



2013 Georgia General Assembly Summary

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The General Assembly adjourned sine die at midnight on March 28, 2013. Because this is the first year of a two-year session, any bill that did not pass will carry over to next session which will begin on January 13, 2014.

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, 2013.

Highlights for the domestic violence community

SB 86 allows law enforcement to arrest those who violate a stay-away condition of bond or probation. Prior law required law enforcement to seek to revoke the bond or probation of an offender who violated any stay-away conditions, a process which could take weeks and create safety risks for victims. SB 86 remedies this problem and gives law enforcement a significant new tool to protect victims and hold abusers accountable. It became law on May 6, 2013.

HB 78 updates the elder abuse code. It adds sexual abuse and financial exploitation to the definition of elder abuse and improves the mandatory reporting process.

HB 141 requires certain businesses, such as strip clubs and truck stops, to post notices with the national human trafficking hotline by September 15, 2013. The law became effective on May 6, 2013 but will be repealed on January 1, 2019.

HB 146 was amended to add the language of **HB 145** which updates the good behavior bond statute with changes requested by the Council of Magistrate Court Judges. A good behavior bond may be sought in cases where harm has been threatened but which may not warrant a temporary protective order. HB 146 requires that a hearing be held within 7 days of the application for the bond but allows for a bond to be entered without a hearing in cases of imminent danger of injury.

HB 156 revises the “sexting” statute which addresses the electronic transmission of sexually explicit photographs by minors. The legislation was brought to avoid criminalizing consensual sexual communications between minors.

HB 242 makes major updates to the juvenile code, including the process for delinquency and deprivation cases. In addition, the bill was amended to include **HB 219** which allows for juvenile court records to be sealed if the child was a victim of human trafficking. HB 242 was also amended to include **HB 369** which clarifies when a superior court may terminate parental rights in a domestic relations proceeding. The bill becomes law on January 1, 2014.

HB 349 is Governor Deal’s criminal justice reform bill. It includes two provisions that are relevant to the domestic violence community. First, the bill permits the court to depart from the mandatory minimum

sentences for sex crimes if the prosecution and defense agree. Second, HB 349 raises the age of the child hearsay statute from 14 to 16 years of age to allow a child's out of court statement regarding sexual or physical abuse to be admissible in certain circumstances. It also raises the age under which a child may not be compelled to testify from 14 to 16. The bill also makes the Governor's Council on Criminal Justice Reform permanent.

HB 480 allows victim witness personnel to remain in the courtroom while a child under the age of 16 testifies regarding a sex crime.

HR 113 honors the Georgia Commission on Family Violence for completing its strategic plan.

Other legislation of interest

SB 1 requires health insurance companies to give both parents equal access to a child's policy information unless a court restricts a parent's access.

SB 66 raises the penalty for civil contempt from \$500 to \$1000.

SB 160 and **HB 125** initially addressed employers' compliance with immigration requirements, but the bills were expanded during the legislative process to amend the definition of "public benefits" which require verification of lawful presence as well as "secure and verifiable document" which is required to prove lawful presence. The bills were combined in conference committee and SB 160 was ultimately passed.

SB 193 (identical to **HB 236**) updates the Uniform Interstate Family Support Act (UIFSA) which addresses child support cases in which the parents live in different states.

SB 204 clarifies that direct appeals may be taken in child custody cases awarding, refusing to change, or modifying custody and related contempt orders. It became law on May 6, 2013.

HB 142 and **HB 143** revise the ethics statutes governing legislators and lobbyists. The legislation limits lobbyist gifts to \$75 per elected official. It broadens the definition of "lobbyist" but provides an exemption for those who are not compensated more than \$250 for lobbying and removes the lobbyist registration fee.

HB 150 prohibits websites that post arrestee booking photographs from charging a fee to remove such pictures in certain cases. It became law on May 6, 2013.

HB 454 clarifies the elements for a tax expenditure review which analyzes the costs and benefits of tax breaks passed by the legislature. It became law on May 7, 2013.

HR 502 creates the Joint Study Committee on Mental Health and Gun Violence. It became law on May 7, 2013.

State budget

The Governor signed the FY 2014 Budget without any line item vetoes. Highlights from the \$19.8 Billion state budget include:

Dept. of Human Services

- Maintained FY 2013 funding levels for domestic violence and sexual assault programs
- Transferred \$279,000 in administrative funds to GOCF for the administration of domestic violence and sexual assault programs

Governor's Office for Children & Families

- Directed GOCF to present a plan to the Legislature by July 1, 2014 to convert domestic violence program grants to an updated formula to be phased in incrementally over a three-year period
- Expressed the legislative intent that grants administered by GOCF not be penalized for administrative errors without a 30 day grace period
- Expressed the legislative intent that GOCF use the formula from FY 2013 for domestic violence program funding in FY 2014

Criminal Justice Coordinating Council

- Provided \$5M in new funding for Juvenile Incentive Funding Grant programs related to the juvenile code rewrite

Georgia Commission on Family Violence

- Reduced budget by 1.5% in accordance with Governor's directive to reduce all state agencies' budgets

Other legislation impacting domestic violence survivors that DID NOT PASS

Victims' Rights

HR 827 would create the House Study Committee on Stopping Abusive and Violent Environments for All Citizens of Georgia to examine whether the non-discrimination provisions of the Violence Against Women Act have been implemented in Georgia.

SB 232 would require prosecutors to notify victims of assistance available under the federal Trafficking Victims Protection Act, including immigration information.

SB 233 would establish a funding stream for services for commercially sexually exploited children (CSEC) by adding a \$2,500 penalty to each conviction for trafficking a person for sexual servitude and prostitution related offenses. It would also create the Safe Harbor for Sexually Exploited Children Fund Commission.

SR 416 would provide for a constitutional amendment on the November 2014 ballot to dedicate the penalties imposed in **SB 233** to services for CSEC victims.

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.

Firearms

SB 101 and **HB 512** were the two bills expanding access to firearms which gained the most traction. These bills would allow for the concealed carrying of guns on college campuses and in bars, churches, and certain government buildings; for the confidentiality of all probate court records regarding weapons licenses; and for 18-21 year olds to obtain a concealed carry permit if they have engaged in military service. The two bills were combined in a conference committee, but negotiations broke down on the final day of the session. It is widely expected that some version of gun legislation will be passed next session.

Teen Dating Violence

HB 429 would require local boards of education to report incidents of bullying on an annual basis to the Department of Education.

Economic Security

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.

HB 427 would prohibit public employers from discriminating based on sexual orientation and gender identity.

SB 163 originally addressed a study committee on Medicaid reform, but it was amended in the final days of the session to prohibit the use of electronic benefit transfer (EBT) cards at any ATM and at certain establishments such as liquor stores and strip clubs. **HB 138**, **HB 181**, also dealt with this issue but this bill did not move. EBT cards are used to provide TANF and food stamps. DHS may begin providing child support payments on EBT cards. Restricting the use of EBT cards at ATM machines would limit access to critical financial resources for survivors.

Reproductive Healthcare

SB 98 would prohibit any insurance plan from covering abortions. It does not include an exception for cases of rape, incest, or where the woman's life was in danger.

SB 164 would prohibit the State Health Benefit Plan from covering abortions. This language was also added to **HB 246**.

SR 420 would propose a constitutional amendment to define life as beginning at fertilization which would lay the foundation to ban some forms of birth control as well as abortion.