

ADOPTED SENATE**SENATE SUBSTITUTE TO HB 926****A BILL TO BE ENTITLED****AN ACT**

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
2 include healthcare workers and emergency health workers as special classes relating to
3 battery by a juvenile; to amend Title 17 of the Official Code of Georgia Annotated, relating
4 to criminal procedure, so as to revise provisions relating to procedure for arrests by citation
5 for motor vehicle violations in lieu of arrest for certain offenses; to amend Title 17 of the
6 Official Code of Georgia Annotated, relating to criminal procedure, so as to revise procedure
7 for arrest by citation for violations of motor vehicle related laws or ordinances; to provide
8 for contents of uniform traffic citations; to revise consequences upon an individual's driver's
9 license for failure to respond to a uniform traffic citation; to amend Chapter 5 of Title 40 of
10 the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for the
11 waiver of a driver's license reinstatement fee for individuals submitting pauper affidavits; to
12 revise periods of suspension of license or driving privilege for failure to respond to a uniform
13 traffic citation; to amend Code Section 44-5-150 of the Official Code of Georgia Annotated,
14 relating to search and notification for information identifying anatomical gift donor status,
15 so as to provide for conforming changes; to provide a short title; to amend Code Section
16 17-4-20.1 of the Official Code of Georgia Annotated, relating to investigation of family
17 violence, "predominant aggressor" defined, preparation of written report, review of report
18 by defendant arrested for family violence, and compilation of statistics, so as to provide for

19 additional contents in investigation written reports relative to family violence; to provide for
20 related matters; to provide for an effective date; to repeal conflicting laws; and for other
21 purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

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

25 **SECTION 2.**

26 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Code
27 Section 15-11-505, relating to use of detention assessments to determine if detention is
28 warranted, and "serious delinquent act" defined, by revising subparagraphs (V) and (W) and
29 by adding a new subparagraph to paragraph (1) of subsection (b) to read as follows:

30 "(V) Vehicular homicide; ~~or~~

31 (W) Voluntary manslaughter; or

32 (X) Battery if the victim is a healthcare worker or emergency health worker, as either
33 term is defined in Code Section 16-5-19."

34 **SECTION 3.**

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

39 "17-4-23.

40 (a)(1) A law enforcement officer may arrest a person accused of violating any law or
41 ordinance enacted by local law governing the operation, licensing, registration,

42 maintenance, or inspection of motor vehicles or violating paragraph (2), (3), or (5) of
43 subsection (a) of Code Section 3-3-23 by the issuance of a citation, provided that such
44 offense is committed in his or her presence or information constituting a basis for such
45 arrest was received by the arresting officer from a law enforcement officer observing
46 such offense being committed, except that, when such offense results in an accident, an
47 investigating officer may issue citations regardless of whether the offense occurred in the
48 presence of a law enforcement officer.

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

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

67 (b)(1) When an accused is issued a citation pursuant to paragraph (1) of subsection (a)
68 of this Code section, and If the accused fails to appear as specified in the citation, the

69 judicial officer having jurisdiction of the offense may issue a warrant ordering the
 70 apprehension of the accused and commanding that he or she be brought before the court
 71 to answer the charge contained within the citation and the charge of his or her failure to
 72 appear as required. The accused shall then be allowed to make a reasonable bond to
 73 appear on a given date before the court.

74 ~~(c)(2) When an accused is issued a citation pursuant to paragraph (2) of subsection (a)~~
 75 ~~of this Code section Notwithstanding subsection (b) of this Code section, when an~~
 76 ~~accused was issued a citation for a violation of Code Section 16-7-21, 16-8-14, 16-8-14.1,~~
 77 ~~or 16-13-30; and the accused fails to appear as specified in the citation, the judicial~~
 78 ~~officer having jurisdiction of the offense, absent a finding of sufficient excuse to appear~~
 79 ~~at the time and place specified in the citation, shall issue a warrant ordering the~~
 80 ~~apprehension of the accused and commanding that he or she be brought before the court~~
 81 ~~to answer the charge contained within the citation and the charge of his or her failure to~~
 82 ~~appear as required. The accused shall then be allowed to make a reasonable bond to~~
 83 ~~appear on a given date before the court."~~

84

SECTION 4.

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

88 "17-6-11.

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

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

94 (B) Incarcerated;

- 95 (C) Ordered to post a bond; or
- 96 (D) Ordered a recognizance for his or her appearance for trial.
- 97 (2) This subsection shall apply to any violation:
- 98 (A) Of Title 40 except any offense:
- 99 (i) For which a driver's license may be suspended for a first offense by the
- 100 commissioner of driver services;
- 101 (ii) Covered under Code Section 40-5-54; or
- 102 (iii) Covered under Article 15 of Chapter 6 of Title 40;
- 103 (B) Involving the width, height, and length of vehicles and loads;
- 104 (C) Involving motor common carriers and motor contract carriers;
- 105 (D) Involving hazardous materials transportation; or
- 106 (E) Involving road taxes on motor carriers as provided in Article 2 of Chapter 9 of
- 107 Title 48.
- 108 (3) The apprehending officer shall include the individual's driver's license number on the
- 109 uniform traffic citation. When an apprehending officer issues a citation based on
- 110 information received from another law enforcement officer who observed the offense
- 111 being committed, the citation shall list the name of each officer. The uniform traffic
- 112 citation, duly served as provided in this Code section, shall give the judicial officer
- 113 jurisdiction to dispose of the matter.
- 114 (4) Upon display of the driver's license, the apprehending officer shall release the
- 115 individual so charged for his or her further appearance before the proper judicial officer
- 116 as required by the uniform traffic citation.
- 117 (b)(1) When a uniform traffic citation is issued and if the accused fails to appear for
- 118 court or otherwise dispose of his or her charges before his or her scheduled court
- 119 appearance as stated on the uniform traffic citation, prior to the court issuing a bench
- 120 warrant, the clerk of court shall notify the accused by first-class mail or by postcard at the
- 121 address listed on the uniform traffic citation of his or her failure to appear. Such notice

122 shall be dated and allow the accused 30 days from such date to dispose of his or her
123 charges or waive arraignment and plead not guilty. If after the expiration of such 30 day
124 period the accused fails to dispose of his or her charges or waive arraignment and plead
125 not guilty, the clerk of court in which the charges are lodged shall, within five days of
126 such date, forward to the Department of Driver Services the accused's driver's license
127 number unless otherwise ordered by the court. The commissioner of driver services shall,
128 upon receipt of such driver's license number, suspend such accused's driver's license and
129 driving privilege until notified by the clerk of court that ~~the charge against the accused~~
130 ~~has been finally adjudicated or the court has ordered such accused~~ such driver's license
131 is to be reinstated. Such accused's driver's license shall be reinstated when the accused
132 has scheduled a new date to appear before the court; has appeared in court for a hearing,
133 arraignment, or waiver of arraignment and entry of a plea; or the charge against the
134 accused has been finally adjudicated and the Department of Driver Services receives
135 ~~proof of the final adjudication or order of reinstatement by the court~~ notice to reinstate
136 the license by the court and the accused individual pays to the Department of Driver
137 Services the applicable restoration fee as set forth in Code Section 40-5-56, unless such
138 fee is waived by the court or otherwise as provided by law.

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

142 (B) After the clerk of court has notified the Department of Driver Services of a license
143 reinstatement based upon a newly scheduled date for an accused to appear before the
144 court pursuant to paragraph (1) of this subsection, when the accused requests, for a
145 second or subsequent time, a new date for disposition of the same uniform traffic
146 citation, the court may forward to the Department of Driver Services the accused's
147 driver's license number. The commissioner of driver services shall suspend such
148 accused's driver's license and driving privilege until notified by the clerk of court that

149 the driver's license of the accused is to be reinstated. Nothing in this subsection shall
150 require a clerk of court to suspend the driver's license of an accused who schedules a
151 second or subsequent new date for disposition of the same uniform traffic citation
152 pursuant to this subparagraph.

153 (C) When the accused fails, for a second or subsequent time, to appear for court or
154 otherwise dispose of his or her charges before his or her newly scheduled court
155 appearance for disposition of the same uniform traffic citation, the court may forward
156 to the Department of Driver Services the accused's driver's license number. The
157 commissioner of driver services shall suspend such accused's driver's license and
158 driving privilege until notified by the clerk of court that the driver's license of the
159 accused is to be reinstated. Nothing in this subsection shall require a clerk of court to
160 suspend the driver's license of an accused who fails to appear for court pursuant to this
161 subparagraph.

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

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

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

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

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

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

172 ~~(b.1)(c)~~ A ~~It shall be the duty of a law enforcement officer or emergency medical~~
173 ~~technician responding to the scene of any motor vehicle accident or other accident~~
174 ~~involving a fatal injury to examine~~ shall immediately examine the driver's license of the
175 victim to determine the victim's wishes concerning organ donation. If the victim has

176 indicated that he or she wishes to be an organ donor, ~~it shall be the duty of~~ such law
 177 enforcement officer or emergency medical technician ~~to~~ shall take appropriate action to
 178 ensure, if possible, that the victim's organs ~~shall not be~~ are not imperiled by delay in
 179 verification by the donor's next of kin.

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

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

188

SECTION 5.

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

191 "17-7-90.

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

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

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

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

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

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

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

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

206 (b) Every officer is bound to execute a bench warrant within his or her jurisdiction, and
 207 every person so arrested shall be committed to jail until bail is tendered. Any judicial
 208 officer or the sheriff of the county where the charge was returned may receive the bail, fix
 209 the amount of the bond, and approve the sureties unless it is a case that is bailable only
 210 before some particular judicial officer."

211

SECTION 6.

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

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

218 (c) The commissioner may promulgate such rules and regulations as are necessary to
 219 implement this Code section." Said title is further amended in Code Section 40-5-23,
 220 relating to classes of drivers' licenses, by revising subsections (c) and (d) as follows:

221 "(c) The noncommercial classes of motor vehicles for which operators may be licensed
 222 shall be as follows:

223 (1) Class C ==:

224 (A) Any single vehicle with a gross vehicle weight rating not in excess of 26,000
 225 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating not in
 226 excess of 10,000 pounds, or any such vehicle towing a vehicle with a gross vehicle

227 weight rating in excess of 10,000 pounds, provided that ~~the~~ any combination of vehicles
228 set forth in this subparagraph has a gross combined vehicle weight rating not in excess
229 of 26,000 pounds, ~~any;~~

230 (B) Any three-wheeled motor vehicle that is equipped with a steering wheel for
231 directional control, ~~and any;~~ and

232 (C) Any self-propelled or towed vehicle that is equipped to serve as temporary living
233 quarters for recreational, camping, or travel purposes and is used solely as a family or
234 personal conveyance; ~~except that any combination of vehicles with a gross vehicle~~
235 ~~weight rating not in excess of 26,000 pounds may be operated under such class of~~
236 ~~license if such combination of vehicles are controlled and operated by a farmer, used~~
237 ~~to transport agricultural products, livestock, farm machinery, or farm supplies to or~~
238 ~~from a farm, and are not used in the operations of a common or contract carrier~~
239 regardless of the gross vehicle weight rating or combined gross vehicle weight rating;

240 (2) Class D ==: Provisional license applicable to noncommercial Class C vehicles for
241 which an applicant desires a driver's license but is not presently licensed to drive;

242 (3) Class E ==: Any combination of vehicles with a gross vehicle weight rating of 26,001
243 pounds or more, provided that the gross vehicle weight rating of the vehicle or vehicles
244 being towed is in excess of 10,000 pounds, ~~and all vehicles included within Class F and~~
245 ~~Class C~~ and the vehicle or vehicles are operated by a farmer to transport agricultural
246 products, livestock, farm machinery, or farm supplies to or from a farm and are not used
247 in the operations of a common or contract carrier;

248 (4) Class F ==: Any single vehicle with a gross vehicle weight rating of 26,001 pounds
249 or more; or any such vehicle towing a vehicle with a gross vehicle weight rating not in
250 excess of 10,000 pounds, ~~and all vehicles included within Class C;~~

251 (5) Class M ==: Motorcycles, motor driven cycles, and three-wheeled motorcycles
252 equipped with handlebars for directional control; and

253 (6) Class P ~~is~~; Instruction permit applicable to all types of vehicles for which an
254 applicant desires a driver's license but is not presently licensed to drive.
255 (d) Any applicant for a Class E or Class F license ~~must~~ shall possess a valid Georgia
256 driver's license for Class C vehicles. A license issued pursuant to this Code section shall
257 not be a commercial driver's license."

258 **SECTION 7.**

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

261 "40-5-56.

262 (a) Notwithstanding any other provisions of this chapter or any other law to the contrary
263 and unless otherwise ordered by the court, the department shall suspend the driver's license
264 or privilege to operate a motor vehicle in this state of any person who has failed to respond
265 to a citation to appear before a court of competent jurisdiction in this state or in any other
266 state for a traffic violation other than a parking violation. The department shall include
267 language in the uniform traffic citation stating that failure to appear and respond to such
268 citation may result in the suspension of the violator's driver's license or nonresident driving
269 privilege. The language reflected on a uniform traffic citation issued in this state shall be
270 sufficient notice of said suspension to support a conviction for a violation of Code Section
271 40-5-121 if such person drives subsequent to the imposition of such a suspension following
272 his or her failure to appear; provided, however, that the department shall send notice of any
273 suspension imposed pursuant to this Code section via certified mail or certificate of mailing
274 to the address reflected on its records as the person's mailing address. For purposes of this
275 subsection, the term 'certificate of mailing' means a delivery method utilized by the United
276 States Postal Service which provides evidence that an item has been sent and the date such
277 item was accepted.

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

290

SECTION 8.

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

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

297

SECTION 8A.

298 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
299 amended in Code Section 17-4-23, relating to procedure for arrests by citation for motor
300 vehicle violations, issuance of warrants for arrest for failure of persons charged to appear in
301 court, and bond, by revising paragraph (2) of subsection (a) as follows:

302 "(2) A law enforcement officer may arrest a person who meets the minimum age
303 requirements provided for in Code Section 16-3-1 accused of any misdemeanor violation
304 of Code Section 16-7-21, 16-8-14, 16-8-14.1, or 16-13-30 by the issuance of a citation,
305 provided that such offense is committed in his or her presence or information constituting
306 a basis for such arrest was received by the arresting officer or an investigating officer
307 from another law enforcement officer or other individual observing or aware of such
308 offense being committed. When an arrest is made for such offense, prior to releasing the
309 accused on citation, the arresting law enforcement officer shall review the accused's
310 criminal record as such is on file with the Federal Bureau of Investigation and the
311 Georgia Crime Information Center within the Georgia Bureau of Investigation and ensure
312 that the accused's fingerprints are obtained."

313 **SECTION 9.**

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

316 **SECTION 9A.**

317 Code Section 17-4-20.1 of the Official Code of Georgia Annotated, relating to investigation
318 of family violence, "predominant aggressor" defined, preparation of written report, review
319 of report by defendant arrested for family violence, and compilation of statistics, is amended
320 by revising subsection (c) as follows:

321 "(c) Whenever a law enforcement officer investigates an incident of family violence,
322 whether or not an arrest is made, the officer shall prepare and submit to the supervisor or
323 other designated person a written report of the incident entitled 'Family Violence Report.'
324 Forms for such reports shall be designed and provided by the Georgia Bureau of
325 Investigation. The report shall include the following:

326 (1) Name of the parties;

- 327 (2) Relationship of the parties;
328 (3) Sex of the parties;
329 (4) Date of birth of the parties;
330 (5) Time, place, and date of the incident;
331 (6) Whether children were involved or whether the act of family violence was committed
332 in the presence of children;
333 (7) Type and extent of the alleged abuse;
334 (8) Existence of substance abuse;
335 (9) Number and types of weapons involved;
336 (10) Existence of any prior court orders or protective orders as such term is defined in
337 Code Section 19-13-51;
338 (11) To the extent reasonably obtainable, the number and nature of prior complaints of
339 family violence;
340 (12) Type of police action taken in disposition of case, the reasons for the officer's
341 determination that one party was the predominant physical aggressor, and mitigating
342 circumstances for why an arrest was not made;
343 ~~(12)~~(13) Whether the victim was apprised of available remedies and services; and
344 ~~(13)~~(14) Any other information that may be pertinent."

345

SECTION 10.

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