



## 2011 Georgia General Assembly Summary

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The General Assembly adjourned sine die just before midnight on April 14, 2011. Gov. Deal now has 40 days to sign or veto bills or to allow them to become law without his signature. Because this is the first year of a two-year session, any bill that did not pass will still be alive next session. Governor Deal intends to call the Legislature back to Atlanta in August for a special session on redistricting, although there is speculation that tax reform will be added to the agenda. The next regular session will begin on January 9, 2012.

The following summary includes bills that **PASSED** and have been sent to the Governor.

### **KEY PORTIONS of the \$18.3 Billion state budget**

#### *Dept. of Human Services:*

- Retained \$1 Million in state funding for domestic violence programs but replaced \$2.7 Million in state funds with Temporary Assistance to Needy Families (TANF) funding. Added \$1.655 Million in new TANF funds for domestic violence programs. Included language to require that funds be administered “in the most efficient and timely manner.”
- Retained \$655,000 in state funding for sexual assault programs.
- Added 400 new slots for subsidized childcare

#### *Dept. of Community Health:*

- Cut \$865,000 in TANF funds to teen centers
- Cut \$414,000 in TANF funds for family planning
- Restored \$2.8 Million for the Children First program’s 0-5 year screenings
- Rejected proposed cuts to grant-in-aid to county boards of health
- Adopted new copayments for PeachCare members ages 6 and older

### **POLICY HIGHLIGHTS:**

**HB 200** makes significant improvements to Georgia’s human trafficking laws. Rep. Edward Lindsey sponsored this legislation with the support of Attorney General Sam Olens. HB 200 will: 1) enhance the penalties for human trafficking, including lengthy prison sentences, fines of up to \$100,000, and forfeiture of the trafficker’s property; 2) provide an affirmative defense for sexual crimes such as prostitution if the defendant can show that she or he was coerced into the sexual conduct; 3) allow trafficking victims to receive Crime Victims Compensation Funds for their medical and counseling expenses; 4) enable the GBI to investigate human trafficking offenses; and 5) require new training to be developed on human trafficking for law enforcement and require law enforcement to inform trafficking victims of available resources for assistance.

**HB 265** creates a Council on Criminal Justice Reform.

### **Bills that PASSED (continued)**

**HB 500** expands the Georgia Work Ready program to provide a work readiness program to job seekers. In the final hours of the General Assembly, this bill was amended to make a technical correction necessary to allow Georgia to draw down \$175 million in extended unemployment benefits through the end of this year. Such funds will help 22,000 Georgians receive benefits each month.

**HB 503** authorizes the Crime Victims Compensation Fund to pay for forensic examinations in sexual assault cases. Currently, some victims are being asked to pay for these exams.

**SB 39** authorizes courts to create special mental health courts.

**SB 94** is the Runaway Youth Safety Act (formerly HB 185.) This legislation will protect homeless youth service providers from being prosecuted for interference with custody so long as they notify a child's parent or guardian within 72 hours of assisting the child. Hopefully, this bill will expand the number of shelters willing to serve homeless youth, including children who have been sexually exploited.

### **POLICY LOWLIGHTS:**

**HB 87** addresses illegal immigration. Among other provisions, the bill will allow law enforcement to verify the immigration status where there is probable cause to believe the suspect has committed a criminal offense. Concerns have been raised that undocumented victims of domestic violence may be reluctant to call the police for help if they fear that their status may be checked. GCADV worked with the sponsor of the bill to include language that emphasized that if a person has contact with law enforcement to report a crime, seek assistance as a crime victim, or serve as a witness to a crime, law enforcement may not check their immigration status.

The bill also creates new offenses for transporting and harboring illegal immigrants. GCADV worked with the sponsor of the bill to include language that excludes "a person providing services to infants, children, or victims or crime" from the harboring provision. The sponsor also agreed to include language that states that, in order for someone to be committing the offense of transporting, they must also be committing some other criminal offense and must be transporting "for the purpose of furthering the illegal presence of the alien in the United States." In the last days of the session, language was also added to both the harboring and the transporting provisions to provide that privately-funded nonprofit providers could not be charged.

For more information, please refer to "Georgia's HB 87: What Domestic Violence Programs Need to Know," a document created by GCADV that was emailed to domestic violence programs on May 9, 2011.

### **OTHER LEGISLATION OF INTEREST:**

**SB 112** creates new rights and procedures for deployed military families involved in custody cases.

**SB 115** excludes foster care payments from gross income for child support calculations.

### **Bills that PASSED (continued)**

**SB 139** provides that if a child custody case is appealed, the trial court's order will stand pending the appeal unless the trial court provides otherwise. The bill was amended to add HB 525 which clarifies jurisdiction in domestic relations cases over out of state parties.

### **Other legislation impacting domestic violence survivors that DID NOT PASS:**

#### **Criminal Justice**

**HB 14** would change the term "victim" to "accuser" in domestic violence, sexual assault, and stalking offenses.

**HB 155** would require a show cause hearing for the issuance of good behavior bonds.

**HB 342** would expand the criminal offense of violating a protective order to include the violation of special conditions of bond.

**HB 402** addresses the expungement of criminal records.

**HB 478** addresses the expungement of criminal records.

**HB 493** would expand the definition of family violence to include harm to a pet.

**SB 50** would add the 5% add-on fee to the priority list that determines how partial payments of criminal fines are divided.

**SB 118** addresses the expungement of criminal records.

**SB 144** addresses the expungement of criminal records.

#### **Temporary Protective Orders**

**SB 52** would require sheriffs to notify the victim when a temporary protective order is served on the abuser.

#### **Teen Dating Violence**

**HB 283** would require the State Board of Education to incorporate teen dating violence curricula such as the Love is Not Abuse curriculum into the teen dating violence program.

**SB 46** would require local boards of education to adopt a teen dating violence policy and curriculum.

#### **Firearms**

**HB 54** would repeal the gun ban in churches.

**HB 55** would repeal the gun ban in schools.

## **Bills that DID NOT PASS (continued)**

### **Firearms (continued)**

**SB 26** would prohibit restrictions on gun sales and possession during states of emergency. This bill was amended in the House Judiciary Committee to prohibit such restrictions at all times. Recognizing the unintended consequences of such a provision, particularly for victims of domestic violence, the bill was sent back to committee where members voted to restore the original language.

**SB 98** would expand the locations where concealed carry permit holders may carry guns.

**SB 102** would expand the locations where guns may be carried, including churches and airports.

### **Immigration**

**HB 72** would require the driver's license exam to be given in English only.

**HB 296** would require the Board of Education and Dept. of Community Health to track the undocumented persons served.

**SB 40** was similar to HB 87, the immigration reform bill, which passed.

**SB 104** would prohibit local governments from enacting policies that limit or restrict the enforcement of immigration laws.

**SB 174** would require all jails to participate in the federal Secure Communities program.

### **Civil & Criminal Practice**

**HB 422** would eliminate the marital privilege in domestic violence cases.

**HB 656** would provide for confidentiality of the communications between victims and domestic violence and sexual assault advocates.

**SB 107** would increase the penalties available for contempt of court.

### **Economic Security**

**HB 311** is the Parent Protection Act and would require employers to allow employees to take time off from work for medical appointments for themselves or family members and for school conferences.

**HB 432** would require employers who offer sick leave to permit employees to use such leave to care for a child, spouse, or parent.

**HB 630** would prohibit public employers from discriminating based on sexual orientation and gender identity.

## **Bills that DID NOT PASS (continued)**

### *Tax & Budget Policy*

**HB 385-388** included some of the recommendations of the Special Council on Tax Reform, including lowering the personal income tax rate, creating a new tax on vehicle sales and repairs, and replacing a variety of telecommunications fees with a new tax. The cost of these changes ranged from \$141 million to \$300 million. Because of concerns about how to fill this hole in an already depleted state budget, the tax reform proposals were tabled for this session.

**HR 425** would allow a constitutional amendment to permit state funding of faith-based organizations.

**SR 20** would allow a constitutional amendment to cap spending based on population growth and inflation. This measure is similar to a law passed in Colorado which was later suspended because the state could not fund essential services with such funding limits.

### *Reproductive Healthcare*

**SB 4 & SB29** would prohibit any insurance plan offered through the new health exchange from covering abortions. SB 4 included an exception for cases of rape, incest, or where the woman's life was in danger. Such language was added to SB 177 late in the session, but a House floor amendment eliminated the exception for rape, incest, or the life of the woman. Although SB 177 passed the House, the Senate declined to take further action.

**SB 209 & HB 89** would ban abortions after 20 weeks under the theory that fetuses can feel pain.

**SB 210** would allow lawsuits to be filed against anyone involved in performing an abortion in violation of Georgia law.

**SR 153** 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.

### *Miscellaneous*

**HB 464** would require random drug testing for recipients of public assistance.

**HB 633** would create a statewide system for child abuse reporting.