

SENATE JUDICIARY COMMITTEE MEMBERS

2007 SESSION

Senator Preston Smith, Chairman
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301 C.L.O.B.

Senator Bill Cowser
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319-A C.L.O.B.

Senator Seth Harp, Vice Chairman
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Midland, Georgia 31820
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Senator Vincent Fort
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305-B C.L.O.B.

Bill Hamrick, Secretary
Dist. 30, 301 Bradley St.
Carrollton, Georgia 30117
770-214-8210
121-H CAP

Senator Judson Hill
Dist. 32, 3102 Raines Court
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325-B C.L.O.B.

Senator David Adelman, Ex-Officio
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303-A C.L.O.B.

Senator Michael Meyer von Bremen
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Senator Robert Brown
Dist. 26, P.O. Box 5742
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Senator Kasim Reed
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322-B C.L.O.B.

Senator Joseph Carter
Dist. 13, P.O. Box 7271
Tifton, Georgia 31793
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109 CAP

Senator Mitch Seabaugh, Ex-Officio
Dist. 28, P.O. Box 504
Sharpsburg, Georgia 30277
770-304-0652
421-D CAP

Senator John Wiles
Dist., 37, 800 Kennesaw Ave.
Suite 400, Marietta, Georgia 30060
770-426-4619
324-B C.L.O.B.

SENATE JUDICIARY COMMITTEE RULES

2007-2008

1. Quorum of the Committee shall be six (6) members.
2. The Chairman shall determine which bills, resolutions, substitutes, or amendments are to be considered and the order in which said measures are considered; the Chairman shall have the authority and discretion to call a bill, resolution, substitute or amendment for debate and explanation only or to limit consideration of such measures.
3. The Chairman shall have the authority to refer bills and resolutions to subcommittee for study. Such subcommittees in turn shall have the authority to make recommendation on such measures to the full Committee at such times as shall be designed by the Chairman.
4. The Chairman shall have the authority to schedule, manage, and regulate the debate on bills, resolutions, substitutes, and amendments, and may in his discretion recognize motions related to such measures and the order in which they are recognized.
5. The Committee shall convene, recess and adjourn upon the order of the Chairman.
6. A bill or resolution will be considered only after presentation by its principal author or other legislator whom he/she may designate unless otherwise directed by the Chairman. The principal author shall be the legislator whose name appears first on the list of authors.
7. The Chairman reserves the right to delay or decline action on substitutes and amendments not provided by the Chairman in writing at least 24 hours prior to the hearing in which they are presented.
8. Any Member or Members of the Committee who disagree with the majority report of the Committee shall be privileged to file a minority report if they so desire.
9. These rules may be amended upon a motion duly made and subsequently approved by two-thirds of the members of the Committee.
10. Where these rules are silent on a specific issue, the Rules of the Senate as adopted shall govern.

SENATE JUDICIARY COMMITTEE MEETING

Monday, January 22, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman
Harp, 29th, Vice Chairman
Hamrick, 30th, Secretary
Brown, 26th
Carter, 13th
Cowsert, 46th

Hill, 32nd
Meyer von Bremen, 12th
Reed, 35th (Ex-officio)
Seabaugh, 28th
Wiles, 37th

Chairman Smith, 52nd, called the meeting to order at 4:00 p.m.

Chairman Smith, 52nd, presented the Judiciary Committee Rules to the committee with no changes. Senator Harp, 29th, moved for adoption of the rules as presented and Senator Seabaugh, 28th, seconded the motion. The vote was unanimous – 5/0. Senators Hill, 32nd, Hamrick, 30th, Brown, 26th, and Reed, 35th, were not present for the vote.

SB 15 (Wiles, 37th) – Drivers’ Licenses; suspended; change certain provisions

Senator Wiles, 37th, presented the bill to the committee.

There was some discussion from the committee.

Chairman Smith, 52nd, entertained a motion. Senator Harp, 29th, made a motion DO PASS. Senator Carter, 13th, seconded the motion. SB 15 DO PASS 7/3. Senators Brown, 26th, Meyer von Bremen, 12th, and Cowsert, 46th, voted nay. **SB 15 DO PASS**.

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 4:50 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, January 25, 2007 – Room 310 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman
Harp, 29th, Vice Chairman
Hamrick, 30th, Secretary
Adelman, 42nd (Ex-officio)
Brown, 26th

Cowsert, 46th
Hill, 32nd
Meyer von Bremen, 12th
Reed, 35th
Seabaugh, 28th (Ex-officio)
Wiles, 37th

Chairman Smith, 52nd, called the meeting to order at 3:00 p.m.

SB 14 (Rogers, 21st) – Superior Court Clerks; personal filing fees; sunset dates

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

There was some discussion between the committee members.

Senator Wiles, 37th, made a motion DO PASS. Senator Harp, 29th, seconded the motion. SB 14 DO PASS unanimously 6/0. Senators Hamrick, 30th, Adelman, 42nd, Meyer von Bremen, 12th, and Reed, 35th, were not present for the vote. **SB 14 DO PASS.**

SB 20 (Hill, 32nd) – Sexual Offenses; disabled person incapable of granting consent; unlawful

Senator Hill, 32nd, presented the bill to the committee.

Ellen Yager, National Mental Health Organization, testified before the committee in support of the bill.

There was concern from the committee on several issues, and Chairman Smith, 52nd, recommended holding the bill to work out some of the problems. Senator Hill, 32nd, agreed to the recommendation. **SB 20 HELD IN COMMITTEE.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 3:25 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, February 1, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman	Fort, 39th
Harp, 29th, Vice Chairman	Hill, 32nd
Hamrick, 30th, Secretary	Meyer von Bremen, 12th
Carter, 13th	Reed, 35th
Cowsert, 46th	Wiles, 37th

Chairman Smith, 52nd, called the meeting to order at 4:00 p.m.

SB 1 (Johnson, 1st) – Sexual Offenders, unlawful to photograph minors, penalties

Senator Johnson, 1st, presented the bill to the committee.

Ms. Vickie Lewis, Richmond Hill, Georgia, testified before the committee in support of the legislation.

Sandra Michaels, Georgia Association of Criminal Defense Lawyers, testified before the committee and suggested amending the legislation to add in subsection (b) page 1, “for purposes of sexual stimulation or sexual gratification”.

Maggie Garrett, ACLU, testified before the committee in opposition to the legislation. She believes this legislation is unconstitutional.

Senator Reed, 35th, suggested adding on paragraph (b), page 1, the following amendment: “to intentionally photograph a minor without consent of the minor’s parent or guardian”.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Wiles, 37th, seconded the motion. SB 1 DO PASS BY SUBSTITUTE unanimously 9/0. Senator Hamrick, 30th, left the meeting before the vote. **SB 1 DO PASS BY SUBSTITUTE.**

SB 34 (Williams, 19th) – Penal Institutions; possession of photograph of victims; prohibit

Senator Williams, 19th, presented the bill to the committee.

Warden Ralph Kemp, Wheeler Correctional Facility, and Director Vernon Keenan, GBI, testified before the committee in support of the legislation.

There was some discussion.

Chairman Smith, 52nd, entertained a motion. Senator Harp, 29th, made a motion DO PASS. Senator Reed, 35th, seconded the motion. SB 34 DO PASS unanimously 9/0. **SB 34 DO PASS.**

SB 54 (Smith, 52nd) – Offenses; incest, provide for gender neutrality

Chairman Smith, 52nd, presented the bill to the committee.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Hill, 32nd, seconded the motion. SB 54 DO PASS unanimously 8/0. Senator Reed, 35th, left the meeting before the vote. **SB 54 DO PASS.**

SB 21 (Douglas, 17th) – Crimes, murder against peace officer, corrections; official duties, punishment

Senator Douglas, 17th, presented the bill to the committee.

The following people testified before the committee in support of the legislation: Brian Noyes, GAEMS; SFC Mark W. McDonough, Georgia State Patrol; Frank V. Rotondo, Georgia Association of Chiefs of Police; David McDade, District Attorney's Association; and Rick Malone, Prosecuting Attorney's Association.

The following people testified before the committee proposing a modification to Section (c).

There was a lot of discussion in regard to exempting felony murder. The Chairman suggested holding the bill in committee to study it further.

SB 21 HELD IN COMMITTEE.

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 6:05 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE

Thursday, February 8, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman
Harp, 29th, Vice Chairman
Hamrick, 30th, Secretary
Carter, 13th
Cowsert, 46th

Fort, 39th
Hill, 32nd
Meyer von Bremen, 12th
Reed, 35th
Seabaugh, 28th, Ex-Officio
Wiles, 37th

Chairman Smith, 52nd, called the meeting to order at 4:40 p.m.

SB 23 (Douglas, 17th) - Sentencing Procedure; probation court consider prisoner's legality in U.S.

Senator Douglas, 17th, presented the bill to the committee.

There was some discussion regarding substitutes in the bill: change on page 1, line 25 from “shall” to “may” and also on page 2, line 21 change “shall” to “may”. Also, on page 3, line 1, between “it” and “the” add “is”.

Senator Carter, 13th, made a motion DO PASS BY SUBSTITUTE. Senator Seabaugh, 28th, seconded the motion. The vote was 7/1. Senator Fort, 39th, voted nay. Senator Hill, 32nd, left the meeting before the vote. **SB 23 DO PASS BY SUBSTITUTE.**

SB 43 (Rogers, 21st) – Firearms; locked motor vehicles; prohibit employers from prohibiting employees from lawfully carrying in locked motor vehicles

Senator Rogers, 21st, presented a substitute to SB 43: on page 2, line 7, insert after the word “section” and before the symbol “.” the following: “unless such employer commits a criminal act involving the use of a firearm or unless the employer knew or, in the exercise of ordinary care, should have known that the person using such a firearm would commit such criminal act on the employer’s premises. Nothing contained in this code section shall create a new duty on the part of the employer.”

Carolyn Meadows, National Rifle Association, testified before the committee in support of the bill and substitute.

The following testified before the committee in opposition to the bill and substitute: Joe Fleming, Georgia Chamber of Commerce; Shelley Senterfitt, Georgia Coalition Against Domestic Violence; Alice Johnson, Georgians for Gun Safety; John Poole, Georgia Pulp and Paper Association; Roy Bowen, President, Georgia Textile Manufacturers Association; John Heavener, Georgia Retail Association; Bill Clark, Georgia Trial Lawyers.

There was plenty of discussion on other substitutes in the bill: page 1, line 20, delete “of limiting” and add “which limits”, and page 2, line 1 between “operating” and “facility” add “a”.

Chairman Smith, 52nd, called for a vote. Senator Carter, 13th, made a motion DO PASS BY SUBSTITUTE. Senator Reed, 35th, seconded the motion. The vote was 6/2. Senators Fort, 39th, and Reed, 35th, voted nay. Senator Meyer von Bremen, 12th, spoke to Chairman Smith, 52nd, after the meeting and wanted to change his vote to nay. After much discussion they decided to leave his vote as a yea but reflect his wishes in these minutes. Senator Hill, 32nd, was not present for the vote. **SB 43 DO PASS BY SUBSTITUTE.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 5:50 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Monday, February 12, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman	Brown, 26th
Harp, 29th, Vice Chairman	Carter, 13th
Hamrick, 30th, Secretary	Cowsert, 46th
	Fort, 39th

Chairman Smith, 52nd, called the meeting to order at 4:10 p.m.

SB 79 (Hamrick, 30th) – Criminal attempt; increase maximum punishment for convictions; felonies

Senator Hamrick, 30th, introduced David McDade, District Attorney's Association, to present the bill to the committee.

Tommy Floyd, District Attorney's Association, also testified before the committee in support of the bill.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Cowsert, 46th, seconded the motion. SB 79 DO PASS unanimously 6/0. **SB 79 DO PASS.**

SB 97 (Hamrick, 30th) – Criminal trial proceedings; require parties to raise specific objections to jury

Senator Hamrick, 30th, introduced David McDade, District Attorney's Association, to present the bill to the committee.

Tommy Floyd, District Attorney's Association, also testified before the committee in support of the bill.

Sandra Michaels, Georgia Association of Criminal Defense Lawyers, testified before the committee in opposition to the bill.

There was some discussion, with Senator Brown, 26th, and Senator Fort, 39th, having concerns with the language.

Senator Harp, 29th, made a motion DO PASS. Senator Hamrick, 30th, seconded the motion. SB 97 DO PASS 4/2. Senator Brown, 26th, and Senator Fort, 39th, voted nay. **SB 97 DO PASS.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 4:38 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, February 22, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Cowsert, 46 th
Harp, 29 th , Vice Chairman	Fort, 39 th
Hill, 32 nd , Secretary	Meyer von Bremen, 12 th
Hamrick, 30 th	Reed, 35 th
Brown, 26 th	Seabaugh, 28 th , Ex-Officio
Carter, 46 th	Wiles, 37 th

Chairman Smith called the meeting to order at 4:10 p.m.

SB 98 (Hamrick, 30th) – Crimes/Offenses; GBI; investigate certain offenses against minors, including subpoena power

Senator Hamrick, 30th, presented the bill to the committee.

Director Vernon Keenan, GBI, testified before the committee in support of the bill.

Sandra Michaels, Georgia Association of Defense Lawyers, testified before the committee in opposition to the bill.

There was plenty of discussion.

Senator Wiles, 37th, suggested an amendment as follows: page 7, line 10, strike “such persons” and insert “a member of the senior command staff.”, and a motion DO PASS BY SUBSTITUTE. Senator Reed, 35th, seconded the motion. The vote was unanimous 11/0. **SB 98 DO PASS BY SUBSTITUTE.**

SB 100 (Pearson, 51st) – Crime, knowingly manufacturing false identification; increase penalties

Senator Pearson, 51st, presented the bill to the committee.

There was some discussion.

Chairman Smith, 52nd, suggested the following substitutes: page 1, line 14, add an “s” to “paragraph” and “and (5)”. On page 1 line 18 add at the beginning of the paragraph “Except as provided in paragraph (5)” and change the capital “A” to a lower case “a”.

Senator Meyer von Bremen, 12th, made a motion DO PASS BY SUBSTITUTE. Senator Seabaugh, 28th, seconded the motion. The vote was unanimous 10/0. **SB 100 DO PASS BY SUBSTITUTE.**

SB 42 (Harp, 29th) – Child Support Recovery; collections; Department of Human Resources to impose fees

Senator Harp, 29th, presented the bill to the committee.

The following people testified before the committee in support of the bill: Cindy Moss, Child Support Recovery Director; Gina Simpson, Deputy Commissioner, Department of Human Resources

The following people testified before the committee in opposition to the bill: Shelley Senterfitt, Georgia Coalition Against Domestic Violence; Frank Bates, DTAE Fatherhood.

There was a lot of discussion and concern regarding the amount of the fees.

Chairman Smith, 52nd, suggested holding the bill in committee until these issues were worked out.

SB 42 HELD IN COMMITTEE.

SB 88 (Unterman, 45th) – Care of a Grandchild Act; provide subsidy to certain grandparents raising grandchildren under certain circumstances

Senator Unterman, 45th, presented each section of the bill to the committee.

There was a lot of discussion.

Senator Harp, 29th, suggested an amendment on page 11, lines 28 and 29 to end the sentence with the word “Georgia”, add a period, and strike the rest of the sentence

Senator Fort, 39th, made a motion DO PASS AS AMENDED. Senator Reed, 35th, seconded the motion. The vote was unanimous 5/0. Senators Hamrick, 30th, Brown, 26th, Hill, 32nd, Seabaugh, 28th, and Wiles, 37th, left the meeting before the vote. **SB 88 DO PASS AS AMENDED.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 5:45 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Friday, February 23, 2007, room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Reed, 35 th
Harp, 29 th , Vice Chairman	Seabaugh, 28 th , Ex-Officio
Hamrick, 30 th	Wiles, 37 th
Cowsert, 46 th	

Chairman Smith, 52nd, called the meeting to order at 10:10 a.m.

SB 67 (Wiles, 37th) – Superior Courts; specify costs not be considered contingent expenses

Senator Wiles, 37th, presented and explained the bill to the committee.

The following people testified before the committee in support of the bill: Kem Kimbrough, ACCG; and Mike Berg, Dawson County Board of Commissioners.

Jerry Word and Sarah Haskin, Georgia Public Defender Standards Council, asked that the language in the bill specify that certain expenses be paid by the county, such as courtroom interpreters and transcribing testimony. The committee did not accept or vote on this proposed change.

Chairman Smith, 52nd, entertained a motion. Senator Seabaugh, 28th, made a motion DO PASS. Senator Wiles, 37th, seconded the motion. The vote was unanimous 6/0. **SB 67 DO PASS.**

SB 139 (Wiles, 37th) – Georgia Public Defender Standards Council; transfer from judicial branch to executive branch

Senator Wiles, 37th, presented the bill and amendment to the committee. The amendment is the revision of Section 4 as follows: Said chapter is further amended by revising Code Section 17-12-30, relating to classification of personnel, responsibilities, compensations, and local supplements, as follows: “17-12-30. (a) All state paid personnel employed by the circuit public defenders pursuant to this article shall be employees of the executive branch of state government and shall be in the unclassified service of the State Merit System of Personnel Administration. (b) Personnel employed by the circuit public defenders pursuant to this article shall have the authority, duties, powers, and responsibilities as are authorized by law or as assigned by the circuit public defender and shall serve at the pleasure of the circuit public defender. (c) (1) The council shall establish salary ranges for each state paid position authorized by this article or any other provision of law. Salary ranges shall be similar to the state-wide and senior executive ranges adopted by the State Merit System of Personnel Administration and shall provide

for minimum, midpoint, and maximum salaries not to exceed the maximum allowable salary. In establishing the salary ranges, all amounts will be rounded off to the nearest whole dollar. The council may, from time to time, revise the salary ranges to include across-the-board increases which the General Assembly may from time to time authorize in the General Appropriations Act. (2) The circuit public defender shall fix the compensation of each state paid employee appointed pursuant to this article in accordance with the job to which the person is appointed and the appropriate salary range. (3) All salary advancements shall be based on quality of work, training, and performance. The salary of state paid personnel appointed pursuant to this article may be increased at the first of the calendar month following the annual anniversary of the person's appointment. No employee's salary shall be advanced beyond the maximum established in the applicable pay range. (4) Any reduction in salary shall be made in accordance with the salary range for the position and the policies, rules, or regulations adopted by the council. (5) The compensation of state paid personnel appointed pursuant to this article shall be paid in equal installments by the council, as provided by this subsection from funds appropriated for such purpose. The council may authorize employees compensated pursuant to this Code Section to participate in voluntary salary deductions as provided by Article 3 of Chapter 7 of Title 45. (6) The governing authority of the county or counties comprising a judicial circuit may supplement the salary or fringe benefits of any state paid position appointed pursuant to this article. (7) The governing authority of any municipality within the judicial circuit may, with the approval of the circuit public defender, supplement the salary or fringe benefits of any state paid position appointed pursuant to this article."

The following people were in support of the bill and amendment: Kem Kimbrough, ACCG; Mike Berg, Dawson County Board of Commissioners; Jerry Word and Sarah Haskin, Georgia Public Defender Standards Council.

There was some discussion, and a suggestion by Senator Wiles, 37th, to strike on page 3, lines 16 and 17, "Department of Administrative Service, as determined", and on lines 18 and 19, "with the consent of the Department of Administrative Services or the Administrative Office of the Courts,".

Chairman Smith, 52nd, entertained a motion. Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Cowser, 46th, seconded the motion. The vote was 5/1. Senator Reed, 35th, voted nay. **SB 139 DO PASS BY SUBSTITUTE.**

SB 142 (Smith, 52nd) – Circuit Public Defenders; may hire additional personnel; authorized by local law

Senator Smith, 52nd, presented the bill to the committee.

The following people testified before the committee in support to the bill: Kem Kimbrough, ACCG, and Mike Berg, Dawson County Board of Commissioners.

There was some discussion.

Chairman Smith, 52nd, entertained a motion. Senator Harp, 29th, made a motion DO PASS. Senator Wiles, 37th, seconded the motion. The vote was unanimous 7/0. [**SB 142 DO PASS.**](#)

[SB 141 \(Smith, 52nd\) – Georgia Public Defender Standards Council; change composition](#)

Senator Smith, 52nd, presented the bill to the committee.

The following people testified in support of the bill: Kem Kimbrough, ACCG; Jerry Word and Sarah Haskin, Georgia Public Defender Standards Council; and Mike Berg, Dawson County Board of Commissioners.

There was some discussion.

Senator Smith entertained a motion. Senator Harp, 29th, made a motion DO PASS. Senator Wiles, 37th, seconded the motion. The vote was unanimous 7/0. [**SB 141 DO PASS.**](#)

[SB 140 \(Smith, 52nd\) – Circuit Public Defender; change composition of selection panels; removal; terms](#)

Senator Smith, 52nd, presented the bill and substitute to the committee.

The following people testified before the committee in support of the bill: Kem Kimbrough, ACCG; Jerry Word and Sarah Haskin, Georgia Public Defender Standards Council, and Mike Berg, Dawson County Board of Commissioners.

Senator Wiles, 37th, proposed to amend Chapter 12 of Title 17, Sections 1 – 3, as follows: SECTION 1. Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to public defenders, is amended in Code Section 17-12-3, relating to creation and membership of the Georgia Public Defender Standards Council, by revising paragraph (6) of subsection (b) as follows: “(6) Any vacancy for a member appointed pursuant to paragraph (3) of this subsection shall be the successor to the circuit public defender as set forth in subsection (e) of Code Section 17-12-20.” Section 2. Said article is further amended by revising Code Section 17-12-20, relating to public defender selection panel for each circuit, appointment and removal of circuit public defenders, and vacancies, as follows: “17-12-20. (a) There is created in each judicial circuit in this state a circuit public defender selection panel to be composed of seven members. The Lieutenant Governor, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court of Georgia, and the chief judge of the superior court of the circuit shall each appoint one member. The Governor shall appoint three members, two of which shall be county commissioners from the governing authority of the county or counties within the judicial circuit for which such member is appointed to serve. Other than the county commissioner, members of the circuit public defender selection panel shall be individuals with significant experience working in the criminal justice system or

who have demonstrated a strong commitment to the provision of adequate and effective representation of indigent defendants. A prosecuting attorney as defined in paragraph (6) of Code Section 19-13-51, any employee of a prosecuting attorney's office, or an employee of the Prosecuting Attorneys' Council of the State of Georgia shall not serve as a member of the circuit public defender selection panel after July 1, 2005. Members of the circuit public defender selection panel shall reside in the judicial circuit in which they serve. The circuit public defender selection panel members shall serve for a term of five years. Any vacancy for an appointed member shall be filled by the appointing authority. (b) By majority vote of its membership, the circuit public defender selection panel shall appoint the circuit public defender in the circuit as provided in this article. The first such appointments shall be made to take office on January 1, 2005, for terms of up to four years. The initial appointments shall be for a term of up to four years. (c) A circuit public defender may be removed for cause by a majority vote of the council. (d) A circuit public defender selection panel may convene at any time during its circuit public defender's term of office and by majority vote of its membership, adopt a resolution requesting that the council review and act upon any matter where the circuit public defender has acted in a manner which is deemed cause for removal. The resolution shall specify the reason or reasons for the request. The circuit public defender shall be given reasonable notice of the circuit public defender selection panel's intention to act and shall be given the opportunity to appear and present evidence and testimony on his or her behalf. All evidence presented and the findings of the circuit public defender selection panel shall be filed in the superior court clerk's office for the circuit and forwarded to the council within fifteen days of the adoption of the resolution. The council shall initiate action on the circuit public defender selection panel's resolution at its next regularly scheduled meeting and take final action within sixty days thereafter. (e) If a vacancy occurs for the position of circuit public defender, the chief judge of the superior court of the circuit shall appoint an interim circuit public defender to serve until the circuit public defender selection panel has appointed a replacement to serve out the unexpired term of office. The circuit public defender selection panel shall appoint a replacement circuit public defender within three months of the occurring of the vacancy. The replacement circuit public defender shall not be any individual who has been removed by the council pursuant to subsection (c) of this Code Section." **SECTION 3.** All laws and parts of laws in conflict with this Act are repealed.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Seabaugh, 28th, seconded the motion. The vote was 5/2. Senator Fort, 39th and Senator Reed, 35th voted nay. **SB 140 DO PASS BY SUBSTITUTE.**

SR 246 (Wiles, 37th) – Indigent Defense; create Joint Study Committee

Senator Wiles, 37th, presented the bill to the committee.

The following testified in support of the bill: Kem Kimbrough, Jerry Word, Sarah Haskin with the Georgia Public Defender Standards Counsel, and Mike Berg with Association of County Commissioners of Georgia.

Chairman Smith, 52nd, made a recommendation to strike on page 2, line 29, “December 31, 2007. The committee shall stand abolished on December 31, 2007.”, and add the words, “convening of the 2008 session of the General Assembly, at which time the committee shall stand abolished.”

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Wiles, 37th, seconded the motion. The vote was unanimous 8/0. **SR 246 DO PASS BY SUBSTITUTE.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 4:35 p.m.

/s/ Senator Judson Hill, 32nd, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Monday, February 26, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman
Harp, 29th, Vice Chairman
Hamrick, 30th, Secretary
Adelman, 42nd, Ex-Officio
Brown, 26th
Carter, 13th

Cowsert, 46th
Fort, 39th
Hill, 32nd
Reed, 35th
Seabaugh, 28th, Ex-Officio
Wiles, 37th

Chairman Smith, 52nd, called the meeting to order at 2:05 p.m.

SB 134 (Smith, 52nd) – Hospital; acquisitions; notice to the Attorney General; change certain provisions

Chairman Smith, 52nd, presented the bill to the committee.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Reed, 35th, seconded the motion. The vote was unanimous 9/0. Senators Hamrick, 30th and Hill, 32nd, were not present for the vote. **SB 134 DO PASS.**

SB 188 (Thompson, 33rd) – Foster Parents Bill of Rights; children privately placed; administrative hearing

Senator Thompson, 33rd, presented the bill to the committee.

The following people were in support of the bill: Douglas Mead, Georgia AGAPE, Inc., and Tracy Brown, foster parent.

There was some discussion. Senator Carter, 13th, suggested a substitute to note the following change on page 4, line 14, delete “person” and insert “foster parent.”

Senator Brown, 26th, made a motion DO PASS BY SUBSTITUTE. Senator Carter, 13th, seconded the motion. The vote was unanimous 10/0. **SB 188 DO PASS BY SUBSTITUTE.**

SB 106 (Hamrick, 30th) – Bonds; surety for good behavior; extend the period

Senator Hamrick, 30th, presented the bill to the committee.

Karen Reece, Magistrate Court of Judges Council, testified before the committee in support of the bill.

There was some discussion. Senator Wiles proposed a change on page 1, line 16, between “of” and “six”, and insert, “up to”.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Carter, 13th, seconded the motion. The vote was unanimous 8/0. Senators Adelman, 42nd, Brown, 26th, and Wiles, 37th, were not present for the vote. **SB 106 DO PASS BY SUBSTITUTE.**

SB 42 (Harp, 29th) – Child Support Recovery; collections; Department of Human Resources to impose fees

Gina Simpson, Deputy Commissioner, Georgia Department of Human Resources, presented the bill and substitute to the committee on behalf of Senator Harp, 29th.

Frank Bates, Georgia Fatherhood, testified before the committee in support of the bill.

Shelley Senterfitt, Coalition Against Domestic Violence, testified before the committee in opposition to the bill.

There was a lot of discussion. The following amendments were proposed: page 1, line13, before “\$1.00” add “\$12 per month at the rate of”; page 1, line19, before “\$1.00”, add “\$13.00 to be paid in 12 monthly installments”; page 1, line 20 change “obligor’s” to “obligee”; page 2, line 7, before “\$1.00”, add “\$12.00 to be paid at the rate of”, page 2, line 7, after “\$1.00”, add “per month”; page 2, line13, after “\$13.00”, add “to be paid in 12 monthly installments”; and on page 2, line 14, change “obligor’s” to obligee”.

Chairman Smith, 52nd, entertained a motion. Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Cowsert, 46th, seconded the motion. The vote was unanimous 7/0. Senators Hamrick, 30th, Brown, 26th, Seabaugh, 28th, and Adelman, 42nd, were not present for the vote. **SB 42 DO PASS BY SUBSTITUTE.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 4:45 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Wednesday, February 28, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman
Harp, 29th, Vice Chairman
Hamrick, 30th, Secretary
Brown, 26th
Carter, 13th
Cowsert, 46th

Fort, 39th
Hill, 32nd
Meyer von Bremen, 12th
Seabaugh, 28th, Ex-Officio
Wiles, 37th

Chairman Smith, 52nd, called the meeting to order at 1:15 p.m.

SB 145 (Smith, 52nd) – Crime and Sentencing; persons convicted of murder; imposition of life without parole

Senator Smith, 52nd, presented the bill to the committee.

The following people testified before the committee in support of the bill: Tom Floyd and David McDade, Douglas County District Attorney's Office.

Jack Martin, Georgia Association of Criminal Defense Lawyers, testified before the committee in opposition to the bill.

There was a lot of discussion.

Chairman Smith, 52nd, entertained a motion. Senator Wiles, 37th, made a motion DO PASS. Senator Brown, 26th, seconded the motion. The vote was unanimous 8/0. Senators Fort, 39th, and Meyer von Bremen, 12th, were not present for the vote. **SB 145 DO PASS.**

SB 133 (Tarver, 22nd) – Levy; intestate insolvent estates; homestead exemptions; maximum amounts; change certain provisions

Senator Tarver, 22nd, presented the bill to the committee.

Terry Leider, bankruptcy attorney, testified before the committee in support of the bill.

Bob Silliman, bankruptcy trustee, testified before the committee in opposition to the bill.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Brown, 26th, seconded the motion. The vote was 5/3. Senators Carter, 13th; Seabaugh, 28th, and Wiles, 37th, voted nay. Senators Fort, 39th and Meyer von Bremen, 12th, were not present for the vote. [SB 133](#)
DO PASS.

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 1:55 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, March 1, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Cowsert, 46 th
Harp, 29 th , Vice Chairman	Fort, 39 th
Hamrick, 30 th , Secretary	Meyer von Bremen, 12 th
Adelman, 42 nd , Ex-Officio	Reed, 35 th
Brown, 26 th	Seabaugh, 28 th , Ex-Officio
Carter, 13 th	Wiles, 37 th

Chairman Smith, 52nd, called the meeting to order at 4:45 p.m.

SB 216 (Chance, 16th) – Grand Juries; certain individuals not qualified to serve as grand jurors

Senator Chance, 16th, presented the bill to the committee.

There was some discussion.

Senator Fort, 39th, made a motion DO PASS. Senator Adelman, 42nd, seconded the motion. The vote was unanimous 7/0. Senator Harp, 29th, Senator Hamrick, 30th, Senator Meyer von Bremen, 12th, and Senator Seabaugh, 28th, were not present for the vote. **SB 216 DO PASS.**

SB 190 (Harp, 29th) – Pretrial Proceedings; insanity/mental incompetency; definitions; evaluation

Senator Harp, 29th, presented the substitute bill to the committee.

The following testified before the committee in support of the bill: Jack Martin, Georgia Association for Criminal Defense Lawyers; Dean Anne Emanuel, Georgia State Law School; and Richard Malone, Prosecuting Attorneys Council.

There was some discussion regarding an amendment that the Georgia Criminal Defense Lawyers wanted. Senator Adelman, 42nd, made a motion DO PASS AS AMENDED. Senator Fort, 39th, seconded the motion. Motion failed 4/6. Senator Harp, 29th; Senator Carter, 13th; Senator Cowsert 46th; Senator Meyer von Bremen, 12th; Senator Seabaugh, 28th; and Senator Wiles, 37th, voted nay.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Brown, 26th, seconded the motion. The vote was unanimous 10/0. Senator Hamrick, 30th, was not present for the vote. **SB 190 DO PASS BY SUBSTITUTE.**

SB 182 (Wiles, 37th) – Torts; asbestos/silica claims; change provisions

Senator Wiles, 37th, presented the substitute bill to the committee.

The following testified before the committee in support of the bill: Richard A. Schneider, King & Spalding appearing for Georgia Pacific Corporation; Bill Clark, Georgia Trial Lawyers; Clint Sutton, Georgia Trial Lawyers; and Rick Horden, Kilpatrick Stockton Law Office.

There was plenty of discussion.

Chairman Smith, 52nd, said that since there was still so much work to do on this bill, that he would table the bill.

SB 37 (Jones, 10th) – Criminal Procedures; allow a change of sentence under certain circumstances

Senator Jones, 10th, presented the bill to the committee.

There was plenty of discussion.

Senator Fort, 39th, made a motion DO PASS. Senator Brown, 26th, seconded the motion. The vote was 4/3. Senator Carter, 13th; Senator Cowsert, 46th; and Senator Wiles, 37th, voted nay. Senator Harp, 29th; Senator Meyer von Bremen, 12th, and Senator Seabaugh, 28th, were not present for the vote. **SB 37 DO PASS.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 6:30 p.m.

/s/ Senator Bill Hamrick 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Friday, March 2, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman
Harp, 29th, Vice Chairman
Hamrick, 30th, Secretary
Brown, 26th

Cowsert, 46th
Fort, 39th
Meyer von Bremen, 12th
Seabaugh, 28th, Ex-Officio

Chairman Smith, 52nd, called the meeting to order at 10:05 a.m.

SB 119 (Hamrick, 30th) – Criminal Procedure; victim/members of immediate family with rights; provide for certain procedures

Senator Hamrick, 30th, presented the bill to the committee.

David McDade, District Attorney's Association, testified before the committee in support of the bill.

Sandra Michaels, Georgia Association of Criminal Defense Lawyers, testified before the committee in opposition to the bill.

There was plenty of discussion. A substitute was proposed: page 1, lines 4 and 5, after "crime", add "or delinquent act"; page 1, line 6, after "application to", add "criminal proceedings and"; page 1, line 14, strike "Notwithstanding any other provisions of law" and capitalize the "a" to begin the sentence; page 1, line 20, after "apply to", add "all criminal proceedings and"; page 2, line 6, after "of a", add "delinquent act or"; page 2 line 6, after "present", add "during the trial or hearing or any portion thereof"; page 2, line 10 strike "Such"; page 2, strike line 11 up to "offense"; page 2, line 12 after "however," add "that"; page 2 line 17, change "must" to "shall"; page 2, line 18, after "of a", add "delinquent act or"; page 2, line 19, change "21" to "61".

Chairman Smith, 52nd, called for a motion. Senator Hamrick, 30th, made a motion DO PASS BY SUBSTITUTE. Senator Cowsert, 46th, seconded the motion. The vote was 5/4. Senators Harp, 29th, Brown, 26th, Fort, 39th, and Meyer von Bremen, 12th, voted nay. **SB 119 DO PASS BY SUBSTITUTE.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 11:22 a.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Tuesday, March 13, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman
Harp, 29th, Vice Chairman
Hamrick, 30th, Secretary
Hill, 32nd
Adelman, 42nd, Ex-Officio
Carter, 13th

Cowsert, 46th
Fort, 39th
Meyer von Bremen, 12th
Reed, 35th
Seabaugh, 28th, Ex-Officio
Wiles, 37th

Chairman Smith called the meeting to order at 11:10 a.m.

SB 50 (Douglas, 17th) – Notaries Public; shall be legal resident of United States; provide penalty

Senator Douglas, 17th, presented substitute LC 21 9425S to the committee. SB 50 is amended by revising subsection (a) as follows: “(a) any individual applying for appointment to be a notary public must be: (1) At least 18 years old; (2) A legal resident of the United States; (3) A resident of this state; (4) a resident of the county from which such individual is appointed; and (5) Able to read and write the English language.

John Tomaski, citizen, testified before the committee in support of the legislation.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Cowsert, 46th, seconded the motion. SB 50 DO PASS BY SUBSTITUTE 10/0. Senator Fort, 39th, left the meeting before the vote. **SB 50 DO PASS BY SUBSTITUTE.**

SB 182 (Wiles, 37th) – Torts; asbestos/silica claims; change provisions

Senator Wiles, 37th, made a motion that SB 182 be amended by the amendment that he passed out to the committee. Senator Harp, 29th, seconded the motion. The motion passed unanimously.

The amendment is as follows: On page 18, line 29, strike the numbers and symbols “51-14-7” and replace them with the following: “51-14-7.1 (a) For any asbestos or silica claim arising in this state after May 1, 2007, every entity, including its affiliates, predecessors, assigns and successors, that have been engaged at any time in the business of mining asbestos, of selling or distributing asbestos fibers, or of manufacturing, distributing, using, removing or installing asbestos-containing products, shall provide, within sixty days of receiving a written request from a claimant or his or her attorney alleging an injury arising from exposure to asbestos, a statement under oath specifically detailing: (1) The description of the types of asbestos products mined, manufactured, distributed, sold, used, removed or installed by that entity or its affiliates, predecessors,

assigns or successors; and (2) The history of all asbestos products mined, manufactured, distributed, sold, supplied, used, or removed or installed within the State of Georgia by that entity, including the dates and locations of all such activities, and the location and content of all documentation related to such activities. (b) The claimant's request shall set forth under oath the specific nature of the claim asserted and the specific basis for believing the entity to be responsible for all or a part of the claimant's claim, and shall be mailed to the subject entity by certified mail or statutory overnight delivery. (c) The information provided to a claimant or his or her attorney as required by subsection (a) of this Code section not create a waiver of any affirmative defenses available to the entity under Georgia Law. (d) The information provided to a claimant or his or her attorney as required by subsection (a) of this Code section shall be promptly amended upon the discovery of facts inconsistent with, or in addition to the information provided. 51-14-7.2.”

Senator Harp, 29th, proposed an amendment which would require businesses to respond to a letter from potential plaintiffs concerning past asbestos manufacturing before filing a lawsuit, which will prevent unnecessary lawsuits.

Senator Harp, 29th, made a motion DO PASS on his amendment. Senator Reed, 35th seconded the motion. The motion failed 6/5. Senators Harp, 29th, Adelman, 42nd, Fort, 39th, Meyer von Bremen, 12th, and Reed 35th voted yea. Senators Hamrick, 30th, Carter, 13th, Cowsert, 46th, Hill, 32nd, Seabaugh, 28th, and Wiles, 37th, voted nay.

The following people testified before the committee in support of the bill: Cary Silverman, American Legislative Exchange Council; Richard Schneider, King & Spalding; and Joel Mercer, G.P. Company.

The following people testified before the committee in opposition to the bill: Bill Clark, Georgia Trial Lawyers Association; Clint Sitten, asbestos litigation attorney.

There was a lot of discussion.

Chairman Smith, 52nd, called for a motion. Senator Wiles, 37th, moved DO PASS BY SUBSTITUTE. SB 182 DO PASS BY SUBSTITUTE 8/3. Senators Hamrick, 30th, Adelman, 42nd, Carter, 13th, Cowsert, 46th, Hill, 32nd, Meyer von Bremen, 12th, Seabaugh, 28th, and Wiles, 37th, voted yea. Senators Harp, 29th, Fort, 39th, and Reed, 35th, voted nay. **SB 182 DO PASS BY SUBSTITUTE.**

SB 232 (Smith, 52nd) – Court Reports; remove requirement of publishing a volume of rules from the definition of reports

Senator Smith, 52nd, presented the bill to the committee.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Meyer von Bremen, 12th, seconded the motion. SB 232 passed unanimously 10/0. Senator Fort, 39th, left the meeting before the vote. **SB 232 DO PASS.**

SB 211 (Fort, 39th) – Criminal Procedure; sentencing of defendants guilty of crimes involving bias/prejudice circumstances and parole; repeal certain provisions

Senator Fort, 39th, presented the substitute to SB 211 to the committee.

Senator Fort, 39th, made a motion DO PASS BY SUBSTITUTE. Senator Reed, 35th, seconded the motion. SB 211 DO PASS BY SUBSTITUTE 7/2. Senators Harp, 29th, Adelman, 42nd, Carter, 13th, Cowsert, 46th, Fort, 39th, Meyer von Bremen, 12th, Reed, 35th vote yea. Senators Seabaugh, 28th, and Wiles, 37th voted nay. Senators Hamrick, 30th, and Hill, 32nd, left the meeting before the vote. **SB 211 DO PASS BY SUBSTITUTE.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 12:45 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE

Wednesday, March 14, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Hill, 32 nd
Harp, 29 th , Vice Chairman	Meyer von Bremen, 12 th
Hamrick, 30 th , Secretary	Seabaugh, 28 th , Ex-Officio
Carter, 13 th	Wiles, 37 th
Cowsert, 46 th	

Chairman Smith, 52nd, called the meeting to order at 11:10 a.m.

SR 280 (Johnson, 1st) – Property Rights Relating to Reproductive/Genetic Technology; create Senate Study Committee

Senator Johnson, 1st, presented the substitute bill to the committee.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Wiles, 37th, seconded the motion. The vote was unanimous 6/0. Senator Hamrick, 30th and Senator Meyer von Bremen, 12th, were not present for the vote. **SR 280 DO PASS BY SUBSTITUTE.**

SB 293 (Meyer von Bremen, 12th) – Deprived Juveniles; consideration of in-state/out-of-state placements for children; permanency plan hearings; procedural safeguards

Senator Meyer von Bremen, 12th, presented the bill to the committee.

Allison Anderson, Director of Policy, Office of the Child Advocate, testified in support of the bill.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Carter, 13th, seconded the motion. The vote was unanimous 8/0. **SB 293 DO PASS.**

SB 223 (Smith, 52nd) – Judges, compensation/grants for judicial salaries; change certain provisions

Senator Smith, 52nd, presented the bill to the committee.

There was discussion on changing the date from “2008” to “2009” on page 3, line 1.

Senator Meyer von Bremen, 12th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was unanimous 8/0. **SB 223 DO PASS BY SUBSTITUTE.**

There being no further business, Senator Smith, 52nd, adjourned the meeting at 11:32 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE

Thursday, March 15, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Cowsert, 46 th
Harp, 29 th , Vice Chairman	Fort, 39 th
Hamrick, 30 th , Secretary	Hill, 32 nd
Brown, 26 th	Seabaugh, 28 th , Ex-Officio
Carter, 13 th	Wiles, 37 th

Chairman Smith, 52nd, called the meeting to order at 11:09 a.m.

SB 278 (Schaefer, 50th) – Proceedings; juvenile deprivation hearings shall not be closed; except upon written application

Senator Schaefer, 50th, introduced Ronnie St. Dennis, expert witness and Charity Booker, attorney, to explain the bill to the committee.

The following testified in support of the bill: Melissa Choudhry, citizen; Donald Bortz, citizen; Leslie Joiner, citizen; Desdimona Cross, grandparent.

There were a lot of questions from the committee.

Chairman Smith, 52nd, suspended the hearing and dropped it to the bottom of the agenda due to the complexity of the legislation and the amount of people who wanted to testify.

SB 266 (Wiles, 37th) – Judicial Accounting; add a penalty, late fees, and interest for failure to remit certain funds

Senator Wiles, 37th, presented the bill to the committee.

Senator Carter, 13th, suggested adding at the end of line 22, page 1: “of such local government”.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Seabaugh, 28th, seconded the motion. The vote was unanimous 9/0. **SB 266 DO PASS BY SUBSTITUTE.**

SB 259 (Fort, 39th) – Warrants; issuance of search warrants by judicial officers; change provisions

Senator Fort, 39th, presented the bill to the committee.

The following testified before the committee in support of the bill: Maggie Garrett, ACLU; Sandra Michaels, Georgia Association of Criminal Defense Lawyers.

The following testified in opposition to the bill: Steven Heaton, Fayetteville Police Department; Terry Morris, Georgia Sheriff's Association; Frank Rotundo, Chiefs of Police Association.

There was a lot of discussion.

Senator Cowser, 46th, made a motion to add the following substitutes: on page 1, line 20, change "clear and convincing evidence" to "probable cause"; on line 22 add "likely" after the word "would"; and at the end of line 22 add ", or imminent danger of evidence being destroyed. Senator Harp, 29th, seconded the motion. The vote was unanimous 8/0. Senator Hamrick, 30th, was not present for the vote.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Seabaugh, 28th, seconded the motion. The vote was unanimous 8/0. Senator Hamrick, 30th, was not present for the vote. **SB 259 DO PASS BY SUBSTITUTE.**

Chairman Smith, 52nd, continued the hearing on SB 278.

Chairman Smith, 52nd, turned the meeting over to Senator Carter, 13th, because he had to attend the Senate Retirement committee meeting.

The following testified before the committee in support of the bill: Barbara Rose, citizen; Susan and David Cruz, citizen; Donzella James, grandparent; and Michael Hirsh, citizen and attorney.

The following testified before the committee in opposition to the bill: Adina Broome and Bobby Cagle, Division of Family and Children Services.

There was a lot of discussion and the bill was held in committee.

There being no further business, Senator Smith, 52nd, adjourned the meeting at 2:10 p.m.

/s/ Senator Bill Hamrick 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Monday, March 19, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Cowsert, 46 th
Harp, 29 th , Vice Chairman	Fort, 39 th
Adelman, 42 nd , Ex-Officio	Meyer von Bremen, 12 th
Brown, 26 th	Reed, 35 th
Carter, 13 th	Seabaugh, 28 th , Ex-Officio
	Wiles, 37 th

Chairman Smith, 52nd, called the meeting to order at 3:02 p.m.

HB 89 – (Bearden, 68th) – Firearms; carrying and possession; change provisions

Representative Bearden, 68th, presented the bill to the committee.

The following people testified before the committee in support of the bill: Ed Stone, Georgia Carry.org; Trudy and Mike Nyden, Georgia Carry.org; John Monroe, Georgia Carry.org.

The following people testified before the committee in opposition to the bill: Mark Welsh, Elberton Police Department; John Davidson, Lilburn Police Department; Shirley Britton, Captain, Atlanta Police Department; David Stone, Georgia Fraternal Order of Police; Loren Eischeid, Georgia PTA; Alice Johnson, Georgians for Gun Safety.

There was a lot of discussion.

Chairman Smith, 52nd, called for a vote. Senator Wiles, 37th, made a motion DO PASS. Senator Hill, 32nd, seconded the motion. The vote was 7/4. Senators Reed, 35th, Fort, 39th, Adelman, 42nd, and Brown, 26th, voted nay. **HB 89 DO PASS**. Senator Goggans, 7th, will carry the bill in the Senate.

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 3:55 p.m.

/s/ Senator Preston Smith, 52nd, Chairman

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, March 22, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman	Fort, 39th
Harp, 29th, Vice Chairman	Reed, 35th
Hamrick, 30th, Secretary	Seabaugh, 28th, Ex-Officio
Brown, 26th	Wiles, 37th
Cowsert, 46th	

Chairman Smith called the meeting to order at 11:10 a.m.

HB 39 (Chambers, 81st) – Public records; confidential information not disclosed; provide

Representative Chambers, 81st, presented the bill to the committee.

Chairman Smith, 52nd, recommended incorporating [SB 212](#) into the bill.

Maggie Garrett, ACLU, testified before the committee in opposition to incorporating SB 212 into the bill.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Brown, 26th, seconded the motion. The vote was 6/1. Senator Wiles, 37th, voted nay. **HB 39 DO PASS BY SUBSTITUTE**. Senator Hill, 32nd, will carry the bill in the Senate.

HB 24 (Tumlin, 38th) – Georgia Advance Directive for Health Care Act; enact

Representative Tumlin, 38th, presented amendment AM 29 0644 of the bill to the committee.

The following people testified before the committee in support of the bill: Ann Williams, GCOA & LTC Ombudsman; Kim Raymond, Senior Citizens Advocacy Project; Nick Jurich.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Hamrick, 30th, seconded the motion. The bill passed 5/0. Senators Brown, 26th, Reed, 35th, Seabaugh, 28th, and Wiles, 37th, were not in the meeting at the time of the vote. **HB 24 DO PASS BY SUBSTITUTE**. Senator Harp, 29th, will carry the bill in the Senate.

HB 386 (Lane, 167th) Superior court fees; instrument recordings; provide additional fees

Senator Cowsert, 46th, presented the bill to the committee on behalf of Representative Lane, 167th.

Patrise Perkins Hooker, Real Property Law Section, testified before the committee in support of the bill.

Chairman Smith, 52nd, said that SB 14 includes the extension of the sunset law and he recommended adding that section of SB 14 into HB 386.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Reed, 35th, seconded the motion. The vote was unanimous 7/0. **HB 386 DO PASS BY SUBSTITUTE**. Senator Cowsert, 46th, will carry the bill in the Senate.

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 12:05 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, March 26, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Fort, 39 th
Harp, 29 th , Vice Chairman	Hill, 32 nd
Hamrick, 30 th , Secretary	Wiles, 37 th
Cowsert, 46 th	

Chairman Smith called the meeting to order at 11:12 a.m.

HB 274 (Lindsey, 54th) – Notaries; qualifications; application; change certain provisions

Representative Lindsey, 54th, presented the bill to the committee.

Sunny Azucubuike, Fulton County Superior Court clerk, testified before the committee in support of the bill.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Hill, 32nd, seconded the motion. The vote was unanimous 6/0. **HB 274 DO PASS.** Senator Hill, 32nd, will carry this bill in the Senate.

HB 270 (Ralston, 7th) – Juvenile proceedings; appointment of guardian ad litem; change provisions

Representative Ralson, 7th, presented the bill to the committee.

The following people testified before the committee in support of the bill: Peggy Walker, juvenile court judge; Wendi Clifton, Prevent Child Abuse Georgia; Diane Scoggins, CASA Director in Appalachian Judicial Circuit; Bobby Cagle, Department of Family and Children Services.

Chairman Smith, 52nd, suggested a substitute on page 3 to insert a new subsection (h) (2) and add the following: Except as provided in code section 49-5-41 any CASA who discloses confidential information obtained during the course of his or her appointment shall be guilty of a misdemeanor. CASA's shall maintain all information and records regarding mental health, developmental disability, and substance abuse according to the confidentiality requirements contained in Code Sections 37-3-166, 37-4-125, or 37-7-166 as applicable.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Wiles, 37th, seconded the motion. The vote was unanimous 5/0. **HB 270 DO PASS BY SUBSTITUTE.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 12:10 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, March 29, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman	Fort, 39th
Harp, 29th, Vice Chairman	Hill, 32nd
Hamrick, 30th, Secretary	Meyer von Bremen, 12th
Carter, 13th	Wiles, 37th
Cowsert, 46th	

Chairman Smith, 52nd, called the meeting to order at 3:15 p.m.

HB 153 (Loudermilk, 14th) – Juveniles; Division of Family and Children Services

Representative Loudermilk, 14th, presented the bill to the committee.

The following testified in support of the bill: Melissa Carter, Committee on Justice for Children; Judge Tom Rawlings; Carl Johnson, Georgia Association for Marriage & Family Therapy.

Commissioner Albert Murray, Department of Juvenile Justice and Allison Anderson, Office of Child Advocate, were in support of the bill with some amendments for clarification.

The following amendments were discussed: page 2, line 22, after “or” add “provided, however, that for the purpose of this code section such term does not include the Department of Juvenile Justice; page 3, line 22 between the words “court” and “shall”, add “and any attorney of record”; page 3 line 25 delete the word “and” and insert “or”; page 3, line 29, after the word “placement” insert “and prior to any such prior change”; and page 5, add a line 3 with “effective date 7/1/07.”

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Wiles, 37th, seconded the motion. The vote was unanimous 6/0. Senator Hamrick, 30th, and Senator Meyer von Bremen, 12th were not present for the vote. Senator Preston Smith, 52nd, will carry the bill in the Senate. **HB 153 DO PASS BY SUBSTITUTE.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 4:40 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Monday, April 9, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman
Harp, 29th, Vice Chairman
Hamrick, 30th, Secretary
Cowsert, 46th

Fort, 39th
Hill, 32nd
Seabaugh, 28th, Ex-Officio
Wiles, 37th

Chairman Smith, 52nd, called the meeting to order at 3:10 p.m.

HB 497 (Sheldon, 105th) – Adoption; surrender rights; provisions

Representative Sheldon, 105th, presented the bill to the committee.

The following testified before the committee in support of the bill: Jim Outman, American Association of Adoption Attorneys; and Jamie Self, Georgia Family Council.

There was some discussion, and Chairman Smith, 52nd, suggested a technical change in the wording on page 7, line 12 to change “O.C.G.A.” to “Code”.

Senator Seabaugh, 28th, made a motion DO PASS BY SUBSTITUTE. Senator Hill, 32nd, seconded the motion. The vote was unanimous 7/0. Senator Hamrick, 30th, will carry the bill in the Senate. **HB 497 DO PASS BY SUBSTITUTE.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 3:35 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, April 12, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman
Harp, 29th, Vice Chairman
Hamrick, 30th, Secretary
Cowsert, 46th

Hill, 32nd
Meyer von Bremen, 12th
Wiles, 37th

Chairman Smith, 52nd, called the meeting to order at 3:40 p.m.

HB 197 (Fleming, 117th) – Imprisonment sentence reviews; more than 12 years; three-judge panel; repeal

Representative Fleming, 117th, presented the bill to the committee.

The following testified before the committee in support of the bill: Joe Mulholland, District Attorney; David McDade, District Attorney; Pete Skandalakis, District Attorney; and Gary Moss, District Attorney.

The following testified before the committee in opposition of the bill: Stephen Scarborough, Public Defender; Penny Long, citizen; Representative Stephanie Stuckey Benfield; and Sara Totonchi, Southern Center for Human Rights.

There was some discussion. Senator Hamrick, 30th, suggested adding language from SB 97 as a substitute as follows: page 1, lines 17-25, “a party to a case must inform the court of any specific objections to the jury charge, or the failure to charge the jury, and the grounds for the objection(s). Objections must be made before the jury begins to deliberate and outside of the jury’s hearing and presence. Failure to object as described above will preclude appellate review of the jury charge, unless plain error exists that affects the substantial rights of the parties. Plain error in a jury charge may be heard on appeal whether or not an objection was heard at the trial level.”

Senator Hill, 32nd, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was unanimous 6/0. Senator Smith, 52nd, will carry the bill in the Senate. **HB 197 DO PASS BY SUBSTITUTE.**

HB 136 (Coan, 101st) – Public policy; contract of insurance; indemnification; provisions

Representative Coan, 101st, presented the bill to the committee.

Gould Hagler, Independent Insurance Agents, testified before the committee in support of the bill.

Chairman Smith, 52nd, suggested making a change on page 2, line 16 by striking the word “also” and inserting the words “, to that extent,” and delete the word “is” on line 17.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was unanimous 5/0. Senator Hill, 32nd, was not present for the vote. Senator Weber, 40th, will carry the bill in the Senate. **HB 136 DO PASS BY SUBSTITUTE.**

HB 226 (Ralston, 7th) – Obscenity crimes; distribution of obscene materials; insert new provisions

Representative Ralston, 7th, presented the substitute bill to the committee.

There was some discussion.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was unanimous 5/0. Senator Hill, 32nd, was not present for the vote. **HB 226 DO PASS BY SUBSTITUTE.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 4:35 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Monday, April 16, 2007 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Cowsert, 46 th
Harp, 29 th , Vice Chairman	Reed, 35 th
Brown, 26 th	Seabaugh, 28 th , Ex-Officio
Carter, 13 th	Wiles, 37 th
Fort, 39 th	

Chairman Smith, 52nd, called the meeting to order at 10:19 a.m.

[HB 221 \(Heard, 104th\) – Professional malpractice charges; affidavit; change certain provisions](#)

Representative Heard, 104th, presented the bill to the committee.

Geoff Pope, Georgia Trial Lawyers Association, testified before the committee in support of the bill.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Reed, 35th, seconded the motion. The vote was unanimous 6/0. Senator Hawkins, 49th, will carry the bill in the Senate. Senator Seabaugh, 28th, and Senator Fort, 39th were not present for the vote. **[HB 221 DO PASS.](#)**

[SR 555 \(Cowsert, 46th\) – Hate Crime Legislation; create Senate Study Committee](#)

Senator Cowsert, 46th, presented the bill to the committee.

There was some discussion.

Senator Reed, 35th, made a motion DO PASS. Senator Brown, 26th, seconded the motion. The vote was unanimous 7/0. **[SR 555 DO PASS.](#)**

[HB 369 \(Rice, 51st\) – Domestic Relations; child custody proceedings; provisions](#)

Senator Harp, 29th, presented the bill to the committee in the absence of Representative Rice, 51st.

Representative Rice, 51st, arrived at the meeting and explained the bill further.

Dr. Nancy McGarrah, Georgia Psychological Association, testified before the committee in support of the bill.

Bill Sears, citizen, testified before the committee in opposition to the bill.

There was a lot of discussion.

Senator Harp, 29th, proposed a substitute on page 13, lines 10-13 by deleting the words on lines 10, 11, and 12, “and shall have the right to determine his or her visitation schedule or parenting time with the noncustodial parent; and on lines 12 & 13 delete the words, “visitation or parenting time”.

Senator Reed, 35th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was 4/1. Senator Meyer von Bremen, 12th, voted nay. Senator Cowsert, 46th, Senator Seabaugh, 28th, and Senator Wiles, 37th, were not present for the vote. **HB 369 DO PASS BY SUBSTITUTE.**

HB 185 (Fleming, 117th) – Death penalty. Jury findings; aggravating circumstance; change provisions

Representative Fleming, 117th, was not available to present the bill to the committee.

Chairman Smith, 52nd, asked if any of the district attorneys would like to testify until the author arrived. They declined.

Chairman Smith, 52nd, made a motion DO PASS. Senator Carter, 13th, seconded the motion. The motion failed 0/5. Senator Brown, 26th, Carter, 13th, Fort, 39th, Meyer von Bremen, 12th, and Senator Reed, 35th, voted nay. Senator Harp, 29th, Senator Cowsert 46th, and Senator Wiles, 37th, were not present for the vote.

HB 586 (Ralston, 7th) – Alternative attorneys; capital cases; counsel appointment and fees; change matters

Senator Wiles, 37th, presented the bill to the committee in the absence of Representative Ralston, 7th.

There was some discussion.

Chairman Smith, 52nd, suggested adding on page 2 line 13, after the word “effective”, the words, “on July 1, 2007, and shall apply to all costs and fees incurred or counsel appointed on or after July 1, 2007.”

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Carter, 13th, seconded the motion. The vote was unanimous 7/0. Senator Fort, 39th, was not available for the vote. Senator Wiles, 37th, will carry in the Senate. **HB 586 DO PASS BY SUBSTITUTE.**

HB 156 (Willard, 49th) – Human Resources, Department of; child support collections fees; authorize

Representative Willard, 49th, presented the bill to the committee.

Gina Simpson, Deputy Commissioner, testified before the committee in support of the bill.

There was some discussion.

Senator Harp, 29th made a motion DO PASS. Senator Reed, 35th, seconded the motion. The vote was unanimous 7/0. Senator Harp, 29th, will carry in the Senate. **HB 156 DO PASS.**

There being no further business, Chairman Smith, 52nd, adjourned the meeting at 11:40 a.m.

/s/ Senator Preston Smith, 52nd, Chairman

/s/ Judy LaClair, Recording Secretary

January 7, 2008

Mr. Bob Ewing
Secretary of Senate
State of Georgia
Atlanta, Georgia 30334

Dear Mr. Secretary:

The Senate Judiciary Committee respectfully submits the following Senate and House bills left in committee during the 2007 Legislative Session.

Senate Bills

SB 20	SB 21	SB 63	SB 64	SB 65
SB 117	SB 143	SB 201	SB 255	SB 278
SB 286	SB 305	SB 318		

Senate Resolutions

SR 364
SR 370
SR 636

House Bills

HB 185

Respectfully submitted,

/s/ Judy LaClair, Recording Secretary