

The House Committee on Judiciary Non-Civil offers the following substitute to HB 926:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to
2 definitions relative to the juvenile code, so as to include healthcare workers and emergency
3 health workers as special classes relating to battery by a juvenile; to amend Title 17 of the
4 Official Code of Georgia Annotated, relating to criminal procedure, so as to revise procedure
5 for arrest by citation for violations of motor vehicle related laws or ordinances; to provide
6 for contents of uniform traffic citations; to revise consequences upon an individual's driver's
7 license for failure to respond to a uniform traffic citation; to amend Chapter 5 of Title 40 of
8 the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for the
9 waiver of a driver's license reinstatement fee for individuals submitting pauper affidavits; to
10 revise periods of suspension of license or driving privilege for failure to respond to a uniform
11 traffic citation; to amend Code Section 44-5-150 of the Official Code of Georgia Annotated,
12 relating to search and notification for information identifying anatomical gift donor status,
13 so as to provide for conforming changes; to provide a short title; to provide for related
14 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 This Act shall be known and may be cited as the "Second Chance Workforce Act."

18 **SECTION 2.**

19 Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions
20 relative to the juvenile code, is amended by revising subparagraph (D) of paragraph (13) as
21 follows:

22 "(D) Battery in violation of Code Section 16-5-23.1, if the victim is a teacher or other
23 school personnel or is a healthcare worker or emergency health worker, as either term
24 is defined in Code Section 16-5-19;"

25 **SECTION 3.**

26 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
27 amended by revising Code Section 17-4-23, relating to procedure for arrests by citation for
28 motor vehicle violations, issuance of warrants for arrest for failure of persons charged to
29 appear in court, and bond, as follows:

30 "17-4-23.

31 (a)(1) A law enforcement officer may arrest a person accused of violating any law or
32 ordinance enacted by local law governing the operation, licensing, registration,
33 maintenance, or inspection of motor vehicles or violating paragraph (2), (3), or (5) of
34 subsection (a) of Code Section 3-3-23 by the issuance of a citation, provided that such
35 offense is committed in his or her presence or information constituting a basis for such
36 arrest was received by the arresting officer from a law enforcement officer observing
37 such offense being committed, except that, when such offense results in an accident, an
38 investigating officer may issue citations regardless of whether the offense occurred in the
39 presence of a law enforcement officer.

40 (2) A law enforcement officer may arrest a person accused of any misdemeanor violation
41 of Code Section 16-7-21, 16-8-14, 16-8-14.1, or 16-13-30 by the issuance of a citation,
42 provided that such offense is committed in his or her presence or information constituting
43 a basis for such arrest was received by the arresting officer or an investigating officer
44 from another law enforcement officer or other individual observing or aware of such
45 offense being committed. When an arrest is made for such offense, prior to releasing the
46 accused on citation, the arresting law enforcement officer shall review the accused's
47 criminal record as such is on file with the Federal Bureau of Investigation and the
48 Georgia Crime Information Center within the Georgia Bureau of Investigation and ensure
49 that the accused's fingerprints are obtained.

50 (3) The arresting officer shall issue a citation to the accused which shall enumerate the
51 specific charges and the date upon which he or she is to appear and answer the charges
52 or a notation that he or she will be later notified of the date upon which he or she is to
53 appear and answer the charges. ~~When an arresting officer makes an arrest concerning the~~
54 ~~operation of a motor vehicle based on information received from another law~~
55 ~~enforcement officer who observed the offense being committed, the citation shall list the~~
56 ~~name of each officer and each officer must be present when the charges against the~~
57 ~~accused are heard.~~

58 (b)(1) When an accused is issued a citation pursuant to paragraph (1) of subsection (a)
59 of this Code section, and If the accused fails to appear as specified in the citation, the
60 judicial officer having jurisdiction of the offense may issue a warrant ordering the
61 apprehension of the accused and commanding that he or she be brought before the court
62 to answer the charge contained within the citation and the charge of his or her failure to
63 appear as required. The accused shall then be allowed to make a reasonable bond to
64 appear on a given date before the court.

65 ~~(c)(2) When an accused is issued a citation pursuant to paragraph (2) of subsection (a)~~
66 ~~of this Code section~~ Notwithstanding ~~subsection (b) of this Code section, when an~~

67 ~~accused was issued a citation for a violation of Code Section 16-7-21, 16-8-14, 16-8-14.1,~~
 68 ~~or 16-13-30,~~ and the accused fails to appear as specified in the citation, the judicial
 69 officer having jurisdiction of the offense, absent a finding of sufficient excuse to appear
 70 at the time and place specified in the citation, shall issue a warrant ordering the
 71 apprehension of the accused and commanding that he or she be brought before the court
 72 to answer the charge contained within the citation and the charge of his or her failure to
 73 appear as required. The accused shall then be allowed to make a reasonable bond to
 74 appear on a given date before the court."

75 **SECTION 4.**

76 Said title is further amended by revising Code Section 17-6-11, relating to display of driver's
 77 license for violation of certain traffic related laws, notice of failure to appear, suspension of
 78 license, arrest, and seizure of license, as follows:

79 "17-6-11.

80 (a)(1) When an individual is apprehended by an officer for the violation of the laws of this
 81 state or ordinances relating to the offenses listed in paragraph (2) of this subsection, he or
 82 she may display his or her driver's license and be issued a uniform traffic citation in lieu
 83 of being:

84 (A) Brought before the proper magistrate or other judicial officer;

85 (B) Incarcerated;

86 (C) Ordered to post a bond; or

87 (D) Ordered a recognizance for his or her appearance for trial.

88 (2) This subsection shall apply to any violation:

89 (A) Of Title 40 except any offense:

90 (i) For which a driver's license may be suspended for a first offense by the
 91 commissioner of driver services;

92 (ii) Covered under Code Section 40-5-54; or

93 (iii) Covered under Article 15 of Chapter 6 of Title 40;
94 (B) Involving the width, height, and length of vehicles and loads;
95 (C) Involving motor common carriers and motor contract carriers;
96 (D) Involving hazardous materials transportation; or
97 (E) Involving road taxes on motor carriers as provided in Article 2 of Chapter 9 of
98 Title 48.

99 (3) The apprehending officer shall include the individual's driver's license number on the
100 uniform traffic citation. When an apprehending officer issues a citation based on
101 information received from another law enforcement officer who observed the offense
102 being committed, the citation shall list the name of each officer, and both officers shall
103 be present when the charges against the accused are heard. The uniform traffic citation,
104 duly served as provided in this Code section, shall give the judicial officer jurisdiction
105 to dispose of the matter.

106 (4) Upon display of the driver's license, the apprehending officer shall release the
107 individual so charged for his or her further appearance before the proper judicial officer
108 as required by the uniform traffic citation.

109 (b)(1) When a uniform traffic citation is issued and if the accused fails to appear for
110 court or otherwise dispose of his or her charges before his or her scheduled court
111 appearance as stated on the uniform traffic citation, prior to the court issuing a bench
112 warrant, the clerk of court shall notify the accused by first-class mail or by postcard at the
113 address listed on the uniform traffic citation of his or her failure to appear. Such notice
114 shall be dated and allow the accused 30 days from such date to dispose of his or her
115 charges or waive arraignment and plead not guilty. If after the expiration of such 30 day
116 period the accused fails to dispose of his or her charges or waive arraignment and plead
117 not guilty, the clerk of court in which the charges are lodged shall, within five days of
118 such date, forward to the Department of Driver Services the accused's driver's license
119 number unless otherwise ordered by the court. The commissioner of driver services shall,

120 upon receipt of such driver's license number, suspend such accused's driver's license and
121 driving privilege until notified by the clerk of court that ~~the charge against the accused~~
122 ~~has been finally adjudicated or the court has ordered such accused~~ such driver's license
123 is to be reinstated. Such accused's driver's license shall be reinstated when the accused
124 has scheduled a new date to appear before the court; has appeared in court for a hearing,
125 arraignment, or waiver of arraignment and entry of a plea; or the charge against the
126 accused has been finally adjudicated and the Department of Driver Services receives
127 ~~proof of the final adjudication or order of reinstatement by the court~~ notice to reinstate
128 the license by the court and the accused individual pays to the Department of Driver
129 Services the applicable restoration fee as set forth in Code Section 40-5-56, unless such
130 fee is waived by the court or otherwise as provided by law.

131 (2)(A) The scheduling of a new date to appear before the court for disposition of a
132 uniform traffic citation shall not be conditioned upon payment of any fee for a previous
133 failure to appear.

134 (B) After the clerk of court has notified the Department of Driver Services of a license
135 reinstatement based upon a newly scheduled date for an accused to appear before the
136 court pursuant to paragraph (1) of this subsection, when the accused requests, for a
137 second or subsequent time, a new date for disposition of the same uniform traffic
138 citation, the court may forward to the Department of Driver Services the accused's
139 driver's license number. The commissioner of driver services shall suspend such
140 accused's driver's license and driving privilege until notified by the clerk of court that
141 the driver's license of the accused is to be reinstated.

142 (C) When the accused fails, for a second or subsequent time, to appear for court or
143 otherwise dispose of his or her charges before his or her newly scheduled court
144 appearance for disposition of the same uniform traffic citation, the court may forward
145 to the Department of Driver Services the accused's driver's license number. The
146 commissioner of driver services shall suspend such accused's driver's license and

147 driving privilege until notified by the clerk of court that the driver's license of the
 148 accused is to be reinstated. Nothing in this subsection shall require a clerk of court to
 149 suspend the driver's license of an accused who fails to appear for court pursuant to this
 150 subparagraph.

151 (D) Nothing in this subsection shall prevent a court from establishing a policy or
 152 practice, by standing order or otherwise, to suspend or reinstate such accused driver's
 153 license.

154 (E) Any notification to suspend or reinstate such accused driver's license and driving
 155 privileges shall be compliant with procedures established by the Department of Driver
 156 Services.

157 (3) This subsection shall not apply to any violation of Title 40:

158 (A) For which a driver's license may be suspended for a first offense by the
 159 commissioner of driver services;

160 (B) Covered under Code Section 40-5-54; or

161 (C) Covered under Article 15 of Chapter 6 of Title 40.

162 ~~(b.1)(c)~~ (c) A ~~It shall be the duty of~~ a law enforcement officer or emergency medical
 163 technician responding to the scene of any motor vehicle accident or other accident
 164 involving a fatal injury ~~to examine~~ shall immediately examine the driver's license of the
 165 victim to determine the victim's wishes concerning organ donation. If the victim has
 166 indicated that he or she wishes to be an organ donor, ~~it shall be the duty of~~ such law
 167 enforcement officer or emergency medical technician ~~to~~ shall take appropriate action to
 168 ensure, if possible, that the victim's organs ~~shall not be~~ are not imperiled by delay in
 169 verification by the donor's next of kin.

170 ~~(c)~~ (d) Nothing in this Code section ~~bars~~ shall prohibit any law enforcement officer from
 171 arresting or from seizing the driver's license of any individual possessing a fraudulent
 172 license or a suspended license or operating a motor vehicle while his or her license is
 173 suspended, outside the scope of a driving permit, or without a license.

174 ~~(d)~~(e) The commissioner of driver services shall be authorized to promulgate reasonable
175 rules and regulations to carry out the purposes of this Code section and to establish
176 agreements with other states whereby a valid license from that state may be accepted for
177 purposes of this Code section."

178 **SECTION 5.**

179 Said title is further amended by revising Code Section 17-7-90, relating to issuance of bench
180 warrant, execution, and receiving bail, fixing bond, and approving sureties, as follows:

181 "17-7-90.

182 (a) A bench warrant may be issued by a judge for the arrest of a person:

183 (1) Accused of a crime by a grand jury;

184 (2) Except as otherwise provided in Code Section 17-6-11, charged with a crime who has
185 failed to appear in court after:

186 (A) Actual notice of the time and place to appear to the person in open court;

187 (B) Notice of the time and place to appear to the person by mailing a notice to such
188 person's last known address; or

189 (C) The person has otherwise been notified of the time and place to appear personally,
190 in writing, by a court official or officer of the court;

191 (3) Charged with a crime upon the filing by the prosecutor of an accusation supported
192 by affidavit; or

193 (4) Who failed to dispose of his or her charges, schedule a new date to appear before the
194 court, make an appearance in court, or waive arraignment and plead not guilty after the
195 expiration of the 30 day period set forth in subsection (b) of Code Section 17-6-11.

196 (b) Every officer is bound to execute a bench warrant within his or her jurisdiction, and
197 every person so arrested shall be committed to jail until bail is tendered. Any judicial
198 officer or the sheriff of the county where the charge was returned may receive the bail, fix

199 the amount of the bond, and approve the sureties unless it is a case that is bailable only
200 before some particular judicial officer."

201 **SECTION 6.**

202 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
203 is amended in Code Section 40-5-9, relating to pauper's affidavit for a partial waiver of
204 driver's license reinstatement and restoration fees, by revising subsection (b) as follows:

205 "(b) Upon the submission of a pauper's affidavit, the driver's license reinstatement or
206 restoration fee shall be ~~50 percent of the fee required by law~~ waived."

207 **SECTION 7.**

208 Said chapter is further amended by revising Code Section 40-5-56, relating to cancellation,
209 suspension, and revocation of licenses, as follows:

210 "40-5-56.

211 (a) Notwithstanding any other provisions of this chapter or any other law to the contrary
212 and unless otherwise ordered by the court, the department shall suspend the driver's license
213 or privilege to operate a motor vehicle in this state of any person who has failed to respond
214 to a citation to appear before a court of competent jurisdiction in this state or in any other
215 state for a traffic violation other than a parking violation. The department shall include
216 language in the uniform traffic citation stating that failure to appear and respond to such
217 citation may result in the suspension of the violator's driver's license or nonresident driving
218 privilege. The language reflected on a uniform traffic citation issued in this state shall be
219 sufficient notice of said suspension to support a conviction for a violation of Code Section
220 40-5-121 if such person drives subsequent to the imposition of such a suspension following
221 his or her failure to appear; provided, however, that the department shall send notice of any
222 suspension imposed pursuant to this Code section via certified mail or certificate of mailing
223 to the address reflected on its records as the person's mailing address. For purposes of this

224 subsection, the term 'certificate of mailing' means a delivery method utilized by the United
225 States Postal Service which provides evidence that an item has been sent and the date such
226 item was accepted.

227 (b) The suspension provided for in this Code section shall be for an indefinite period until
228 such person ~~shall respond and pay any fines and penalties imposed~~ has scheduled a new
229 date to appear before the court pursuant to subsection (b) of Code Section 17-6-11; has
230 made an appearance in court through hearing, arraignment, or waiver of arraignment and
231 entry of a plea; the charge against the accused has been finally adjudicated; or the court
232 otherwise orders such person's driver's license be reinstated. Such person's license shall
233 be reinstated when the department receives proof of payment of any fines and penalties,
234 ~~or an~~ order of reinstatement by the court and the person pays payment of the applicable
235 restoration fee of \$100.00 or \$90.00 when such reinstatement is processed by mail to the
236 department, unless such fee is waived by the court or otherwise as provided by law. Such
237 suspension shall be in addition to any other suspension or revocation provided for in this
238 chapter."

239 **SECTION 8.**

240 Code Section 44-5-150 of the Official Code of Georgia Annotated, relating to search and
241 notification for information identifying anatomical gift donor status, is amended by revising
242 paragraph (1) of subsection (a) as follows:

243 "(1) A law enforcement officer, firefighter, paramedic, emergency medical technician,
244 or other first responder finding the individual, in accordance with subsection ~~(b-1)~~ (c) of
245 Code Section 17-6-11; and"

246 **SECTION 9.**

247 This Act shall become effective upon its approval by the Governor or upon its becoming law
248 without such approval.

249

SECTION 10.

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