

**MEMBERS OF THE SENATE COMMITTEE ON JUDICIARY
2017 SESSION**

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MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

January 24, 2017

The Senate Committee on Judiciary held its first meeting of the 2017 Legislative Session on Tuesday, January 24, 2017, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Blake Tillery (19th), Secretary
Sen. Hunter Hill (6th)
Sen. Harold Jones II (22nd)
Sen. John Kennedy (18th)
Sen. Greg Kirk (13th)
Sen. William Ligon, Jr. (3rd)
Sen. Josh McKoon (29th)
Sen. Elena Parent (42nd)

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

Chairman Stone (23rd) called the meeting to order at 4:01 p.m.

The Chairman introduced himself and the members of the Committee. The Rules of the Committee were discussed. Sen. Ligon, Jr. (3rd) made a motion to adopt the Rules of the Committee and Sen. Parent (42nd) seconded the motion. The motion carried 9-0. A copy of the Rules is attached to these minutes.

The Chairman announced the Subcommittee designations:

Group A

Sen. William Ligon, Jr. (3rd), Chair
Sen. Blake Tillery (19th), Secretary
Sen. Hunter Hill (6th)
Sen. Elena Parent (42nd)
Sen. Vincent Fort (39th)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Bill Cowsert (46th), Ex-Officio

Group B

Sen. Josh McKoon (29th), Chair
Sen. John Kennedy (18th), Secretary
Sen. Greg Kirk (13th)
Sen. Curt Thompson (5th)
Sen. Harold Jones II (22nd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Bill Cowsert (46th), Ex-Officio

With no further business, the meeting was adjourned at 4:04 p.m.

Respectfully Submitted,

/s/ Sen. Blake Tillery (19th), Secretary

/s/ Donna Yeomans, Recording Secretary

SENATE COMMITTEE ON JUDICIARY
RULES - 2017 - 2018

1. Quorum of the Committee shall be seven (7) 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.

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

February 9, 2017

The Senate Committee on Judiciary held its second meeting of the 2017 Legislative Session on Thursday, February 9, 2017, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman (Arrived late)
Sen. Blake Tillery (19th), Secretary
Sen. Vincent Fort (39th)
Sen. Hunter Hill (6th) (Arrived late)
Sen. Harold V. Jones II (22nd)
Sen. John Kennedy (18th)
Sen. Greg Kirk (13th) (Arrived late)
Sen. William Ligon, Jr. (3rd) (Arrived late)
Sen. Josh McKoon (29th)
Sen. Elena Parent (42nd)

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

Chairman Stone (23rd) called the meeting to order at 4:06 p.m.

NOTE: Sen. Ligon (3rd) arrived at 4:16 p.m.

NOTE: Sen. Hill (6th) arrived at 4:18 p.m.

NOTE: Sen. Cowsert (46th) arrived at 4:19 p.m.

NOTE: Sen. Kirk (13th) arrived at 4:21 p.m.

SB 15, Sen. Michael Rhett (33rd), Crimes and Offenses; weapons carry license; add to the category of former law enforcement officers

Sen. Rhett (33rd) presented SB 15 (LC 41 1005S) to the Committee.

Mr. Frank Rotondo, Executive Director, Georgia Association of Chiefs of Police spoke in favor of the bill.

Sen. Tillery (19th) made a motion to amend SB 15 for the purpose of creating a Committee substitute by striking on lines 12 and 13 the words "Georgia Peace Officer Standards and Training Council certified" and striking on line 18 the words "Georgia Peace Officer Standards and Training Council" and replacing them with the words "state or federal certifying agency." Sen. Kennedy (18th) seconded the motion. The motion passed 10-0.

Sen. Tillery (19th) made a motion that SB 15 **Do Pass by Substitute**. Sen. Kennedy (18th) seconded the motion. The motion passed 10-0.

SB 15 DO PASS BY SUBSTITUTE (LC 29 7389S)

SB 45, Sen. Walker (20th), Invasions of Privacy; to film under or through a person's clothing; prohibit the use of a device

Sen. Walker (20th) presented a substitute to SB 45 (LC 29 7379S) to the Committee. No one spoke for or against the bill.

Sen. Ligon, Jr. (3rd) made a motion that SB 45 **Do Pass by Substitute**. Sen. Parent (42nd) seconded the motion. The motion passed 10-0.

SB 45 DO PASS BY SUBSTITUTE (LC 29 7379S)

SB 71, Sen. Stone (23rd), Bankruptcy; list of property that is exempt; add assets in health savings accounts and medical savings accounts

Sen. Stone (23rd) presented SB 71 (LC 29 7284) to the Committee. No one spoke for or against the bill.

Sen. Hill (6th) made a motion that SB 71 **Do Pass**. Sen. Jones II (22nd) seconded the motion. The motion passed 10-0.

SB 71 DO PASS

With no further business, the meeting was adjourned at 4:41 p.m.

Respectfully Submitted,

/s/ Sen. Blake Tillery (19th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

February 16, 2017

The Senate Committee on Judiciary held its third meeting of the 2017 Legislative Session on Thursday, February 16, 2017, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Blake Tillery (19th), Secretary
Sen. Vincent Fort (39th)
Sen. Harold V. Jones II (22nd)
Sen. John Kennedy (18th)
Sen. Greg Kirk (13th)
Sen. William Ligon, Jr. (3rd)
Sen. Josh McKoon (29th)
Sen. Elena Parent (42nd)

NOTE: Sen. Hunter Hill (6th) and Sen. Curt Thompson (5th) were absent.

Chairman Stone (23rd) called the meeting to order at 4:14 p.m.

SB 95, Sen. Stone (23rd), Selection of Jurors; state-wide master jury list; change provisions; Georgia Crime Information Center; pardons and paroles; provide conforming cross-references

Sen. Stone (23rd) presented a substitute to SB 95 (LC 29 7424S) to the Committee.

Mr. Mike Holiman, the Executive Director at the Council of Superior Court Clerks of Georgia, spoke in favor of the bill.

Sen. Tillery (19th) made a motion that SB 95 **Do Pass by Substitute**. Sen. Jones II (22nd) seconded the motion. The motion passed 9-0.

SB 95 DO PASS BY SUBSTITUTE (LC 29 7424S)

SB 130, Sen. Tillery (19th), Right to an Attorney; waiver of the right to counsel; provisions; clarify

Sen. Tillery (19th) presented a substitute to SB 130 (LC 29 7419S) to the Committee. No one spoke for or against the bill.

Sen. Kennedy (18th) made a motion that SB 130 **Do Pass by Substitute**. Sen. Cowsert (46th) seconded the motion. The motion passed 9-0.

SB 130 DO PASS BY SUBSTITUTE (LC 29 7419S)

SB 131, Sen. Tillery (19th), Juvenile Code; adoption proceedings be stayed while an appeal to terminate parental rights is pending; provide

Sen. Tillery (19th) presented SB 131 (LC 29 7345) to the Committee. No one spoke for or against the bill.

Sen. Parent (42nd) made a motion that SB 131 **Do Pass**. Sen. Jones II (22nd) seconded the motion. The motion passed 9-0.

SB 131 DO PASS

SB 132, Sen. Tillery (19th), Civil Practice; statutory civil case filing and disposition forms; allow Judicial Council of Georgia to promulgate forms; child custody proceedings; provide

Sen. Tillery (19th) presented a substitute to SB 132 (LC 29 7423S) to the Committee.

Ms. Victoria Anderson from Judiciary Watch Dogs spoke against the bill.

Sen. Kennedy (18th) made a motion that SB 132 **Do Pass by Substitute**. Sen. Jones II (22nd) seconded the motion. The motion passed 9-0.

SB 132 DO PASS BY SUBSTITUTE (LC 29 7423S)

SB 148, Sen. Kennedy (18th), Nonprofit Corporations; organized in foreign jurisdiction to change its jurisdiction or organization to this state; allow

Sen. Kennedy (18th) presented SB 148 (LC 41 0986) to the Committee.

Mr. Matthew Couvillion from the Georgia Bar Non-Profit Committee spoke in favor of the bill.

Sen. Kirk (13th) made a motion that SB 148 **Do Pass**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed 9-0.

SB 148 DO PASS

SB 159, Sen. Anderson (24th), Criminal Trespass and Damage to Property; entry upon land or premises of another that has been marked with purple paint; provide for the crime of criminal trespass

Sen. Anderson (24th) presented SB 159 (LC 40 1392) to the Committee.

Mr. Keith Hatcher from Georgia Realtors Association and Mr. Alex Bradford from Georgia Farm Bureau spoke in favor of the bill.

Sen. Cowser (46th) made a motion that SB 159 **Do Pass**. Sen. Kirk (13th) seconded the motion. The motion passed 9-0.

SB 159 DO PASS

With no further business, the meeting was adjourned at 4:54 p.m.

Respectfully Submitted,

/s/ Sen. Blake Tillery (19th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

February 23, 2017

The Senate Committee on Judiciary held its fourth meeting of the 2017 Legislative Session on Thursday, February 23, 2017, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman (Left early)
Sen. Blake Tillery (19th), Secretary
Sen. Hunter Hill (6th)
Sen. Harold V. Jones, II (22nd)
Sen. John Kennedy (18th) (Left early)
Sen. Greg Kirk (13th)
Sen. William Ligon, Jr. (3rd)
Sen. Josh McKoon (29th) (Arrived late)
Sen. Elena Parent (42nd)

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

Chairman Stone (23rd) called the meeting to order at 4:17 p.m.

NOTE: Sen. McKoon (29th) arrived at 4:22 p.m.

SR 146, Sen. Kennedy (18th), Certain Rights for Victims; suffered an act committed; in violation of the criminal or juvenile delinquency laws; provide-CA

Sen. Kennedy (18th), presented a substitute to SR 146 (LC 29 7465ERS) to the Committee. Sen. Stone (23rd) presented different language in a substitute to SR 146 (LC 29 7472ERS).

Mr. Chuck Spahos, from the Prosecuting Attorney's Council of Georgia, spoke to issues with the bill as written in LC 29 7465ERS.

Mr. Josh Belinfante with Marcy's Law for All in Georgia spoke in favor of LC 29 7465ERS.

Sen. Cowsert (46th) made a motion that the language that passed out of Subcommittee (LC 29 7465ERS) SR 146 **Do Pass by Substitute**. Sen. Kennedy (18th) seconded the motion. The motion passed 7-2 with Sens. McKoon (29th), Cowsert (46th), Hill (6th), Parent (42nd), Kirk (13th), Tillery (19th) and Kennedy (18th) voting in favor and Sens. Ligon, Jr. (3rd) and Jones II (22nd) voting against.

SR 146 DO PASS BY SUBSTITUTE (LC 29 7465ERS)

NOTE: Sen. Kennedy (18th) left at 5:03 p.m.

NOTE: Sen. Tillery (19th) and Sen. Kirk (13th) left at 5:03 p.m.

SB 194, Sen. Stone (23rd), Garnishment Proceedings; maximum part of disposable earnings subject to garnishment; change

Sen. Stone (23rd) presented SB 194 (LC 29 7415ER) to the Committee. No one spoke for or against the bill.

Sen. Ligon, Jr. (3rd) made a motion that SB 194 **Do Pass**. Sen. Jones II (22nd) seconded the motion. The motion passed 6-0.

SB 194 DO PASS

NOTE: Sen. Tillery (19th) and Sen. Kirk (13th) returned at 5:10 p.m.

NOTE: Sen. Cowsert (46th) left at 5:11 p.m.

SB 174, Sen. Kennedy (18th), Georgia Council on Criminal Justice Reform; reform for individuals supervised under accountability courts; provide

Sen. Tillery (19th) presented a substitute to SB 174 (LC 29 7468ECS) to the Committee on behalf of the sponsor, Sen. Kennedy (18th). No one spoke for or against the bill.

Sen. Tillery (19th) made a motion to amend the substitute to SB 174 (LC 29 7468ECS) for the purpose of creating a Committee substitute by replacing lines 288 and 289 with the following: “and the chairpersons of the House Committee on State Properties Judiciary and the Senate ~~State Institutions and Property~~ Judiciary Committee.” By replacing lines 314 and 315 with the following: “House Committee on State Properties Judiciary and the Senate ~~State Institutions and Property~~ Judiciary Committee.” Sen. Kirk (13th) seconded the motion. The motion passed 7-0.

Sen. Kirk (13th) made a motion that SB 174 **Do Pass by Substitute**. Sen. Tillery (19th) seconded the motion. The motion passed 7-0.

SB 174 DO PASS BY SUBSTITUTE (LC 29 7477S)

SB 175, Sen. Kennedy (18th), Juvenile Code; juvenile court proceedings; enact reforms

Sen. Tillery (19th) presented SB 175 (LC 29 7390EC) to the Committee. No one spoke for or against the bill.

Sen. Jones II (22nd) made a motion that SB 175 **Do Pass**. Sen. Parent (42nd) seconded the motion. The motion passed 7-0.

SB 175 DO PASS

SB 176, Sen. Kennedy (18th), Georgia Council on Criminal Justice Reform; driving privileges; enact reforms

Sen. Tillery (19th) presented a substitute to SB 176 (LC 29 7476ECS) to the Committee. No one spoke for or against the bill.

Sen. Tillery (19th) made a motion that SB 176 **Do Pass by Substitute**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed 7-0.

SB 176 DO PASS BY SUBSTITUTE (LC 29 7476ECS)

NOTE: Sen. McKoon (29th) left at 5:36 p.m.

SB 189, Sen. Tillery (19th), Criminal Procedure; legal defense of indigents; provisions; change; clarify defined terms

Sen. Tillery (19th) presented a substitute to SB 189 (LC 29 7470S) to the Committee. No one spoke for or against the bill.

Sen. Tillery (19th) made a motion that SB 189 **Do Pass by Substitute**. Sen. Jones II (22nd) seconded the motion. The motion passed 6-0.

SB 189 DO PASS BY SUBSTITUTE (LC 29 7470S)

NOTE: Sen. McKoon (29th) returned at 5:42 p.m.

SB 127, Sen. Kennedy (18th), Failure to Provide Notice Not Rendering Responsible Person Liable; victim to file a motion in a criminal case to assert his or her rights; allow

Sen. Tillery (19th) presented a substitute to SB 127 (LC 29 7450S) to the Committee.

Mr. Chuck Spahos, from the Prosecuting Attorney's Council of Georgia, spoke to questions raised from the Committee.

Sen. Parent (42nd) made a motion to amend SB 127 for the purpose of creating a Committee substitute by striking on line 20 the words "~~testify or make a statement~~" and inserting the words "be heard according to the provisions of this chapter"; and by striking on line 23 the word "~~determines~~" and inserting the word "alleges". Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed 4-3 with Sens. Hill (6th), Parent (42nd), Ligon, Jr. (3rd), and Jones II (22nd) voting in favor and Sens. McKoon (29th), Kirk (13th), and Tillery (19th) voting against.

Sen. Tillery (19th) made a motion that SB 127 **Do Pass by Substitute**. Sen. Jones II (22nd) seconded the motion. The motion passed 4-3 with Sens. Hill (6th), Parent (42nd), Ligon, Jr. (3rd), and Jones II (22nd) voting in favor and Sens. McKoon (29th), Kirk (13th), and Tillery (19th) voting against.

SB 127 DO PASS BY SUBSTITUTE (LC 29 7486S)

SB 126, Sen. Kennedy (18th), State Tort Claims; venue of actions; provisions; change

Sen. Tillery (19th) presented a substitute to SB 126 (LC 29 7443S) to the Committee.

Ms. Rebecca Sullivan from the Department of Administrative Services spoke in support of the bill.

Sen. Ligon, Jr. (3rd) made a motion that SB 126 **Do Pass by Substitute**. Sen. Tillery (19th) seconded the motion. The motion passed 7-0.

SB 126 DO PASS BY SUBSTITUTE (LC 29 7443S)

With no further business, the meeting was adjourned at 6:18 p.m.

Respectfully Submitted,

/s/ Sen. Blake Tillery (19th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

February 27, 2017

The Senate Committee on Judiciary held its fifth meeting of the 2017 Legislative Session on Monday, February 27, 2017, at 5:00 p.m. in Room 310 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman (Arrived late, left early)
Sen. Blake Tillery (19th), Secretary
Sen. Vincent Fort (39th) (Left early)
Sen. Hunter Hill (6th) (Arrived late)
Sen. Harold V. Jones II (22nd)
Sen. John Kennedy (18th)
Sen. Greg Kirk (13th)
Sen. William Ligon, Jr. (3rd) (Arrived late)
Sen. Josh McKoon (29th) (Arrived late)
Sen. Elena Parent (42nd) (Arrived late)
Sen. Curt Thompson (5th)

Chairman Stone (23rd) called the meeting to order at 5:07 p.m.

SB 250, Sen. Mullis (53rd), State Sexual Offender Registry; individual is convicted in another country; require registration

Sen. Mullis (53rd) presented SB 250 (LC 41 1078) to the Committee.

Mr. Thomas Weaver, a citizen of Georgia, spoke in opposition to the bill.

Sen. Kennedy (18th) made a motion that SB 250 **Do Pass**. Sen. Jones II (22nd) seconded the motion. The motion passed 6-0.

SB 250 DO PASS

NOTE: Sen. Cowsert (46th) arrived at 5:27 p.m.

NOTE: Sen. McKoon (29th) arrived at 5:36 p.m.

NOTE: Sen. Ligon (3rd) arrived at 6:02 p.m.

NOTE: Sen. Parent (42nd) arrived at 6:02 p.m.

NOTE: Sen. Hill (6th) arrived at 6:19 p.m.

SB 212, Sen. Kennedy (18th), Alcoholism, Drug Dependency or Abuse; administrative license suspension process for persons arrested of driving under the influence; provide for reforms

Sen. Kennedy (18th) presented a substitute to SB 212 (LC 39 1608S) to the Committee.

Ms. Rebecca Grist from the Bibb County Solicitor-General's Office; Ms. Marquette Baker from the Troup County Solicitor-General's Office; and Mr. Mike Mitchell from Department of Drivers Services spoke in favor of the bill.

Ms. Mazie Lynn Causey, from Georgia Association of Criminal Defense Lawyers, and Ms. Jessica Towne, a DUI defense attorney from Gwinnett County, spoke to the bill.

Ms. Debbie Day and Mr. Bob Dallas from Georgia Mothers Against Drunk Driving (MADD) spoke in opposition to the bill.

Sen. Kirk (13th) made a motion to table SB 212. Sen. Cowsert (46th) seconded the motion. The motion passed 8-3. Sen. Hill (6th), Sen. McKoon (29th), Sen. Cowsert (46th), Sen. Kirk (13th), Sen. Tillery (19th), Sen. Fort (39th), Sen. Thompson (5th), and Sen. Ligon, Jr. (3rd), voted in favor of the motion. Sen. Kennedy (18th), Sen. Jones II (22nd), and Sen. Parent (42nd) voted against.

SB 212 TABLED

NOTE: Sen. Cowsert (46th) left at 6:22 p.m.

NOTE: Sen. Fort (39th) left at 6:25 p.m.

SB 105, Sen. Jones II (22nd), Controlled Substances; possession of certain quantities of marijuana constitute a misdemeanor; provide; punishment; change provisions

Sen. Jones II (22nd) presented SB 105 (LC 29 7259) to the Committee.

Mr. James Bell from Georgia C.A.R.E. spoke in favor of the bill.

Sen. Thompson (5th) made a motion that SB 105 **Do Pass**. Sen. McKoon (29th) seconded the motion. The motion passed 7-2, with Sen. Hill (6th), Sen. McKoon (29th), Sen. Kennedy (18th), Sen. Tillery (19th), Sen. Thompson (5th), Sen. Parent (42nd), and Sen. Jones II (22nd) voting in favor of the motion and Sen. Kirk (13th) and Sen. Ligon, Jr. (3rd) voting against.

SB 105 DO PASS

With no further business, the meeting was adjourned at 6:34 p.m.

Respectfully Submitted,

/s/ Sen. Blake Tillery (19th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

March 9, 2017

The Senate Committee on Judiciary held its sixth meeting of the 2017 Legislative Session on Thursday, March 9, 2017, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Blake Tillery (19th), Secretary
Sen. Vincent Fort (39th)
Sen. Harold Jones II (22nd)
Sen. John Kennedy (18th)
Sen. Greg Kirk (13th)
Sen. William Ligon, Jr. (3rd)
Sen. Elena Parent (42nd)
Sen. Curt Thompson (5th) (Arrived late)

NOTE: Sen. Hunter Hill (6th) and Sen. Josh McKoon (29th) were absent.

Chairman Stone (23rd) called the meeting to order at 4:10 p.m.

HB 75, Rep. Wendell Willard (51st), Social services; certain records from disclosure; exclude

Rep. Willard (51st) presented HB 75 (LC 29 7266) to the Committee. No one spoke for or against the bill.

Sen. Cowsert (46th) made a motion that HB 75 **Do Pass**. Sen. Tillery (19th) seconded the motion. The motion passed 8-0. Sen. Stone (23rd) will carry the bill in the Senate.

HB 75 DO PASS

NOTE: Sen. Thompson (5th) arrived at 4:21 p.m.

HB 213, Rep. Rich Golick (40th), Crimes and offenses; sale, manufacture, delivery, or possession of fentanyl within the prohibition of trafficking certain drugs; include

Rep. Golick (40th) presented HB 213 (LC 29 7432S) to the Committee. No one spoke for or against the bill.

Sen. Cowsert (46th) made a motion that HB 213 **Do Pass**. Sen. Kirk (13th) seconded the motion. The motion passed 9-0. Sen. Hill (6th) will carry the bill in the Senate.

HB 213 DO PASS

HB 14, Rep. Jeff Jones (167th), Courts; sheriff to collect and deposit certain fees; provide

Rep. Jones (167th) presented HB 14 (LC 29 7180) to the Committee. No one spoke for or against the bill.

Sen. Ligon, Jr. (3rd) made a motion that HB 14 **Do Pass**. Sen. Tillery (19th) seconded the motion. The motion passed 9-0. Sen. Ligon, Jr. (3rd) will carry the bill in the Senate.
HB 14 DO PASS

HB 86, Rep. Mary Margaret Oliver (82nd), Domestic relations; definition of sexual abuse; expand

Rep. Oliver (82nd) presented HB 86 (LC 29 7276) to the Committee. No one spoke for or against the bill.

Sen. Parent (42nd) made a motion that HB 86 **Do Pass**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed 9-0. Sen. Unterman (45th) will carry the bill in the Senate.

HB 86 DO PASS

HB 231, Rep. Bruce Broadrick (4th), Controlled substances; Schedules I, II, IV and V; change certain provisions

Director Rick Allen, from the Georgia Drugs and Narcotics Agency, presented HB 231 (LC 29 7410S) to the Committee in lieu of the sponsor, Rep. Broadrick (4th). No one spoke for or against the bill.

Sen. Ligon, Jr. (3rd) made a motion that HB 231 **Do Pass**. Sen. Tillery (19th) seconded the motion. The Committee cited Committee Rule number 8 to not call for a vote on this bill and no action was taken.

HB 88, Rep. Fleming (121st), Superior courts; qualifications for judges; revise

Rep. Barry Fleming (121st) presented a substitute to HB 88 (LC 29 7522S) to the Committee. No one spoke for or against the bill.

Sen. Kennedy (18th) made a motion that HB 88 **Do Pass by Substitute**. Sen. Cowser (46th) seconded the motion. The motion passed 9-0. Sen. Stone (23rd) will carry the bill in the Senate.

HB 88 DO PASS BY SUBSTITUTE (LC 29 7522S)

With no further business, the meeting was adjourned at 4:49 p.m.

Respectfully Submitted,

/s/ Sen. Blake Tillery (19th), Secretary

/s/ Donna Yeomans, Recording Secretary

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

March 16, 2017

The Senate Committee on Judiciary held its seventh meeting of the 2017 Legislative Session on Thursday, March 16, 2017, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman (Arrived late, left early)
Sen. Blake Tillery (19th), Secretary
Sen. Vincent Fort (39th)
Sen. Hunter Hill (6th) (Arrived late, left early)
Sen. Harold V. Jones II (22nd)
Sen. John Kennedy (18th)
Sen. Greg Kirk (13th)
Sen. William Ligon, Jr. (3rd)
Sen. Josh McKoon (29th)
Sen. Elena Parent (42nd)
Sen. Curt Thompson (5th) (Arrived late, left early)

Chairman Stone (23rd) called the meeting to order at 4:11 p.m.

NOTE: Sen. Thompson (5th) arrived at 4:14 p.m.

HB 138, Rep. Lee Hawkins (27th), Superior courts; fifth judge of the Northeastern Judicial Circuit; provide

Rep. Hawkins (27th) presented a substitute to HB 138 (LC 29 7535S) to the Committee. No one spoke for or against the bill.

Sen. Jones II (22nd) made a motion that HB 138 **Do Pass by Substitute**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed 9-0. Sen. Butch Miller (49th) will carry the bill in the Senate.

HB 138 DO PASS BY SUBSTITUTE (LC 29 7535S)

HB 231, Rep. Bruce Broadrick (4th), Controlled substances; Schedules I, II, IV and V; change certain provisions

Rep. Broadrick (4th) presented HB 231 (LC 29 7410S) to the Committee. No one spoke for or against the bill.

Sen. Tillery (19th) made a motion that HB 231 **Do Pass**. Sen. Kennedy (18th) seconded the motion. The motion passed 9-0. Sen. Chuck Hufstetler (52nd) will carry the bill in the Senate.

HB 231 DO PASS

NOTE: Sen. Hill (6th) arrived at 4:28 p.m.

HB 126 by Rep. Wendell Willard (51st), Courts; Judicial Qualifications Commission; change provisions

Rep. Willard (51st) presented a substitute to HB 126 (LC 29 7534S) to the Committee. No one spoke for or against the bill.

Sen. Tillery (19th) made a motion that HB 126 **Do Pass by Substitute**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion failed 5-4 with Sen. Ligon, Jr. (3rd), Sen. Kirk (13th), Sen. Kennedy (18th) and Sen. Tillery (19th) voting yea, and Sen. Jones II (22nd), Sen. Parent (42nd), Sen. McKoon (29th), Sen. Fort (39th) and Sen. Thompson (5th) voting no. Sen. Hill (6th) abstained. Per the Rules a copy of this substitute is attached.

HB 126 MOTION FAILED

NOTE: Sen. Cowsert (46th) arrived at 4:47 p.m.

HB 15, Rep. Wendell Willard (51st), Courts; certain civil pleadings to be filed electronically; required

Rep. Willard (51st) presented a substitute to HB 15 (LC 29 7558S) to the Committee.

Ms. Hollie Manneimer and Mr. Peter Canfield, from Georgia First Amendment Foundation, spoke in opposition to the bill.

Mr. David Emerson, from the Judicial Council Technology Commission, and Mr. Mike Holiman, from the Council of Superior Court Clerks of Georgia, spoke in support of the bill.

Sen. Tillery (19th) made a motion to amend HB 15 for the purpose of creating a Committee substitute by inserting between lines 36 and 37 and 91 and 92 the following: (B) No amount of the fee charged pursuant to subparagraph (A) of this paragraph shall be remitted to a clerk, the Georgia Superior Court Clerks' Cooperative Authority, the Council of Superior Court Clerks of Georgia, or any other office or entity of the state or governing authority of a county or municipality; by replacing "(B)" with "(C)" on lines 37 and 92. Sen. Hill (6th) seconded the motion. The motion passed 10-1 with Sen. Fort (39th) voting against.

Sen. Ligon, Jr. (3rd) made a motion to amend HB 15 for the purpose of creating a Committee substitute by replacing lines 20 through 22 with the following: by electronic means. ~~Nothing in this Code section shall be construed to prevent a clerk's acceptance of payments and remittances by electronic means under the clerk's own authority.~~ By inserting "form of paper" after "other" on lines 28 and 83. By replacing "subsection" with "Code section" on lines 60 and 115. By replacing lines 62 and 63 with the following: (d) A superior court judge to whom the case is assigned and his or her staff shall, at all times, have access to all pleadings and documents electronically filed and

such access shall be provided upon the physical acceptance of such pleadings and documents by the clerk. By replacing lines 75 through 77 with the following: means. ~~Nothing in this Code section shall be construed to prevent a clerk's acceptance of payments and remittances by electronic means under the clerk's own authority.~~ By replacing lines 117 and 118 with the following: d) A state court judge to whom the case is assigned and his or her staff shall, at all times, have access to all pleadings and documents electronically filed and such access shall be provided upon the physical acceptance of such pleadings and documents by the clerk. Sen. Kirk (13th) seconded the motion. The motion passed 11-0.

Sen. Tillery (19th) made a motion that HB 15 **Do Pass by Substitute**. Sen. Kennedy (18th) seconded the motion. The motion passed 10-1 with Sen. Fort (39th) voting against. Sen. Tillery (19th) will carry the bill in the Senate.

HB 15 DO PASS BY SUBSTITUTE (LC 29 7574S)

HB 434, Rep. Wendell Willard (51st), Eminent domain; requirement that condemnations not be converted to any use other than public use for 20 years; provide exception

Rep. Willard (51st) presented HB 434 (LC 29 7431ER) to the Committee. No one spoke for or against the bill.

Sen. Jones II (22nd) made a motion that HB 434 **Do Pass**. Sen. Kennedy (18th) seconded the motion. The motion passed 11-0. Sen. Ligon, Jr. (3rd) will carry the bill in the Senate.

HB 434 DO PASS

HB 323, Rep. Johnnie Caldwell, Jr. (131st), Code Revision Commission; revise, modernize, correct errors or omissions of said Code

Rep. Caldwell (131st) presented HB 323 (LC 25 6672S) to the Committee. No one spoke for or against the bill.

Sen. Kirk (13th) made a motion that HB 323 **Do Pass**. Sen. Tillery (19th) seconded the motion. The motion passed 11-0. Sen. Stone (23rd) will carry the bill in the Senate.

HB 323 DO PASS

NOTE: Sen. Cowsert (46th) left at 4:57 p.m.

NOTE: Sen. Hill (6th) left at 4:58 p.m.

HB 319, Rep. Bill Werkheiser (157th), Habeas corpus; maximum amount counties may be reimbursed for certain costs; increase

Rep. Werkheiser (157th) presented HB 319 (LC 28 8265) to the Committee. No one spoke for or against the bill.

Sen. Parent (42nd) made a motion that HB 319 **Do Pass**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed 9-0. Sen. Tillery (19th) will carry the bill in the Senate.

HB 319 DO PASS

NOTE: Sen. Cowsert (46th) returned at 4:59 p.m.

HB 261, Rep. Bill Werkheiser (157th), Penal institutions; certain individuals sentenced between March 18, 1968 and October 31, 1982; allow to petition court for first offender status

Rep. Werkheiser (157th) presented HB 261 (LC 29 7495S) to the Committee. No one spoke for or against the bill.

Sen. Tillery (19th) made a motion that HB 261 **Do Pass**. Sen. Kennedy (18th) seconded the motion. The motion passed 10-0. Sen. Tillery (19th) will carry the bill in the Senate.

HB 261 DO PASS

HB 162, Rep. Betty Price (48th), Income tax; transfer of setoffs by the Administrative Office of the Courts; revise procedures

Sen. McKoon (29th) presented HB 162 (LC 41 0926) to the Committee on behalf of the sponsor.

No one spoke for or against the bill.

Sen. Kirk (13th) made a motion that HB 162 **Do Pass**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed 10-0. Sen. Ligon, Jr. (3rd) will carry the bill in the Senate.

HB 162 DO PASS

NOTE: Sen. Hill (6th) returned at 5:03 p.m.

HB 406, Rep. Alan Powell (32nd), Weapons; reciprocity of recognizing and giving effect to licenses to carry from other states; revise requirements

Rep. Powell (32nd) presented HB 406 (LC 41 1120S) to the Committee. No one spoke for or against the bill.

Sen. Ligon, Jr. (3rd) made a motion that HB 406 **Do Pass**. Sen. McKoon (29th) seconded the motion. The motion passed 10-1, with Sen. Fort (39th) voting against. Sen. Harper (7th) will carry the bill in the Senate.

HB 406 DO PASS

HB 126 by Rep. Wendell Willard (51st), Courts; Judicial Qualifications Commission; change provisions

Sen. Kennedy (18th) made a motion to reconsider HB 126 (LC 29 7534S). Sen. Cowsert (46th) seconded the motion. The motion passed 6-5 with Sens. Cowsert (46th), Tillery (19th), Kennedy (18th), Hill (6th), Ligon, Jr. (3rd), and Kirk (13th) voting in favor and Sens. Thompson (5th), Parent (42nd), Fort (39th), McKoon (29th), and Jones II (22nd) voting against.

Sen. Kennedy (18th) made a motion that HB 126 **Do Pass**. Sen. Cowsert (46th) seconded the motion. The motion failed 6-6, with Sens. Cowsert (46th), Tillery (19th), Kennedy (18th), Ligon, Jr. (3rd), Kirk (13th), and Stone (23rd) voting in favor and Sens. Hill (6th), Thompson (5th), Parent (42nd), Fort (39th), McKoon (29th), and Jones II (22nd) voting against.

HB 126 MOTION FAILED

HB 159, Rep. Reeves (34th), Domestic relations; adoption; substantially revise general provisions

Rep. Reeves (34th) presented a substitute to HB 159 (LC 29 7571ERS) to the Committee.

Mr. Bobby Cagle, the Director of Department of Family and Children Services; Ms. Leslie Mackinnon, a licensed clinical social worker; Ms. Michelle Pellegri, a birth mother; Ms. Melissa Carter from the Barton Center; and Ms. Shaquitta Ogletree from Georgia Empowerment spoke in opposition to the bill.

Sen. Fort (39th) made a motion to amend HB 159 for the purpose of creating a new Committee substitute by removing Section 4 & 5 from LC 29 7571ERS. Sen. Parent (42nd) seconded the motion. The motion failed 7-4 with Sens. Jones II (22nd), Parent (42nd), Fort (39th), and Thompson (5th) voting in favor and Sens. Cowsert (46th), Hill (6th), Tillery (19th), Ligon, Jr. (3rd), Kirk (13th), McKoon (29th) and Kennedy (18th) voting against.

Sen. Tillery (19th) made a motion to amend HB 159 for the purpose of creating a new Committee substitute by striking Section 5 from LC 29 7571ERS. Sen. Parent (42nd) seconded the motion. The motion failed 6-5 with Sens. Tillery (19th), Jones II (22nd), Parent (42nd), Fort (39th), and Thompson (5th) voting in favor and Sens. Cowsert (46th), Hill (6th), Ligon Jr. (3rd), Kirk (13th), McKoon (29th) and Kennedy (18th) voting against.

Sen. Ligon, Jr. (3rd) made a motion that HB 159 **Do Pass by Substitute**. Sen. Kirk (13th) seconded the motion. The motion passed 7-4 with Sens. McKoon (29th), Kirk (13th), Ligon, Jr. (3rd), Kennedy (18th), Tillery (19th), Hill (6th), and Cowsert (46th) voting in favor and Sens. Fort (39th), Parent (42nd), Jones II (22nd), and Thompson (5th) voting against. Sen. Stone (23rd) will carry the bill in the Senate. Sen. Thompson (5th) gave notice that a Minority Report would be filed.

HB 159 DO PASS BY SUBSTITUTE (LC 29 7571ERS)

HB 279, Rep. Mandi Ballinger (23rd), Domestic relations; name change requested by victim of family violence; provide separate process

Rep. Ballinger (23rd) presented HB 279/FA to the Committee. No one spoke for or against the bill.

Sen. Tillery (19th) made a motion that HB 279 **Do Pass**. Sen. McKoon (29th) seconded the motion. The motion passed 11-0. Sen. Jones II (22nd) will carry the bill in the Senate.

HB 279 DO PASS

HB 67, Rep. William Boddie (62nd), Crimes and offenses; entering a motor vehicle with the intent to commit a theft or felony; provide for increased punishment

Rep. Boddie (62nd) presented a substitute to HB 67 (LC 29 7578ERS) to the Committee.

Ms. Sheila Kazemian from Hall Booth Smith spoke in favor of the bill.

Sen. Kennedy (18th) made a motion that HB 67 **Do Pass by Substitute**. Sen. McKoon (29th) seconded the motion. The motion passed 11-0. Sen. Dugan (30th) will carry the bill in the Senate.

HB 67 DO PASS BY SUBSTITUTE (LC 29 7578ERS)

HB 76, Rep. Rick Jasperse (11th), Superior courts; change certain requirements and certifications for certain maps, plats, and plans for filing with clerk; provisions

Rep. Jasperse (11th) presented a substitute to HB (LC 36 3379S) to the Committee. No one spoke for or against the bill.

Sen. McKoon (29th) made a motion that HB 76 **Do Pass by Substitute**. Sen. Kirk (13th) seconded the motion. The motion passed 11-0. Sen. Stone (23rd) will carry the bill in the Senate.

HB 76 DO PASS BY SUBSTITUTE (LC 36 3379S)

HB 292, Rep. Rick Jasperse (11th), Firearms; laws relating to the carrying of weapons and safety; revise and clarify

Rep. Jasperse (11th) presented HB 292 (LC 29 7569S) to the Committee.

Ms. Elizabeth Appley from Presbyterians for a Better Georgia spoke in opposition to the bill.

Sen. Ligon, Jr. (3rd) made a motion to amend HB 292 for the purpose of creating a Committee substitute by adding the words "and identification credentials" after the word "badge" on lines 321 and the words "while in the performance of their official duties." after the word "person" on line 322. Sen. Kirk (13th) seconded the motion. The motion passed 7-4 with Sens. Cowser (46th), Tillery (19th), Hill (6th), Kennedy (18th), Ligon,

Jr. (3rd), Kirk (13th), and McKoon (29th) voting in favor and Sens. Parent (42nd), Jones II (22nd), Thompson (5th), and Fort (39th) voting against.

Sen. Kirk (13th) made a motion that HB 292 **Do Pass by Substitute**. Sen. Tillery (19th) seconded the motion. The motion passed 8-3 with Sens. Cowsert (46th), Thompson (5th), Tillery (19th), Kennedy (18th), Ligon, Jr. (3rd), Hill (6th), Kirk (13th), and McKoon (29th) voting in favor and Sens. Fort (39th), Parent (42nd), and Jones II (22nd) voting against. Sen. Harper (7th) will carry the bill in the Senate.

HB 292 DO PASS BY SUBSTITUTE (LC 29 7579S)

HB 341, Rep. Bert Reeves (34th), Crimes and offenses; mandatory terms for trafficking individuals for sexual servitude; provisions

Rep. Reeves (34th) presented a substitute to HB 341 (LC 29 7575S) to the Committee. No one spoke for or against the bill.

Sen. Tillery (19th) made a motion that HB 341 **Do Pass by Substitute**. Sen. Kirk (13th) seconded the motion. The motion passed 11-0. Sen. Unterman (45th) will carry the bill in the Senate.

HB 341 DO PASS BY SUBSTITUTE (LC 29 7575S)

HB 343, Rep. Scott Hilton (95th), Criminal procedure; certain outdated terminology; replace

Rep. Hilton (95th) presented a substitute to HB 343 (LC 29 7565S) to the Committee. No one spoke for or against the bill.

Sen. Parent (42nd) made a motion that HB 343 **Do Pass by Substitute**. Sen. Kirk (13th) seconded the motion. The motion passed 11-0. Sen. Tillery (19th) will carry the bill in the Senate.

HB 343 DO PASS BY SUBSTITUTE (LC 29 7565S)

HB 221, Rep. Chuck Efstration (104th), Commerce and trade; powers of attorney to a uniform Act; update and conform provisions

Rep. Efstration (104th) presented a substitute to HB 221 (LC 41 1171ERS) to the Committee.

Ms. Sheila Humberstone, from the Alzheimer's Association, and Ms. Melissa Sinden, from AARP, spoke in favor of the bill.

Sen. Ligon, Jr. (3rd) made a motion to amend HB 221 for the purpose of creating a Committee substitute by striking the words "~~a deed~~" on line 113 and inserting the words "a power of attorney in connection with a conveyance involving real property.". Sen. Tillery (19th) seconded the motion. The motion passed 11-0.

Sen. Tillery (19th) made a motion to amend HB 221 for the purpose of creating a committee substitute by adding the words “and provided that such notice is filed with the clerk of superior court in the county of domicile of the principal;” on line 165 and by striking the work “~~further~~” on line 174 and by striking the semicolon on line 1077 and inserting the words “and provided that such notice is filed with the clerk of superior court in the county of domicile of the principal;” Sen. Kennedy (18th) seconded the motion. The motion passed 11-0.

NOTE: Sen. Hill (6th) left at 7:13 p.m.

Sen. Parent (42nd) made a motion that HB 221 **Do Pass by Substitute**. Sen. Kennedy (18th) seconded the motion. The motion passed 10-0. Sen. Kennedy (18th) will carry the bill in the Senate.

HB 221 DO PASS BY SUBSTITUTE (LC 29 7580ERS)

NOTE: Sen. Thompson (5th) left at 7:44 p.m.

NOTE: Sen. Cowsert (46th) left at 7:45 p.m.

HB 280, Rep. Mandi Ballinger (23rd), 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. Ballinger (23rd) presented a substitute to HB 280 (LC 29 7576ERS) to the Committee.

Chancellor Steve Wrigley from the University System of Georgia; Ms. Elizabeth Appley from Presbyterians for Better Georgia; and Lissie Stahlman from Outcry Georgia spoke in opposition to the bill.

Sen. Tillery (19th) made a motion that HB 280 **Do Pass by Substitute**. Sen. Kirk (13th) seconded the motion. The motion passed 5-3. Sens. McKoon (29th), Kirk (13th), Ligon, Jr. (3rd), Kennedy (18th), and Tillery (19th) voting in favor and Sens. Jones II (22nd), Parent (42nd), and Fort (39th) voting against. The House author did not secure a Senate sponsor.

HB 280 DO PASS BY SUBSTITUTE (LC 29 7576ERS)

With no further business, the meeting was adjourned at 7:54 p.m.

Respectfully Submitted,

/s/ Sen. Blake Tillery (19th), Secretary

/s/ Donna Yeomans, Recording Secretary

Senate Judiciary Committee offers the following substitute to HB 126:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to
2 general provisions for courts, so as to change provisions relating to the Judicial
3 Qualifications Commission; to expand the membership of the commission and provide for
4 panels; to provide for duties and responsibilities; to provide for appointment of members,
5 filling of vacancies, and confirmation; to provide for definitions; to provide for rules; to
6 provide for confidentiality and exceptions; to provide for a short title; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 This Act shall be known and may be cited as "The Judicial Qualifications Commission
11 Improvement Act of 2017."

12 SECTION 2.

13 Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general
14 provisions for courts, is amended by revising Code Section 15-1-21, relating to the creation
15 of the Judicial Qualifications Commission, powers, composition, appointment, term, removal
16 of members, procedures, and confidentiality, as follows:

17 "15-1-21.

18 (a) Pursuant to ~~Article VI, Section VII, Paragraph VI of Section VII of Article VI~~ of the
19 Constitution, there is hereby created the Judicial Qualifications Commission, which shall
20 have the power to discipline, remove, and cause involuntary retirement of judges in
21 accordance with such Paragraph. As used in this Code section, the term 'commission'
22 means the Judicial Qualifications Commission.

23 (b) ~~The Judicial Qualifications Commission~~ commission shall consist of seven 12
24 members who shall be subject to confirmation by the Senate.

25 (c) From January 1, 2017, until June 30, 2017, the members of the commission shall be
26 as follows:

- 27 (1) Two judges of any court of record, appointed by the Supreme Court;
- 28 (2) One member of the State Bar of Georgia who shall have been an active status
29 member of the State Bar of Georgia for at least ten years and shall be a registered voter
30 of this state, appointed by the President of the Senate from a list of at least ten nominees
31 from the board of governors of the State Bar of Georgia; provided, however, that if a
32 nominee is not selected from such list, the board of governors shall submit another slate
33 of ten nominees;
- 34 (3) One member of the State Bar of Georgia who shall have been an active status
35 member of the State Bar of Georgia for at least ten years and shall be a registered voter
36 of this state, appointed by the Speaker of the House of Representatives from a list of at
37 least ten nominees from the board of governors of the State Bar of Georgia; provided,
38 however, that if a nominee is not selected from such list, the board of governors shall
39 submit another slate of ten nominees;
- 40 (4) One citizen member, who shall be a registered voter of this state but shall not be a
41 member of the State Bar of Georgia, appointed by the Speaker of the House of
42 Representatives;
- 43 (5) One citizen member, who shall be a registered voter of this state but shall not be a
44 member of the State Bar of Georgia, appointed by the President of the Senate; and
- 45 (6) One member of the State Bar of Georgia, who shall have been an active status
46 member of the State Bar of Georgia for at least ten years and shall be a registered voter
47 of this state, appointed by the Governor to serve as chairperson of the commission.

48 (d) From July 1, 2017, through December 31, 2020, the members of the commission shall
49 be as follows:

- 50 ~~(1) Two judges of any court of record, appointed by the Supreme Court;~~
- 51 ~~(2) One member of the State Bar of Georgia who shall have been an active status~~
52 ~~member of the State Bar of Georgia for at least ten years and shall be a registered voter~~
53 ~~of this state, appointed by the President of the Senate from a list of at least ten nominees~~
54 ~~from the board of governors of the State Bar of Georgia; provided, however, that if a~~
55 ~~nominee is not selected from such list, the board of governors shall submit another slate~~
56 ~~of ten nominees;~~
- 57 ~~(3) One member of the State Bar of Georgia who shall have been an active status~~
58 ~~member of the State Bar of Georgia for at least ten years and shall be a registered voter~~
59 ~~of this state, appointed by the Speaker of the House of Representatives from a list of at~~
60 ~~least ten nominees from the board of governors of the State Bar of Georgia; provided,~~

61 however, that if a nominee is not selected from such list, the board of governors shall
62 submit another slate of ten nominees;

63 ~~(4) One citizen member, who shall be a registered voter of this state but shall not be a~~
64 ~~member of the State Bar of Georgia, appointed by the Speaker of the House of~~
65 ~~Representatives;~~

66 ~~(5) One citizen member, who shall be a registered voter of this state but shall not be a~~
67 ~~member of the State Bar of Georgia, appointed by the President of the Senate; and~~

68 ~~(6) One member of the State Bar of Georgia, who shall have been an active status~~
69 ~~member of the State Bar of Georgia for at least ten years and shall be a registered voter~~
70 ~~of this state, appointed by the Governor to serve as chairperson of the commission.~~

71 ~~(e) On and after January 1, 2021, the members of the commission shall serve for a term~~
72 ~~of three years and until their successors are appointed and shall be as follows:~~

73 ~~(1) Two judges of any court of record, appointed by the Supreme Court;~~

74 ~~(2) One member of the State Bar of Georgia who shall have been an active status~~
75 ~~member of the State Bar of Georgia for at least ten years and shall be a registered voter~~
76 ~~of this state, appointed by the President of the Senate from a list of at least ten nominees~~
77 ~~from the board of governors of the State Bar of Georgia; provided, however, that if a~~
78 ~~nominee is not selected from such list, the board of governors shall submit another slate~~
79 ~~of ten nominees;~~

80 ~~(3) One member of the State Bar of Georgia who shall have been an active status~~
81 ~~member of the State Bar of Georgia for at least ten years and shall be a registered voter~~
82 ~~of this state, appointed by the Speaker of the House of Representatives from a list of at~~
83 ~~least ten nominees from the board of governors of the State Bar of Georgia; provided,~~
84 ~~however, that if a nominee is not selected from such list, the board of governors shall~~
85 ~~submit another slate of ten nominees;~~

86 ~~(4) One citizen member, who shall be a registered voter of this state but shall not be a~~
87 ~~member of the State Bar of Georgia, appointed by the Speaker of the House of~~
88 ~~Representatives;~~

89 ~~(5) One citizen member, who shall be a registered voter of this state but shall not be a~~
90 ~~member of the State Bar of Georgia, appointed by the President of the Senate; and~~

91 ~~(6) One member of the State Bar of Georgia, who shall have been an active status~~
92 ~~member of the State Bar of Georgia for at least ten years and shall be a registered voter~~
93 ~~of this state, appointed by the Governor to serve as chairperson of the commission.~~

94 (d) Effective July 1, 2017, the commission shall be reconstituted. The members serving
95 on the commission immediately prior to July 1, 2017, shall cease to serve on that date, but
96 such prior members shall be eligible for reappointment to succeed themselves or to fill
97 another position on the commission as further set forth in subsection (f) of this Code

98 section. The powers, functions, and duties of the former commission with regard to the
99 investigation, discipline, removal, and involuntary retirement of judges are transferred to
100 the commission created effective July 1, 2017; provided, however, that the formal advisory
101 opinions, pending and former complaints and disciplinary actions, records, orders,
102 contracts, agreements with judges, and rules of the former commission shall be retained by
103 the commission created effective July 1, 2017. Appropriations to the former commission
104 for functions transferred to the commission created effective July 1, 2017, shall be
105 transferred to the commission created effective July 1, 2017, as provided for in Code
106 Section 45-12-90. Personnel previously employed by the former commission and the
107 equipment and facilities of the former commission for functions transferred to the
108 commission created effective July 1, 2017, shall likewise be transferred to the commission
109 created effective July 1, 2017.

110 (e)(1) Effective July 1, 2017, the commission shall be divided into a nine-member
111 investigative panel and a three-member hearing panel.

112 (2) The investigative panel shall be responsible for:

113 (A) The investigative, prosecutorial, and administrative functions of the commission;

114 (B) Promulgating rules of the commission as set forth in subsection (j) of this Code
115 section;

116 (C) The selection of an individual to serve as the director of the commission who shall
117 be an active status member of the State Bar of Georgia and who shall not otherwise
118 engage in the practice of law or serve in a judicial capacity; and

119 (D) Authorization of employment of such additional staff as the commission deems
120 necessary to carry out the powers assigned to the commission.

121 (3) The hearing panel shall be responsible for:

122 (A) Adjudicating formal charges filed by the investigative panel;

123 (B) Making recommendations to the Supreme Court as to disciplinary and incapacity
124 orders; and

125 (C) Issuing formal advisory opinions on its own initiative or on the recommendation
126 of the investigative panel, subject to review by the Supreme Court, regarding the
127 Georgia Code of Judicial Conduct.

128 (f)(1) As used in this subsection, the term:

129 (A) 'Attorney' means a lawyer who has been an active status member of the State Bar
130 of Georgia for at least ten years and is a registered voter in this state.

131 (B) 'Citizen' means an individual who is neither an attorney nor a judge and who is a
132 registered voter in this state.

133 (C) 'Judge' means an elected or appointed public official who presides over a court of
134 record.

135 (2)(A) The nine members of the commission's investigative panel shall be appointed as
136 follows:

137 (i) One attorney member shall be appointed by the Governor and shall serve a term
138 of four years; provided, however, that the initial appointment shall be for two years,
139 and thereafter, successors to such member shall serve terms of four years;

140 (ii) Two judge members shall be appointed by the Supreme Court and each shall
141 serve terms of four years; provided, however, that the initial appointments shall be for
142 two and four years, respectively, as designated by the Supreme Court for each
143 appointment, and thereafter, successors to such members shall serve terms of four
144 years;

145 (iii) Two members, consisting of one attorney and one citizen, shall be appointed by
146 the President of the Senate and each shall serve terms of four years; provided,
147 however, that the initial appointment of the attorney member shall be for four years
148 and the initial appointment of the citizen member shall be for one year, and thereafter,
149 successors to such members shall serve terms of four years;

150 (iv) Two members, consisting of one attorney and one citizen, shall be appointed by
151 the Speaker of the House of Representatives and each shall serve terms of four years;
152 provided, however, that the initial appointment of the attorney member shall be for
153 three years and the initial appointment of the citizen member shall be for two years,
154 and thereafter, successors to such members shall serve terms of four years; and

155 (v) Two attorney members shall be appointed by the president of the State Bar of
156 Georgia and each shall serve terms of four years; provided, however, that the initial
157 appointments shall be for three years and one year, respectively, as designated by the
158 president of the State Bar of Georgia for each appointment, and thereafter, successors
159 to such members shall serve terms of four years.

160 (B) The investigative panel members shall annually elect a chairperson and vice
161 chairperson for such panel.

162 (3)(A) The three members of the commission's hearing panel shall be appointed as
163 follows:

164 (i) One citizen member shall be appointed by the Governor for a term of four years
165 and his or her successors shall serve terms of four years;

166 (ii) One judge member shall be appointed by the Supreme Court for a term of four
167 years; provided, however, that the initial appointment of such member shall be for
168 three years, and his or her successors shall serve terms of four years; and

169 (iii) One attorney member shall be appointed by the president of the State Bar of
170 Georgia for a term of four years; provided, however, that the initial appointment of

171 such member shall be for one year, and his or her successors shall serve terms of four
172 years.

173 (B) The judge member shall serve as the presiding officer of such panel.

174 (4) All members' initial terms shall begin on July 1, 2017, and their successors' terms
175 shall begin on July 1 following their appointment.

176 (5) A commission member shall be eligible to serve so long as he or she retains his or
177 her status as an attorney, citizen, or judge, but a vacancy shall be created by operation of
178 law when he or she no longer has the designation for which he or she was appointed.

179 Any vacancy for a member shall be filled by the appointing authority, and such appointee
180 shall serve the balance of the vacating member's unexpired term; provided, however, that
181 if the appointing authority fails to fill a vacancy within 60 days of being notified of such
182 vacancy by the commission, the Governor shall appoint a replacement member from the
183 same category of member. Any member of the commission may serve two full terms.

184 Any member appointed pursuant to subsection (c) of this Code section, for an initial term
185 as provided by this subsection, or to fill a vacancy may serve an additional two full terms.

186 (f)(g)(1) The names of the appointees Any list of nominees required by this Code section
187 shall be submitted by the appointing authorities to the Senate no later than the third
188 Monday in January. Any member appointed to the commission shall serve until the
189 Senate confirms such nominee appointee, and if an individual's name is not submitted by
190 such deadline, he or she shall not be eligible for appointment confirmation.

191 (2) If an appointee is not confirmed by the Senate, the appointing authority shall
192 promptly submit another appointee's name, notwithstanding the deadline expressed in
193 paragraph (1) of this subsection.

194 (3) If the Senate is not in session at the time an appointee's term begins or a vacancy is
195 created, an appointee for such term or to fill such vacancy shall be effective until his or
196 her name can be submitted to the Senate and his or her appointment can be confirmed at
197 the next regular session.

198 (h) Members and staff of the hearing panel shall not engage in any ex parte
199 communications regarding a disciplinary or incapacity matter of a judge, including with
200 members and staff of the investigative panel.

201 (i)(1) Each member of the commission shall be entitled to vote on any matter coming
202 before his or her respective panel unless otherwise provided by rules adopted by the
203 commission concerning recusal. The chairperson of the investigative panel and the
204 presiding officer of the hearing panel shall retain a vote on all matters except those in
205 which such chairperson or presiding officer has been recused. No commission member
206 present at a panel meeting shall abstain from voting unless he or she is recused. The rules

207 of the commission shall establish grounds for recusal and the process for allowing a
208 temporary replacement of a commission member in such circumstance.

209 (2)(A) As used in this paragraph, the term 'for cause' shall include indictment for or
210 conviction of a felony or any offense involving moral turpitude; misconduct,
211 malpractice, malfeasance, misfeasance, nonfeasance, or incapacity; failure to attend
212 three or more panel meetings or hearings in a one-year period without good and
213 sufficient reason; or abstaining from voting, unless recused.

214 (B) Removal of a panel member for cause shall be by a unanimous vote of all of the
215 appointing authorities for the members of that particular panel.

216 (3) A quorum of the investigative panel shall require at least four members to be present
217 and shall consist of at least one judge, one attorney, and one citizen. A quorum of the
218 hearing panel shall require all members to be present. A decision by a panel shall be by
219 majority vote of the members present except for minor procedural or administrative
220 matters assigned to the director, chairperson, or presiding officer, as applicable, for a
221 decision as provided by the rules of the commission.

222 (4)(A) Members of the commission shall serve without compensation but shall receive
223 the same daily expense allowance as members of the General Assembly receive, as set
224 forth in Code Section 28-1-8, for each day such member is in physical attendance at a
225 panel meeting or hearing, plus either reimbursement for actual transportation costs
226 while traveling by public transportation or the same mileage allowance for use of a
227 personal motor vehicle in connection with such attendance as members of the General
228 Assembly receive.

229 (B) Notwithstanding subparagraph (A) of this paragraph, no member shall receive such
230 expense allowance or travel reimbursement if he or she is entitled to receive an expense
231 allowance, travel reimbursement, or salary for performance of duties as a state
232 employee.

233 (C) Expense allowances and travel reimbursement shall be paid from moneys
234 appropriated or otherwise available to the commission.

235 (g)(j) The investigative panel shall promulgate rules for the commission's The Judicial
236 Qualifications Commission may adopt procedures for its own governance which comport
237 with due process and are not otherwise provided by the Georgia Constitution or this Code
238 section; provided, however, that such procedures shall not allow an individual member to
239 initiate an investigation without presenting such proposal to the other members of the
240 commission at a commission meeting rules shall be effective only upon review and
241 adoption by the Supreme Court. Such rules shall allow for a full investigation of a judge
242 only upon the approval of the investigative panel, not upon the request of an individual
243 panel member or the director. When a commission member receives information relating

244 to the conduct of a judge, such member shall provide such information to the commission's
245 director for appropriate action.

246 ~~(h) Members of the commission shall be subject to removal from the commission by an~~
247 ~~affirmative vote of six members of the commission, with the member who is subject to~~
248 ~~removal being disqualified from any such vote.~~

249 ~~(i) No person shall serve more than two consecutive terms as a member of the~~
250 ~~commission; provided, however, that any person appointed pursuant to subsection (c) of~~
251 ~~this Code section may serve for three consecutive terms as a member of the commission.~~

252 ~~(j) Notwithstanding Chapter 14 of Title 50, unless otherwise waived by the judge involved,~~
253 ~~all papers filed with and proceedings before the commission, including any investigation~~
254 ~~that the commission may undertake, shall be confidential, and no person shall disclose~~
255 ~~information obtained from commission proceedings or papers filed with or by the~~
256 ~~commission, except as provided in this Code section. Such papers shall not be subject to~~
257 ~~disclosure under Article 4 of Chapter 18 of Title 50.~~

258 (k)(1) All information regarding a disciplinary or incapacity matter of a judge shall be
259 kept confidential by the investigative panel and commission staff before formal charges
260 are filed; provided, however, that if prior to filing formal charges such judge and
261 investigative panel agree to a satisfactory disposition of a disciplinary matter other than
262 by a private admonition or deferred discipline agreement, a report of such disposition
263 shall be publicly filed in the Supreme Court.

264 (2) After the filing and service of formal charges:

265 (A) With respect to an incapacity matter of a judge, all pleadings, information,
266 hearings, and proceedings shall remain confidential; and

267 (B) With respect to a disciplinary matter of a judge, all pleadings and information shall
268 be subject to disclosure to the public and all hearings and proceedings shall be open and
269 available to the public except to the extent that such pleadings and information or
270 hearings and proceedings could be properly sealed by a court as provided by law.

271 (3) With respect to administrative and other matters, all records and information shall be
272 subject to disclosure to the public and all meetings, or portions thereof, shall be open and
273 available to the public except to the extent such records, information, and meetings
274 would:

275 (A) Disclose disciplinary matters of a judge protected in paragraph (1) of this
276 subsection;

277 (B) Disclose incapacity matters of a judge protected in paragraph (1) or
278 subparagraph (A) of paragraph (2) of this subsection;

279 (C) Be considered a matter subject to executive session, if the commission were
280 considered to be an agency under Chapter 14 of Title 50; or

281 (D) Not be required under Code Section 50-18-72, if the commission were considered
 282 to be an agency.
 283 (4) The work product of the commission and its staff and the deliberations of the
 284 commission shall remain confidential.
 285 (l) Notwithstanding subsection (k) of this Code section, information regarding a
 286 disciplinary or incapacity matter of a judge may be disclosed or the confidentiality of such
 287 information may be removed, when:
 288 (1) The privilege of confidentiality has been waived by the individual who was the
 289 subject of the commission's investigation; or
 290 (2) The commission's rules provide for disclosure:
 291 (A) In the interest of justice and to protect the public;
 292 (B) When an emergency situation exists; or
 293 (C) When a judge is under consideration for another state or federal position.
 294 ~~(k)(m)~~ Information submitted to the commission or its staff, and testimony given in any
 295 proceeding before the commission or one of its panels, shall be absolutely privileged, and
 296 no civil action predicated upon such information or testimony shall be instituted against
 297 any complainant, witness, or his or her counsel.
 298 ~~(i) If, after an investigation is completed, the commission concludes that a letter of caution~~
 299 ~~is appropriate, it shall issue a letter of caution to the judge in lieu of any further proceeding~~
 300 ~~in the matter. The issuance of a letter of caution shall be confidential in accordance with~~
 301 ~~subsection (j) of this Code section.~~
 302 ~~(m) If, after an investigation is completed, the commission concludes that disciplinary~~
 303 ~~proceedings should be instituted, the notice and statement of charges filed by the~~
 304 ~~commission, along with the answer and all other pleadings, shall remain confidential in~~
 305 ~~accordance with subsection (j) of this Code section. Disciplinary hearings ordered by the~~
 306 ~~commission shall be confidential, and recommendations of the commission to the Supreme~~
 307 ~~Court, along with the record filed in support of such recommendations, shall be~~
 308 ~~confidential in accordance with subsection (j) of this Code section. Testimony and other~~
 309 ~~evidence presented to the commission shall be privileged in any action for defamation. At~~
 310 ~~least four members of the commission shall concur in any recommendation to issue a~~
 311 ~~public reprimand against or to censure, suspend, retire, or remove any judge.~~
 312 (n) A respondent who is recommended for public reprimand, censure, suspension,
 313 retirement, or removal shall be entitled to a copy of the proposed record to be filed with the
 314 Supreme Court, and if the respondent has objections to it, to have the record settled by the
 315 hearing panel's presiding officer. The hearing panel's recommendation as to an order in a
 316 disciplinary or incapacity matter shall be reviewed by the Supreme Court in accordance
 317 with its rules and the rules of the commission, commission's chairperson. The respondent

318 shall also be entitled to present a brief and to argue the respondent's case, in person and
319 through counsel, to the Supreme Court. A majority of the members of the Supreme Court
320 voting shall concur in any order of public reprimand, censure, suspension, retirement, or
321 removal. The Supreme Court may approve the recommendation, remand for further
322 proceedings, or reject the recommendation. A member of the commission who is a judge
323 shall be disqualified from acting in any case in which he or she is a respondent.

324 (n) Upon issuance of a public reprimand, censure, suspension, retirement, or removal by
325 the Supreme Court, the notice and statement of charges filed by the commission along with
326 the answer and all other pleadings, including the recommendation of the commission to the
327 Supreme Court and the record filed in support of such recommendation, shall no longer be
328 confidential.

329 (o) When a judge knows that he or she is under investigation by the commission and a
330 commission member is representing a party before such judge, the judge shall be
331 disqualified from presiding over such matter. The findings and records of the commission
332 during an open meeting shall not be exempt from disclosure under Article 4 of Chapter 18
333 of Title 50.

334 **SECTION 3.**

335 All laws and parts of laws in conflict with this Act are repealed.

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

March 20, 2017

The Senate Committee on Judiciary held its eighth meeting of the 2017 Legislative Session on Monday, March 20, 2017, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman (Arrived late)
Sen. Blake Tillery (19th), Secretary
Sen. Harold V. Jones II (22nd)
Sen. John Kennedy (18th)
Sen. Greg Kirk (13th)
Sen. William Ligon, Jr. (3rd)
Sen. Josh McKoon (29th)
Sen. Elena Parent (42nd)
Sen. Curt Thompson (5th)
Sen. P. K. Martin, IV (9th), Ex-Officio, this meeting only

NOTE: Sen. Vincent Fort (39th) and Sen. Hunter Hill (6th) were absent.

Chairman Stone (23rd) called the meeting to order at 4:11 p.m.

HB 185, Rep. Christian Coomer (14th) Probate court; associate judges; change provisions

Sen. Stone (23rd) presented HB 185 (29 7325) to the Committee on behalf of the author. No one spoke for or against the bill.

Sen. Kirk (13th) made a motion that HB 185 **Do Pass**. Sen. Kennedy (18th) seconded the motion. The motion passed 9-0. Sen. Stone (23rd) will carry the bill in the Senate.

HB 185 DO PASS

NOTE: Sen. Cowsert (46th) arrived at 4:23 p.m.

HB 126, Rep. Wendell Willard (51st), Courts; Judicial Qualifications Commission; change provisions

Rep. Willard (51st) presented a substitute to HB 126 (LC 29 7591S) to the Committee.

Mr. Pat O'Conner, President of the State Bar, spoke in favor of the bill.

Sen. Kennedy (18th) made a motion to amend HB 126 for the purpose of creating a Committee substitute by striking the word "~~otherwise~~" on line 117 and inserting on line 118 after the words "practice of law," "other than to represent the commission,". Sen. Kirk (13th) seconded the motion. The motion passed 10-0.

Sen. McKoon (29th) made a motion to amend HB 126 for the purpose of creating a Committee substitute by replacing lines 135-141 with the following:

(2) The State Bar of Georgia may recommend to the respective appointing authorities a list of the names of at least 15 individuals for consideration to serve as attorney and citizen commission members, and may include the dean of this state's school of law.

(3)(A) The seven members of the commission's investigative panel shall be appointed as follows:

(i) One citizen member shall be appointed by the Governor and shall serve a term

By replacing lines 148-157 with the following:

(iii) Four members, consisting of three attorneys and one citizen, shall be appointed by the Supreme Court and each shall serve terms of four years; provided, however, that the initial appointment of the attorney members shall be for two, three, and four years, respectively, as designated by the Supreme Court for each appointment, and the initial appointment of the citizen members shall be for one year, and thereafter, successor to such members shall serve terms of four years.

Sen. Parent (42nd) seconded the motion. The motion failed 6-4 with Sens. McKoon (29th), Parent (42nd), Jones II (22nd), and Thompson (5th) voting in favor and Sens. Cowser (46th), Martin (9th), Kennedy (18th), Tillery (19th), Ligon, Jr. (3rd), and Kirk (13th) voting against.

Sen. Tillery (19th) made a motion that HB 126 **Do Pass by Substitute**. Sen. Cowser (46th) seconded the motion. The motion passed 8-2. Sen. Cowser (46th), Sen. Martin (9th), Sen. Jones II (22nd), Sen. Thompson (5th), Sen. Tillery (19th), Sen. Kennedy (18th), Sen. Kirk (13th), and Sen. Ligon, Jr. (3rd) voted in favor and Sen. McKoon (29th) and Sen. Parent (42nd) voted against. Sen. Kennedy (18th) will carry the bill in the Senate.

HB 126 DO PASS BY SUBSTITUTE (LC 29 7600S)

With no further business, the meeting was adjourned at 4:46 p.m.

Respectfully Submitted,

/s/ Sen. Blake Tillery (19th), Secretary

/s/ Donna Yeomans, Recording Secretary



OFFICE OF LIEUTENANT GOVERNOR

240 STATE CAPITOL
ATLANTA, GEORGIA 30334

CASEY CAGLE
LIEUTENANT GOVERNOR


March 20, 2017

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

Dear David:

In accordance with the Senate Rules, the Senate Committee on Assignments hereby appoints Senator P.K. Martin to serve as Ex-Officio for the Senate Judiciary Committee meeting on March 20, 2017. This appointment shall expire upon adjournment of the committee meeting.

Sincerely,


Lt. Governor Casey Cagle
President of the Senate

CC/tes

Cc:
Senate Committee Chairman
Fiscal Office
Appointee

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

March 23, 2017

The Senate Committee on Judiciary held its ninth meeting of the 2017 Legislative Session on Thursday, March 23, 2017, at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building. The following members were in attendance:

Sen. Jesse Stone (23rd), Chairman
Sen. Blake Tillery (19th), Secretary
Sen. Vincent Fort (39th)
Sen. Hunter Hill (6th) (Arrived late)
Sen. Harold V. Jones II (22nd)
Sen. John Kennedy (18th)
Sen. Greg Kirk (13th)
Sen. William Ligon, Jr. (3rd)
Sen. Josh McKoon (29th)
Sen. Elena Parent (42nd)
Sen. Curt Thompson (5th) (Arrived late)

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

Chairman Stone (23rd) called the meeting to order at 4:12 p.m.

NOTE: Sen. Thompson (5th) arrived at 4:17 p.m.

NOTE: Sen. Hill (6th) arrived at 4:18 p.m.

HB 5, Rep. Johnnie Caldwell, Jr. (131st), Courts; compensation of juvenile court judges; change provisions

Rep. Caldwell (131st) presented a substitute to HB 5 (LC 29 7614S) to the Committee. No one spoke for or against the bill.

Sen. McKoon (29th) made a motion that HB 5 **Do Pass by Substitute**. Sen. Kennedy (18th) seconded the motion. The motion passed 10-0. Sen. Cowsert (46th) will carry the bill in the Senate.

HB 5 DO PASS BY SUBSTITUTE (LC 29 7614S)

HB 137, Rep. Scot Turner (21st), Crimes and offenses; restrictions on contingency fee compensation of an attorney appointed in forfeiture actions; change provisions

Rep. Turner (21st) presented a substitute to HB 137 (LC 29 7258S) to the Committee. No one spoke for or against the bill.

Sen. Tillery (19th) made a motion to amend HB 137 for the purpose of creating a Committee substitute by striking the words on lines 16-21 and returning to the current

state of the law. Sen. Kennedy (18th) seconded the motion. The motion passed 6-4 with Sens. Fort (39th), Parent (42nd), Tillery (19th), Kirk (13th), Kennedy (18th) and Thompson (5th) voting in favor and Sens. Jones II (22nd), Ligon, Jr. (3rd), McKoon (29th) and Hill (6th) voting against.

Sen. McKoon (29th) made a motion to amend HB 137 for the purpose of creating a Committee substitute by striking the word “ease” on lines 22 and 23 and replacing it with the words “for the representation”. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed 10-0.

Sen. Ligon, Jr. (3rd) made a motion that HB 137 **Do Pass by Substitute**. Sen. McKoon (29th) seconded the motion. The motion passed 10-0. Sen. Ligon, Jr. (3rd) will carry the bill in the Senate.

HB 137 DO PASS BY SUBSTITUTE (LC 29 7616S)

HB 9, Rep. Shaw Blackmon (146th), Crimes and offenses; use of device to film under or through person's clothing under certain circumstances; prohibit

Rep. Blackmon (146th) presented a substitute to HB 9 (LC 29 7601S) to the Committee. No one spoke for or against the bill.

Sen. Hill (6th) made a motion to amend HB 9 for the purpose of creating a Committee substitute by replacing lines 26 through 29 with “(c) Any person convicted of violating the Code section shall be guilty of and punished as for a misdemeanor and, upon a second or subsequent conviction thereof, shall be punished by imprisonment of not less than one year nor more than five years, a fine of not more than \$10,000.00, or both, or in the discretion of the court, as for a misdemeanor.” Sen. Parent (42nd) seconded the motion. The motion passed 10-0.

Sen. Hill (6th) made a motion that HB 9 **Do Pass by Substitute**. Sen. Kennedy (18th) seconded the motion. The motion passed 10-0. Sen. Walker (20th) will carry the bill in the Senate.

HB 9 DO PASS BY SUBSTITUTE (LC 29 7617S)

HB 197, Rep. Sam Teasley (37th), Fair Business Practices Act; requirements for solicitations of services for obtaining a copy of an instrument conveying real estate; provide

Rep. Teasley (37th) presented HB 197 (LC 39 1481) to the Committee. No one spoke for or against the bill.

Sen. Tillery (19th) made a motion that HB 197 **Do Pass**. Sen. Kirk (13th) seconded the motion. The motion passed 10-0. Sen. Kennedy (18th) will carry the bill in the Senate.

HB 197 DO PASS

NOTE: Sen. Hill (6th) left at 5:06 p.m.

HB 203, Rep. Brian Strickland (111th), Breach of restrictive covenants; provide accrual periods of rights of action; provisions

Rep. Strickland (111th) presented HB 203 (LC 41 1042S) to the Committee. No one spoke for or against the bill.

Sen. Ligon, Jr. (3rd) made a motion that HB 203 **Do Pass**. Sen. Thompson (5th) seconded the motion. The motion passed 9-0. Sen. Jeffares (17th) will carry the bill in the Senate.

HB 203 DO PASS

NOTE: Sen. Hill (6th) returned at 5:11 p.m.

HB 293, Rep. Deborah Silcox (52nd), Evidence; procedure relating to child's testimony of sexual contact or physical abuse; provide effective date

Rep. Silcox (52nd) presented HB 293 (LC 29 7366) to the Committee. No one spoke for or against the bill.

Sen. Kirk (13th) made a motion that HB 293 **Do Pass**. Sen. Fort (39th) seconded the motion. The motion passed 10-0. Sen. Hill (6th) will carry the bill in the Senate.

HB 293 DO PASS

HB 308, Rep. Beth Beskin (54th), Domestic relations; child support; enact provisions recommended by Georgia Child Support Commission

Rep. Beskin (54th) presented HB 308 (LC 41 1075S) to the Committee. No one spoke for or against the bill.

Sen. Parent (42nd) made a motion that HB 308 **Do Pass**. Sen. Jones, II (22nd) seconded the motion. The motion passed 10-0. Sen. Parent (42nd) will carry the bill in the Senate.

HB 308 DO PASS

HB 344, Rep. Katie Dempsey (13th), Paternity; parties beyond movants in a child support case request a genetic test; allow

Rep. Dempsey (13th) presented HB 344 (LC 41 0944) to the Committee. No one spoke for or against the bill.

Sen. Kirk (13th) made a motion that HB 344 **Do Pass**. Sen. Kennedy (18th) seconded the motion. The motion passed 10-0. Sen. Kirk (13th) will carry the bill in the Senate.

HB 344 DO PASS

HB 497, Rep. Chuck Efstration (104th), Juvenile proceedings; filing a petition for delinquency when informal adjustment or other nonadjudicatory procedures are used; extend period

Rep. Efration (104th) presented HB 497 (LC 41 1192S) to the Committee.

Rep. Regina Quick (117th) spoke in opposition to the bill.

This was a hearing only and no action was taken.

HEARING ONLY

NOTE: Sen. Hill (6th) left at 5:42 p.m.

NOTE: Sen. Kennedy (18th) left at 6:35 p.m.

HB 51, Rep. Earl Ehrhart (36th), Postsecondary institutions; reporting and investigation of certain crimes by officials and employees; provide manner

Rep. Ehrhart (36th) presented a substitute to HB 51 (LC 29 7615ERS) to the Committee.

Mr. Charles Jones, from Families Advocates Campus Equality, and Mr. Nick Nesmith, a law student, spoke in favor of the bill.

Ms. Lisa Anderson from Atlanta Women for Equality; Ms. Venkayla Haynes, Ms. Grace Starling and Ms. Jessica Caldas, law students; Dr. Susanna Baxter from the Georgia Independent College Association; Ms. Helen Robinson from the YWCA; Mr. Daniel Carter from SurvJustice; and Ms. Jennifer Bivins from Georgia Network to End Sexual Assault spoke in opposition to the bill.

Sen. Kirk (13th) made a motion to table HB 51. Sen. Thompson (5th) seconded the motion. The motion passed 8-0.

HB 51 TABLED

NOTE: Sen. Thompson (5th) left at 7:14 p.m.

HB 159, Rep. Bert Reeves (34th), Domestic relations; adoption; substantially revise general provisions

The Senate Rules Committee recommitted HB 159 to the Senate Judiciary Committee. Rep. Reeves (34th) presented HB 159 (LC 29 7571ERS) to the Committee.

Rev. Beth LaRocca-Pitts from Saint Mark United Methodist Church; Ms. Melissa Carter from the Barton Law Clinic; and Ms. Kathy Colbenson from CHRIS 180 spoke in opposition to the Committee substitute, but in favor of the original bill.

This was a hearing only and no action was taken.

HEARING ONLY

With no further business, the meeting was adjourned at 7:43 p.m.

Respectfully Submitted,

/s/ Sen. Blake Tillery (19th), Secretary

/s/ Donna Yeomans, Recording Secretary

March 30, 2017

Office of the Secretary of the Senate
353 State Capitol
Atlanta, Georgia 30334

Dear Mr. Cook:

On behalf of the Senate Judiciary Chairman, Sen. Jesse Stone (23rd), and as recording secretary for the committee, the following committee bills and resolutions are respectfully returned to you.

Senate Bill 39

Senate Bill 86

Senate Bill 72

Senate Bill 74

Senate Bill 80

Senate Bill 92

Senate Bill 94

Senate Bill 119

Senate Bill 120

Senate Bill 135

Senate Bill 136

Senate Bill 145

Senate Bill 162

Senate Bill 177

Senate Bill 185

Senate Bill 187

Senate Bill 204

Senate Bill 212

Senate Bill 231

Senate Bill 234

Senate Bill 236

Senate Resolution 34

House Bill 51

House Bill 159

House Bill 497

No action was taken by the committee on the above legislation for the 2017 legislative Session.

Respectfully Submitted,

Donna Yeomans,
Recording Secretary