

House Resolution 1170

By: Representatives Hitchens of the 161st, Smith of the 18th, Williams of the 145th, Petrea of the 166th, and Collins of the 68th

A RESOLUTION

1 Creating the House Study Committee on Georgia Driving Under the Influence Law; and for
2 other purposes.

3 WHEREAS, like all criminal cases, prosecution of driving under the influence (DUI) cases
4 depends on the ability of police to gather evidence and the ability of prosecutors to present
5 that evidence to a judge or jury; and

6 WHEREAS, the main sources of evidence in DUI cases are driving behavior, law
7 enforcement officers' observations of a driver during personal contact, standardized field
8 sobriety tests, and chemical tests of the driver's breath, blood, or urine; and

9 WHEREAS, while jurors are rarely experts in DUI investigations, most are savvy enough
10 to know that police have tools to show a driver's impairment; and

11 WHEREAS, historically, prosecutors have been permitted to either present DUI evidence or
12 inform a jury why the evidence was not available, typically because a defendant refused to
13 cooperate; and

14 WHEREAS, over the past several years, Georgia appellate court decisions have severely
15 restricted the ability of prosecutors to introduce evidence needed to secure a prosecution for
16 DUI; and

17 WHEREAS, Georgia cases such as *Olevik v. State*, *Elliott v. State*, *Awad v. State*, *Crusselle*
18 *v. State*, *Mitchell v. State*, *State v. Turnquest*, and *Woods v. State* have changed the landscape
19 for permissible evidence in DUI cases; and

20 WHEREAS, study of Georgia case law, including the above stated cases, and how other
21 states handle evidence in DUI cases and implied consent during field sobriety tests is needed
22 to determine what legislative changes are necessary to ensure prosecutors have sufficient
23 evidence of DUI to prosecute such cases; and

24 WHEREAS, mandating ignition interlock devices for those convicted of DUI offenses has
25 reduced the instances of DUIs in other states, and such study should also investigate the
26 expansion of required use of such devices in Georgia.

27 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

28 (1) **Creation of House study committee.** There is created the House Study Committee
29 on Georgia Driving Under the Influence Law.

30 (2) **Members and officers.** The committee shall be composed of five members of the
31 House of Representatives to be appointed by the Speaker of the House of
32 Representatives. The Speaker shall designate a member of the committee as chairperson
33 of the committee.

34 (3) **Powers and duties.** The committee shall undertake a study of the conditions, needs,
35 issues, and problems mentioned above or related thereto and recommend any action or
36 legislation which the committee deems necessary or appropriate.

37 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee
38 may conduct such meetings at such places and at such times as it may deem necessary or
39 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
40 accomplish the objectives and purposes of this resolution.

41 (5) **Allowances and funding.** The legislative members of the committee shall receive
42 the allowances provided for in Code Section 28-1-8 of the Official Code of Georgia
43 Annotated. The allowances authorized by this resolution shall not be received by any
44 member of the committee for more than five days unless additional days are authorized.
45 Funds necessary to carry out the provisions of this resolution shall come from funds
46 appropriated to the House of Representatives.

47 (6) **Report.**

48 (A) In the event the committee adopts any specific findings or recommendations that
49 include suggestions for proposed legislation, the chairperson shall file a report of the
50 same prior to the date of abolishment specified in this resolution, subject to
51 subparagraph (C) of this paragraph.

52 (B) In the event the committee adopts a report that does not include suggestions for
53 proposed legislation, the chairperson shall file the report, subject to subparagraph (C)
54 of this paragraph.

55 (C) No report shall be filed unless the same has been approved prior to the date of
56 abolishment specified in this resolution by majority vote of a quorum of the committee.
57 A report so approved shall be signed by the chairperson of the committee and filed with
58 the Clerk of the House of Representatives.

59 (D) In the absence of an approved report, the chairperson may file with the Clerk of the
60 House of Representatives a copy of the minutes of the meetings of the committee in lieu
61 thereof.

62 (7) **Abolishment.** The committee shall stand abolished on December 31, 2022.