

SENATE JUDICIARY COMMITTEE MEMBERS

2007-2008 SESSION

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Senator Seth Harp, Vice Chairman
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Senator Judson Hill, Secretary
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Senator Bill Hamrick,
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303-A CLOB

Senator Kasim Reed (Ex-officio)
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322-B CLOB

Senator Robert Brown
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Senator Mitch Seabaugh (Ex-officio)
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421-D CAP

Senator Joseph Carter
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304-A CLOB

Senator John Wiles
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319-A CLOB

Senator Bill Cowsert
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319-A CLOB

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

Thursday, January 31, 2008 – Room 310 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	Meyer von Bremen, 12 th
Carter, 13 th	Reed, 35 th
Cowsert, 46 th	Seabaugh, 28 th , Ex-Officio
	Wiles, 37 th

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

Tommy Floyd, District Attorney, Flint Judicial Circuit, shared new language for code section 17-7-70.1. Chairman Smith wants time to work on this and make changes on the Senate floor.

Judge Arch McGarity, Superior Court Judge, testified before the committee in support of the bill.

There was some discussion.

Senator Wiles, 37th, made a motion DO PASS. Senator Harp, 29th, seconded the motion. SB 216 DO PASS. The vote was unanimous 8/0. Senator Meyer von Bremen, 12th, and Senator Reed, 35th, were not present for the vote. **SB 216 DO PASS.**

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

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

The following people testified before the committee in support of the bill: Oliver Hunten, Georgia Sheriff's Association; Joshua Mackey, Georgia Association of EMS.

The following people testified before the committee in opposition to the bill: Tommy Floyd, District Attorney, Flint Judicial Circuit; Judge Arch McGarity, Superior Court Judge; Sandra Michaels and Jack Martin, Georgia Association of Criminal Defense Lawyers.

There was a lot of discussion.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Hill, 32nd, seconded the motion. The vote was 4/5. Senators Hamrick, 30th; Carter, 13th; Fort, 39th; Hill 32nd; and Reed 35th; voted no. Senator Seabaugh, 28th, was not present for the vote. The motion **DO PASS BY SUBSTITUTE failed**.

SB 355 (Smith, 52nd) – Property; mortgages; disbursement of certain settlement funds; general provisions

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

The following people testified before the committee in support of the bill: Keith Hatcher, Georgia Realtors; Scott Logan, Georgia Closing Attorneys Association; Patrice Perkins Hooker, State Bar – Real Property Division.

Mo Thrash, Mortgage Bankers Association of Georgia, testified before the committee in opposition to the bill.

There was plenty of discussion.

Senator Meyer von Bremen, 12th, made a motion DO PASS BY SUBSTITUTE. Senator Wiles, 37th, seconded the motion. The vote was unanimous 6/0. Senator Hamrick, 30th; Senator Harp, 29th, and Senator Hill, 32nd, were not present for the vote. **SB 355 DO PASS BY SUBSTITUTE**.

There being no further business taken, 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

Thursday, February 7, 2008 – 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	Meyer von Bremen, 12 th
Carter, 13 th	Reed, 35 th
Cowsert, 46 th	Seabaugh, 28 th , Ex-Officio
	Wiles, 37 th

Chairman Smith, 52nd, called the meeting to order at 4:05 p.m.

SB 388 (Carter, 13th) – Identity fraud; provide Georgia Bureau of Investigation; authority to investigate

Senator Carter, 13th, presented the bill to the committee.

Director Vernon Keenan, Georgia Bureau of Investigation, testified before the committee in support of the bill.

Chairman Smith, 52nd, left the meeting and Senator Harp, 29th, assumed chairmanship.

Senator Reed, 35th, made a motion Do Pass. Senator Meyer von Bremen, 12th, seconded the motion. The vote was unanimous 6/0. Senator Hill, 32nd, was not present for the vote. **SB 388 DO PASS.**

SB 318 (Chance, 16th) – Courts; requesting judicial assistance from other courts; change certain prov.

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

There was some discussion.

Senator Reed, 35th, made a motion Do Pass. Senator Seabaugh, 28th, seconded the motion. The vote was unanimous 7/0, with Senator Harp, 29th, abstaining from voting due to the fact that he was chairing the meeting. **SB 318 DO PASS.**

SR 819 (Seabaugh, 28th) – Senate Comprehensive Firearms Law Study Committee; create

Senator Seabaugh, 28th, presented the bill to the committee.

Alice Johnson, Georgians for Gun Safety, testified before the committee in support of the bill.

Senator Carter, 13th, made a motion Do Pass. Senator Hill, 32nd, seconded the motion. The vote was unanimous 7/0. [SR 819](#) DO PASS.

There being no further business taken, 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

Monday, February 11, 2008 – Room 310 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	Meyer von Bremen, 12 th
Carter, 13 th	Reed, 35 th
Cowsert, 46 th	Seabaugh, 28 th , Ex-Officio
	Wiles, 37 th

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

SB 406 (Hamrick, 30th) – Offenses; increase penalties for reproducing, transferring; recorded material

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

Matthew Kilgo, Regional Council of the Recording Industry Association of America, testified before the committee in support of the bill.

There was some discussion, and Senator Hamrick, 30th, said the bill needed more work. He requested that the bill be held in committee.

Chairman Smith, 52nd, held in the bill in committee per the author's request.

SB 405 (Balfour, 9th) – Georgia Revised Uniform Anatomical Gift Act; enactment

Senator Balfour, 9th, presented the bill to the committee.

Kathy Lilly, LifeLink of Georgia, testified before the committee in support of the bill.

Chairman Smith, 52nd, suggested that line 16 (8), on page 8 should be stricken in its entirety, and on line 27, page 8, after the word "gift", insert "and good faith effort is made to contact each member of the class".

Senator Reed, 35th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was unanimous 8/0. Senator Hamrick, 29th, and Senator Seabaugh, 28th, were not present for the vote. **SB 405 DO PASS BY SUBSTITUTE.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 5:15 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, February 14, 2008 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Fort, 39 th
Harp, 29 th , Vice Chairman	Seabaugh, 28 th , Ex-Officio
Hamrick, 30 th , Secretary	Wiles, 37 th
Carter, 13 th	

Vice Chairman Harp, 29th, presided over the meeting in Chairman Smith's, 52nd, absence. The meeting was called to order at 3:04 p.m.

[SB 421 \(Pearson, 51st\) – False Identification Documents; change penalties based upon the age of the convicted person/nature of crime](#)

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

Sandra Michaels, Georgia Association of Criminal Defense Lawyers, opposed some of the language in the bill.

There was some discussion.

Senator Seabaugh, 28th, made a motion DO PASS. Senator Carter, 13th, seconded the motion. The vote was unanimous 5/0. Senator Wiles, 37th, was not present for the vote. **[SB 421 DO PASS.](#)**

[SB 432 \(Hamrick, 30th\) – Criminal Procedure; allow victim's family to provide statement during the sentencing procedures for person who committed the crime](#)

Senator Hamrick, 30th, introduced Reverend Bruce Cook, Crime Victim's Advocacy, to explain the bill to the committee.

Jack Martin and Sandra Michaels, Georgia Criminal Defense Lawyers, testified before the committee in opposition to the bill.

There was a lot of discussion.

Vice Chairman Harp, 29th, tabled **[SB 432](#)** pending further review.

[SB 406 \(Hamrick, 30th\) – Offenses; increase penalties for reproducing, transferring; recorded material](#)

Senator Hamrick, 30th, presented the substitute bill (LC 29 3187S) to the committee.

There was some discussion.

Senator Carter, 13th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th seconded the motion. The vote was unanimous 6/0. **SB 406 DO PASS BY SUBSTITUTE.**

There being no further business taken, 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

Thursday, February 21, 2008 – Room 310 Coverdell Legislative Office Building

SENATORS PRESENT:

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

Chairman Smith, 52nd, called the meeting to order at 5:06 p.m.

[SB 436 \(Cowsert, 46th\) – Corporations; voting for directors in publicly traded corporations; change provisions](#)

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

Bruce Wanamaker, Chairman, Corporate Code Committee, State Bar of Georgia, testified before the committee in support of the bill.

There was some discussion.

Chairman Smith, 52nd, entertained a motion. Senator Harp, 29th, made a motion DO PASS. Senator Carter, 13th, seconded the motion. The vote was unanimous 7/0. Senator Meyer von Bremen, 12th, was not present for the vote. **[SB 436 DO PASS](#)**.

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

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

Chara Jackson, ACLU of Georgia, testified before the committee in support of the bill.

Frank Rotondo, Georgia Association of Police Chiefs, testified before the committee in opposition to the bill.

Senator Reed, 35th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was 8/0. **[SB 259 DO PASS BY SUBSTITUTE](#)**.
There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 6:00 p.m.

/s/ Senator Preston Smith, 52nd, Chairman

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Wednesday, February 27, 2008 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Harp, 29th, Vice Chairman
Hamrick, 30th, Secretary
Carter, 13th

Cowsert, 46th
Meyer von Bremen, 12th
Reed, 35th
Wiles, 37th

Vice Chairman Harp, 29th, called the meeting to order at 1:06 p.m.

SB 453 (Unterman, 45th) – Controlled Substances; add the state as entity authorized to govern certain criminal activity; designated areas for recreational purposes.

Senator Unterman, 45th, presented the bill to the committee.

The committee suggested on page 1, line 14, after “county,” striking “or the” and insert after “state” “or state authority”.

Senator Carter, 13th, made a motion DO PASS BY SUBSTITUTE. Senator Wiles, 37th, seconded the motion. The vote was unanimous 7/0. **SB 453 DO PASS BY SUBSTITUTE.**

SB 396 (Hamrick, 30th) – Administrative Services Dept.; remove/transfer functions; Council of Superior Court Judges of Ga., Prosecuting Attorney’s Council

Chuck Olsen, General Counsel, Superior Court Judges and Sandy Lee, Executive Director, Superior Court Judges, explained the substitute bill to the committee.

There was some discussion.

Senator Hamrick, 30th, made a motion DO PASS BY SUBSTITUTE. Senator Cowsert, 46th, seconded the motion. The vote was unanimous 7/0. **SB 396 DO PASS BY SUBSTITUTE.**

SB 483 (Harp, 29th) – Child Support; revise certain definitions; process of calculating; provisions

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

There was some discussion.

Senator Carter, 13th, made a motion DO PASS. Senator Meyer von Bremen, 12th, seconded the motion. The vote was unanimous 6/0. Senator Wiles, 37th, was not present for the vote. **SB 483 DO PASS.**

There being no further business taken, Vice Chairman Harp, 29th, adjourned the meeting at 2:10 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, February 28, 2008 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman
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 4:10 p.m.

SB 459 (Reed, 35th) – Real Estate Sales; foreclosure; power of sale contained in mortgages, deeds, or lien contracts shall be advertised weekly for ten weeks

Senator Reed, 35th, presented the bill to the committee.

The following people testified before the committee in support of the bill: Bill Brennan, Director, Atlanta Legal Aid Society; and Mijha Butcher, Atlanta Neighborhood Development Partnership.

The following people testified before the committee in opposition to the bill: Joe Brannen, Georgia Bankers Association; Steve Bridges, Community Bank Association of Georgia; Mo Thrash, Mortgage Bankers Association of Georgia.

There was some discussion.

Senator Wiles, 37th, suggested after the word “published” on page 1, line 15, insert “every other week”.

Senator Reed, 35th, suggested after the word “advertisement” on page 1, line 15, insert “for residential property”.

Senator Reed, 35th, made a motion DO PASS BY SUBSTITUTE. Senator Meyer von Bremen, 12th, seconded the motion. The vote was 5/1. Senator Cowsert, 46th, voted no. Senator Carter, 13th, was not present for the vote. **SB 459 DO PASS BY SUBSTITUTE.**

SB 438 (Mullis, 53rd) – Rules of the Road; serious injury due to right of way violation resulting in a collision; provide for a penalty for a second offense.

There was some discussion between the committee members.

Senator Meyer von Bremen, 12th, suggested the following substitutes: page 2, line 4, at the end of the line, insert “head,”; and on page 2, line 16, after the word “offense”, add “within five years of a prior offense”.

Senator Hill, 32nd, made a motion DO PASS BY SUBSTITUTE. Senator Reed, 35th, seconded the motion. The vote was unanimous 6/0. Senator Carter, 13th and Senator Seabaugh, 28th, were not present for the vote. **SB 438 DO PASS BY SUBSTITUTE.**

SB 487 (Wiles, 37th) – Transparency in Lawsuits Protection Act; ensure legislative enactments do not create a private right of action unless stated in legislation.

HEARING ONLY. No testimony from the public.

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 6:00 p.m.

/s/ Senator Preston Smith, 52nd, Chairman

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Tuesday, March 4, 2008 – Room 125 State Capitol

SENATORS PRESENT:

Smith, 52nd, Chairman
Harp, 29th, Vice Chairman
Brown, 26th
Fort, 39th

Meyer von Bremen, 12th
Reed, 35th
Seabaugh, 28th, Ex-Officio
Wiles, 37th

Chairman Smith, 52nd, called the meeting to order at 1:05 p.m.

[SR 1030 \(Smith, 52nd\) – Joint Electronic Records, Signatures, Filing & Recording Study Committee; create](#)

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

There was some discussion.

Senator Wiles, 37th, made a motion DO PASS. Senator Seabaugh, 28th, seconded the motion. The vote was unanimous 6/0. Senator Fort, 39th, was not present for the vote.

[SR 1030](#) DO PASS.

[SB 457 \(Butler, 55th\) – Georgia Bureau of Investigation; establish Georgia MethCheck data base](#)

Senator Butler, 55th, presented the substitute bill to the committee.

The following people testified before the committee in support of the bill: Lucus Cotton and Mary Rieser, Director, Narconon.

The following people testified before the committee in opposition to the bill: John Bankhead, GISI, and Dave Baker, CB Distributors/Coalition for Affordable Asthma Relief; Mandy Hagen, Director, State Governmental Affairs, Consumer Healthcare.

There was some discussion.

Chairman Smith, 52nd, entertained a motion. Senator Reed, 35th, made a motion DO PASS BY SUBSTITUTE. Senator Fort, 39th, seconded the motion. The vote was 4/4. Senator Harp, 29th; Senator Cowsert, 46th; Senator Seabaugh, 28th, and Senator Wiles, 37th, voted no. [SB 457](#) MOTION FAILED.

SB 529 (Grant, 25th) – Rules of the Road; commit the offense of felony hit and run; provide for offense of homicide by vehicle, vessel

Senator Grant, 25th, 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 6/0. Senator Cowsert, 46th, and Senator Fort, 39th, were not present for the vote. **SB 529 DO PASS**.

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 2:32 p.m.

/s/ Senator Preston Smith, 52nd, Chairman

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Wednesday, March 5, 2008 – Room 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Carter, 13 th
Harp, 29 th , Vice Chairman	Cowsert, 46 th
Hamrick, 30 th , Secretary	Fort, 39 th
Brown, 26 th	Wiles, 37 th

Chairman Smith, 52nd, called the meeting to order at 10:08 a.m.

SR 721 (Rogers, 21st) – Courts; limitation on jurisdiction; appropriations by the General Assembly CA

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

There was plenty of discussion by the committee.

Senator Carter, 13th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was 3/2. Senator Hamrick, 30th, was not present for the vote. Senator Brown, 26th, and Senator Fort, 39th, voted no. **SR 721 DO PASS BY SUBSTITUTE.**

SR 1074 (Chance, 16th) – Offenses; parking in parking spaces reserved for persons with disabilities; authorize General Assembly to provide additional penalties CA

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

Rusty Kidd, Chairman, Brain and Spinal Injury Trust Fund Commission, testified before the committee in support of the bill.

There was some discussion.

Senator Carter, 13th, made a motion DO PASS BY SUBSTITUTE. Senator Fort, 39th, seconded the motion. The vote was 4/1. Senator Hamrick, 30th, and Senator Wiles, 37th, were not present for the vote. Senator Cowsert, 46th, voted no. **SR 1074 DO PASS BY SUBSTITUTE.**

SB 415 (Schaefer, 50th) – Juvenile Proceedings; Dept. of Human Resources emergency care/supervision to a child without a court order; reduce allowed time

Senator Schaefer, 50th, withdrew the bill.

SB 481 (Jones, 10th) – Offenses; sexual exploitation of children; provide for controlled access to such evidence in public inspections of evidence

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

Marissa Corda and Wendi Clifton, Emory Barton Child Law & Policy Clinic, testified before the committee in support of the bill.

There was some discussion.

The following language was inserted into subsection (c) on page 2: “It shall be an affirmative defense to a charge of violating this Code section if (1) the defendant possesses such visual medium depiction for the purposes of prosecuting or defending in a criminal action or representing a party in a civil action when such visual medium depiction is necessary for the purpose of such case; or (2) the defendant is a member of law enforcement and possesses such visual medium depiction during the investigation of criminal offenses; provided, however, that the affirmative defenses provided in this subsection shall not apply to providing to third parties or nonparties, other than to the court, jury, court personnel, parole board, or expert witnesses, access or possession of such visual medium depiction.”

Chairman Smith, 52nd, entertained a motion. Senator Brown, 26th, made a motion DO PASS BY SUBSTITUTE. Senator Fort, 39th, seconded the motion. The vote was 6/1. Senator Wiles, 37th, voted no. **SB 481 DO PASS BY SUBSTITUTE.**

SB 547 (Chance, 16th) – Brain and Spinal Injury Trust Fund; expand prov. Under Constitution of Ga. to authorize additional penalty assessments for additional violations

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

Rusty Kidd, Chairman, Brain and Spinal Injury Trust Fund Commission, testified before the committee in support of the bill.

There was some discussion.

Senator Carter, 13th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was 4/1. Senator Hamrick, 29th, and Senator Wiles, 37th, were not present for the vote. Senator Cowsert, 46th, voted no. **SB 547 DO PASS BY SUBSTITUTE.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 11:32 A.M.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, March 13, 2008 – 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
Adelman, 42 nd , Ex-Officio	Seabaugh, 28 th , Ex-Officio
Carter, 13 th	Wiles, 37 th

Chairman Smith, 52nd, called the meeting to order at 2:14 p.m.

Chairman Smith, 52nd, announced study committee chairmen and members as follows:

HB 188 – Senator Fort, 39th, Chairman; Senator Meyer von Bremen, 12th; Senator Hamrick, 30th.

HB 455 – Senator Meyer von Bremen, 12th, Chairman; Senator Adelman, 42nd; Senator Hill, 32nd; Senator Seabaugh, 28th.

HB 908 – Senator Harp, 29th, Chairman; Senator Carter, 13th; Senator Cowsert, 46th; Senator Meyer von Bremen, 12th; Senator Reed, 35th.

HB 960 – Senator Wiles, 37th, Chairman; Senator Seabaugh, 28th; Senator Brown, 26th.

HB 1051 – Senator Hill, 32nd, Chairman; Senator Brown, 26th; Senator Seabaugh, 28th.

HB 1054 – Senator Carter, 13th, Chairman; Senator Harp, 29th; Senator Meyer von Bremen, 12th.

HB 1020 – Senator Hill, 32nd, Chairman; Senator Carter, 13th; Senator Seabaugh, 28th.

HB 1040 – Senator Cowsert, 46th, Chairman; Senator Harp, 29th; Senator Reed 35th.

HB 1090 – Senator Meyer von Bremen, 12th, Chairman; Senator Adelman 42nd; Senator Hill, 32nd; Senator Seabaugh, 28th.

HB 1245 (Ralston, 7th) – Indigent defense; revise matters; senior judges; change certain provisions

Representative Ralston, 7th, and Sally Fox, House Committee Services, presented the substitute bill to the committee.

Kem Kimbrough, Association of County Commissioners, testified before the committee in support of the bill.

The following people testified before the committee in opposition to the bill: Sandra Michaels and Lynne Borsuk, Georgia Association of Criminal Defense Lawyers; Stephen Bright, Southern Center for Human Rights; Anne Rogers, Barton Child Law Clinic, Emory Law School.

There was a lot of discussion.

Chairman Smith, 52nd, entertained a motion. Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Seabaugh, 28th, seconded the motion. The vote was 5/1. Senator Adelman, 42nd, Senator Carter, 13th, and Senator Hill, 32nd, were not present for the vote. Senator Fort, 39th, voted no. **HB 1245 DO PASS BY SUBSTITUTE**.

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 5:10 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, March 20, 2008 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

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

Chairman Smith, 52nd, called the meeting to order at 4:07 p.m.

HB 1054 (Cooper, 41st) – Children and Family Service Strengthening Act of 2008; enact

Representative Cooper, 41st, presented the bill to the committee.

Pat Willis, Executive Director, Voices for Georgia's Children, testified before the committee in support of the bill.

Chairman Smith, 52nd, suggested the following substitutes: page 4, line 25, change “article” to “part”; delete lines 31-33 on page 4; on page 7, lines 12, 14, and 15, delete “commission” and insert “advisory board”; on page 7, lines 17, 20, 21, 24, 26, and on page 8, line 11, insert “advisory” before “board”.

Chairman Smith, 52nd, entertained a motion. Senator Reed, 35th, made a motion DO PASS BY SUBSTITUTE. The vote was unanimous 8/0. Senator Harp, 29th, was not present for the vote. **HB 1054 DO PASS BY SUBSTITUTE.**

SR 1093 (Butler, 55th) – Creation of Georgia MethCheck Data Base; create Senate Study Committee

Senator Butler, 55th, presented the bill to the committee.

There was some discussion.

Senator Reed, 35th, made a motion DO PASS. Senator Meyer von Bremen, 12th, seconded the motion. The vote was unanimous 8/0. Senator Harp, 29th, was not present for the vote. **SR 1093 DO PASS.**

HB 1051 (Willard, 49th) – Child abuse; county multiagency child fatality review committee; provisions

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

There was some discussion.

Senator Wiles, 37th, made a motion DO PASS. Senator Meyer von Bremen, 12th, seconded the motion. The vote was unanimous 8/0. Senator Harp, 29th, was not present for the vote. **HB 1051 DO PASS.**

HB 960 (Walker, 107th) – Ecstasy; certain trafficking; bailable only before superior court judge; require

Representative Walker, 107th, presented the bill to the committee.

There was some discussion.

Senator Seabaugh, 28th, made a motion DO PASS. Senator Cowsert, 46th, seconded the motion. The vote was unanimous 8/0. Senator Harp, 29th, was not present for the vote. **HB 960 DO PASS.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 5:10 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Tuesday, March 25, 2008 – 310 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Adelman, 42 nd , Ex-Officio
Harp, 29 th , Vice Chairman	Cowsert, 46 th
Hamrick, 30 th , Secretary	Wiles, 37 th

Chairman Smith, 52nd, called the meeting to order at 9:36 a.m.

HB 188 (Rynders, 152nd) – Jury Duty; primary caregiver of certain persons; provide exemption

Representative Rynders, 152nd, presented the substitute bill to the committee.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Wiles, 37th, seconded the motion. The vote was unanimous 5/0. **HB 188 DO PASS.**

HB 1071 (Sims, 169th) – Tasers; knowingly remove or attempt to remove from certain persons; make unlawful

Senator Harp, 29th, presented the bill to the committee on behalf of Representative Sims, 169th.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Hamrick, 30th, seconded the motion. The vote was unanimous 5/0. **HB 1071 DO PASS.**

HB 1040 (Lindsey, 54th) – Juvenile Courts; deprived child; permanent guardian; grant jurisdiction

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

The following people testified before the committee in support of the bill: David Miller, District Attorney's Association of Georgia and Tom Rawlings, Office of Child Advocacy.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Hamrick, 30th, seconded the motion. The vote was unanimous 5/0. **HB 1040 DO PASS.**

HB 336 (Levitas, 82nd) – Driving under the influence; mandatory sentences; increase

Representative Levitas, 82nd, presented the substitute bill to the committee.

The following people testified before the committee in support of the bill: David Miller, District Attorney's Association and Terry Norris, Georgia Sheriff's Association.

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

There was some discussion.

Chairman Smith, 52nd, entertained a motion. Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Adelman, 42nd, seconded the motion. The vote was unanimous 5/0. **HB 336 DO PASS BY SUBSTITUTE.**

HB 1093 (Willard, 49th) – Liquidated damages; demand; change certain provisions

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

Joe Brannen, Georgia Bankers Association and Bill Clark, Georgia Trial Lawyer's Association, testified before the committee in support of the bill.

There was some discussion.

Senator Cowsert, 46th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was unanimous 5/0. **HB 1093 DO PASS BY SUBSTITUTE.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 10:04 a.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Wednesday, March 26, 2008 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52nd, Chairman
Harp, 29th, Vice Chairman
Brown, 26th
Cowsert, 46th
Fort, 39th

Hill, 32nd
Meyer on Bremen, 12th
Seabaugh, 28th, Ex-Officio
Wiles, 37th

Chairman Smith, 52nd, called the meeting to order at 9:43 a.m.

[HB 1090](#) (Stephens, 164th) – Controlled substances; Schedule I, II, III and IV; change certain provisions

Representative Stephens, 164th, presented the bill to the committee.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Brown, 26th, seconded the motion. The vote was unanimous 7/0. Senator Fort, 39th, was not present for the vote. **[HB 1090](#) DO PASS.**

[HB 1020](#) (Golick, 34th) – Civil and criminal cases; minors; sexually explicit evidence; restrict access

Representative Golick, 34th, presented the bill to the committee.

Pat Head, District Attorney, Cobb County, testified before the committee in support of the bill.

There was some discussion.

Senator Meyer von Bremen, 12th, suggested the following substitute: page 3, line 19, change “five” to “one”.

Senator Hill, 32nd, made a motion DO PASS BY SUBSTITUTE. Senator Meyer von Bremen, 12th, seconded the motion. The vote was unanimous 7/0. Senator Fort, 39th, was not present for the vote. **[HB 1020](#) DO PASS BY SUBSTITUTE.**

HB 1346 (O’Neal, 146th) – Theft; organized retail theft; create offense

Representative O’Neal presented the bill to the committee.

John Heavener, President, Georgia Retail Association, testified before the committee in support of the bill.

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

There was some discussion.

Chairman Smith, 52nd, suggested the following substitute: page 1, line 23, after “which,” strike “has” and insert “is known or should be known to have”.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Hill, 32nd, seconded the motion. The vote was unanimous 8/0. **HB 1346 DO PASS BY SUBSTITUTE.**

HB 1283 (Ralston, 7th) – Railroad corporations; presumptions; provisions

Representative Ralston, 7th, presented the substitute bill.

Tim Kibler, Georgia Realtors, testified before the committee in support of the bill.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Wiles, 37th, seconded the motion. The vote was unanimous 5/0. Senator Brown, 26th; Senator Cowsert, 46th, and Senator Fort, 39th, were not present for the vote. **HB 1283 DO PASS BY SUBSTITUTE**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 11:32 a.m.

/s/ Senator Preston Smith, 52nd, Chairman

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Monday, March 31, 2008 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Fort, 39 th
Harp, 29 th , Vice Chairman	Meyer von Bremen, 12 th
Brown, 26 th	Wiles, 37 th
Carter, 13 th	
Cowsert, 46 th	

Chairman Smith, 52nd, called the meeting to order at 5:37 p.m.

HB 257 (Yates, 73rd) – Firearms; public gatherings; allow constables to carry weapons

Representative Yates, 73rd, presented the bill to the committee.

Terry Norris, Georgia Sheriff's Association, testified before the committee in support of the bill.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Wiles, 37th, seconded the motion. The vote was unanimous 7/0. **HB 257 DO PASS.**

HB 1297 (Mumford, 95th) – Sexual assault protocol; afford greater protection to victims; change provisions

Representative Mumford, 95th, presented the substitute bill to the committee.

There was some discussion.

Senator Carter, 13th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was unanimous 7/0. **HB 1297 DO PASS BY SUBSTITUTE.**

HB 410 (Hanner, 148th) – Municipal Option Sales Tax Act; enact

Representative Geisinger, 48th, presented the substitute bill on behalf of Representative Hanner, 148th.

Eldrin Bell, Chairman, Clayton County Board of Commissioners, testified before the committee in support of the bill.

Senator Reed, 35th, made a motion DO PASS BY SUBSTITUTE. Senator Meyer von Bremen, 12th, seconded the motion. The vote was 4/3. Senator Harp, 29th; Fort, 39th; and Senator Wiles, 37th, voted no. **HB 410 DO PASS BY SUBSTITUTE.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 6:34 p.m.

/s/ Senator Preston Smith, 52nd, Chairman

/s/ Judy LaClair, Recording Secretary

October 20, 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 2008 General Assembly.

Senate Bills

[SB 20](#) [SB 21](#) [SB 37](#) [SB 43](#) [SB 63](#) [SB 64](#) [SB 65](#) [SB 117](#)
[SB 119](#) [SB 133](#) [SB 140](#) [SB 141](#) [SB 142](#) [SB 143](#) [SB 201](#) [SB 211](#)
[SB 255](#) [SB 278](#) [SB 286](#) [SB 293](#) [SB 339](#) [SB 354](#) [SB 415](#) [SB 432](#)
[SB 448](#) [SB 450](#) [SB 457](#) [SB 478](#) [SB 487](#) [SB 511](#) [SB 536](#) [SB 550](#)

Senate Resolutions

[SR 364](#)
[SR 370](#)
[SR 636](#)
[SR 1006](#)

House Bills

[HB 39](#) [HB 156](#) [HB 158](#) [HB 185](#) [HB 226](#) [HB 455](#) [HB 578](#)
[HB 908](#) [HB 1293](#) [HB 1314](#)

Respectfully submitted,

/s/ Judy LaClair, Recording Secretary