

**SENATE COMMITTEE ON JUDICIARY
2015-2016 MEMBERS**

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SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Tuesday, January 26, 2016 at 2:00 p.m. in Room 310 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Harold Jones, II (22nd)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Tommie Williams (19th)

NOTE: Sen. Charlie Bethel (54th), Secretary, Sen. Vincent Fort (39th), and Sen. Curt Thompson (5th) were absent.

Chairman McKoon (29th) called the meeting to order at 2:05 p.m.

HB 51 (Rep. Tommy Benton, 31st, LC 29 6402S) Taxes; amount payable at redemption of property; change provisions

The bill requires that parties redeeming property sold under tax lien are to pay HOA/POA fees upon redemption. State Court judges are in favor of this bill.

Sen. Williams (19th) proposed an amendment to HB 51. The amendment sought to change the original bill's effective date of July 1, 2015 to July 1, 2016, to ensure it is in compliance with the current year.

Sen. Williams (19th) made a motion to amend HB 51. Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

Sen. Stone (23rd) made a motion HB 51 **Do Pass by Substitute**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed unanimously. Sen. Ligon, Jr. (3rd) will be the Senate sponsor.

HB 51 DO PASS BY SUBSTITUTE LC 41 0654S

The following guest speakers appeared: Dan Ray, of the Georgia Association of Tax Officials, and Keith Hatcher, from Georgia Realtors, who are in support of HB 51.

NOTE: Sen. Thompson (5th) arrived late at 2:15 p.m., Sen. Fort (39th) arrived late at 2:20 p.m. and Sen. Bethel (54th) arrived late at 2:45 p.m. and did not vote on HB 51.

SB 255 HEARING ONLY (Sen. Jesse Stone, 23rd, LC 29 6767) Garnishment Proceedings; modernize, reorganize, and provide constitutional protections

Sen. Stone (23rd), the author of SB 255, presented the bill. The original garnishment chapter of O.C.G.A used archaic language and was confusing for citizens. The process was held unconstitutional for violation of due process in *Strickland*. SB 255 is a reform meant to modernize and streamline the garnishment process. It clarifies exemptions, gives a proper notice to debtors regarding exemptions, and provides for a speedy resolution of exemption claims.

Included in the bill are laws regulating how much response time the garnishee has. The defendant can receive up to two notices and has the right to assert a claim to the funds. Third parties can also file a claim against a garnishment. SB 255 provides forms for particular types of garnishments, including affidavits, summons, and claims forms.

Several proposals have been brought before the Committee to change the language in parts of SB 255 to make it more precise and clear.

The following guest speakers appeared: Kyle Jackson, of the Georgia Chamber, Adam Cleveland, of the Georgia Creditors Council, and Gwen Hall, of the Georgia Municipal Association, and Brian Kaplan, attorney, who gave suggestions regarding the language of the bill.

SB 255 HEARING ONLY

Chairman McKoon (29th) adjourned the meeting at 3:15 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Tuesday, February 2, 2016 at 2:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Vincent Fort (39th)
Sen. Harold Jones, II (22nd)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Tommie Williams (19th)

NOTE: Sen. Curt Thompson (5th) was absent.

Chairman McKoon (29th) called the meeting to order at 2:11 p.m.

Chairman McKoon (29th) presented the 2015-2016 Senate Judiciary Committee rules.

Sen. Stone (23rd) made a motion to adopt the 2015-2016 Senate Committee on Judiciary Rules. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed unanimously. A copy of the Rules is attached.

SB 255 (Sen. Jesse Stone, 23rd, LC 29 6767) Garnishment Proceedings; modernize, reorganize, and provide constitutional protections

In a previous hearing only, several guest speakers offered their opinions and suggestions regarding language change in different areas of SB 255. Sen. Stone (23rd) offered the following three main focus areas: 1) inadequate notice of exemptions, 2) inadequate notice of the process for claiming exemptions, and 3) the lack of an expedited process for addressing claims to the garnished funds.

The following guest speakers appeared: Adam Cleveland, of the Georgia Creditors Council, Tom Harney, of Brooks Warner PC, Bin Minter, of Binford Minter LLC., Bryan Kaplan of the Georgia Creditor Council, and Thomas Weaver, who all expressed their concerns regarding the language of the bill.

Tracy Mason, of Judicial Council, expressed support for the bill, along with the Georgia Chamber of Commerce and Georgia Municipal Association.

Sen. Ligon, Jr. (3rd) proposed an amendment to strike from “Even when” on line 374 to the end of line 377. Sen. Ligon, Jr. (3rd) made a motion to adopt the amendment. The motion failed due to the lack of a second.

Sen. Ligon, Jr. (3rd) proposed another amendment to remove “48 hours” on line 452 and to replace it with a semicolon and to strike starting with “If the” to the end of line 459. Sen. Bethel (54th) seconded the motion. The yea votes were Sen. Ligon (3rd), Sen. Bethel (54th), and Sen. Kennedy (18th). The nay votes were Sen. Fort (39th), Sen. Jones (22nd), and Sen. Stone (23rd), resulting in a tie. Sen. McKoon (29th) broke the tie by voting yea. The amendment passed 4-3.

Sen. Bethel (54th) made a motion **Do Pass by Substitute**. Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

SB 255 DO PASS BY SUBSTITUTE LC 29 6888S

NOTE: Sen. Cowsert (46th) left at 2:30 p.m., Sen. Williams (19th) left at 2:45 p.m. and did not vote on SB 255 and SB 207.

SB 207 (Sen. Josh McKoon, 29th, LC 37 1965ER) 'Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act'; enact

Sen. McKoon (29th), the author of SB 207, presented the bill. It resolves multijurisdictional issues in adult guardianship and conservatorships and provides guidance to judges in resolving cases that cross state lines. The law is currently in effect in 42 states and the District of Columbia.

The following guest speakers appeared: Melissa Sinder, of AARP, Ben Orzeske, of the Uniform Law Commission, and Sheila Humberstone, of the Alzheimer’s Association, who all are in support of SB 207.

Sen. Bethel (54th) made a motion to adopt the amendment that updated the dates in the bill by changing “2015” to “2016” in lines 349, 351, 364, and 366 to make it current with the 2016 session. Sen. Fort (39th) seconded the motion. The motion passed unanimously.

Sen. Stone (23rd) made a motion **SB 207 Do Pass by Substitute**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed unanimously.

SB 207 DO PASS BY SUBSTITUTE LC 41 0675ERS

NOTE: Sen. Kennedy (18th) left at 3:01 p.m., and did not vote on SB 207.

Chairman McKoon (29th) adjourned the meeting at 3:06 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY RULES
2015-2016

1. Quorum of the Committee shall be five (5) members. Every member, including ex-officio members, shall count as a voting member for purposes of establishing a quorum at any given meeting.
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. Each author, or his or her designee, requesting a committee hearing and/or vote on a bill shall make such request in writing no later than forty-eight (48) hours prior to the scheduled meeting of the Committee, except at the discretion of the Chairman.
4. 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. All actions of the Subcommittees shall be approved or disapproved by the Standing Committee.
5. 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.
6. When a bill or resolution is before the Committee for consideration, and multiple, concurrent motions are made, the following shall be the precedence of the motions:
 1. A motion to postpone to a time certain;
 2. A motion to refer a bill to a Subcommittee.
 3. A motion that a bill do pass;
 4. A motion that a bill do not pass;(All motions listed above shall receive a Second before consideration).
7. The Committee shall convene, recess, and adjourn upon the order of the Chairman.
8. 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. The Committee shall not vote on any bill until the author or his or her designee has been given the opportunity to appear and be heard.
9. The Chairman reserves the right to delay or decline action on substitutes and amendments not provided to the Chairman in writing at least 24 hours prior to the hearing in which they are presented.

10. The Chairman shall not vote unless the Committee shall be equally divided or unless his or her vote if given in the minority will make the division equal. In case the vote is equally divided, the Chairman must vote.
11. 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.
12. These rules may be amended upon a motion duly made and subsequently approved by two-thirds of the members of the Committee.
13. Where these rules are silent on a specific issue, the Rules of the Senate as adopted shall govern. If the Rules of the Senate are silent on a specific issue, Mason's Manual of Legislative Procedure shall govern.

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Thursday, February 4, 2016 at 2:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Vincent Fort (39th)
Sen. Harold Jones, II (22nd)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Tommie Williams (19th)

NOTE: Sen. Curt Thompson (5th) was absent.

Chairman McKoon (29th) called the meeting to order at 2:08 p.m.

SB 262 (Sen. Jesse Stone, 23rd, LC 29 6704) Courts; when a judge, judicial officer, grand juror; may be disqualified by being related by consanguinity/affinity to a party; provisions

Sen. Stone (23rd), the author of SB 262, presented the bill.

The current law regarding degrees of consanguinity or affinity provides that judges, judicial officers, grand jurors, and trial jurors must be ineligible to serve in any case or matter where a person is related within the sixth degree to any party affiliated with the result of the case.

The following guest speaker appeared: Christine Butcher, of the Administrative Office of the Courts, who is in support of SB 262.

Sen. Stone (23rd) proposed that the sixth-degree limitation be changed to the third-degree limitation due to the changing nature of family structures.

Sen. Bethel (54th) made a motion to amend by changing the third-degree limitation to the fourth-degree instead. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed unanimously.

Sen. Bethel (54th) made a motion **SB 262 Do Pass by Substitute**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed unanimously.

SB 262 DO PASS BY SUBSTITUTE LC 41 0685S

HB 52 (Rep. Regina Quick, 117th, LC 29 6113) Child custody; require parenting plans to be incorporated into final orders; change provisions

Rep. Quick (117th), the author of HB 52, presented the bill. The version of HB 52 that passed before the House provides that in all legal actions involving the custody of a child, the final order must include a permanent parenting plan, unless ordered differently by the court.

In 2007, HB 369 was passed which provided changes to the child custody laws, that requires parenting plans be entered into custody proceedings.

Sen. Bethel (54th) made a suggestion only to clean up the language to further clarify that the parenting plan need not be part of a separate order of the court, and that the permanent parenting plan be incorporated into the final order. No substitute for Sen. Bethel's (54th) suggestion was offered.

Sen. Cowsert (46th) made a motion HB 52 **Do Pass by Substitute**. Sen. Bethel (54th) seconded the motion. The motion passed unanimously. Sen. McKoon (29th) will be the Senate sponsor.

HB 52 DO PASS BY SUBSTITUTE LC 29 6996S

Chairman McKoon (29th) adjourned the meeting at 2:28 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Tuesday, February 9, 2016 at 2:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman

Sen. William Ligon, Jr. (3rd)

Sen. Jesse Stone (23rd), Ex-Officio

Sen. Curt Thompson (5th)

NOTE: Sen. Bill Cowser (46th), Vice-Chairman, Sen. Charlie Bethel (54th), Secretary, Sen. Vincent Fort (39th), Sen. Harold Jones, II (22nd), Sen. John Kennedy (18th), and Sen. Tommie Williams (19th) were absent.

Chairman McKoon (29th) called the meeting to order at 2:10 p.m.

Per the request of the committee members, suggestions were given to the authors of the bills on the agenda to revise the language before presenting to the Committee for vote. No actions on any bills were taken; therefore, quorum for this meeting was not needed.

Chairman McKoon (29th) adjourned the meeting at 2:18 p.m.

Respectfully submitted,

/s/ Sen. Josh McKoon (29th), Chairman

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Tuesday, February 16, 2016 at 2:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Harold Jones, II (22nd)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Curt Thompson (5th)

NOTE: Sen. Vincent Fort (39th) and Sen. Tommie Williams (19th) were absent.

Chairman McKoon (29th) called the meeting to order at 2:35 p.m.

HB 531 (Rep. Ronnie Mabra, 63rd, LC 29 6491ER) Nonresidents; grounds for exercising personal jurisdiction over nonresidents; change provisions

Rep. Mabra (63rd), author of HB 531, presented the bill. It amends Georgia's long-arm statute to provide that Georgia courts have the ability to exercise personal jurisdiction over non-residents on any basis that is not in conflict with the Constitution of Georgia or the Constitution of the United States.

The bill changes the process from two steps to a one-step process. It does away with specific circumstances and replaced them with a Constitutional catch-all, allowing any exercise of long-arm jurisdiction in Georgia state courts that is Constitutional.

The following guest speaker appeared: Thomas Worthy, with the State Bar advisory committee, expressed his support for HB 531.

Sen. Stone (23rd) made a motion to amend. Sen. Jones (22nd) seconded the motion. The yea votes were Sen. Jones (22nd), Sen. Ligon (3rd), and Sen. Stone (23rd). The nay votes were Sen. Bethel (54th), Sen. Cowsert (46th), Sen. Kennedy (18th), and Sen. Thompson (5th). The motion to amend failed 4-3.

Sen. Bethel (54th) made a motion HB 531 **Do Pass by Substitute**. Sen. Thompson (5th) seconded the motion. The yea votes were Sen. Ligon (3rd), Sen. Thompson (5th), and Sen. Bethel (54th). The nay votes were Sen. Kennedy (18th), Sen. Jones (22nd), Sen. Stone (23rd), and Sen. Cowsert (46th). The motion failed.

The Committee suggested Rep. Mabra (63rd) revise his bill to be heard at a later date.

Chairman McKoon (29th) adjourned the meeting at 3:26 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Thursday, February 18, 2016 at 2:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Harold Jones, II (22nd)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Tommie Williams (19th)

NOTE: Sen. Bill Cowsert (46th), Vice-Chairman, Sen. Vincent Fort (39th), and Sen. Curt Thompson (5th) were absent.

Chairman McKoon (29th) called the meeting to order at 2:04 p.m.

SB 206 (Sen. William Ligon, 3rd, LC 29 6514ER) Counties and Municipal Corporations; revise provisions relating to water liens; procedures

Sen. Ligon, Jr. (3rd), author of SB 206, presented the bill. It allows the imposition of water liens against real property, provides procedures and filing requirements in regards to imposing, amending, contesting, or cancelling any water liens, and states that a claim of lien under the bill has the same priority as liens for taxes.

Under current law, private and public water suppliers cannot refuse to supply water to a real property due to indebtedness of a previous owner, a previous occupant, or a previous lessee. Water suppliers are to seek reimbursement of unpaid charges from the individual who accrued the charges. Suppliers are also prohibited from imposing a lien against real property for unpaid charges unless the owner is the one who incurred the charges.

The bill will prohibit water suppliers from turning off water to real property due to indebtedness of another individual, including the previous owner. Additionally, water suppliers cannot require a party to assume responsibility of past due water bills of another person, including the previous owner, as a precondition to supplying water services.

Water liens can be filed with the Clerk of the Superior Court in the county where the real property is located. The bill includes the document to be used when filing a lien.

The following guest speakers appeared in support: William Phalen and Edward Hudson, of the State Bar Real Property Law Section, Pam Burnette, of the Georgia Water Professionals, and John Barbour, of Georgia Realtors.

The following guest speakers appeared in opposition: Catherine Fleming and Rosi Patel, of the Georgia Municipal Association.

Due to the will of the Committee, no action was taken on this bill.
SB 206 HEARING ONLY

Chairman McKoon (29th) adjourned the meeting at 3:02 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Tuesday, February 23, 2016 at 2:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Vincent Fort (39th)
Sen. Harold Jones, II (22nd)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio

NOTE: Sen. Curt Thompson (5th) and Sen. Tommie Williams (19th) were absent.

Chairman McKoon (29th) called the meeting to order at 2:11 p.m.

HB 531 (Rep. Ronnie Mabra, 63rd, LC 29 6491ER) Nonresidents; grounds for exercising personal jurisdiction over nonresidents; change provisions

Rep. Mabra (63rd), author of HB 531, presented the substitute. It amends Georgia's long-arm statute to provide that Georgia courts have the ability to exercise personal jurisdiction over non-residents on any basis that is not in conflict with the Constitution of Georgia or the Constitution of the United States.

It also changes the process from two steps to one step. It does away with specific circumstances and replaces them with a Constitutional catch-all, allowing any exercise of long-arm jurisdiction in Georgia state courts that is Constitutional.

Sen. Bethel (54th) made a motion **HB 531 Do Pass by Substitute**. Sen. Fort (39th) seconded the motion. The motion passed with 4-3 vote. The yea votes were Sen. Bethel (54th), Sen. Fort (39th), Sen. Stone (23rd), and Sen. Jones (22nd). The nay votes were Sen. Cowsert (46th), Sen. Ligon, Jr. (3rd), and Sen. Kennedy (18th). Sen. McKoon (29th) will be the Senate sponsor for HB 531.

HB 531 DO PASS BY SUBSTITUTE LC 41 0728S

NOTE: Sen. Thompson (5th) arrived late at 2:30 p.m. and did not vote on HB 531.

SB 206 (Sen. William Ligon, Jr., 3rd, LC 29 6514ER) Counties and Municipal Corporations; revise provisions relating to water liens; procedures

Sen. Bethel (54th) presented a substitute. It allows purchasers, at attorney closing on the property, or realtor associated to ask for what is owed on the property in writing from the water supplier. Water suppliers have five days to respond to a request. A binding on the

utility company is created and it gives the purchaser a payoff amount and thirty days to pay the water lien.

Sen. Ligon, Jr. (3rd) expressed concerns regarding inconsistency in the language of the bill and wants to include the language from the State Bar Association.

The following guest speakers appeared: Karen Bremmer, with the Georgia Restaurant Association, expressed her support of the bill. Keith Hatcher, of Georgia Realtors, Catherine Fleming and Rusi Patel, of the Georgia Municipal Association, and William Phalen, of the State Bar Association, expressed their concerns with the language and fairness of the bill.

SB 206 HEARING ONLY

Chairman McKoon (29th) adjourned the meeting at 3:07 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Thursday, February 25, 2016 at 8:00 a.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Harold Jones, II (22nd)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio

NOTE: Sen. Bill Cowsert (46th), Vice-Chairman, Sen. Vincent Fort (39th), Sen. Curt Thompson (5th), and Sen. Tommie Williams (19th) were absent.

Chairman McKoon (29th) called the meeting to order at 8:01 a.m.

SB 206 (Sen. William Ligon, Jr., 3rd, LC 29 6514ER) **Counties and Municipal Corporations; revise provisions relating to water liens; procedures**

Sen. Ligon, Jr. (3rd), author of SB 206, presented the bill. It makes cities actively collect water lien delinquencies.

Sen. Bethel (54th) made a motion **SB 206 Do Pass by Substitute**. Sen. Kennedy (18th) seconded the motion. The motion passed unanimously.

SB 206 DO PASS BY SUBSTITUTE LC 29 7042ERS

Chairman McKoon (29th) adjourned the meeting at 8:16 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Wednesday, March 2, 2016 at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Harold Jones, II (22nd)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Tommie Williams (19th)

NOTE: Sen. Vincent Fort (39th) and Sen. Curt Thompson (5th) were absent.

Chairman McKoon (29th) called the meeting to order at 4:10 p.m.

HB 87 (Rep. Wendell Willard, 51st, LC 33 5745) Retirement and pensions; Code Revision Commission; revise title

Rep. Willard (51st), author of HB 87, presented the bill. It makes corrections to Code Section 47-7-1 involving the use of the terms “full-time,” “Full-time,” and “Part-time.” The bill was prepared with the recommendation from the Code Revision Commission.

The following guest speakers appeared: Thomas Weaver, NIA citizen, and John Walraven, from Georgia Governmental Affairs, expressed their support for the bill. Bill Stone, representative of Georgia Student Affairs, expressed his opposition.

Sen. Bethel (54th) made a motion **HB 87 Do Pass**. Sen. Stone (23rd) seconded the motion. The motion passed unanimously. Chairman McKoon (29th) will be the Senate sponsor.

HB 87 DO PASS

NOTE: Sen. Fort (39th) arrived at 4:15 p.m. and did not vote on HB 87.

NOTE: Sen. Williams (19th) left early at 4:26 p.m. and only voted on HB 87.

NOTE: Sen. Thompson (5th) arrived at 4:27 p.m. and did not vote on HB 87.

HB 59 (Rep. Wendell Willard, 51st, LC 29 6337S) State tort claims; waiver of sovereign immunity for declaratory judgment or injunctive relief; provide

Rep. Willard (51st), author of HB 59, presented the bill. It provides that the defense of sovereign immunity is waived with respect to requests for declaratory judgment or injunctive relief.

Sovereign immunity is not waived in regards to claims of monetary relief, attorney's fees, or litigation expenses related to declaratory judgment or injunctive relief. It also does not apply to claims, counterclaims, cross-claims, or third-party claims that seek declaratory judgment or injunctive relief associated to a contract between a third party and the state or a political subdivision.

Chairman McKoon (29th) presented an amendment. Sen. Bethel (54th) made a motion to amend. Sen. Cowsert (46th) seconded the motion. The motion passed unanimously.

Sen. Cowsert (46th) presented an amendment. Sen. Cowsert (46th) made a motion to amend. Sen. Kennedy (18th) seconded the motion. The motion passed unanimously.

Sen. Stone (23rd) made a motion **HB 59 Do Pass by Substitute**. Sen. Bethel (54th) seconded the motion. The motion passed unanimously. Sen. McKoon (29th) will be the Senate sponsor.

HB 59 DO PASS BY SUBSTITUTE LC 41 0781S

HB 859 HEARING ONLY (Rep. Rick Jasperse, 11th, LC 41 0729S) Firearms; license holders; carrying and possession of certain weapons in certain buildings or real property owned or leased to public institutions of postsecondary education; authorize

Rep. Jasperse (11th), author of HB 859, presented the bill. It allows any person with a valid weapons carry license to carry a handgun that is concealed inside any building or on real property owned/leased to public technical colleges, vocational schools, college, or university, or other institutions of postsecondary education that are public. The bill provides that the carrying of a concealed weapon does not range to buildings/property used for athletic events or student housing, which also includes fraternity and sorority houses.

Code Section 16-11-127.1(b) claims that it is unlawful for anyone to carry or possess a weapon or explosive compound while within a school safety zone, at a school function, or on a bus or other transportation furnished by a school, unless an exception applies. The bill provides for a new exception to Code Section 16-11-127.1(b) for any person who holds a valid weapons carry license that will carry in any building or real property owned/leased to a public technical school, vocational schools, college, or university, or other public institutions of postsecondary education.

The following guest speakers appeared in opposition to the bill: Chancellor Hank Huckaby of the University System of Georgia, John Starbuck, Rick Douer of Emory University, Laura Briggs with "Athens for Everyone," UGA student Paul Oshinski, Law student Blinn Combs with Georgia State University College of Law, Magdalena

Zurawski of the English Department at UGA, Shamala Gallagher, Amy Bomafans, Sean Wallace of Georgia State University, Georgia Tech student Evan Gillon, Michael Bishop, Tara Bulger, UGA student Katie Googe, USG Faculty member Michelle Haberland, Gunsense Georgia member Penny Bernath, Frank Vandall of Emory University, Dr. Ellen Stockstill, Margaret Breen, Bona Allen, Peter Cobb, UGA student John Estebau Rodriguez, Elizabeth Gilchrist of Lost World Adventures, Kaj Gumbs of the Georgia NAACP, Mark Rosenberg with the Task Force for Global Health, Lynn Ehrlicher of Georgia Perimeter, Bobbie Paul of Atlanta Grandmothers for Peace, and Andrea Teichner, Debia McCulloch, Mary Loomis, Toysha Londondarby, and Madeline Nakasima with Moms Demand Action

The following guest speakers appeared in support of the bill: Thomas Weaver, Mike Menkus, Johnathon Todd, Jim Chrencik, Georgia State student Alex Ward, KSU student Layla Detko, and Jeff Anderson.

HB 859 HEARING ONLY

Chairman McKoon (29th) adjourned the meeting at 7:29 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Monday, March 7, 2016 at 1:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Vincent Fort (39th)
Sen. Harold Jones, II (22nd)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Curt Thompson (5th)
Sen. Tommie Williams (19th)

Note: Sen. Bill Cowsert (46th), Vice-Chairman, was absent.

Chairman McKoon (29th) called the meeting to order at 1:03 p.m.

HB 859 (Rep. Rick Jasperse, 11th, LC 41 0729S) Firearms; license holders; carrying and possession of certain weapons in certain buildings or real property owned or leased to public institutions of postsecondary education; authorize

Rep. Jasperse, 11th, presented the bill to the Committee. This bill had a hearing only in a prior Committee meeting. The purpose of the bill was restated for this Committee meeting.

Sen. Jones (22nd) presented two amendments before the Committee. The first amendment, AM 41 0171, would prohibit guns in all college buildings. Sen. Jones (22nd) made a motion to adopt amendment #1. The motion failed for a lack of a second.

Sen. Jones (22nd) presented a second amendment, AM 41 0173. It would allow schools that secure personnel or a system approved by campus or local law enforcement to prohibit guns in those secured buildings. Sen. Jones (22nd) made a motion to adopt amendment #2. Sen. Thompson (5th) seconded the motion. The yea votes were Sen. Thompson (5th), Sen. Fort (39th), and Sen. Jones (22nd). The nay votes were Sen. Bethel (54th), Sen. Kennedy (18th), Sen. Ligon, Jr. (3rd), Sen. Williams (19th), and Sen. Stone (23rd). The motion failed 5-3.

Sen. Fort (39th) presented three amendments before the Committee. The first amendment, AM 41 0178, would permit police officers to require people carrying guns to show that they have a carry permit. Sen. Fort (39th) made a motion to adopt amendment #1. Sen. Jones (22nd) seconded the motion. The yea votes were Sen. Thompson (5th), Sen. Fort (39th), and Sen. Jones (22nd). The nay votes were Sen. Bethel (54th), Sen.

Kennedy (18th), Sen. Ligon, Jr. (3rd), Sen. Williams (19th), and Sen. Stone (23rd). The motion failed 5-3.

Sen. Fort (39th) presented a second amendment, AM 41 0179. It would require people to complete eight hours of training to obtain a weapons carry permit. Sen. Fort (39th) made a motion to adopt amendment #2. Sen. Jones (22nd) seconded the motion. The yea votes were Sen. Thompson (5th), Sen. Fort (39th), and Sen. Jones (22nd). The nay votes were Sen. Bethel (54th), Sen. Kennedy (18th), Sen. Ligon (3rd), Sen. Williams (19th), and Sen. Stone (23rd). The motion failed 5-3.

Sen. Fort (39th) presented a third amendment, AM 41 1080. It would call for a nonbinding referendum on campus carry. Sen. Fort (39th) made a motion to adopt amendment #3. Sen. Jones (22nd) seconded the motion. The yea votes were Sen. Thompson (5th), Sen. Fort (39th), and Sen. Jones (22nd). The nay votes were Sen. Bethel (54th), Sen. Kennedy (18th), Sen. Ligon, Jr. (3rd), Sen. Williams (19th), and Sen. Stone (23rd). The motion failed 5-3.

Sen. Bethel (54th) made a motion **HB 859 Do Pass**. Sen. Stone (23rd) seconded the motion. The yea votes were Sen. Bethel (54th), Sen. Kennedy (18th), Sen. Ligon (3rd), Sen. Williams (19th), and Sen. Stone (23rd). The nay votes were Sen. Thompson (5th), Sen. Fort (39th), and Sen. Jones (22nd). The motion passed 5-3. Sen. Stone (23rd) will be the Senate sponsor.

HB 859 DO PASS

Chairman McKoon (29th) adjourned the meeting at 1:26 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

_____ offers the following amendment:

1 Amend the ~~House Committee Substitute for~~ HB 859 (LC 41 0729S) by replacing lines 19 and
2 20 with the following:

3 (i) Not apply to any buildings, including, but not limited to, buildings used for
4 administration, instruction, athletic sporting events, student housing, or fraternity or
5 sorority housing;

6 (ii) Not apply to the confines of any real property while in use for athletic sporting
7 events or competition, including, but not limited to, viewing stands or seats or
8 dugouts;

9 By redesignating divisions (ii) and (iii) as divisions (iii) and (iv), respectively, on lines 21
10 through 24.

②

_____ offers the following amendment:

1 Amend the ~~_____~~ HB 859 (LC 41 0729S) by inserting between lines
2 18 and 19 the following:

3 (i) Not apply to buildings or property where ingress into such buildings or property
4 is restricted or screened by security personnel or a security system; provided,
5 however, that at least one member of such security personnel is certified as a peace
6 officer pursuant to Chapter 8 of Title 35 or that such security system is approved by
7 the law enforcement department of such institution or a local law enforcement agency
8 having jurisdiction over the geographical area of such institution;

9 By redesignating divisions (i), (ii), and (iii) as divisions (ii), (iii), and (iv), respectively, on
10 lines 19 through 24.

3

_____ offers the following amendment:

1 *Amend the ~~House~~ committee substitute ~~to~~ HB 859 (LC 41 0729S) by replacing line 5 with the*
2 *following:*

3 education; to provide for definitions; to allow a person to be detained by law enforcement
4 for the purpose of investigating whether such person has a weapons carry license; to provide
5 for related matters; to repeal conflicting

6 *By inserting between lines 36 and 37 the following:*

7 Said part is further amended by revising Code Section 16-11-137, relating to the required
8 possession of a weapons carry license or proof of exemption when carrying a weapon and
9 detention for investigation of carrying a weapons carry license, as follows:

10 "16-11-137.

11 (a) Every license holder shall have his or her valid weapons carry license in his or her
12 immediate possession at all times when carrying a weapon, or if such person is exempt
13 from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c)
14 of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or
15 her immediate possession at all times when carrying a weapon, and his or her failure to do
16 so shall be prima-facie evidence of a violation of the applicable provision of Code Sections
17 16-11-126 through 16-11-127.2.

18 (b) A person carrying a weapon shall not be subject to detention for the sole purpose of
19 investigating whether such person has a weapons carry license.

20 (c)(b) A person convicted of a violation of this Code section shall be fined not more than
21 \$10.00 if he or she produces in court his or her weapons carry license, provided that it was
22 valid at the time of his or her arrest, or produces proof of his or her exemption."

23 **SECTION 3.**

④

_____ offers the following amendment:

1 ~~Amend the House Committee bill to HB 859 (LC 41 0729S) by replacing line 5 with the~~
2 ~~following:~~

3 education; to provide for definitions; to provide for a training requirement for the issuance
4 of a weapons carry license; to provide for related matters; to repeal conflicting

5 *By inserting between lines 36 and 37 the following:*

6 Said part is further amended in Code Section 16-11-129, relating to weapons carry licenses,
7 by revising subsection (a) and by adding a new subsection to read as follows:

8 "(a) **Application for weapons carry license or renewal license; term.** The judge of the
9 probate court of each county shall, on application under oath, on completion of training as
10 provided for in subsection (m) of this Code section, on payment of a fee of \$30.00, and on
11 investigation of applicant pursuant to subsections (b) and (d) of this Code section, issue a
12 weapons carry license or renewal license valid for a period of five years to any person
13 whose domicile is in that county or who is on active duty with the United States armed
14 forces and who is not a domiciliary of this state but who either resides in that county or on
15 a military reservation located in whole or in part in that county at the time of such
16 application. Such license or renewal license shall authorize that person to carry any
17 weapon in any county of this state notwithstanding any change in that person's county of
18 residence or state of domicile. Applicants shall submit the application for a weapons carry
19 license or renewal license to the judge of the probate court on forms prescribed and
20 furnished free of charge to persons wishing to apply for the license or renewal license. An
21 application shall be considered to be for a renewal license if the applicant has a weapons
22 carry license or renewal license with 90 or fewer days remaining before the expiration of
23 such weapons carry license or renewal license or 30 or fewer days since the expiration of
24 such weapons carry license or renewal license regardless of the county of issuance of the
25 applicant's expired or expiring weapons carry license or renewal license. An applicant who
26 is not a United States citizen shall provide sufficient personal identifying data, including
27 without limitation his or her place of birth and United States issued alien or admission
28 number, as the Georgia Bureau of Investigation may prescribe by rule or regulation. An
29 applicant who is in nonimmigrant status shall provide proof of his or her qualifications for
30 an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y).
31 Forms shall be designed to elicit information from the applicant pertinent to his or her
32 eligibility under this Code section, including citizenship, but shall not require data which

33 is nonpertinent or irrelevant, such as serial numbers or other identification capable of being
34 used as a de facto registration of firearms owned by the applicant. The Department of
35 Public Safety shall furnish application forms and license forms required by this Code
36 section. The forms shall be furnished to each judge of each probate court within this state
37 at no cost."

38 "(m)(1) Training requirement for the issuance of a weapons carry license or renewal
39 license. Except as provided for under paragraph (4) of this subsection, no person shall
40 be issued a weapons carry license after December 31, 2015, unless he or she has
41 successfully completed, within three years prior to submitting a weapons carry license
42 application, a handgun education course offered by a handgun education training
43 organization as approved by the Department of Public Safety. Any person successfully
44 completing such course shall receive proof of training from such organization in such
45 form and manner as determined by the Department of Public Safety.

46 (2) Any person issued a weapons carry license on or before December 31, 2015, or
47 issued a weapons carry license after the successful completion of a handgun education
48 course pursuant to this subsection shall have satisfied the training requirement of this
49 Code section.

50 (3) The handgun education course as provided for under paragraph (1) of this subsection
51 shall be at least eight hours and shall include, but not be limited to:

52 (A) Information on the laws of this state relating to handguns and the use of deadly
53 force;

54 (B) Information on handgun use and safety;

55 (C) Information on the proper storage practice for handguns with an emphasis on
56 storage practices that reduce the possibility of accidental injury to a child; and

57 (D) The actual firing of a handgun in the presence of the instructor at an established
58 shooting range authorized by the governing body of the jurisdiction where such
59 shooting range is located.

60 (4) The requirements of this Code section shall not apply to any person who:

61 (A) Is an instructor at a handgun education training organization as approved by the
62 Department of Public Safety;

63 (B) Demonstrates to the commissioner of public safety, or his or her designee, that he
64 or she has a proficiency in both the use of handguns and the laws of this state pertaining
65 to handguns; or

66 (C) Is on active duty with the United States armed forces.

67 (5) The commissioner of public safety shall create rules and regulations for the
68 implementation of this subsection."

SECTION 3.

5

_____ offers the following amendment:

1 *Amend the ~~House Committee Bill~~ HB 859 (LC 41 0729S) by replacing lines 1*
2 *through 6 with the following:*

3 To provide for the holding of an advisory referendum election to determine whether the
4 qualified electors of the State of Georgia desire to allow persons who are weapons carry
5 license holders to carry handguns in buildings and on real property of public technical
6 schools, public vocational schools, public colleges, public universities, and other public
7 institutions of postsecondary education; to provide for related matters; to provide for an
8 effective date; to repeal conflicting laws; and for other purposes.

9 *By replacing lines lines 9 through 36 with the following:*

10 "(a) It shall be the duty of the Secretary of State to issue the call for an advisory referendum
11 election to determine whether the qualified electors of the State of Georgia desire that
12 persons who are weapons carry license holders be allowed to carry handguns in buildings and
13 on real property of public technical schools, public vocational schools, public colleges,
14 public universities, and other public institutions of postsecondary education. The Secretary
15 of State shall conduct the referendum election as provided in this section on the date of the
16 2016 general election. The Secretary of State shall issue the call and conduct that
17 referendum election as provided by general law.

18 (b) The ballot at the referendum election provided under this section shall have displayed
19 or printed thereon the following:

20 ' () YES **VOTE FOR ONLY ONE CHOICE:** Should persons who are
21 weapons carry license holders be allowed to carry handguns in
22 () NO buildings and on real property of public technical schools, public
23 vocational schools, public colleges, public universities, and other
24 public institutions of postsecondary education?"

25 (c) It shall be the duty of the Secretary of State to tabulate and certify the results of the
26 referendum election and report said results to the Governor and the General Assembly
27 immediately following such certification."

28 **SECTION 2.**

29 This Act shall become effective upon its approval by the Governor or upon its becoming law
30 without such approval.

SECTION 3.

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Tuesday, March 8, 2016 at 2:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Vincent Fort (39th)
Sen. Harold Jones, II (22nd)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Curt Thompson (5th)

NOTE: Sen. Bill Cowsert (46th), Vice-Chairman, Sen. Jesse Stone (23rd), Ex-Officio, and Sen. Tommie Williams (19th) were absent.

Chairman McKoon (29th) called the meeting to order at 2:05 p.m.

HB 792 (Rep. Buzz Brockway, 102nd, LC 41 0730S) Firearms; carrying, possession, and use of electroshock weapons by persons who are students or who are employed at a public institution; authorize

Rep. Brockway (102nd), author of HB 792, presented the bill. It allows any person on a college campus to possess an electric weapon on any real property or any building owned/leased to a public technical school, vocational school, college, or university, or other institution of postsecondary education that is public. It shall be used for purposes of personal protection only.

Sen. Bethel (54th) and Sen. Fort (39th) were concerned with a lack of age restrictions to carry an electric shock weapon on campus.

The following guest speaker appeared: Thomas Weaver, who expressed his concern with the language of the bill.

Sen. Bethel (54th) offered an amendment that restricts the carrying of an electric shock weapon to individuals who are 18 years old or older or currently enrolled in classes on a college campus.

Sen. Bethel (54th) made a motion to adopt the above amendment. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed unanimously.

Sen. Ligon Jr. (3rd) made a motion **HB 792 Do Pass by Substitute**. Sen. Kennedy (18th) seconded the motion. The yea votes were Sen. Bethel (54th), Sen. Kennedy (18th), Sen. Jones (22nd), Sen. Ligon, Jr. (3rd), and Sen. Thompson (5th). The nay vote was Sen. Fort (39th). The motion passed 5-1. Sen. McKoon (29th) will be the Senate sponsor.

HB 792 DO PASS BY SUBSTITUTE LC 41 0796S

Chairman McKoon (29th) adjourned the meeting at 2:30 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Thursday, March 10, 2016 at 2:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Vincent Fort (39th)
Sen. Harold Jones, II (22nd)
Sen. Curt Thompson (5th)
Sen. Tommie Williams (19th)

NOTE: Sen. Charlie Bethel (54th), Secretary, Sen. John Kennedy (18th), Sen. William Ligon, Jr. (3rd), and Sen. Jesse Stone (23rd), Ex-Officio, were absent.

Chairman McKoon (29th) called the meeting to order at 2:05 p.m.

HB 927 HEARING ONLY (Rep. Christian Coomer, 14th, LC 29 6939ERS) **"Appellate Jurisdiction Reform Act of 2016"; enact**

Rep. Coomer (14th), author of HB 927, presented the bill. It provides for the appointment of law assistants by the Supreme Court and the Court of Appeals who are not members of the state bar, gives rulemaking authority for the Court of Appeals relative to cases to be heard by more than one court decision, provides appellate jurisdiction of the Court of Appeals over selected classes of cases, expands membership of the Supreme Court from five to nine, and modifies the Supreme Court term of court.

HB 547 (Rep. Barry Fleming, 121st, LC 29 6560ERS) Estates; taxes and tax liens; change provisions

Rep. Fleming (121st), author of HB 547, presented the bill. Current law permits a widow or widower to apply for one year's support with the probate court in the form of the decedent's property. The property awarded is exempt from property taxes for that year. The bill amends the provision that all real property awarded for one year's support is exempt from property taxes and specifies that only the homestead is exempt from property taxes. If an individual does not have a homestead, they may claim the exemption for other real property.

Sen. Williams (19th) made a motion **HB 547 Do Pass by Substitute**. Sen. Jones (22nd) seconded the motion. The motion passed unanimously. Sen. Stone (23rd) will be the Senate sponsor.

HB 547 DO PASS BY SUBSTITUTE LC 29 7096ERS

Chairman McKoon (29th) adjourned the meeting at 2:41 p.m.

Respectfully submitted,

/s/ Sen. Josh McKoon (29th), Chairman

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Monday, March 14, 2016 at 5:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Charlie Bethel (54th), Secretary

NOTE: Sen. Josh McKoon (29th), Chairman, Sen. Bill Cowsert (46th), Vice-Chairman, Sen. Vincent Fort (39th), Sen. Harold Jones, II (22nd), Sen. John Kennedy (18th), Sen. William Ligon, Jr. (3rd), Sen. Jesse Stone (23rd), Ex-Officio, Sen. Curt Thompson (5th), and Sen. Tommie Williams (19th) were absent.

Due to business outside of the Capitol, Chairman McKoon (29th) assigned Sen. Bethel (54th) to preside over the meeting.

Sen. Bethel (54th) called the meeting to order at 5:00 p.m.

According to the Senate Committee Meeting rules, a Chairman may cancel a meeting by notifying the Secretary of the Senate in writing no later than twenty-four (24) hours prior to the scheduled meeting. Due to session running late, all Committee meetings were pushed back an hour and the Chairman decided to cancel the meeting. The agenda item was moved to the next Judiciary Committee Meeting the following day.

Sen. Bethel (54th) adjourned the meeting at 5:05 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Tuesday, March 15, 2016 at 5:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Vincent Fort (39th)
Sen. Harold Jones, II (22nd)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio

NOTE: Sen. John Kennedy (18th), Sen. Curt Thompson (5th), and Sen. Tommie Williams (19th) were absent.

Chairman McKoon (29th) called the meeting to order at 5:08 p.m.

HB 927 (Rep. Christian Coomer, 14th, LC 29 6939ERS) "Appellate Jurisdiction Reform Act of 2016"; enact

Rep. Coomer (14th), author of HB 927, presented the bill in a hearing only on March 10, 2016. Sen. Fort (39th) was concerned as to why the bill was expanding membership of the Supreme Court of Georgia from seven members to nine.

Sen. Stone (23rd) made a motion **HB 927 Do Pass**. Sen. Cowsert (46th) seconded the motion. The motion passed unanimously. Sen. Cowsert (46th) will be the Senate sponsor.
HB 927 DO PASS

NOTE: Sen. Thompson (5th) and Sen. Williams (19th) arrived late at 5:19 p.m. and did not vote on HB 927.

HB 1025 (Rep. Tom Taylor, 79th, LC 29 7026S) Courts; service of accusations of or citations for violations of ordinances under certain circumstances; change provisions

Rep. Taylor (79th), author of HB 1025, presented the bill. It requires city incorporation bills and bills creating a city-county consolidated government to be introduced during the first session of the General Assembly's biennium term. In between sessions, a study has to be completed by a public academic research institution. The bill also includes a Service Delivery Advisory Committee and a service delivery strategy summary must be prepared in between sessions. City incorporations are required to provide voter approval by referendum and must be held during the general election.

Sen. Bethel (54th) made a motion to amend. The amendment requires a notification sent to property owner by certified mail seeking a waiver of physical service prior to posting citation or sending a copy of the citation by first class mail. Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

Sen. Bethel (54th) made a motion **HB 1025 Do Pass by Substitute**. Sen. Stone (23rd) seconded the motion. The motion passed unanimously. Sen. Fran Millar (40th) will be the Senate sponsor.

HB 1025 DO PASS BY SUBSTITUTE LC 43 0387S

NOTE: Sen. Kennedy (18th) arrived late at 5:28 p.m. and did not vote on HB 927 and HB 1025.

HB 1060 (Rep. Rick Jasperse, 11th, LC 41 0766S) Crimes and offenses; carrying and possession of firearms; confirm that the right of the people to keep and bear arms shall not be infringed

Rep. Jasperse (11th), author of HB 1060, presented the bill. It deals with the carrying of weapons, background checks, and civil immunity for firearms.

Section 1 of the bill covers relief from legal disabilities and allows appeals to these probate court decisions. Section 2 allows individuals that possess a carry license issued from another state to obtain a Georgia weapons carry license within 90 days after becoming a resident of Georgia. Section 3 states that a weapons carry license holder shall not be held in violation of carrying a firearm in a place of worship if the person immediately leaves when asked, if carrying a weapon is not permitted on that property. Section 4 broadens the list of individuals who are allowed to carry weapons within school safety zones, at school functions, and on transportation provided by the school. Section 5 requires the probate judge to provide gun safety upon the receipt of a weapons carry license, but at his or her own discretion. Section 6 includes law enforcement carry exemptions and will allow the sheriff with jurisdiction to provide a facility to store weapons at a county courthouse or a courthouse annex. Section 7 defines what a commercial service airport is for the purpose of existing provisions related to the carrying of weapons and long guns at commercial service airports. Section 8 will allow individuals who have been hospitalized to petition the court (in which the hospitalization occurred) for relief. Section 9 provides firearm instructor immunity.

The following guest speaker appeared: Terry Norris, of the Georgia Sheriff's Association, expressed his concern with parts of the bill and suggested amendments to some of the language.

Sen. Stone (23rd) made a motion to adopt AM 28 1508. Sen. Bethel (54th) seconded the motion. The yea votes were Sen. Bethel (54th), Sen. Ligon (3rd), Sen. Cowsert (46th), Sen. Stone (23rd), Sen. Jones (22nd), and Sen. Kennedy (18th). The nay votes were Sen. Fort (39th) and Sen. Thompson (5th). The motion passed with a 6-2 vote.

Sen. Bethel (54th) made a motion to adopt amendment #2. Returns the number of days law enforcement agencies have to report to the probate court judge any findings relating to weapons carry licenses applicant back to 30 (striking 10 and inserting 30). Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

Sen. Stone (23rd) made a motion to adopt amendment #3. Law enforcement officers are permitted to carry handguns in Level 3 holsters into courthouses and wearing Class A uniforms issued by their agency. Must display their official badge issued by their agency. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed unanimously.

Sen. Stone (23rd) made a motion **HB 1060 Do Pass by Substitute**. Sen. Bethel (54th) seconded the motion. The yea votes were Sen. Bethel (54th), Sen. Ligon, Jr. (3rd), Sen. Cowser (46th), Sen. Stone (23rd), and Sen. Kennedy (18th). The nay votes were Sen. Fort (39th), Sen. Thompson (5th), and Sen. Jones (22nd). The motion passed with a 5-3 vote. Sen. Tyler Harper (7th) will be the Senate sponsor.

HB 1060 DO PASS BY SUBSTITUTE LC 41 0823S

NOTE: Sen. Williams (19th) did not vote on HB 1060, including the amendments.

Chairman McKoon (29th) adjourned the meeting at 6: 31 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Wednesday, March 16, 2016 at 8:00 a.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman

NOTE: Sen. Bill Cowser (46th), Vice-Chairman, Sen. Charlie Bethel (54th), Secretary, Sen. Vincent Fort (39th), Sen. Harold Jones, II (22nd), Sen. John Kennedy (18th), Sen. William Ligon, Jr. (3rd), Sen. Jesse Stone (23rd), Ex-Officio, Sen. Curt Thompson (5th), and Sen. Tommie Williams (19th) were absent.

Chairman McKoon (29th) called the meeting to order at 8:10 a.m.

According to the Senate Committee Meeting rules, a Chairman may cancel a meeting by notifying the Secretary of the Senate in writing no later than twenty-four (24) hours prior to the scheduled meeting. The agenda item for today was heard in the Judiciary Committee meeting the previous day.

Chairman McKoon (29th) adjourned the meeting at 8:12 a.m.

Respectfully submitted,

/s/ Sen. Josh McKoon (29th), Chairman

/s/ Donna Nealey, Recording Secretary

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The State Senate
Atlanta, Georgia 30334

COMMITTEES:
Judiciary, Chairman
Higher Education
Regulated Industries and Utilities, Secretary
Ethics
Judiciary Non Civil, Ex Officio
Insurance and Labor

Expungement Study Committee, Chairman
Alternative Medicaid Financing Study, Chairman
Unified Court Technology Study Committee, Chairman

April 1, 2016

Mr. David Cook
Secretary of the Senate
State Capitol
Atlanta, GA 30334

APR 1 AM 11:14

RE: Senate Judiciary Committee – 2016 Session

Dear Secretary Cook:

The Senate Judiciary Committee respectfully submits the following 15 Senate bills, House bills, Senate resolutions and/or House resolutions left in the Senate Judiciary committee during the 2016 General Assembly session:

SB23 SB49 SB55 SB78 SB90 SB110 SB 117 SB205 SB 247 SR573
HB119 HB204 HB207 HB298 HB418

This letter includes the following information and lists the attachments:

- Bills Left In Senate Judiciary Committee After The 2016 Session – listed above
- Bills Passed out of the Senate Judiciary Committee 2016 - listed below
- Listing Of Committee Meeting Dates for 2016 Session – listed below
- Minutes for the dates listed below - Attached
- Senate Judiciary Committee members and their addresses - Attached
- Rules for Senate Judiciary Committee 2016 session - Attached
- Committee legislation report from the website - all bills/resolutions assigned to Senate Judiciary Committee - Attached

Listed below are the dates for the Senate Judiciary Committee meetings for the 2016 General Assembly session:


January 26, 2016	February 2, 2016	March 2, 2016
	February 4, 2016	March 7, 2016
	February 9, 2016	March 8, 2016
	February 16, 2016	March 10, 2016
	February 18, 2016	March 14, 2016
	February 23, 2016	March 15, 2016
	February 25, 2016	March 16, 2016

Listed below are the 15 Senate bills, House bills, Senate resolutions and/or House resolutions that were passed out of the Senate Judiciary Committee for 2016:

SB206 SB207 SB255 SB262
HB51 HB52 HB59 HB87 HB531 HB547 HB792 HB859 HB927 HB1025 HB1060

Thank you.

Sincerely,


Senator Josh McKoon
Chairman Senate Judiciary Committee


Donna Nealey
Legislative Assistant Senate Judiciary Committee