

House Bill 792

By: Representatives Mills of the 21st, Wiles of the 34th, Richardson of the 26th and Jackson of the 112th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to
2 victim compensation, so as to define a term; to change certain provisions relating to persons
3 eligible for awards; to change certain provisions relating to creation of the Georgia Crime
4 Victims Emergency Fund and the administration and moneys of and payments from such
5 fund; to amend Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
6 registration and licensing of vehicles, so as to provide for a special license plate promoting
7 child abuse prevention and providing financial support for victims of the offense of cruelty
8 to children in the first degree; to provide for purposes, design, applications, fees, issuance,
9 revenues, renewals, and transfers; to change certain provisions relating to space for county
10 name decal; to provide for related matters; to provide legislative declarations; to repeal
11 conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 The General Assembly declares that this Act is enacted pursuant to the provisions of Article
15 III, Section VI, Paragraph VI(f) of the Constitution.

16 **SECTION 2.**

17 Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to victim
18 compensation, is amended in Code Section 17-15-2, relating to definitions, by striking
19 paragraph (3) and inserting in lieu thereof the following:

20 "(3) 'Crime' means:

21 (A) An act which constitutes a violent crime as defined by state or federal law which
22 results in physical injury or death to the victim or which constitutes the offense of
23 cruelty to children in the first degree as defined by Code Section 16-5-70 and which is
24 committed:

25 (i) In this state;

1 (ii) In a state which does not have a victims' compensation program, if the victim is
2 a resident of this state; or

3 (iii) In a state which has compensated the victim in an amount less than the victim
4 would be entitled to pursuant to this chapter, if the victim is a resident of this state;

5 (B) An act which constitutes international terrorism as defined in 18 U.S.C. Section
6 2331 which results in physical injury or death to the victim, if the victim is a resident
7 of this state and is outside the territorial boundaries of the United States when such act
8 is committed; or

9 (C) An act of mass violence which results in physical injury or death to the victim, if
10 the victim is a resident of this state and is outside the territorial boundaries of the
11 United States when such act is committed."

12 SECTION 3.

13 Said chapter is further amended in subsection (a) of Code Section 17-15-7, relating to
14 persons eligible for awards, by inserting a new paragraph (2.1) to read as follows:

15 "(2.1) A custodial parent or guardian of a victim of the offense of cruelty to children in
16 the first degree as defined by Code Section 16-5-70;"

17 SECTION 4.

18 Said chapter is further amended in Code Section 17-15-10, relating to creation of the Georgia
19 Crime Victims Emergency Fund and the administration and moneys of and payments from
20 such fund, by striking paragraph (2) of subsection (b) and inserting in lieu thereof the
21 following:

22 "(2) The funds placed in the fund shall also consist of all moneys appropriated by the
23 General Assembly, if any, for the purpose of compensating claimants under this chapter
24 and money recovered on behalf of the state pursuant to this chapter by subrogation or
25 other action, recovered by court order, received from the federal government, received
26 from additional court costs, received from specific fee or tax proceeds allocated to the
27 fund, received from other assessments or fines, or received from any other public or
28 private source pursuant to this chapter."

29 SECTION 5.

30 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
31 licensing of vehicles, is amended by adding a new Code Section 40-2-86.6 to read as follows:

1 "40-2-86.6.

2 (a) In order to promote child abuse prevention and provide financial support for victims
3 of the offense of cruelty to children in the first degree, there shall be issued beginning
4 January 1, 2002, special license plates under this Code section.

5 (b) The commissioner shall design a special distinctive license plate appropriate for the
6 purposes provided by this Code section. Such special license plate shall be of the same size
7 as general issue motor vehicle license plates and shall include a unique design and an
8 identifying number of not more than six digits. No two recipients shall receive identically
9 numbered plates. Such design shall not include a space for a county name decal but shall
10 instead bear the legend 'Prevent Child Abuse' in lieu of the name of the county of issuance.

11 (c) The design of the initial edition of such special license plate, as well as the design of
12 subsequent editions, shall be owned solely by the State of Georgia for its exclusive use and
13 control, except as authorized by the commissioner. The commissioner may take such steps
14 as may be necessary to give notice of and protect such right, including the copyright or
15 copyrights. However, such steps shall be cumulative of the ownership and exclusive use
16 and control established by this subsection as a matter of law, and no person shall reproduce
17 or otherwise use such design or designs, except as authorized by the commissioner.

18 (d) On and after January 1, 2002, any Georgia resident who is the owner of a motor
19 vehicle, except a vehicle registered under the International Registration Plan, upon
20 complying with the motor vehicle laws relating to registration and licensing of motor
21 vehicles and upon the payment of a special fee of not more than \$25.00 in addition to the
22 regular motor vehicle registration fee, shall be issued a special license plate under this Code
23 section in lieu of a general issue license plate. Any application for such special license
24 plate shall be submitted during the owner's registration period, and such special license
25 plate shall be issued within 30 days of such application. Revalidation decals shall, upon
26 payment of fees required by law and collected by the county tag agent and remitted to the
27 state as provided in Code Section 40-2-34, be issued for such special license plates in the
28 same manner as provided for general issue license plates.

29 (e) The funds derived from the payment of special fees for such special license plates, less
30 a \$1.00 processing fee which shall be granted to county tag offices per plate sold and less
31 the actual cost of manufacturing the plates, shall be deposited in the Georgia Crime Victims
32 Emergency Fund created by Code Section 17-15-10. Amounts deposited in such fund
33 pursuant to this subsection shall be separately accounted for and shall be used only for
34 providing victim compensation awards to eligible custodial parents or guardians of victims
35 of the offense of cruelty to children in the first degree as provided in Chapter 15 of Title
36 17; provided, however, that the provisions of this subsection shall not prevent use of other
37 moneys in such fund for such purpose in accordance with said chapter.

1 (f) Special license plates issued under this Code section shall be transferred from one
2 vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80."

3 **SECTION 6.**

4 Said chapter is further amended by striking Code Section 40-2-81, relating to space for
5 county name decal, and inserting in lieu thereof the following:

6 "~~40-2-81~~ 40-2-9.

7 ~~(a) Except as provided in subsection (b) of this Code section, any~~ Any metal five-year
8 special, distinctive, or prestige license plate, except those provided for in Code Section
9 40-2-61, Code Section 40-2-62, and Code Section 40-2-82 or as otherwise expressly
10 provided in this chapter, ~~issued or reissued as authorized in this article from and after July~~
11 ~~1, 1985~~, shall contain a space for a county name decal; and the provisions of this chapter
12 relative to county name decals shall be applicable to all such license plates.

13 ~~(b) The requirements of subsection (a) of this Code section shall apply to the following on~~
14 ~~or after January 1, 1990:~~

15 ~~(1) License plates provided for in Code Section 40-2-38;~~

16 ~~(2) License plates provided for in Code Sections 40-2-63 through 40-2-77; or~~

17 ~~(3) License plates issued to school buses, ambulances, or forest products haulers."~~

18 **SECTION 7.**

19 Said chapter is further amended by reserving the designation of Code Section 40-2-81.

20 **SECTION 8.**

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