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2024 SESSION: JUDICIAL BUDGET AND LEGISLATIVE HIGHLIGHTS

In 2024, the Georgia General Assembly allocated financial resources and passed legislation affecting: businesses and employees; charities and campaign donations; courts and the general practice of law; criminal justice and the protection of the public welfare; housing, property, and water rights; protections against human trafficking; responses to judicial decisions; and torts and legal liability. These efforts range across multiple policy areas and House committees, and summaries of key budget items and legislation are included below.[1]

The following sections contain summaries of bills within the topic area:

I. Budget Highlights
II. Businesses and Employees
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IV. Courts and the General Practice of Law
V. Criminal Justice and Protection of Public Welfare
VI. Housing, Property, and Water Rights
VII. Protections against Human Trafficking and Protections for Children and Families
VIII. Responses to Judicial Decisions
IX. Torts and Legal Liability

Budget Highlights

- The FY 2025 budget includes $1.5 million to bolster Georgia's ability to attract and retain staff attorneys in the Attorney General's Office. These adjustments will bring starting salaries for attorneys to $70,000.
- The FY 2025 budget includes $1.1 million to fund three new judgeships in the Douglas (enabling legislation did not pass), Houston, and Tifton judicial circuits, and it also includes $1.1 million to annualize the new judgeships in the Atlantic, Coweta, and Dougherty judicial circuits created in the FY 2024 budget. The General Assembly appropriates $108,440 in new funds and transfers existing funds from the Coweta Judicial Circuit for the creation of the West Georgia Judicial Circuit for Carroll and Heard counties.

[1] For a list of all legislation the General Assembly passed during the 2024 session, please review the End of Session Report, the End of Session Report by Committee, or the End of Session Report with Key Legislation. For budget-related items, please review the FY 2025 Budget Highlights, as well as the Amended FY 2024 Budget Highlights.

Legislative Highlights

Businesses and Employees

SB 362 by Sen. Mike Hodges (3rd): Labor Relations and Economic Incentives

SB 362 prohibits companies that receive economic development incentives from: voluntarily granting recognition rights for the employees solely on the basis of signed labor organization authorization cards, if a secret ballot could have been used; voluntarily disclosing an employee's personal contact information to a labor organization without prior consent; or requiring a subcontractor to engage in these activities. Any employer who receives economic incentives and engages in any of the prohibited conduct will be required to repay all economic incentives received over the life of the project. This applies to any agreement between the state and an employer starting on January 1, 2025. The Department of Community Affairs is authorized to investigate allegations of prohibited conduct if the company receives economic incentives.

Charities and Campaign Donations

SB 368 – Vetoed by Sen. Rick Williams (25th): Prohibiting Campaign Contributions by Foreign Nationals

SB 368 prohibits foreign nationals from making contributions to a candidate, campaign committee, independent committee, or political action committee, as well as prohibiting those entities from accepting contributions from foreign nationals. The bill also prohibits persons from acting as agents of a foreign principal unless they have registered themselves with the required registration statement and unless they properly disclose that they are an agent of a foreign principal when advocating before a government official.

SB 412 by Sen. John Kennedy (18th): Increased Fines for Charitable Organizations that Violate Rules

SB 412 increases the fines that the Office of the Secretary of State can issue to charitable organizations that violate relevant rules for charities. A willful violation can have a maximum fine of $10,000 issued for a single violation or a maximum fine of $100,000 for multiple violations in a single proceeding or series of proceedings.

SB 414 by Sen. John Kennedy (18th): 'Personal Privacy Protection Act'

SB 414 creates the 'Personal Privacy Protection Act,' which prohibits public agencies from collecting, publicizing, disclosing, or requesting specified personal information related to nonprofit organizations, with exceptions. The bill creates the misdemeanor crime of improper collection or disclosure of personal information.

SB 433 by Sen. Bill Cowsert (46th): 'Donor Intent Protection Act'

SB 433, the 'Donor Intent Protection Act', requires a charitable organization or trust that accepts a contribution pursuant to an endowment agreement to not violate the terms of any donor-imposed restriction. If a donor-imposed restriction is violated, the donor, the donor's lineal descendants, or the donor's legal representative may bring a civil action within four years after discovering a breach of the endowment agreement. A court is authorized to order a remedy consistent with the charitable purposes laid out in the endowment agreement, but it is not authorized to order the return of the contribution.

Courts and the General Practice of Law

HB 218 by Rep. Scott Hilton (48th): Admission of Hearsay by a Mentally Incapacitated Individual

HB 218 defines the term "mentally incapacitated" and allows for the admission of an out-of-court statement, which is currently hearsay, as testimony in court when a person who is 17 years old or older and who is mentally incapacitated describes any act to a third party of nonconsensual sexual contact, or any act of physical abuse,

performed with or on that mentally-incapacitated person. The third party to whom the information was told must be available for cross examination.

HB 456 by Rep. Stan Gunter (8th): Municipal Court Judges

HB 456 increases the term for municipal court judges from one year to two years unless the municipal charter provides for a longer term. The bill also outlines procedures for when a municipality alleges a material breach of the terms or conditions of the judge's appointment, including providing written notice of the breach and providing 30 days for the judge to cure the alleged breach.

HB 873 by Rep. Stan Gunter (8th): Juvenile Treatment Court Standards

HB 873 codifies the ability of juvenile courts to establish a juvenile treatment court division as an alternative to the traditional judicial system for juvenile delinquency cases or child in need of services (CHINS) cases. A case may be assigned to these new courts: 1) if the prosecutor or other petitioner consents prior to the entry of adjudication or disposition; 2) as part of a disposition in a case; or 3) upon modification or revocation of probation or a new petition. Each new juvenile treatment court division must establish a planning group to develop a work plan. Planning groups are required to include: judges, prosecutors, sheriffs, public defenders, community supervision officers, and probation officers.

The Council of Accountability Court judges must establish standards and practices and a certification process for these divisions taking into account current research and findings published by experts on children's health needs/treatment options. The council is also required to develop and manage an electronic system for performance measurement that accepts data in a consistent manner. On or around July 1, 2026, and every three years afterward, the council must conduct a performance peer review of the divisions to improve the polices/practices. The court that institutes the division can request that one or more prosecutors and one or more defense attorneys serve in the division, and the clerk of the juvenile court will serve as the clerk of the division.

HB 1267 and HR 598 by Rep. Chuck Martin (49th): 'Georgia Tax Court Act of 2025'

HR 598 proposes an amendment to the Constitution to allow the Georgia Tax Court to exercise judicial power in the state, with the court exercising state-wide jurisdiction. Georgia Tax Court judges will serve four-year terms and be appointed by the governor subject to approval by the House and Senate Judiciary Committees.

HB 1267 provides enabling legislation for the Georgia Tax Court if the constitutional amendment is ratified by voters at the November 2024 general election. Actions may be commenced before the court on and after September 1, 2026, with actions requiring the filing of a petition with the court naming the state revenue commissioner as respondent in his or her official capacity. The 'Georgia Civil Practice Act' will govern proceedings before the Georgia Tax Court, and trials in proceedings before the court will be before a judge and without a jury. A small claims division of the court is also established, with court judges sitting as judges of that division.

SB 232 by Sen. John Kennedy (18th): Revising Fees Collected by Probate Courts

SB 232 modifies the types and dollar amounts of fees charged and collected by probate court judges and clerks contained in O.C.G.A. § 15-9-60. These fees are charged for filings such as petitions, motions, claims, and certificates, as well as for different applications, licenses, and certified copies. Conforming language in other sections of the Code relating to filing fees, license fees, and fireworks applications is contained in the bill.

SB 508 by Sen. Clint Dixon (45th): Judicial Security

SB 508 directs the Administrative Office of the Courts to provide written notice to each governmental entity that possesses personally identifiable information of a current or retired judge or justice to restrict access to that information within 30 days of written notice. The office must develop a process to regularly identify local entities that possess personally identifiable information and will establish a procedure for protected persons to submit information for inclusion in a personally identifiable information database.

Criminal Justice and Protection of Public Welfare

HB 30 by Rep. John Carson (46th): Providing Definition of Antisemitism

HB 30 provides a definition of antisemitism for purposes of state government, using the advisory definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, and incorporated by reference in Presidential Executive Order Number 13899 (Dec. 2019). An agency that enforces any law or regulation that prohibits discrimination must consider the definition of antisemitism during that enforcement. Nothing in the bill will be construed to infringe upon First Amendment rights or an individual's right to engage in legally protected conduct or activity pertaining to U.S. foreign policy or international affairs.

HB 181 by Rep. Rick Townsend (179th): Kratom

HB 181 provides for enhanced penalties for the improper sale or distribution of prohibited forms of kratom, which is a plant that is found in Southeast Asia and Africa. Research has found that the plant, which is used as a stimulant at lower doses and a pain reliever or an alternative way to manage withdrawal from opioid or substance use at higher doses, is addictive and dangerous.

The bill makes it a crime to knowingly sell or transfer any kratom product or kratom extract to a person under the age of 21. It also bans: 1) the ingestion of kratom in a manner that employs a heating element, power source, or other chemical, electronic, or mechanical means, that can be used to produce vapor; or 2) selling, delivering, or assisting in the delivery of kratom that employs a heating or electric element. All kratom that is sold must be behind the counter or in a secured display in a store. A violation of these provisions carries a misdemeanor penalty.

All kratom products that are sold or delivered in the state must be derived from the natural kratom plant. Any plants manufactured or processed cannot be modified to increase levels beyond the specified limits. A kratom processor or retailer cannot sell or distribute a kratom product that is adulterated, contains or uses an unsafe food substance, contains synthetic alkaloids or metabolites within it, or is in a form that employs an unlawful heating or electrical element. All kratom products must also contain several warning statements and dosage information on the label. The bill also provides for differing penalties when a processor or retailer violates the provisions of the bill, with distinctions based on whether the violations were performed through negligence or criminal negligence.

HB 827 by Rep. Tyler Paul Smith (18th): Increased Penalties for Livestock Theft and Criminal Trespass at a Zoo

HB 827 increases the penalty for the crime of livestock theft to between two years and 15 years imprisonment and increases the maximum fine to $10,000. If the fair market value of the livestock is $100 or less, then the punishment is increased to a high and aggravated misdemeanor. The commissioner of the Department of Agriculture is also provided with authority to enforce this crime.

The second part of the bill creates the offense of criminal trespass at a zoo following reported incidents across the country in which trespassers entered into enclosures. The first degree of the crime occurs when a person enters a

zoo cage or area where a wild animal is housed, when the person knows he or she has no legal right to be there, harasses an animal, and that animal suffers an injury or death. The penalty for the first degree is a felony and imprisonment for between one and 10 years. The second degree of the crime occurs when a person enters a zoo cage or area where a wild animal is housed and knows he or she has no legal right to be there. The penalty for the second degree of the crime is a misdemeanor and imprisonment for a maximum of 12 months. A person who commits this crime will also be liable for restitution for the injury or death of the animal.

HB 926 by Rep. Matt Reeves (99th): 'Second Chance Workforce Act'

The 'Second Chance Workforce Act' allows a traffic court judge to reinstate an accused person's license when it was suspended because of a failure to appear, and when the accused has scheduled a new date to appear before the court; has appeared in court for a hearing, arraignment, or waiver of arraignment and entry of plea; or when the charge has been fully adjudicated.

The bill also adds battery against a healthcare worker or emergency health worker to the list of crimes that constitute a "serious delinquent act" by a minor and must be considered when determining whether to detain the child. Further, reports of incidents of family violence must include the existence of any protective orders and the number and nature of prior complaints of family violence.

HB 1033 by Rep. Rob Leverett (123rd): 'Utility Worker Protection Act'

HB 1033 is the 'Utility Worker Protection Act', which adds enhanced penalties for protection of utility workers harmed while acting within the scope of their employment. The bill includes independent contractors and applies to both private and public entities.

The sentencing enhancement is added to the following crimes: simple assault (high and aggravated misdemeanor); aggravated assault (between three and 20 years imprisonment); simple battery (high and aggravated misdemeanor); aggravated battery (between one and 20 years imprisonment); and battery (high and aggravated misdemeanor). These enhancements apply to all offenses committed on or after July 1, 2024.

HB 1123 – Vetoed by Rep. Carter Barrett (24th): Increased Protection of the Elderly

HB 1123 requires district attorneys to establish an Adult Abuse, Neglect, and Exploitation Multidisciplinary Team, so long as it is funded through the Prosecuting Attorneys' Council of the State of Georgia. The bill also creates the elder justice coalition, which is required to meet at least twice each year, to create a law enforcement protocol, train officers when responding to instances of abuse of disabled adults or elder persons, conduct training related to disability, and partner with state agencies/organizations to promote awareness of holistic care.

SB 10 Sen. Emanuel Jones (10th): Increased Penalties Involving Drag Races or Reckless Stunt Driving

SB 10 makes it a misdemeanor offense to knowingly be present and facilitate a drag race, which can include using a vehicle to block a portion of the roadway nearest to the race. The bill increases fines for reckless stunt driving to between $500-$1000 for a first offense in ten years, $750-$1500 for a second offense with 90 days to one year imprisonment, $2500-$5000 with six months to one year imprisonment for a third offense, and $5000-$7500 with one year to five years imprisonment for a fourth or subsequent offense in a ten-year period. When an injury or damage of more than $1000 results from a fourth or subsequent offense of reckless stunt driving, the first 12 months shall not be suspended, probated, deferred, or withheld. For a second conviction of reckless stunt driving, any vehicle used is subject to civil asset forfeiture.

SB 63 by Sen. Randy Robertson (29th): Bail Restricted Offenses Prohibiting Own-Recognizance Bonds

SB 63 prohibits a local jurisdiction from creating a bail schedule, or policy, that mandates releasing a person from jail on unsecured judicial release. The bill adds offenses to the definition of "bail restricted offenses", which require a monetary value to be set for bail, including misdemeanors and second or subsequent violations of certain crimes. No person is eligible to be released on unsecured judicial release if he or she was charged with a bail-restricted offense. Those individuals are only eligible for release through the use of secured means, professional bondsmen, and approved property. Any person arrested for any offense who has previously been convicted of a felony within the past seven years is not eligible for an unsecured judicial release.

The bill removes the exemption for those who were deported from the country by the federal government, meaning that a judgment can be made by a court on a forfeiture of an appearance bond if the person at issue was deported and could not attend court for that reason. A surety is now released from liability if, prior to a judgment, the person at issue participates in an accountability court or enters into a pretrial release program.

SB 335 by Sen. John Albers (56th): 'Safeguarding Adopted Children from Sexual Violence Act'

The 'Safeguarding Adopted Children from Sexual Violence Act' expands the crime of incest to include those whose familial relationships are created by adoption.

SB 401 by Sen. Kay Kirkpatrick (32nd): Increased Data Collection Related to Juvenile Courts

SB 401 requires each juvenile court to collect data on all cases in which a child is alleged or adjudicated to be a dependent child placed in foster care. This data will be incorporated into the Georgia Juvenile Data Exchange, and the form of entry will be specified by the Administrative Office of the Courts. The bill requires each juvenile court to maintain a "ready-accessible docket" that is accessible by the parties and to utilize its local case management system to collect required data. Further, a petition to terminate parental rights must be immediately filed and docketed when presented to the clerk of a juvenile court.

SB 421 Sen. Clint Dixon (45th): Enhanced Penalties for "Swatting" and Drive-by Shootings

Following numerous reported incidents in Georgia and across the country of "swatting", or using deception to send an armed police response to a false emergency, the legislature passed SB 421. The bill increases the penalties for a third or subsequent conviction to between 10 and 15 years imprisonment, a minimum fine of $25,000, or both. If the location of response is a person's home or a place of worship, then a first violation is now treated as a felony with imprisonment of between one and 10 years, a minimum fine of $5,000, or both. A person who is convicted of this crime is now automatically liable for restitution to any affected person or entity for reasonable costs or damages associated with the offense, including damage to property and expenses to treat bodily injuries.

The second part of SB 421 is targeted towards drive-by shootings, and it broadens the crime of aggravated assault to include when someone discharges a firearm, without legal justification, after immediately exiting a vehicle towards another vehicle or an occupied building. The crime of criminal damage to property in the first degree is broadened to include when someone discharges a firearm, without legal justification, while inside a vehicle or after immediately exiting and when that person causes damage to a building.

The bill also creates a new crime of drive-by shooting when a person who is either in a motor vehicle or is close to a motor vehicle that he or she used to drive to the location, discharges a firearm at another person, motor vehicle,

occupied dwelling, or dwelling that the person should have known to be occupied, with the intent to injure or damage the property of another. The penalty is imprisonment of between five and 20 years. The crime of drive-by shooting is added to the list of crimes within the definition of "racketeering activity" under the criminal gang statute.

SB 465 by Sen. Russ Goodman (8th): Aggravated Involuntary Manslaughter if Sale of Fentanyl Results in Death of Person Using the Drug and Penalties for Illegal Pill Presses or Tableting Machines

SB 465 creates the crime of aggravated involuntary manslaughter that occurs when a person intentionally manufactures or sells a controlled substance that contains fentanyl, or a fentanyl analog, and a person who takes or uses that substance dies, in whole or in part, from the fentanyl overdose. In a prosecution for this crime, the government will not need to prove that the defendant knew fentanyl was in the drug. A person who violates this offense will be guilty of a felony and subject to imprisonment of between 10 and 30 years.

The bill also creates a felony crime for unlawfully possessing, purchasing, delivering, selling, or possessing with intent to sell or deliver a pill press or tableting machine when the person knows, intends, or has reasonable cause to believe that the item will be used to manufacture a controlled substance or counterfeit substance. A person who commits this crime will be subject to imprisonment of between one and 10 years.

SB 493 by Sen. Bo Hatchett (50th): Prohibiting the Use of Drones by Sex Offenders and Revising Requirements for Being Released from the Sex Offender Registry

SB 493 increases the penalties for intentionally photographing a minor without the consent of the parent or guardian to a minimum fine of $1,500, if the court imposes to elect a fine, for a first offense and to a felony with imprisonment of between one and 30 years and a fine of between $5,000 and $100,000 for a second or subsequent offense. Further, a sex offender is prohibited from owning or operating a drone with the intent to photograph or observe any person in a manner that violates his or her reasonable expectation of privacy.

The bill also allows an individual on the sex offender registry to petition the superior court to be released from the registry when he or she has reached the age of 80 years old and have completed all prison, parole, supervised release, and probation for the offense that required registration. SB 493 also revises the ways in which a person can petition the superior court to be released from the registry.

SB 517 by Sen. Randy Robertson (29th): Immunity from Prosecution for Law Enforcement

SB 517 allows for certain uses of force by a law enforcement officer to be considered for immunity from prosecution. The bill adds references to the immunity statute for O.C.G.A. § 16-3-20, relating to justification, and O.C.G.A. § 17-4-20, relating to authorization of arrests with and without warrants and use of deadly force. The same references are added into O.C.G.A. § 51-11-9, which provides for immunity for civil liability.

SB 533 by Sen. Brian Strickland (17th): Jailed-based Competency Restoration Programs

SB 533 allows the Department of Behavioral Health and Developmental Disabilities (DBHDD) to restore an accused person back to mental competency, so that he or she can stand trial, in an appropriate facility within a jail. To use these facilities, DBHDD must have a mutual agreement with the local sheriff's office.

Housing, Property, and Water Rights

HB 404 by Rep. Kasey Carpenter (4th): 'Safe at Home Act'

HB 404 requires rental properties to be fit for human habitation. Landlords are prohibited from requiring a security deposit that exceeds two months' rent, and they are also prohibited from shutting off conditioned air prior to an eviction. A tenant who fails to pay charges owed to landlord is afforded a three-business-day written notice period prior to an eviction proceeding being filed. The eviction notice must be posted conspicuously on the property door in a sealed envelope.

HB 1017 by Rep. Devan Seabaugh (34th): 'Georgia Squatter Reform Act'

HB 1017 creates the offense of unlawful squatting when someone enters and resides upon the land or premises of the owner without the owner or rightful occupant's knowledge or consent. A person who violates this provision will receive a citation advising that person to present documentation within three business days that authorizes presence on the land or premises. If the person is unable to provide documentation, the person will be subject to arrest for criminal trespass and will be guilty of a misdemeanor. If a person does provide documentation, a hearing will be set within seven days of submitting the documentation to determine its validity. If the documentation is found to be improperly executed or fraudulent, that person will be subject to removal, subject to arrest, and assessed an additional fine based on the fair market monthly rental rate of the premises. A law enforcement official will present an affidavit regarding a person's claim to the property at least three days prior to removing that person from the property.

HB 1172 by Rep. James Burchett (176th): Navigable Streams and Public Trust Doctrine

HB 1172 amends Georgia water law by removing direct references to the public trust doctrine and stating that by the common law, citizens have an inherent right to use for passage and for hunting and fishing all navigable streams from low-water mark to low-water mark. Entry upon privately owned land adjacent to navigable streams is not permitted.

HB 1203 by Rep. Trey Kelley (16th): Execution of Writs of Possession

HB 1203 entitles a landlord to use an off-duty sheriff, sheriff's deputy, marshal, or POST-certified officer with jurisdiction to execute a writ of possession at the landlord's sole cost and expense when an on-duty official is unable to execute the writ within 14 days of the landlord's application or request for execution. The landlord will have access to a list of authorized off-duty personnel and he or she must provide written notice to the sheriff, constable, or marshal of the time of execution of the writ at last five calendar days in advance of the execution.

HB 1292 by Rep. Gabe Okoye (102nd): Photographic Identification when Filing Deeds

HB 1292 requires an individual presenting a deed or other interest in real property to produce a government-issued photographic identification card to a clerk of the superior court for recording. The clerk will make a photocopy of the card and document on the photocopy information relating to the specific deed or instrument. This procedure is not applicable to a person licensed to practice law or to a licensed agent of a financial institution or credit union. An owner of real property may bring an action against an individual who knowingly filed a false or forged deed or instrument. The owner can recover actual damages caused by the fraudulent filing or $5,000, whichever is greater, and reasonable attorney's fees.

HB 1292 also requires that unrequested solicitations for property that include monetary offers must include notice that the offer may or may not be the fair market value of the property. When the offer is less than the property's prior year assessed value, the notice shall state that the offer is less than the county-assessed value for the property.

SB 420 by Sen. Jason Anavitarte (31st): Foreign Agents Acquiring Land Interests

SB 420 prohibits a person who is not a U.S. citizen or legal resident, is an agent of a foreign government designated as a foreign adversary pursuant to 15 C.F.R. Section 7.4., and has been out of the country for a period of time preceding the acquisition of land from acquiring any possessory interest in agricultural land or land within a 10-mile radius of a military installation, excluding residential property. Any possessory interest in agricultural land acquired by a nonresident alien through inheritance must be disposed of within one year after acquisition, and any interest acquired in the collection of debts must be disposed of within two years after acquisition. A broker must timely disclose to their client the requirements regarding relevant land acquisition. Violations will be a felony with punishment of a fine of less than $15,000 and imprisonment of between one and two years.

SB 420 also allows an interest in real estate to be transferred through a transfer-on-death deed, which permits a deed to transfer ownership of an interest upon death of the record owner. The transfer-on-death deed will be executed, acknowledged, and recorded in the office of the clerk of superior court of the county where the real estate is located prior to the death of the record owner. A transfer-on-death form is provided in the bill.

Protections against Human Trafficking and Protections for Children and Families

HB 993 by Rep. Alan Powell (33rd): Prohibiting the Grooming of a Minor

HB 993 creates a criminal penalty for those who groom a minor through a pattern of activity or communication and who use either a third party or electronic means to persuade, induce, entice, or coerce that minor to engage in a sexual offense, human trafficking, or any other offense within Chapter 6 of Title 16 ("Sexual Offenses").

A person who commits this crime will be subject to felony imprisonment of one to five years. This crime only applies to a person over the age of 18 who is not within four years of age of the alleged victim. This applies to conduct completed within or outside of the state or conduct aimed at a minor outside of this state if the actions occurred within this state.

HB 1201 by Rep. Houston Gaines (120th): Vacating Sentences of Victims of Human Trafficking

HB 1201 allows a victim of human trafficking to have his or her sentence vacated when sentenced pursuant to O.C.G.A. § 42-8-60, relating to probation, or O.C.G.A. § 16-13-2, relating to conditional discharge of possession of controlled substances as a first offense, so long as the crime was a direct result of being a victim of human trafficking.

SB 370 by Sen. Mike Hodges (3rd): Places Where the Human Trafficking Hotline Notice Must Be Posted

SB 370 adds convenience stores, body art studios, manufacturing facilities, and medical offices to the list of establishments that must post a notice containing the human trafficking hotline information. The bill also requires that each board member of the Georgia Board of Massage Therapy complete at least 30 minutes of training on human trafficking awareness. A massage therapy licensee must now attach a photograph of the licensee taken within the last two years to the copy of the license displayed in a public space at the location.

Responses to Judicial Decisions

HB 1312 by Rep. Rick Jasperse (11th): Schedule for Delayed Public Service Commission Elections

HB 1312 responds to the judicial decisions involving the federal *Rose v. Raffensperger* case and addresses delayed 2022 and 2024 Public Service Commission (PSC) elections by setting a schedule for future elections, that maintains staggered terms, of each of the five PSC districts.

SB 332 by Sen. Randy Robertson (29th): Prosecuting Attorneys Qualifications Commission

The legislature passed SB 332 in response to the Supreme Court of Georgia's November 2023 order, in which the court declined to take action regarding the Prosecuting Attorneys Qualifications Commission's (PAQC) proposed rules because of separation-of-powers concerns. Due to this, the bill removes the requirement that the rules of the PAQC be approved by the Supreme Court of Georgia.

Torts and Legal Liability

HB 994 by Rep. Alan Powell (33rd): Liability of Boat Operators and Boat Livery Owners

HB 994 provides that boat operators are liable for injury or damage when negligence occurs on the part of the operator. A rented boat operator is liable for negligent operation. Boat livery owners are required to carry insurance with coverage of at least $500,000 per person per occurrence and $1,000,000 per event.

HB 1114 by Rep. Will Wade (9th): Collection of Data from Insurers Related to Tort-related Risks

HB 1114 allows the Office of Insurance and Safety Fire Commissioner to collect and analyze anonymous data from insurers related to tort-related risks. A report is required to be submitted to the governor, the House Committee on Insurance, and the Senate Insurance and Labor Committee by November 1, 2024. This Code section will be repealed on January 1, 2030.

HB 1409 by Rep. Rob Leverett (123rd): Legal Liability of Inpatient Mental Health Providers

HB 1409 pertains to the legal liability of inpatient mental health providers in the delivery of care to individuals under the age of 21 who are in the custody of the Department of Human Services. Mental health care providers will not be held liable unless gross negligence occurs. In such cases, the jury will be instructed to consider the patient's medical history, previous provider-patient relationships, and circumstances surrounding delivery and provision of services.

SB 83 by Sen. Kim Jackson (41st): Settling Motor Vehicle Claims for Personal Injury or Death

SB 83 provides that any offer to settle a tort claim for personal injury or death, other than a product liability claim, arising from a motor vehicle collision will be an offer to enter into a contract and must be in writing between the period of when the incident occurred and when all named defendants have filed their initial answers. An offer to settle must include a date by which payment will be delivered, although it cannot be less than 40 days from when the recipient would receive the offer, which is a material term.

The offer must also include a requirement, which is a material term, that the recipient of the offer provide a statement that is under oath regarding whether all liability and casualty insurance that provides, or may provide, coverage for the claim at issue has been disclosed to the offeror. This provision also requires that the recipient disclose a date by which such statement that is under oath will be delivered, which cannot be less than 40 days from the receipt of the offer. This provision governing insurance can be waived by the offeror. The bill also provides

that no party can require another to waive O.C.G.A. § 9-11-67.1 in a contract. The bill specifically does not provide for a civil cause of action when a recipient of an offer violates an immaterial term of the offer when accepting.

SB 426 by Sen. Blake Tillery (19rd): Direct Action / Motor Carriers

SB 426 permits a claimant to join a motor carrier and insurance carrier in the same action only when one or more motor carriers in question are insolvent or bankrupt or when personal service against the driver of the vehicle or the motor carrier cannot be carried out after reasonable diligence. An amended complaint joining an insurance carrier must be served on the insurance carrier, and the insurance carrier is able to file an answer within 30 days of service.