



2014 Georgia General Assembly Summary

Submitted by Shelley A. Senterfitt, Legislative Counsel
ssenterfitt@skfamilylaw.com or (404) 588-3000

The General Assembly adjourned sine die at midnight on March 20, 2014. Because this was the second year of a two-year session, any bill that did not pass is dead and will need to be reintroduced next year. The next legislative session will begin on January 12, 2015.

The following summary includes bills that **PASSED** and have been signed into law by the Governor. Unless otherwise specified, the new laws will become effective as of July 1, 2014.

STATE BUDGET

The Governor signed the FY 2015 Budget without any line item vetoes. Highlights from the \$20.8 Billion state budget include:

Dept. of Human Services:

- Maintained FY 2014 funding levels for domestic violence and sexual assault programs
- Added \$7.3 million for 175 additional child protective service workers and \$911,872 for 16 new positions in the Child Protective Services Intake Communication Center

Judicial Council:

- Added \$386,251 in funding for civil legal services for domestic violence victims

Governor's Office for Children & Families:

- Transferred \$279,000 in state administrative funds and 5 staff positions out of GOCF and into the Criminal Justice Coordinating Council (CJCC) for the administration of domestic violence and sexual assault programs
- Transferred \$991,680 in federal funds and 1 staff position out of GOCF and into the CJCC for the prevention of the commercial sexual exploitation of children
- Transferred \$260,545 in state funds out of GOCF and into the CJCC for juvenile justice system improvements
- Transferred \$1,175,000 in federal funds out of GOCF and into the Department of Human Services (DHS) for the child advocacy centers
- Transferred \$1,179,684 in state funds out of GOCF and into DHS for child abuse and neglect prevention

POLICY HIGHLIGHTS

HB 804 authorizes testimony by a child under the age of 17 years to be provided by closed circuit television in prosecutions for domestic and sexual violence. A court must determine that testifying in the presence of the defendant would cause the child serious psychological distress and interfere with the child's ability to communicate.

HB 838 creates a high and aggravated misdemeanor offense for transmitting or posting online sexually explicit images for the purpose of harassment or financial loss.

HB 911 creates a felony offense for strangulation assault. This bill was a priority for GCADV, the GA Commission on Family Violence, and numerous prosecutor and law enforcement organizations.

SB 187 extends the timeframe for initial applications for crime victims compensation funding to three years from the date of the offense; the current timeframe is one year. It also expands those eligible for this funding to include victims of aggravated assault with the intent to rape, victims of any offense involving physical force, and victims of any other felony offense involving the risk of physical force. Compensation can be given to those who suffer a physical injury or a serious emotional trauma, whether as a victim of a crime or from being present during the commission of a crime. The bill also allows crime victims compensation funding to pay for child forensic examinations. This language was originally in **HB 797** but was later attached to **SB 187**.

POLICY LOWLIGHTS

HB 60 has been dubbed the “guns everywhere” bill, because it dramatically expands the locations where guns may be carried, including bars, churches, and some government buildings. It also expands the applicability of the so-called “stand your ground” defense to include individuals who are otherwise legally barred from possessing firearms. The substance of the bill was originally in **HB 875** but it was amended onto **HB 60** in the final days of the session.

HB 772 requires applicants and recipients of Food Stamps and TANF who are suspected of drug use to pass a drug test in order to be eligible. The applicants and recipients must pay for this drug test and will not be reimbursed, even if they test negative. Photos will also be required for Food Stamp EBT cards. This legislation is likely to face a legal challenge.

SB 98 would prohibit any insurance plan sold within Georgia via any state or federal health insurance exchange from covering abortions. It does not include an exception for cases of rape, incest, or where the woman’s health was in danger. The bill also codifies the restriction adopted by the Department of Community Health in 2013 which prohibits coverage of abortions by the State Health Benefit Plan. The legislation became effective on April 21, 2014.

HR 415 will allow a constitutional amendment to be on the ballot in November to cap state income taxes at the current level. If this measure passes, it will significantly limit the amount of revenue available to fund critical services and may lead to increases in the sales tax to make up for the lost revenue.

OTHER LEGISLATION OF INTEREST

HB 449 creates an exemption from the Open Records Act for audio recordings of 911 calls that contain “speech in distress or cries in extremis” by a minor child or by a person who died. Transcripts of such calls will still be available.

HB 770 creates the offense of home invasion. First degree home invasion is committed when a person enters an occupied dwelling of another with the intent to commit a felony and while in possession of a deadly weapon. Second degree home invasion is committed under the same circumstances except with the intent to commit a forcible misdemeanor.

HB 845 prohibits the posting of arrest booking photographs online.

SB 282 made largely technical corrections to the child support guidelines. The House version of the bill, **HB 701**, did not pass.

Other legislation impacting domestic violence survivors that DID NOT PASS

Access to Services

HB 1023/SB 377 purported to create a state law similar to the federal Religious Freedom Restoration Act (RFRA) which prohibits the government from forcing an entity to do or not do something if it violates religious beliefs. However, these

bills were much broader than the federal RFRA, causing concern that same-sex victims of domestic violence could be denied access to services and the full protection of the law in the event that someone claimed their religious beliefs prohibited them from assisting those in same-sex relationships.

Family Law

HB 684 would require divorcing parents of minor children to complete 8 hours of educational classes regarding the impact of divorce on children. It would also require the parties to wait 320 days after service of the petition on the respondent before a divorce could be granted. While the bill does contain a limited domestic violence exception, this bill would have the unintended consequence of making it more difficult for some survivors to get a divorce.

HB 972 would add new requirements for parenting plans and requires a showing of “actual harm” to a child in order to place restrictions on parenting time.

Criminal Justice

HB 1064 would expand the offense of harassing phone calls to include electronic communications made via cell phone or online. This offense is a misdemeanor.

Sexual Assault

HB 771 would extend the statute of limitations for civil law suits against the perpetrators of childhood sexual abuse.

Teen Dating Violence

HB 882 would require the State Board of Education to incorporate the “Love Is Not Abuse” curriculum into the rape prevention educational program promulgated for local school boards.

Immigration

SB 404 would have prohibited those with deferred action status (including U-Visa applicants) from obtaining a drivers license.

SR 1031 would allow a constitutional amendment on the ballot to declare English as the official language of Georgia. The practical impact of such a measure is far-ranging, including a ban on offering the drivers license test in any other language.

Economic Security

HB 138 sought to restrict the use of electronic benefit transfer (EBT) cards at certain establishments such as liquor stores and strip clubs and to prohibit the use of EBT cards for certain purchases such as alcohol, tobacco, and pornography. At one point, legislators debated restricting the use of EBT cards at all ATM machines, but this language was ultimately not included in the bill.

HB 290, the Family Care Act, would require employers that offer sick leave to allow employees to use such leave to care for ill children, spouses, or parents.