

SENATE JUDICIARY COMMITTEE MEMBERS

2009 SESSION

Senator Preston Smith, Chairman
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Rome, Georgia 30162-1953
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301-A C.L.O.B.

Senator John D. Crosby
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324-A C.L.O.B.

Senator Seth Harp, Vice Chairman
Dist. 29, P.O. Box 363
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121-D CAP

Senator Vincent Fort
Dist. 39, P.O. Box 42967
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305-B C.L.O.B.

Senator 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
Marietta, Georgia 30062
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325-B C.L.O.B.

Senator David Adelman
Dist. 42, P.O. Box 1231
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121-I CAP

Senator Kasim Reed
Dist. 35, 1755 Loch Lomond Trail
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420-D CAP

Senator Robert Brown
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121-B CAP

Senator Mitch Seabaugh (Ex-Officio)
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421-D CAP

Senator Bill Cowsert
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Senator John Wiles
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319-A C.L.O.B.

SENATE JUDICIARY COMMITTEE RULES

2009-2010

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 designated 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 26, 2009 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

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

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

Chairman Smith, 52nd, presented the Senate Judiciary Committee Rules.

Senator Harp, 29th, made a motion to adopt the rules with no changes.

Senator Cowsert, 46th, seconded the motion.

The vote on the Rules passed unanimously 7/0.

[SB 13](#) (Smith, 52nd) - Crimes; provide the imposition of life without parole; person convicted of murder independently of a death penalty prosecution

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

Senator Harp, 29th, made a motion Do Pass. Senator Seabaugh, 28th, seconded the motion. The vote was unanimous. **[SB 13](#) Do Pass 7/0.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 3:32 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, January 29, 2009 – 307 CLOB

MEMBERS PRESENT:

Smith, 52 nd , Chairman	Crosby, 13 th
Harp, 29 th , Vice Chairman	Fort, 39 th
Hamrick, 30 th , Secretary	Reed, 35 th
Brown, 26 th	Seabaugh, 28 th , Ex-Officio
Cowsert, 46 th	Wiles, 37 th

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

SB 42 (Smith, 52nd) – Georgia Indigent Defense Act of 2003; extensively revise; provide for the Georgia Public Standards Agency; director; powers/duties

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

The following people testified in opposition to the bill: Emmet Bondurant, Attorney; Christine Oehler, Georgia Association of Criminal Defense Lawyers; Wilson DuBose, Chairman, Public Defender Standards Council; Henry Walker, Chairman, State Bar of Georgia, Indigent Defense Committee; Jeff Bramlett, State Bar of Georgia.

There was a lot of discussion.

Senator Seabaugh, 28th, made a motion to change the effective date, “July 1, 2009”, to, “Upon Governor’s signature”.

Senator Harp, 29th, made a motion Do Pass by Substitute. Senator Seabaugh, 28th, seconded the motion. The vote was 5/4. Senators Crosby, 13th; Reed, 35th; Fort, 39th; and Brown, 26th, voted no. **SB 42 DO PASS BY SUBSTITUTE.**

There being no further business taken, 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

Thursday, February 5, 2009 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Crosby, 13 th
Harp, 29 th , Vice Chairman	Fort, 39 th
Hamrick, 30 th , Secretary	Hill, 32 nd
Adelman, 42 nd	Reed, 35 th
Brown, 26 th	Seabaugh, 28 th , Ex-Officio
Cowsert, 46 th	Wiles, 37 th

Chairman Smith, 52nd, called the meeting to order at 3:07 p.m.

SB 23 (Hawkins, 49th) - Safety Belts; provide failure to use may be considered evidence of causation, negligence

Senator Hawkins, 49th, presented the bill to the committee.

The following people testified before the committee in support of the bill: Bob Dallas, Governor's Office of Highway Safety; David Paulk, Association County Commissioners of Georgia; Mike O'Quinn, O'Quinn & Cronin; Bill Clark and Buck Rogers, Georgia Trial Lawyers Association; and Joe Fleming, Georgia Chamber.

Bobby Potter, State Farm, testified before the committee in opposition to the bill.

Senator Harp, 29th, presented an amendment to the bill as follows: insert between the semicolon and word "to" on line 4, page 1, the following: "to eliminate certain exceptions to the required use of safety belts; strike lines 17 and 18 and inserting the following: Said part is further amended by revising subsections (a) and (d) of Code Section 40-8-76.1, relating to the use of safety belts in passenger vehicles, as follows: "(a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle, including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to carry ten passengers or fewer and used for the transportation of persons; provided, however, that such term shall not include motorcycles; motor driven cycles; or off-road vehicles or pickup trucks being used by an owner, driver, or occupant 18 years of age or older in connection with agricultural pursuits that are usual and normal to the user's farming operation.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Hill, 32nd, seconded the motion. The vote was 5/4. The nay votes were: Senators Hamrick, 30th; Crosby, 13th; Reed, 35th; and Fort, 39th. Senators Brown, 26th and Seabaugh, 28th, were not present for the vote. **SB 23 DO PASS BY SUBSTITUTE.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 3:42 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, February 12, 2009 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Fort, 39 th
Harp, 29 th , Vice Chairman	Reed, 35 th
Hamrick, 30 th , Secretary	Seabaugh, 28 th , Ex-Officio
Cowsert, 46 th	Wiles, 37 th
Crosby, 13 th	

Chairman Smith, 52nd, called the meeting to order at 4:43 p.m.

SB 100 (Smith, 52nd) – Retirement; change designation of Georgia Public Defender Standards Council to Georgia Public Defender Agency; conditions for effective date

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

There was some discussion.

Senator Fort, 39th, made a motion DO PASS. Senator Reed, 35th, seconded the motion. The vote was unanimous 5/0. Senators Hamrick, 30th; Cowsert, 46th; and Seabaugh, 28th, were not present for the vote. **SB 100 DO PASS.**

SB 79 (Harp, 29th) – Social Services; provide access by certain gov. entities/persons to records concerning reports of child abuse; define a certain term

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

The following people testified in support of the bill: Julie Bolen, citizen; Tom Rawlings, child advocate; Spencer Lawton, Prosecuting Attorneys Counsel; and Mark Washington, Assistant Commissioner, Department of Family and Children Services.

There was some discussion.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Fort, 39th, seconded the motion. The vote was unanimous 7/0. Senator Seabaugh, 28th, was not present for the vote. **SB 79 DO PASS BY SUBSTITUTE.**

There being no further business taken, 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

Thursday, February 19, 2009 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Fort, 39 th
Harp, 29 th , Vice Chairman	Reed, 35 th
Hamrick, 30 th , Secretary	Seabaugh, 28 th , Ex-Officio
Cowsert, 46 th	Wiles, 37 th
Crosby, 13 th	

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

SB 157 (Harp, 29th) – Sexual Offenders; classifications; registration, and restrictions on residences, workplaces, and activities

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

The following people testified before the committee in support of the bill: Gerry Weber, Southern Center for Human Rights; and Ken Hosier, GATSA.

There was some discussion.

Senator Harp, 29th, proposed a substitute to correct the spelling of “paragraph” on line 253, page 8.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Fort, 39th, seconded the motion. The vote was unanimous 5/0. Senators Cowsert, 46th; Reed, 35th; and Wiles, 37th, were not present for the vote. **SB 157 DO PASS BY SUBSTITUTE.**

SB 2 (Douglas, 17th) – Drivers’ Licenses; extend period of suspension; certain serious offenders before reinstatement

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

There was some discussion regarding the bill having different subject matters.

Senator Douglas, 17th, proposed striking section 1; strike on page 2, lines 54 and 55, “pertaining to driving under the influence of alcohol, drugs, or other intoxicating substances; or; adjust the bill header to reflect changes; and change the effective date to “upon Governor’s signature”.

Senator Hamrick, 30th, made a motion DO PASS BY SUBSTITUTE. Senator Reed, 35th seconded the motion. The vote was 4/1. Senator Cowsert, 46th, voted no. Senator Seabaugh, 28th, was not present for the vote. **SB 2 DO PASS BY SUBSTITUTE.**

SB 69 (Unterman, 45th) – Sexual exploitation; expand the definition

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

The following people testified before the committee in support of the bill: Bobby Cagle, Department of Family and Children Services; Jennifer Felner, Barton Clinic; and Frank Mulcahy, Georgia Catholic Conference.

Chairman Smith, 52nd, suggested the effective date be changed to, “upon Governor’s signature”.

Senator Cowser, 46th, made a motion DO PASS BY SUBSTITUTE. Senator Seabaugh, 28th, seconded the motion. The vote was unanimous 5/0. Senator Reed, 35th, was not present for the vote. **SB 69 DO PASS BY SUBSTITUTE.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 4:10 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Thursday, February 26, 2009, - 307 Coverdell Legislative Office Building

SENATORS PRESENT:

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

Chairman Smith, 52nd, called the meeting to order at 3:20 p.m.

SB 112 (Smith, 52nd) – Courts; additional criminal penalties for purposes of drug abuse treatment/education programs; revise provisions

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

Judge Kathlene Gosselin, Hall County Superior Court, 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.

On the advice of Jill Travis, Legislative Counsel, strike the “relating to” language from lines 22 – 26 on page one.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Wiles, 37th, seconded the motion. The vote was unanimous 6/0. **SB 112 DO PASS BY SUBSTITUTE.**

SB 75 (Heath, 31st) – Landowners Protection Act of 2009; permit persons to hunt/fish or allow persons on property for agritourism; limit liability

Senator Heath, 31st, presented the substitute bill to the committee.

Gary W. Black, Georgia Agribusiness Council, testified before the committee in support of the bill.

Chairman Smith, 52nd, suggested striking “as a participant” on lines 33 and 44, strike “and it shall not be interpreted” on line 57, and add “upon the Governor’s signature” as the effective date.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was unanimous 6/0. **SB 75 DO PASS BY SUBSTITUTE.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 4:00 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Monday, March 2, 2009 - 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
Crosby, 13 th	

Chairman Smith, 52nd, called the meeting to order at 3:08 p.m.

SB 184 (Weber, 40th) – Contractor; service of notice of commencement; requirements; procedure for application of certain forms

Senator Wiles, 37th, presented the substitute bill to the committee on behalf of Senator Weber, 40th.

Mark Woodall, Associated General Contractors, and Gregg Joy, Law Office of Smith and Currie, testified before the committee in support of the bill.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was unanimous 6/0. **SB 184 DO PASS BY SUBSTITUTE.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 3:32 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE

Thursday, March 5, 2009 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Hill, 32 nd
Harp, 29 th , Vice Chairman	Reed, 35 th
Hamrick, 30 th , Secretary	Seabaugh, 28 th , Ex-Officio
Cowsert, 46 th	Wiles, 37 th
Crosby, 13 th	

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

SB 172 (Hamrick, 30th) – Victim Compensation; provide for recovery for serious mental and emotional trauma; change definitions; provisions

Senator Hamrick, 30th, introduced Tom Rawlins, Office of Child Advocate and Molly Perry, Criminal Justice Coordinating Council, to explain the bill to the committee.

Shawanda Reynolds Cobb, Criminal Justice Coordinating Council, testified before the committee in support of the bill.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Seabaugh, 28th, seconded the motion. The vote was unanimous 8/0. **SB 172 DO PASS.**

SB 173 (Hamrick, 30th) – Criminal Justice Coordination Council; councilmembers' compensation/reimbursement of expenses; provisions

Molly Perry, Criminal Justice Coordinating Council, explained the bill to the committee, per Senator Hamrick's, 30th, request.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Seabaugh, 28th, seconded the motion. The vote was unanimous 8/0. **SB 173 DO PASS.**

SB 224 (Grant, 25th) - Psychiatric Advance Directive Act; provide standards/limitations with respect to psychiatric advance directives

Senator Grant, 25th, introduced Ann Mintz, United Way, to explain the bill to the committee.

Charles Wills, Georgia Mental Health Consumer Network and Lasa Joyner, Georgia Psychiatric Association, testified before the committee with concerns regarding the language.

Chairman Smith, 52nd, announced that the judiciary meeting would stand in recess due to the convening of session. The judiciary meeting would convene at 1:20 p.m. or upon conclusion of roll call and would meet in the President Pro Tempore's meeting room.

Chairman Smith, 52nd, called the meeting to order at 1:34 p.m.

After some discussion, Senator Grant, 25th, thought the bill needed more work on the language.

Senator Seabaugh, 28th, made a motion to table the bill. Senator Wiles, 37th, seconded the motion. The vote was unanimous 8/0. **SB 224 TABLED.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 2:00 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Tuesday, March 10, 2009 – 450 State Capitol

SENATORS PRESENT:

Smith, 52 nd , Chairman	Crosby, 13 th
Harp, 29 th , Vice Chairman	Hill, 32 nd
Hamrick, 30 th , Secretary	Wiles, 37 th

Chairman Smith, 52nd, called the meeting to order at 9:34 a.m.

SB 246 (Balfour, 9th) – Courts; provide notice of the release of child from detention under certain circumstances

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

Chairman Smith, 52nd, was concerned about language requiring notice only if victims provide a landline number. Senator Balfour, 9th, agreed and stated that he would present a floor amendment.

Senator Hill, 32nd, made a motion DO PASS. Senator Wiles, 37th, seconded the motion. The vote was unanimous 5/0. **SB 246 DO PASS.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 9:50 a.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Monday, March 16, 2009 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Fort, 39 th
Harp, 29 th , Vice Chairman	Reed, 35 th
Hamrick, 30 th , Secretary	Seabaugh, 28 th , Ex-Officio
Cowsert, 46 th	Wiles, 37 th
Crosby, 13 th	

Chairman Smith, 52nd, called the meeting to order at 3:13 p.m.

HB 29 (Jacobs, 80th) – Service and filing of pleadings; electronic service; provide

Representative Jacobs, 80th, presented the bill to the committee.

There was a lot of discussion and concern regarding the method of service.

Chairman Smith, 52nd, decided the bill needed more review and assigned the bill to a study committee. The members of the study committee are: Wiles, 37th, Chairman; Cowsert, 46th; and Reed, 35th.

HB 283 (Martin, 47th) – Supreme Court and Court of Appeals; filing fees; change certain provisions

Representative Martin, 47th, presented the bill to the committee.

Rusty Sewell, State Bar Association of Georgia, testified before the committee in support of the bill.

Senator Wiles, 37th, suggested eliminating the stricken language, “(b) All fees paid by applicants for admission to the bar by examination shall be paid into the general funds of the treasury.”, on lines 19 and 20 on page 1.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Crosby, 13th, seconded the motion. The vote was 6/1. Senator Harp, 29th, voted no. Senators Reed, 35th, and Cowsert, 46th, were not present for the vote. Senator Smith, 52nd, will carry HB 283 in the Senate. **HB 283 DO PASS BY SUBSTITUTE.**

HB 308 (Ralston, 7th) – Georgia Limited Liability Company Act; certain technical corrections; clarify provisions

Representative Ralston, 7th, presented the bill to the committee, and he introduced Andrew Immerman, Alston and Bird, LLP, to further explain the bill to the committee.

Lee Lyman, Thompson Hine, LLP, testified before the committee in support of the bill.

Senator Hamrick, 30th, suggested changing the effective date to July 1, 2009.

There was some discussion.

Senator Hamrick, 30th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was 6/1. Senator Wiles, 37th, voted no. Senators Cowsert, 46th, Fort, 39th, and Reed, 35th, were not present for the vote. Senator Cowsert, 46th, will carry in the Senate. **HB 308 DO PASS BY SUBSTITUTE.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 5:20 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Monday, March 23, 2009 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

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

Chairman Smith, 52nd, called the meeting to order at 3:08 p.m.

HB 167 (Jerguson, 22nd) – Cherokee County State Court; additional judge; provide

Representative Jerguson, 22nd, presented the bill to the committee.

There was some discussion.

Senator Hamrick, 30th, made a motion DO PASS. Senator Cowsert, 46th, seconded the motion. The vote was unanimous 5/0. Senators Brown, 26th, Fort, 39th, and Seabaugh, 28th, were not present for the vote. Senator Rogers, 21st, will carry the bill in the Senate.

HB 167 DO PASS.

HB 331 (Martin, 47th) – Supreme Court and Court of Appeals; filing fees; change certain provisions

Representative Martin, 47th, presented the substitute bill to the committee.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Crosby, 13th, seconded the motion. The vote was unanimous 6/0. Senators Brown, 26th, and Fort, 39th, were not present for the vote. Senator Smith, 52nd, will carry the bill in the Senate. **HB 331 DO PASS BY SUBSTITUTE.**

HB 220 (Willard, 49th) – Superior Courts; issuing orders on motions; provisions

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

Judge Kathy Goesslin, Council of Superior Court Judges, testified before the committee in support of the bill.

Senator Cowsert, 46th, said that the language on lines 37-42 on page two should stay in the bill as new subsection (c) starting on line 19 on page one.

Senator Cowsert, 46th, made a motion DO PASS BY SUBSTITUTE. Senator Brown, 26th, seconded the motion. The vote was unanimous 7/0. Senator Fort, 39th, was not present for the vote. Senator Wiles, 37th, will carry the bill in the Senate. **HB 220 DO PASS BY SUBSTITUTE.**

HB 221 (Willard, 49th) – Extraordinary writs; removal of superior court judge; provisions

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

Judge Kathy Goesslin, Council of Superior Court Judges, 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. The vote was unanimous 7/0. Senator Fort, 39th, was not present for the vote. Senator Harp, 29th, will carry the bill in the Senate. **HB 221 DO PASS.**

HB 29 (Jacobs, 80th) – Service and filing of pleadings; electronic service; provide

Representative Jacobs, 80th, presented the substitute bill to the committee.

Senator Wiles, 37th, presented a substitute bill which was recommended by the study committee (LC 29 3826S).

After some discussion, Senator Wiles, 37th, withdrew the substitute.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Hamrick, 30th, seconded the motion. The vote was unanimous 6/0. Senator Fort, 39th, was not present for the vote. Senator Cowsert, 46th, will carry the bill in the Senate. **HB 29 DO PASS BY SUBSTITUTE.**

HB 453 (Anderson, 117th) – Superior courts; sunset dates for property filing fees; change

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

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

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Cowser, 46th, seconded the motion. The vote was unanimous 5/0. Senators Fort, 39th, and Seabaugh, 28th, were not present for the vote. Senator Smith, 52nd, will carry the bill in the Senate. [HB 453 DO PASS.](#)

[HB 667 \(Allison, 8th\) – Hospital acquisition; notice to Attorney General; change certain provisions](#)

Representative Allison, 8th, presented the bill to the committee.

Darrell Robinson, Attorney General's Office, testified before the committee in support of the bill.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Cowser, 46th, seconded the motion. The vote was unanimous 5/0. Senators Fort, 39th, and Seabaugh, 28th, were not present for the vote. Senator Smith will carry the bill in the Senate. [HB 667 DO PASS.](#)

[HB 147 \(Talton, 145th\) – Bonds or recognizances; forfeiture; relieve surety from liability](#)

Representative Talton, 145th, presented the bill to the committee.

Scott Hall, Georgia Association of Professional Bondsmen, testified before the committee in support of the bill.

There was some discussion.

Senator Hamrick, 30th, made a motion DO PASS. Senator Wiles, 37th, seconded the motion. The vote was unanimous 5/0. Senators Fort, 39th, and Seabaugh, 28th, were not present for the vote. Senator Tolleson, 20th, will carry the bill in the Senate. [HB 147 DO PASS.](#)

[HB 216 \(Harden, 147th\) – Cordele Judicial Circuit; superior court; change certain terms](#)

Representative Harden, 147th, presented the bill to the committee.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Crosby, 13th, seconded the motion. The vote was unanimous 5/0. Senators Fort, 39th, and Seabaugh, 28th, were not present for the vote. Senator Crosby, 13th, will carry the bill in the Senate. [HB 216 DO PASS.](#)

There being no further business taken, 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

Tuesday, March 24, 2009 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Crosby, 13 th
Harp, 29 th , Vice Chairman	Reed, 35 th
Hamrick, 30 th , Secretary	Wiles, 37 th
Cowsert, 46 th	

Chairman Smith, 52nd, called the meeting to order at 10:43 a.m.

HB 303 (Rogers, 26th) – Child abuse reports; access to records; solicitors-general; authorize

Representative Rogers, 26th, presented the bill to the committee.

Stephanie Woodard, Hall County School System, 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 4/1. Senator Cowsert, 46th, voted no. Senator Reed, 35th, was not present for the vote. Senator Hawkins, 49th, will carry the bill in the Senate. **HB 303 DO PASS.**

HB 123 (Ramsey, 72nd) – Sexual offenses; child molestation; define; change certain provisions

Representative Ramsey, 72nd, presented the bill to the committee.

David Fowler, Prosecuting Attorneys Council, testified before the committee in support of the bill.

Senator Hamrick, 30th, recommended changing on line 15, “such” to “a”.

There was some discussion.

Senator Hamrick, 30th, made a motion DO PASS BY SUBSTITUTE. Senator Wiles, 37th, seconded the motion. The vote was unanimous, 5/0. Senator Reed, 35th, was not present for the vote. Senator Chance, 16th, will carry the bill in the Senate. **HB 123 DO PASS BY SUBSTITUTE.**

HB 495 (Lane, 167th) – Probate courts; associate probate court judges; provisions

Representative Lane, 167th, presented the substitute bill (LC 28 4763S) to the committee.

Judge Lillis Brown, Probate Court Judges Council, testified before the committee in support of the bill.

There was some discussion.

Senator Hamrick 30th, made a motion DO PASS BY SUBSTITUTE. Senator Harp, 29th, seconded the motion. The vote was 4/1. Senator Fort, 39th, voted no. Senators Reed, 35th, and Wiles, 37th, were not present for the vote. Senator Smith, 52nd, will carry the bill in the Senate. **HB 495 DO PASS BY SUBSTITUTE.**

HB 127 (Lindsey, 54th) – Uniform Real Property Electronic Recording Act; adopt; provisions

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

Sheila Studdard, Fayette County Clerk of Court, testified before the committee in support of the bill.

Chairman Smith, 52nd, recommended adding on page 2, line 52, between included, and is, “by other applicable law”.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Hamrick, 30th, seconded the motion. The vote was unanimous 5/0. Senators Reed, 35th, and Wiles, 37th, were not present for the vote. Senator Cowsert, 46th, will carry the bill in the Senate. **HB 127 DO PASS BY SUBSTITUTE.**

HB 145 (Lindsey, 54th) – Child Support; revise a definition; correct cross-references; provisions

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

Elaine Johnson, Office of Child Support Enforcement, 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. The vote was unanimous 5/0. Senators Fort, 39th, and Reed, 35th, were not present for the vote. Senator Harp, 29th, will carry the bill in the Senate. **HB 145 DO PASS.**

HB 245 (Willard, 49th) – Delinquent and unruly children; disposition; change provisions

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

Albert Murray, Commissioner, Department of Juvenile Justice, testified before the committee in support of the bill.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS. Senator Crosby, 13th, seconded the motion. The vote was 5/1. Senator Wiles, 37th, voted no. Senator Fort, 39th, was not present for the vote. Senator Harp, 29th, will carry the bill in the Senate. **HB 245 DO PASS.**

HB 315 (Barnard, 166th) – Real estate brokers; certain disclosures made in writing; require

Representative Barnard, 166th, presented the substitute bill to the committee.

The following people testified before the committee in support of the bill: Tim Kibler, Georgia Association of Realtors; and Jeff Ledford, Georgia Real Estate Commission.

There was some discussion.

Senator Reed, 35th, made a motion DO PASS BY SUBSTITUTE. Senator Cowsert, 46th, seconded the motion. The vote was unanimous 6/0. Senator Fort, 39th, was not present for the vote. Senator Cowsert, 46th, will carry the bill in the Senate. **HB 315 DO PASS BY SUBSTITUTE.**

HB 324 (Ralston, 7th) – State courts; require payment of costs of an appeal; provisions

Senator Cowsert, 46th, presented the bill to the committee on behalf of Representative Ralston, 7th.

Jim Thurman, Council of Magistrate Court Judges, 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. The vote was unanimous 6/0. Senator Fort, 39th, was not present for the vote. Senator Cowsert, 46th, will carry the bill in the Senate. **HB 324 DO PASS.**

HB 254 (Peake, 137th) – Human Resources, Department of; juvenile proceedings; locate adult relatives; provisions

Representative Peake, 137th, presented the bill and the substitute (AM 33 0805) to the committee.

Tom Rawlings, Office of Child Advocate, testified before the committee in support of the bill.

There was some discussion.

Senator Harp, 29th, made a motion DO PASS BY SUBSTITUTE. Senator Cowser, 46th, seconded the motion. The vote was unanimous 6/0. Senator Fort, 39th, was not present for the vote. Senator Shafer, 48th, will carry the bill in the Senate. **HB 254 DO PASS BY SUBSTITUTE.**

HB 195 (Williams, 178th) – Trial juries; qualification of electric membership corporation; provisions

Senator Seabaugh, 28th, presented the bill to the committee on behalf of Representative Williams, 178th.

There was some discussion.

Senator Seabaugh, 28th, made a motion DO PASS. Senator Harp, 29th, seconded the motion. The vote was unanimous 6/0. Senator Fort, 39th, was not present for the vote. Senator Seabaugh, 28th, will carry the bill in the Senate. **HB 195 DO PASS.**

There being no further business taken, 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 26, 2009 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Crosby, 13 th
Harp, 29 th , Vice Chairman	Reed, 35 th
Hamrick, 30 th , Secretary	Wiles, 37 th
Cowsert, 46 th	

Chairman Smith, 52nd, called the meeting to order at 3:47 p.m.

HB 329 (Golick, 34th) - Probated or suspended sentences; maximum period of revocation; change provisions

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

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

There was some discussion.

Chairman Smith, 52nd, suggested changing the effective date to 7/1/09.

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, will carry the bill in the Senate. **HB 329 DO PASS BY SUBSTITUTE.**

HB 575 (Golick, 34th) – Kidnapping; change certain provisions

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

Gary Moss, Blue Ridge 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.

Senator Wiles, 37th, suggested a substitute on page 2, line 35, by striking the words, "Venue for the offense of kidnapping shall be in any county", and inserting the words, "The offense of kidnapping is declared as a continuing offense and venue may be".

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Hamrick, 30th, seconded the motion. The vote was unanimous 5/0. Senator Reed, 35th, was not present for the vote. Senator Smith, 52nd, will carry the bill in the Senate. **HB 575 DO PASS BY SUBSTITUTE.**

HB 189 (Butler, 18th) – Child support; collection options; Department of Human Resources; provisions.

Representative Butler, 18th, presented the substitute bill to the committee.

There was some discussion.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Hamrick, 30th, seconded the motion. The vote was unanimous 5/0. Senator Reed, 35th, was not present for the vote. Senator Harp, 29th, will carry the bill in the Senate. **HB 189 DO PASS BY SUBSTITUTE.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 4:20 p.m.

/s/ Senator Bill Hamrick, 30th, Secretary

/s/ Judy LaClair, Recording Secretary

SENATE JUDICIARY COMMITTEE MEETING

Friday, March 27, 2009 – 307 Coverdell Legislative Office Building

SENATORS PRESENT:

Smith, 52 nd , Chairman	Reed, 35 th
Hamrick, 30 th , Secretary	Seabaugh, 28 th , Ex-Officio
Cowsert, 46 th	Wiles, 37 th
Crosby, 13 th	

Chairman Smith, 52nd, called the meeting to order at 10:12 a.m.

HB 514 (Golick, 34th) – Judicial system; assignment of senior judges; provide for provisions

Representative Collins, 27th, presented the substitute bill to the committee.

There was some discussion.

Senator Cowsert, 46th, made a motion DO PASS BY SUBSTITUTE. Senator Crosby, 13th, seconded the motion. The vote was unanimous 5/0. Senator Seabaugh, 28th, was not present for the vote. Senator Shafer, 48th, will carry the bill in the Senate. **HB 514 DO PASS BY SUBSTITUTE.**

HB 608 (Weldon, 3rd) – Time-share projects; estate shall include certain interests; provisions

Representative Weldon, 3rd, presented the bill to the committee.

There was some discussion.

Senator Hamrick, 30th, made a motion DO PASS. Senator Wiles, 37th, seconded the motion. The vote was unanimous 6/0. Senator Cowsert, 46th, will carry the bill in the Senate. **HB 608 DO PASS.**

HB 388 (Mills, 25th) – The Option of Adoption Act; enact

Representative Mills, 25th, presented the substitute bill to the committee.

There was some discussion.

Senator Wiles, 37th, made a motion DO PASS BY SUBSTITUTE. Senator Seabaugh, 28th, seconded the motion. The vote was 5/0. Senator Reed, 35th, was not present for the vote. Senator Shafer, 48th, will carry the bill in the Senate. **HB 388 DO PASS BY SUBSTITUTE.**

There being no further business taken, Chairman Smith, 52nd, adjourned the meeting at 10:36 a.m.

/s/ Senator Bill Hamrick, Secretary

/s/ Judy LaClair, Recording Secretary

April 30, 2009

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

The Senate Judiciary Committee respectfully submits the following Senate and House Bills left in committee during the 2009 Session of the General Assembly.

Senate Bills

<u>SB 9</u>	<u>SB 12</u>	<u>SB 74</u>	<u>SB 81</u>	<u>SB 103</u>
<u>SB 121</u>	<u>SB 142</u>	<u>SB 145</u>	<u>SB 174</u>	<u>SB 175</u>
<u>SB 190</u>	<u>SB 197</u>	<u>SB 208</u>	<u>SB 224</u>	<u>SB 234</u>
<u>SB 235</u>	<u>SB 241</u>	<u>SB 255</u>	<u>SB 284</u>	<u>SB 290</u>
<u>SB 292</u>				

Senate Resolutions

[SR 563](#)

House Bills

[HB 185](#)
[HB 289](#)
[HB 323](#)

Respectfully submitted,

/s/ Judy LaClair, Recording Secretary