 34th, seconded the motion. Having no nays, the motion carried. Senator Carter, 13th, will be carrying the bill in the Senate.

HB 394 (Rep. John Lundsford, 110th) Emergency 9-1-1 system; change provisions; Wireless Communications Security Act; enact

Rep. Lundsford, 110th, explained that this legislation clarifies, streamlines, and updates several provisions of the state’s Emergency 9-1-1 system. Significant provisions include:

- Expanding the duties of the 9-1-1 Advisory Committee;
- Clarifying 9-1-1 fees for wireless service;
- Establishing 9-1-1 fees for prepaid wireless service; and
- Creating the Emergency 9-1-1 Assistance Fund.

Rep. Lundsford, 110th, explained that due to a loophole in the current legislation, 9-1-1 fees are being collected by the service providers but are not being distributed to the local governments. This legislation will close that loophole.

It also defines actions that are an offense of unlawful conduct during a 9-1-1 telephone call; any person who commits this offense will be guilty of a misdemeanor and, upon conviction, will be punished by a fine of up to \$500.00 or 12 months in jail, or both.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Seay, 34th, made the motion to **“DO PASS BY SUBSTITUTE (LC 36 0798S).”** Senator Mullis, 53rd, seconded the motion. Hearing no nays, the motion carried. Senator Rogers, 21st, will be carrying the bill in the Senate.

HB 77 (Rep. Barry Loudermilk, 14th) Motor vehicles; traffic-control signal monitoring devices; repeal provisions

Rep. Loudermilk, 14th, explained that this legislation was created to curb the proliferation of red light cameras used for revenue streams as opposed to enhancing public safety; it was not intended to be used as a way to fund a trauma care system in Georgia.

Rep. Loudermilk, 14th, asked that the legislation be passed as written without any substitutes.

Senator Seay, 34th, commented that in her district, statistics show that there were fewer accidents with the use of red-light cameras. Rep. Loudermilk, 14th, asked what changes might have been made by DOT that could explain the reduction in accidents.

The committee recessed at 11:00 a.m. to allow members to attend the Appropriations Committee meeting being held at that time. It resumed at 11:30 a.m. when the committee members returned and a quorum was regained.

Marietta Fire Chief Jackie Gibbs talked about his experience with the red-light cameras within the City of Marietta. He explained that they have two high-volume, high-risk intersections that are using the red-light cameras. Although the accident rate (from rear-end accidents) went up initially, they eventually went down. The presence of cameras has had a positive impact on people going through the intersection. Furthermore, the revenue received from the tickets issued was used to replace the vehicle extrication equipment which was desperately needed by the City.

Chief Roy Whitehead of the Snellville Police Department said that accidents have declined since they implemented the red-light cameras, and there has been only one serious accident since their use. He said that at first there were 3400 violations per month; now, there are approximately only 1400 violations per month. Chief Whitehead said it costs \$650,000 per year to have the cameras; they are not a revenue stream, but they do provide increased safety for the public.

Chief Whitehead asked that this bill be defeated. If passed, he asked that the substitute to split the revenue to a ratio of 50-50 between the local government and the state trauma care system be accepted.

Senator Jones, 10th, asked about the problem of knowing who was actually driving the vehicle when the violation was recorded by the camera. Chief Whitehead explained that someone who has been issued a ticket but was not driving the vehicle would only have to sign an affidavit to say they were not driving the car. Senator Jones, 10th, asked if one would have to identify who was driving the vehicle at the time of the violation when signing the affidavit and the Chief responded that the information is requested but not required.

Mr. Bob Dallas, of the Governor's Office of Highway Safety, said that in a study of traffic technology and best practices, they found the red-light cameras to be beneficial. He said that although there might be more rear-end accidents at first, the red-light cameras help prevent the more serious t-bone accidents.

City of Roswell Chief of Police Ed Williams said that although re-engineering could provide additional safety, he would endorse what the previous speakers said about the use of red-light cameras.

Chairman Whitehead, 24th, asked for other speakers. Having none, Senator Douglas, 17th, made the motion to **table** the bill. Senator Carter, 13th, seconded the motion. Hearing no nays, the motion carried.

The meeting adjourned at 12:00 p.m.

Respectfully Submitted,

/s/ Senator Jeff Chapman, 3rd
Secretary

/s/ Diana Hauser
Recording Secretary

May 1, 2007

Mr. Bob Ewing
Secretary of the Senate
Room 353 State Capitol
Atlanta, GA 30334

Dear Mr. Ewing:

The following bills are being reported as having no action taken on them by the Senate Public Safety and Homeland Security Committee during the 2007 Legislative Session:

[SB 4*](#)
[SB 252](#)
[SB 299](#)
[SB 315](#)

[HB 77**](#)
[HB 368](#)

*[SB 4](#) was rolled into [SB 25](#), which was passed by the Committee on 2/1/2007 and returned to the Office of the Secretary of the Senate with the Committee Report on 2/2/2007.

**[HB 77](#) was heard and tabled by the Committee on 4/16/2007.

Sincerely,

/s/ Diana Hauser
Senate Public Safety and Homeland Security Committee
Recording Secretary