



# Georgia House of Representatives

# SESSION REPORT

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## 2021 Session Report - Key Legislation

- HB 43**     **Motor vehicles; require registration application forms to include optional information regarding certain conditions which may interfere with a registrant's ability to communicate**  
*By: Rep. Wesley Cantrell (22nd)                      Through the Motor Vehicles Committee*  
Final Bill Summary: House Bill 43 requires motor vehicle registration application forms to include a section which allows the applicant to disclose a physical, mental, or neurological condition that impedes the ability of the applicant or an expected driver of the vehicle to communicate.
- HB 80**     **Supplemental appropriations; State Fiscal Year July 1, 2020 - June 30, 2021**  
*By: Rep. David Ralston (7th)                      Through the Appropriations Committee*  
Final Bill Summary: House Bill 80, the Amended FY 2021 budget, is based on a revenue estimate of \$26.56 billion, an increase of \$654.3 million, or 2.5%, over the current budget.  
  
The bill and tracking sheet may be found on the House Budget and Research Office's [website](#).
- HB 81**     **General appropriations; State Fiscal Year July 1, 2021 - June 30, 2022**  
*By: Rep. David Ralston (7th)                      Through the Appropriations Committee*  
Final Bill Summary: House Bill 81, the FY 2022 budget, is based on a revenue estimate of \$27.2 billion, an increase of \$1.3 billion, or 5.2%, over original FY 2021 budget.  
  
The bill and tracking sheet may be found on the House Budget and Research Office's [website](#).
- HB 94**     **Crimes and offenses; provide for the crime of theft by possession of stolen mail**  
*By: Rep. Bonnie Rich (97th)                      Through the Judiciary Non-Civil Committee*  
Final Bill Summary: House Bill 94 designates a new felony crime of "theft by possession of stolen mail," with resulting punishment of between one to five years in prison, although the presiding judge has the discretion to sentence a defendant to a misdemeanor. A person is guilty of the crime if he or she possesses stolen mail addressed to three or more different addresses, and possesses a minimum of 10 separate pieces of stolen mail. Each set of 10 separate pieces of stolen mail, addressed to three or more different addresses, constitutes a separate crime.  
  
The bill also designates a new felony crime of "porch piracy," with resulting punishment of one to five years in prison, although the presiding judge has the discretion to sentence a defendant to a misdemeanor. A person is guilty of the crime if he or she takes, or removes, three or more envelopes, bags, packages, or other sealed items of another person from that person's porch, steps, or entranceway without permission and so long as those items were taken from at least three different addresses.
- HB 112**     **Torts; provide certain immunities from liability claims regarding COVID-19; extend applicability for one year**  
*By: Rep. Trey Kelley (16th)                      Through the Special Committee on Access to the Civil Justice System*  
Final Bill Summary: House Bill 112 extends the protections provided for by the 'Georgia COVID-19 Pandemic Business Safety Act' from July 14, 2021, to July 14, 2022.

**HB 146 Public officers and employees; paid parental leave for eligible state employees and eligible local board of education employees; provide**

*By: Rep. Houston Gaines (117th) Through the Health & Human Services Committee*

Final Bill Summary: House Bill 146 allows eligible employees of state government and local boards of education to be eligible for a maximum of 120 hours of paid parental leave for qualifying life events after six continuous months of employment. "Qualifying life events" are defined as the birth or adoption of child, as well as placement of a child in foster care.

**HB 150 Public utilities and public transportation; prohibit governmental entities from adopting any policy that prohibits the connection or reconnection of any utility service based upon the type or source of energy or fuel**

*By: Rep. Bruce Williamson (115th) Through the Energy, Utilities & Telecommunications Committee*

Final Bill Summary: House Bill 150 prohibits governmental entities from adopting any policy that prohibits the connection or reconnection of any utility service based on the type of energy or fuel.

**HB 154 Domestic relations; protection of children; strengthen, clarify, and update provisions**

*By: Rep. Albert Reeves (34th) Through the Juvenile Justice Committee*

Final Bill Summary: House Bill 154 clarifies and refines the Code regarding statutory adoption provisions. The bill clarifies the venue alternatives when a child is placed for adoption with an out-of-state resident. The exception to the general venue rule applies when a child is placed in accordance with the Interstate Compact on the Placement of Children (ICPC) or when the petitioner is a resident of another country. HB 154 reduces the statutory age at which a person is allowed to petition for adoption from 25 to 21 years old. The bill clarifies that adoption petitioners are not subject to the requirements of the ICPC when the ICPC's relative exception applies or when the petitioners are residents of another country. Further, the bill clarifies the deadline and method for submitting a revocation.

HB 154 amends several sections regarding service of process to authorize the use of certified mail, including when service is upon a parent and when state law does not require a surrender or termination of parental rights, or when state law authorizes the termination of a parent's rights based on certain circumstances. The bill allows the required search of the putative father registry to be performed after the adoption petition is filed and the results to be attached as an amendment to the petition. The bill requires the petitioner to request the appointment of an investigator to verify the allegations in the adoption petition if the court fails to appoint one. HB 154 creates a presumption that a non-resident petitioner can appear for the final hearing via electronic means if the petition for adoption is uncontested. For adoption petitions, the bill also clarifies the naming conventions to be used and to appropriately preserve anonymity in the event that there are appeals. When examining the evidence for a child born in a foreign country, the court shall determine whether a sufficient amount of evidence has been provided to show that a child has a viable path to lawful permanent resident status, if not already attained, rather than if the child will be able to obtain lawful permanent resident status.

HB 154 creates a civil cause of action as a tort claim under Georgia law as well as a felony crime to address adoption scams where individuals intentionally misrepresent a pregnancy, or their intention to place a child for adoption, when the individual is not pregnant. The felony crime shall be punished by imprisonment of between one to 10 years, a maximum fine of \$10,000, or both, in addition to the convicted individual being subject to a court order that mandates the individual pay back any restitution to the harmed victim. This includes when the individual has no intention of placing a child for adoption and no money has been obtained by the individual, but the potential adoptive parents have expended money based on the misrepresentation. This bill also updates the required forms to reflect additional language.

Further, the bill allows for the Division of Family and Children Services (DFCS) to file a petition for the appointment of a guardian for a minor who is under the custody of DFCS, so long as the minor is within six months of reaching the age of 18.

**HB 156 Military; sharing of information and reporting of cyber attacks; facilitate**

*By: Rep. Don Parsons (44th) Through the Energy, Utilities & Telecommunications Committee*

Final Bill Summary: House Bill 156 requires utilities and state and local governmental agencies to report cyber-attacks to the director of the Georgia Emergency Management and Homeland Security Agency. The reports are not subject to public inspection or disclosure. Nothing in the bill relieves any agency or utility of any requirement under law to notify a person if they have been impacted by a cyber-attack or data breach.

Finally, if the governor makes a determination that a memorandum of agreement with one or more of the major military commands established in the state would substantially enhance the education or job placement of Georgians in science, technology, engineering, math, or cybersecurity, the governor may enter into the agreement, subject to appropriations for any state expenditures provided for in the agreement.

**HB 163     Community Health, Department of; submit state plan amendment to implement express lane enrollment in Medicaid; direct**

*By: Rep. Sharon Cooper (43rd)                      Through the Health & Human Services Committee*

Final Bill Summary: House Bill 163 requires the Department of Community Health to submit a state plan amendment to implement express lane eligibility in Medicaid and the PeachCare for Kids Program. Upon approval of this amendment, the bill directs the Department of Human Services to automatically enroll and renew eligible children in Medicaid and the PeachCare for Kids Program based on application data received from the Supplemental Nutrition Assistance Program.

**HB 231     Crimes and offenses; victims of stalking; expand applicability of protective orders**

*By: Rep. Houston Gaines (117th)                      Through the Judiciary Non-Civil Committee*

Final Bill Summary: House Bill 231 creates a separate temporary protective order (TPO) for dating violence that is not covered by a TPO for family violence. These TPOs cover felonies, simple battery, battery, simple assault, and stalking, so long as it is between two people with whom there has been a pregnancy together or who are currently in a dating relationship or have been in a dating relationship within the last six months. "Dating relationship" is defined as a committed, romantic relationship that involves an intimacy level above those of mere friends, although the definition does not require sexual involvement. A hearing is to be held on a filed petition within 10 days, at which time the petitioner must prove the allegations by a preponderance of the evidence. The presiding judge shall consider the factors specifically outlined to confirm the existence of a dating relationship.

**HB 236     Domestic relations; additional monitoring of victim after granting of a temporary protective order; provide**

*By: Rep. Yasmin Neal (74th)                      Through the Judiciary Non-Civil Committee*

Final Bill Summary: Under the provisions of this bill, when a temporary protective order is granted for relief from family violence, the petitioner may elect to receive periodic safety checks from local law enforcement officers, which include observations of the outside of the petitioner's residence and officer presence nearby the petitioner's residence. The petitioner elects to receive these safety checks by providing the local law enforcement agency with a copy of the temporary protective order.

If the petitioner elects to receive these safety checks, then the safety checks shall be ongoing for a total period of 60 days, with the individual checks occurring at the discretion of the local police agency. Prior to the 60-day period ending, the petitioner can withdraw his or her request, or the local police agency can determine that the petitioner no longer appears to require the safety checks.

**HB 254     Insurance; Commissioner's enforcement authority with regard to adjusters; increase**

*By: Rep. Eddie Lumsden (12th)                      Through the Insurance Committee*

Final Bill Summary: House Bill 254 amends current public adjuster laws to increase consumer protections from fraud.

Sections One and Two give the Department of Insurance (DOI) the authority to adopt rules and regulations and requires all public adjusters to be licensed by DOI.

Section Three requires public adjusters to use contracts approved by DOI, outlines what these contracts must include, and specifically prohibits the public adjuster from working in multiple capacities, including as a contractor or appraiser.

Sections Four through Six outline the fees that public adjusters can collect, sets a cap for the total commission allowed to be collected from the settlement of the claim at 33.3 percent, and prohibits adjusters from receiving a commission if the insurer commits to paying the policy limits within 72 hours of the reported loss. Public adjusters are permitted to endorse a check from an insurer to an insured only if it goes into the adjuster's escrow account.

Public adjusters are required to file proof of financial responsibility with DOI and must keep records of all transactions for at least five years for review. Additionally, this bill adds new regulations for public adjuster advertisements and prohibits adjusters from soliciting during natural disasters. Furthermore, contractors are prohibited from acting as public adjusters on property where contracting services are being provided and prevents adjusters whose license has been revoked from offering public adjusting services.

**HB 255 Sexual Assault Reform Act of 2021; enact*****By: Rep. Scott Holcomb (81st)******Through the Judiciary Non-Civil Committee***

Final Bill Summary: House Bill 255 is the 'Sexual Assault Reform Act of 2021'. This bill requires sexual assault protocol committees to submit an annual certification of compliance to the Criminal Justice Coordinating Council, which will then notify the governor, lieutenant governor, speaker of the House, and the chief justice of the Supreme Court of Georgia of any non-compliant judicial circuits. This bill also clarifies language stating that it is a victim's right not to immediately report an alleged sexual assault and that the investigating law enforcement agency shall retain certain physical evidence for at least 12 months from the date of collection.

Further, this bill creates a statewide sexual assault kit tracking system, to be operated by the Criminal Justice Coordinating Council. The system will track the location and status of sexual assault kits as they move through the chain of custody; designate the kits as unreported or reported; allow certain medical facilities, law enforcement agencies, prosecutors, the Georgia Bureau of Investigation, and other entities with custody of sexual assault kits to update the status and track the location of the kit; allow victims of sexual assault to anonymously track the status of their kits; and use technology to allow continuous access. This system will be phased-in, but the bill requires all entities having custody of kits to fully participate in the system by one year from the effective date of the bill.

The Criminal Justice Coordinating Council is required to submit a status report and implementation plan for the system by January 1, 2021. Continued reports on the status of the system will be submitted twice per year and include certain data, such as the total number of kits in the system, number of kits where forensic analysis has been completed; number of kits added to the system, rate of time for kits to be submitted for forensic analysis after being added to the system, number of kits destroyed or removed from the system, and number of kits for which forensic analysis has not been completed and one year has passed since being added to the system. Government agencies and hospitals providing services to victims of sexual assault are not liable for civil damages due to a release of information, or failure to release information, related to the system, absent gross negligence.

Further, this bill requires each law enforcement agency in the state to enter required information into the FBI's national database of the Violent Criminal Apprehension Program for any investigations of an allegation of rape, aggravated sodomy, or aggravated assault with intent to rape, in which the alleged perpetrator is unrelated to the victim or is known to be a serial sexual offender. This applies retroactively to all pending investigations that meet the above criteria, although an exemption exists for offenses involving a victim between the ages of 14 and 16 and an alleged offender of 18 years old or younger, so long as the alleged offender is not more than four years older than the victim.

**HB 265 Revenue and taxation; Internal Revenue Code and Internal Revenue Code of 1986; define terms and incorporate certain provisions of federal law into Georgia law*****By: Rep. David Knight (130th)******Through the Ways & Means Committee***

Final Bill Summary: House Bill 265 provides the annual Internal Revenue Code update to O.C.G.A. 48-8-2, which includes an increase in the deductibility of medical expenses, charitable contributions, and business meals as well as clarification of the tax treatment of loan forgiveness from the 'Coronavirus Aid, Relief, and Economic Security (CARES) Act.'

**HB 273 Distilled spirits; initiate a referendum election for the authorization of the issuance of licenses; provide additional method*****By: Rep. Mandi Ballinger (23rd)******Through the Regulated Industries Committee***

Final Bill Summary: Section 1 of House Bill 273 repeals and replaces the limited exception to the three-tier system of alcoholic beverages for distillers, in which it increases the cap to 750 barrels of distilled spirits per year that can be sold on the licensed premises of distilleries. Further, distilleries are now permitted to have three licensed locations in which they exercise their rights under this exception, and the cap is increased for

retail sales on the premises for purposes of off-premises consumption to 4,500 milliliters of distilled spirits per individual per day. Beginning on April 1, 2022, distillers will only be allowed to sell their product on their licensed premises if they also produce distilled spirits on that premises, unless the premises operates under the same federal distilled spirits permit, is designated as one of the distiller's three licensed premises under the statute, is using the facility for aging its product for a period over one year, or the facility has at least 500 barrels of distilled spirits that are being aged in wooden containers. Also starting on April 1, 2022, each licensed facility using this exception for retail sales will be limited each quarter to sell no more of its distilled spirits than it produces at that facility during the quarter. If a facility is falling under an exception listed in O.C.G.A. 3-4-24.2(b)(7), then the maximum amount of distilled spirits that a facility can sell under the exception is the difference between the total on-site production volume of all the distiller's premises in the state during the quarter and the total retail sales of the distiller made pursuant to the exception allowing retail sales for all of the distiller's facilities in the state for the quarter. The bill also allows for distillers to transfer their finished product between their licensed facilities.

Section 2 allows breweries with multiple licensed facilities to transfer beer between those licensed properties, so long as the facilities have the same 100-percent common ownership and the brand and brand label are solely owned by the brewer. Further, the bill increases the maximum amount of beer a brewery can sell on-site, either for on-premises or off-premises consumption, via this exception to the three-tier system to 6,000 barrels annually among all licensed facilities. Any transfers of beer under these provisions is required to be reported on a quarterly report, as provided by the Department of Revenue.

**HB 286 Local government; restrict ability of county governing authorities to reduce funding for county police departments**

*By: Rep. Houston Gaines (117th) Through the Governmental Affairs Committee*

Final Bill Summary: House Bill 286 prohibits counties and municipalities from reducing their police force budgetary appropriations by more than five percent unless specified conditions exist.

The bill requires state and local governments to provide, when requested, payroll deductions to public safety employees to purchase insurance.

**HB 307 Georgia Telehealth Act; revise**

*By: Rep. Sharon Cooper (43rd) Through the Health & Human Services Committee*

Final Bill Summary: HB 307 authorizes health care providers to provide telehealth services from home and patients to receive telehealth services from their home, workplace, or school. Additionally, HB 307 prohibits insurers from requiring separate deductibles or an in-person consultation before paying for telehealth services. This bill allows for audio-only care under certain circumstances, such as a lack of broadband connection.

HB 307 restricts insurers from requiring providers to use a specific telehealth platform or vendor. Insurers are not allowed to restrict the prescribing of medications through telehealth that are more restrictive than what is required under applicable state and federal laws for in-person prescribing of medications. Additionally, this bill requires that each provider maintain documentation of each health care service provided through telehealth in a manner that is at least as extensive and thorough as documentation maintained for in-person services.

**HB 317 Excise tax; revise definition of innkeeper to include marketplace facilitators; provisions**

*By: Rep. Ron Stephens (164th) Through the Ways & Means Committee*

Final Bill Summary: House Bill 317 amends Article 3 of Chapter 13 of Title 48, relating to excise tax on rooms, lodgings, and accommodations, by expanding the definition of "innkeeper" to include any dealer that is required to collect and remit sales tax as a marketplace facilitator for facilitating the sale of rooms, lodgings, or accommodations. The definition expansion requires the innkeepers acting as marketplace facilitators to collect and remit the local excise taxes due on rooms, lodgings, or accommodations. The bill also modifies the five-dollar hotel/motel excise tax found in §48-13-50.3 to apply to all rooms, lodgings, or accommodations, with the exception of extended stay rentals, lodgings, or accommodations that do not provide shelter.

**HB 327 Organized Retail Crime Prevention Act; enact**

*By: Rep. Martin Momtahan (17th) Through the Judiciary Non-Civil Committee*

Final Bill Summary: House Bill 327 is the 'Organized Retail Crime Prevention Act.' The bill adds several requirements for the resale of gift cards by merchants who specialize in the sale of gift cards that are not authorized by the corporate issuer nor its agent and refers to these merchants as "third-party card dealers."

These third-party card dealers must maintain records for three years on applicable data, including: the date of transaction; name of the person conducting the transaction; name, age, and address of the seller; a description of the general appearance of the customer and the customer's driver's license number; and value amount on the gift card and the price paid. These entries must be open to the inspection of authorized law enforcement officers during ordinary business hours or at any other reasonable time.

Further, this bill creates a misdemeanor offense for a third-party card dealer, or its agents or employees, who knowingly fails to make an entry of any material matter in the records; makes any false entry; falsifies, destroys, or removes the record book; refuses to allow an authorized law enforcement agent to inspect the records or any stored gift card; or fails to maintain a record of each required transaction for at least four years.

The bill revises the Code to say that the definition of "retail property" for purposes of retail property fencing, civil forfeiture, or other matters is not required to be new items. The definition of "conviction" is broadened for purposes of the crimes of theft by shoplifting and refund fraud to include pleas of nolo contendere.

HB 327 creates a felony crime for organized retail theft, which occurs when a person intentionally organizes others to steal property of a store for purposes of reselling that property for monetary gain. The aggregative value of the property must be \$25,000 or more, and the property must be sold to another party who either intends to, or does, resell that same property. The punishment for the crime is imprisonment of between 3 to 20 years, a maximum fine of \$50,000, or both.

### **HB 363 Crimes and offenses; protection of elder persons; revise definitions**

*By: Rep. John LaHood (175th)*

*Through the Judiciary Non-Civil Committee*

Final Bill Summary: HB 363 removes various subsections of the Code that escalate punishment for elder crimes due to rule of lenity concerns with existing law, in particular with statutory interpretation in favor of the defendant due to crimes with overlapping elements as codified in the subsections below and in §16-5-102.

The bill adds a new definition under §16-5-100 for "abuse of access" and also references that definition in the definition of "exploit."

A subsection of §16-5-20 is rescinded that escalates the punishment to an aggravated crime when simple assault is committed against an individual who is 65 years of age or older. A subsection of §16-5-23 is rescinded that escalates the punishment to an aggravated crime when simple battery is committed by an employee, agent, or volunteer of a licensed long-term care facility, assisted-living community, personal care home, or those licensed for home health care, or against a person who is admitted to or receiving services from one of the applicable facilities, persons, or entities. A subsection of §16-5-23.1 is rescinded that escalates the punishment for when battery is committed by an employee, agent, or volunteer of a licensed long-term care facility, assisted-living community, personal care home, or those licensed for home health care, or against a person who is admitted to or receiving services from one of the applicable facilities, persons, or entities. A subsection of §16-8-12 is rescinded that escalates the punishment for when theft by deception is committed against an individual who is 65 years of age or older and the property is worth more than \$500 in value.

### **HB 392 Alcoholic beverages; licenses for retail sale packages of alcoholic beverages for consumption off premises shall be subject to regulation as to distance from schools as determined by the local governing authority; provide**

*By: Rep. Jason Ridley (6th)*

*Through the Regulated Industries Committee*

Final Bill Summary: House Bill 392 makes new alcoholic beverage licensees for package sale for off-premises consumption of beer or wine subject to the local jurisdiction's distance requirements from school and educational buildings. These distance requirements can be less restrictive than those in the Code, but cannot be more restrictive. If the local jurisdiction does not have specific distance requirements enacted for school and educational buildings, then the state's distance requirements shall control. The bill also clarifies the definition of "in-room service" for hotels and that the limitation on distilled spirits applies to package sales.

### **HB 458 Georgia Composite Medical Board; require certain training relating to sexual misconduct for members**

*By: Rep. Sharon Cooper (43rd)*

*Through the Health & Human Services Committee*

Final Bill Summary: House Bill 458 requires all newly appointed board members of the Georgia Composite Medical Board to participate in training and education to support greater understanding of sexual misconduct, sexual boundaries, and impacts of trauma and implicit bias within three months of such appointment. All board members in office as of January 1, 2022 are required to participate in this training by March 30, 2022.

On or after January 1, 2022, continuing education requirements for dentists include legal ethics and professionalism in the practice of dentistry. These new requirements will include: education and training regarding professional boundaries; and unprofessional conduct relating to the commission of acts of sexual intimacy, abuse, misconduct, or exploitation.

Additionally, this bill authorizes the board to refuse a license, certificate, or permit and issue discipline for members who have pleaded guilty or were found guilty by a court of law of committing a sexual assault on a patient. If the board finds that the public health, safety, or welfare imperatively requires emergency action pursuant to an alleged sexual assault on a patient by a licensee, the board may suspend a license, pending proceedings for revocation or other action.

On or after January 1, 2022, all physicians are required to receive one-time education and training, for a minimum of two hours, regarding professional boundaries and physician sexual misconduct. This education and training will include subject matter on how to proceed with basic as well as sensitive or intimate examinations and the effective communication techniques with patients.

No later than January 1, 2022, the board will develop and identify education resources and materials for physicians, board members, and board staff to support greater understanding of sexual misconduct, sexual boundaries, and impacts of trauma and implicit bias. On or after June 30, 2022, this same type of education and training applies to each medical or osteopathic school in good standing with the board.

Furthermore, House Bill 458 requires physicians, registered professional nurses, licensed practical nurses, and physician assistants to report the name of a physician to the board if such provider has reasonable cause to believe that the physician committed a sexual assault. No provider required to report a physician to the board, who in good faith either reports or fails to report, will be subject to civil or criminal liability or discipline for unprofessional conduct.

Any provider required to report a physician to the board who knowingly and willfully fails to do so will be subject to a fine of no less than \$1,000, or greater than \$5,000, as determined by the provider's licensing board. Law enforcement officers investigating cases of alleged sexual assaults on a patient by a physician are authorized to send pertinent and confidential records on such cases to the board.

The board will compile a report to the governor and General Assembly on January 1 of each year on the number of physicians the board has conducted sexual assault investigations on and the outcome of the investigations. In no event will any identifying information be included in this report for investigations that exonerate the physician, or do not result in the refusal, revocation, or suspension of a license, or a private or public disciplinary order.

## **HB 479 Criminal procedure; revise certain arrest powers; provisions**

*By: Rep. Albert Reeves (34th)*

*Through the Judiciary Committee*

Final Bill Summary: House Bill 479 repeals the citizen's arrest statute from the Code, provides instances in which law enforcement officers may make arrest outside of their jurisdiction, and establishes when certain private citizens may detain individuals.

Law enforcement officers may make an arrest for an offense outside of their jurisdiction: if the offense is committed in an officer's presence or within an officer's immediate knowledge; when in immediate pursuit of an offender for an offense committed within the officer's jurisdiction; or while assisting another law enforcement officer in the jurisdiction of the other officer.

Owners and employees of a retail establishment may detain an individual if they reasonably believe that the individual committed, or attempted to commit, theft by shoplifting, refund fraud, or theft by unlawful use of receipts or universal product code labels. The owner or employees of any business entity operating on their own property, or on the property of others on which they are doing business, may detain an individual if they reasonably believe that the individual committed, or attempted to commit, theft by taking or theft of services. Weight inspectors with the motor carrier compliance division of the Department of Public Safety when needed for purposes of his or her duties, and licensed or registered private detective or private security businesses when conducting their business, may detain individuals. Any of these private persons who detain an individual is to either release the individual or contact law enforcement within a reasonable time. Any individual detained by these private persons who is not released will be surrendered to a law enforcement officer along with any personal belongings removed from the individual.

Nothing in this bill shall be construed to limit or alter any immunity or defense provided under Article 2 of Chapter 3 of Title 16. Except in circumstances involving use of force in defense of self or others, involving use

of force in defense of habitation, or involving use of force to prevent the commission of a forcible felony, any of the private persons provided for in the bill who detain an individual shall not use force which is intended or likely to cause great bodily harm or death, but may use reasonable force to the extent the private person reasonably believes is necessary to detain the individual.

Code Section 51-7-60, relating to the preclusion of recovery for detention or arrest of persons suspected of shoplifting, is amended to conform to the provisions created by the bill.

#### **HB 511 State treasury; establishment or revision of certain Trust Funds; provide**

*By: Rep. Albert Reeves (34th)*

*Through the Appropriations Committee*

Final Bill Summary: House Bill 511 dedicates specific fees by general law for 10 years and creates the framework to segregate the collections for each fee dedicated in this manner as a unique trust fund earning interest within the Office of the Treasurer. Effective Fiscal Year 2023, the amount of the annual collections and interest, as reported to and confirmed by the three budget offices, provides the statutory basis for the amount to be appropriated in next budget cycle. The appropriation for each fee is done as a distinct and separate fund source within all appropriations bills for the duration of the dedication.

The dedicated trust funds and the trustees of those funds established in or included in the framework within HB 511 are the: Georgia Outdoor Stewardship Trust Fund and the Wildlife Endowment Trust Fund, under the purview of the commissioner of the Department of Natural Resources; Solid Waste Trust Fund and Hazardous Waste Trust Fund, under the purview of the director of the Environmental Protection Division; State Children's Trust Fund, under the purview of the director of the Division of Family and Children Services; Trauma Care Network Trust Fund, under the purview of the executive director of the Georgia Trauma Care Network Commission; Transportation Trust Fund and Georgia Transit Trust Fund, under the purview of the commissioner of the Department of Transportation; Georgia Agricultural Trust Fund, under the purview of the commissioner of the Department of Agriculture; and Fireworks Trust Fund, under the purview of the commissioner of the Department of Revenue.

Finally, the bill establishes a fiscal note analysis process as a requirement for future legislation dedicating a fee. The analysis, prepared by the Office of Planning and Budget and the State Auditor, accompanies the bill, which must be introduced by the 20th day of a legislative session. Bills that do not pass in the first year of a biennium must be reintroduced with an updated fiscal analysis.

#### **HB 534 Crimes and offenses; promoting illegal drag racing and laying drags; provide for offense**

*By: Rep. Josh Bonner (72nd)*

*Through the Public Safety & Homeland Security Committee*

Final Bill Summary: House Bill 534 establishes a crime and penalty for promoting, organizing, or participating in illegal drag racing or laying drags, as well as reckless stunt driving. The violator of this law is guilty of a misdemeanor of a high and aggravated nature and faces suspension of his or her driver's license and possible imprisonment. Penalties graduate based on the number of convictions a person receives.

#### **HB 588 Transportation; eligible expenditures; Georgia Freight Railroad Program; provisions**

*By: Rep. Rick Jasperse (11th)*

*Through the Transportation Committee*

Final Bill Summary: House Bill 588 updates Georgia's Code section on projects completed as a public private partnership (P3) by defining what constitutes a public benefit. Projects that provide "public benefit" are those that result in enhanced public safety; enhanced mobility of goods; congestion mitigation; enhanced trade and economic development; improved air quality or land use; a reduction of public expenditures due to improved transportation efficiency or infrastructure preservation; and other public benefits identified and approved by a majority of the State Transportation Board. The legislation requires that the public benefit also align with goals in the statewide strategic transportation plan or the state's freight plan defined in federal Code.

House Bill 588 authorizes the Georgia Department of Transportation (GDOT) to utilize an alternative contracting method for project delivery that includes either an agreement in which a construction manager/general contractor performs two phases of work, which include preconstruction and construction services; a predevelopment agreement that has one or more contractors collaborate with the department on one or more projects for the conceptual, preliminary, and final planning for projects, and to perform if elected by the department, the construction work; or a comprehensive development agreement that allows for expedited project delivery through the concurrent design and construction of a project under a single multiphase contract that requires the contractor to collaborate to advance development of the project concept, perform the design and construction services, and perform any operations or maintenance work required for the project. In selecting an alternative contracting method, the department must consider codified criteria, and when chosen,

the method/project proposal must be approved by the state transportation board. Additionally, every five years the department must report to the governor, lieutenant governor, speaker of the House, and each chamber's transportation committee members detailing all contracts executed to deliver an alternative contracting method and the benefits realized in utilizing that method.

The legislation amends the definition of a P3 project to include intermodal rail-related and multimodal transportation solutions deemed appropriate for letting by GDOT.

GDOT staff is required under this law to identify and report in odd numbered years to the board potential undertakings best suited for delivery under Georgia's letting procedures Code section related to public private partnerships that are expected to provide the greatest public benefit, reflective of the new definition of "public benefit."

House Bill 588 dedicates the collection of sales and use tax on fuel used exclusively for the operation of locomotives to GDOT for use solely on freight and logistics projects as defined in the bill. Each year, by February 1, GDOT submits a report accounting for the funds received and expended to the House and Senate Transportation Committees, as well as members of the public upon request. This dedication is subject to all conditions imposed by the Constitution of Georgia and is not operational should this provide for the dedication of state revenues in an amount that is equal to or exceeds one percent of the total state revenues based on the previous fiscal year's state revenues that were subject to appropriations.

Finally, HB 588 amends the Code relating to highway impact fees and hotel/motel fees so that if any time the amount collected is not appropriated for two fiscal years to transportation purposes with up to 10 percent of such amount appropriated to transit projects, as determined by the House Budget and Research Office and Senate Budget and Evaluation Office, then the amount collected is reduced by 50 percent. Upon the conclusion of a third fiscal year where the appropriation requirements are not met, the collections cease. The bill requires the budget offices to certify lack of appropriation to the Code Revision Commission for the purpose of updating the Code in accordance with the reduction practices outlined in the bill.

**HB 591    Mental health; marriage and family therapists to perform certain acts which physicians and others are authorized to perform; authorize**

*By: Rep. Don Hogan (179th)*

*Through the Health & Human Services Committee*

Final Bill Summary: House Bill 591 authorizes licensed marriage and family therapists to admit individuals for involuntary evaluation of mental or substance use disorders. Additionally, this bill requires emergency receiving facilities to report a variety of de-identified and aggregated data related to 1013s to the Department of Behavioral Health and Developmental Disabilities.

No later than February 15, 2023, and annually thereafter during each legislative session, the department will prepare a report to the General Assembly, the governor, the president of the Senate, and the speaker of the House. The report will include the following data from the previous calendar year received from each emergency receiving facility.

**HB 593    Tax Relief Act of 2021; enact**

*By: Rep. Shaw Blackmon (146th)*

*Through the Ways & Means Committee*

Final Bill Summary: House Bill 593 amends O.C.G.A. 48-7-27, relating the computation of state taxable net income, by increasing the standard deduction for taxpayers that are single and heads of household from \$4,600 to \$5,400, taxpayers that are married and filing a joint return from \$6,000 to \$7,100, and taxpayers that are married and filing individual returns from \$3,000 to \$3,550, beginning tax year 2022.

**HB 617    Postsecondary education; student athletes may receive compensation for use of name, image, or likeness; provide**

*By: Rep. Chuck Martin (49th)*

*Through the Higher Education Committee*

Final Bill Summary: House Bill 617 creates O.C.G.A. 20-3-680 to allow student athletes to receive compensation for the use of the athlete's name, image, or likeness as long as such compensation is not in exchange to attend, participate, or perform at a particular postsecondary education institution. HB 617 requires the postsecondary institution to provide a financial literacy and life skills workshop at the beginning of the student's first and third academic years.

House Bill 617 allows team contracts to provide for pooling up to 75 percent of the student athlete's

compensation for their name, image, or likeness for the benefit of student athletes previously enrolled at the same institution. This legislation will remain in effect until a federal law is passed relating to student athlete compensation; rules, policies, or regulations are adopted pertaining to such compensation; or until June 30, 2025, at which time this legislation stands repealed.

**HB 635      Courts; each judge of the superior court, state court, and probate court and each magistrate shall have authority to perform any lawful judicial act; provide**

*By: Rep. Rob Leverett (33rd)*

*Through the Judiciary Committee*

Final Bill Summary: House Bill 635 allows superior, state, probate, and magistrate court judges to perform any lawful, judicial act from any location. Previously, the Code required these judges to be physically located in Georgia to perform such acts. A judge's ability to conduct courts of inquiry by audio-visual communication is expanded.

The bill also authorizes superior and state courts to hold any court session in an alternative facility that is deemed to be in the best interest of the public by county governing authorities; with considerations of travel burden being paramount. Such alternative facilities must be within the same county or an adjoining county and be open and accessible to the public. Criminal jury trials may only be conducted in an alternative location if the governing authority owns the facility or has a contractual relationship with the alternative location.

Superior courts of counties with a state court that utilizes courtrooms outside of the county site may only hold court sessions outside of the county site if the chief judge enters a written order to hold the session outside the county site. The order must include a finding as to why it is impracticable to hold the session at the county site and a judge of the state court enters a written order consenting for the session to be held in the courtroom of the state court. Off-site sessions shall not affect the place of filing for superior court documents. Any state court making courtroom space available to the superior court is authorized to hold sessions of state court in the superior court facilities.

In counties where the county site is located in an unincorporated area and the governing authority determines that building a courthouse annex or satellite courthouse outside of the county site is in the best interest of the public, the state and superior courts of those counties are authorized to conduct any court sessions, grand juries, or other related business of the courts at such sites.

The bill also allows a defendant to waive his or her right to a jury trial, so long as the defendant is not being tried for the death penalty or a serious violent felony, and have the case tried by the presiding judge as a bench trial. While a prosecuting attorney's objection to this waiver does not preclude the court from granting the defendant's request for the waiver, the court maintains the discretion to order a jury trial regardless of the waiver. Procedurally, when the defendant makes the waiver, the court shall advise the defendant about the right to a trial by jury; the differences between the types of trial; and inquire as to whether the waiver is made knowingly, intelligently, and voluntarily.

A district attorney may file an accusation without convening a grand jury, provided the accusation is not a serious violent felony and meets other requirements. The defendant must have expressly waived a commitment hearing, been released on bond pending a commitment hearing, been confined in jail for at least 45 days since his or her arrest, and there must have been a finding of probable cause. The felony violations that fall within this section are revised to include crimes falling under O.C.G.A. 16-13-30 relating to the purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana. The provisions of this section sunset on June 30, 2022.

**HB 676      Georgia Farmers' Market and Produce Terminal Development Authority Act; enact**

*By: Rep. Penny Houston (170th)*

*Through the Agriculture & Consumer Affairs Committee*

Final Bill Summary: House Bill 676 creates a legislative advisory committee that provides oversight of the state's farmers' markets and is comprised of the following: the chairs of the House Appropriations Subcommittee for Economic Development and Tourism and the Senate Appropriations Subcommittee for Agriculture and Consumer Affairs; the chairs of both the House and Senate Agriculture and Consumer Affairs Committees; three members of the House of Representatives as appointed by the chair of the House Agriculture and Consumer Affairs Committee; and three members of the Senate appointed by the chair of the Senate Agriculture and Consumer Affairs Committee.

The advisory committee will commission an independent study of the economic viability and benefits of existing farmers' markets and develop a five-year plan for all state farmers' markets. This section is repealed on January 10, 2027.

**HR 185 House Rural Development Council; reauthorize***By: Rep. David Ralston (7th)**Through the Economic Development & Tourism Committee*

Final Bill Summary: House Resolution 185 reauthorizes the House Rural Development Council. The council has 15 members from the House of Representatives, and the speaker of the House will designate two members to serve as co-chairpersons. The council will dissolve on December 31, 2022.

**SB 4 Drug Abuse Treatment and Education Programs; patient brokering; prohibit; definitions; exceptions; penalties; provide***By: Sen. Kay Kirkpatrick (32nd)**Through the Insurance Committee*

Final Bill Summary: Senate Bill 4 creates several provisions related to the prohibition of patient brokering in the substance use disorder treatment field. This bill prohibits any persons or treatment providers from unlawfully paying, offering, soliciting, or receiving to pay any remuneration, as defined in this bill, for the acceptance or referral of a patient.

Additionally, this bill amends Code Section 33-1-16 by adding that a person commits a fraudulent insurance act if there is intent to defraud by billing for excessive, fraudulent, or high-tech drug testing in the treatment of the elderly, the disabled, or any individual affected by pain or substance use disorder. The commissioner of insurance will have the powers and duties to investigate any suspicion of fraudulent insurance activity.

**SB 6 "Tax Credit Return on Investment Act of 2021"; enact***By: Sen. John Albers (56th)**Through the Ways & Means Committee*

Final Bill Summary: Senate Bill 6 includes the 'Tax Credit Return on Investment Act of 2021', the 'Georgia Economic Renewal Act of 2021', and the 'Georgia Economic Recovery Act of 2021' among other changes.

The bill adds a new Code section, relating to fiscal bills generally, to allow the chairpersons of the House Ways and Means Committee and the Senate Finance Committee to request from the Department of Audits and Accounts an economic analysis of up to five existing or proposed tax incentives per committee. The requests must be made by May 1, and the department must return the economic analysis to both committees by December 1 of the same year. The economic analysis must include an estimate of the annual fiscal impact of the law or proposed law for the next five years, as well as the net change in state revenue, state expenditures, economic activity, and, if applicable, public benefit resulting from the tax incentive. During the following legislative session, if a fiscal note is requested and a relevant economic analysis was completed, then a summary of the relevant economic analysis must be attached to the fiscal note. Prior to December 1, 2021, an economic analysis shall be conducted on the performance and outcomes of the 'Georgia Agribusiness and Jobs Act.'

The bill adds a new Code section that establishes an additional tax credit for jobs created by a medical equipment and supplies manufacturer or a pharmaceutical and medicine manufacturer. The credit of \$1,250 per job is available for jobs that qualify for the current job tax credit or quality jobs tax credit to the extent that those jobs are engaged in the activity of manufacturing medical equipment or supplies or manufacturing pharmaceuticals or medicine. The credits must be claimed separate from the current job tax credit or quality jobs tax credit. When the credits exceed the taxpayer's income tax liability, the credits may be used to cover the taxpayer's quarterly or monthly employee withholding payments and the credits may be carried forward for up to 10 years. A taxpayer may not claim both the job tax credit for PPE manufacturers and this credit.

The bill also amends O.C.G.A. 48-7-40.24, relating to conditions for taking the job tax credit, by repealing the 4,500 job cap for the job tax credit.

Senate Bill 6 also amends O.C.G.A. 48-7-40.25, relating to the income tax credit for business enterprises with existing manufacturing facilities, by establishing specific requirements for high-impact aerospace defense projects. A "high-impact aerospace defense project" must be constructed by a business enterprise that is a prime aerospace defense contractor with greater than 40 percent of its revenues from sales to the United States government in its most recent tax year and must be certified by the commissioner of the Department of Economic Development as materially supportive of the mission of the Georgia Joint Defense Commission and the Governor's Defense Initiative. The bill allows a high-impact aerospace defense project to start claiming manufacturing facility tax credits in the tax year in which the taxpayer achieves 1,000 jobs and a \$500 million investment; however, the taxpayer must certify that it will later achieve 1,800 jobs and an \$800 million investment. For high-impact aerospace defense projects, the qualifying jobs must be located in Georgia, but are not required to be located at the manufacturing facility. The bill also increases the aggregate cap on credits for

any individual project from \$50 million to \$100 million for high-impact aerospace defense projects and allows high-impact aerospace defense projects to claim either a quality jobs tax credit or mega-project tax credit along with existing manufacturing tax credits. Any taxpayer that claims these tax credits shall annually report the total number of full-time employees working at the taxpayer's qualified project by December 31 of each year.

The bill also amends 48-7-40.34, relating to the tax credit for Class III railroads, by extending the sunset date to earn credits from December 30, 2023, to December 30, 2026, as well as extending the deadline to freely assign credits from January 1, 2024, to January 1, 2027.

SB 6, amends O.C.G.A. 48-8-3, relating to exemptions from sales and use taxes, by extending the sunset on the exemption of sales of tangible personal property used for and in the construction of a competitive project of regional significance from June 30, 2021, to June 30, 2023, and providing a state and local sales tax exemption for the sale of tickets, fees, or charges for admission to a fine arts performance or exhibition conducted by a 501(c)(3) organization or a museum of cultural significance, provided that the organization's or museum's primary mission is to advance the arts in Georgia.

The bill also amends O.C.G.A. 48-8-3.2, relating to a sales tax exemption for certain machinery and equipment used in manufacturing, by reinstating the exemption on maintenance and replacement parts for the equipment used to mix, agitate, and transport freshly mixed concrete in a plastic and unhardened state. Motor fuel used in a motor vehicle that is a manufacturing plant is not exempt from sales and use tax. This exemption expires June 30, 2026.

Senate Bill 6 also amends O.C.G.A. 48-8-3.2, relating to the maximum amount of sales and use tax imposed to maintain, repair, or refit a boat, by extending the sunset from June 30, 2025, to June 30, 2031.

SB 6 amends O.C.G.A. 48-7-29.8, relating to tax credits for the rehabilitation of historic structures, by extending the program through 2022, at which point it will sunset, and by capping projects with greater than \$300,000 in credits at \$25 million and projects with up to \$300,000 in credits at \$5 million.

The bill amends 48-7-40.12, relating to tax credits for qualified research expenses, is amended by revising the definition of 'business enterprise' by specifying that any business or headquarters of any business that otherwise meets the definition of a business enterprise shall not be considered a retail business due to the retail activities of any of its affiliates.

Senate Bill 6 amends O.C.G.A. 48-8-3, relating to exemptions from sales and use taxes, by updating the North American Industry Classification System (NAICS) codes for the sales and use tax exemption for the sale of certain computer equipment when the total qualifying purchases by a high technology company exceed \$15 million and exempting any wireline or wireless telecommunication system. The bill also requires high-technology companies that have been issued a sales tax exemption certificate to report annually, within 90 days of the end of the calendar year, to the commissioner a list of facilities for which equipment exempted from sales tax is located as well as the amount of taxes exempted during the preceding year. This exemption sunsets on June 30, 2023.

## **SB 9**

### **Courts; the Columbia Judicial Circuit and to be composed of Columbia County; create a new judicial circuit for the State of Georgia**

*By: Sen. Lee Anderson (24th)*

*Through the Judiciary Committee*

**Final Bill Summary:** Senate Bill 9 creates the Columbia Judicial Circuit, a single-county circuit consisting of Columbia County, through a revision of the existing Augusta Judicial Circuit. The three judges of the Augusta Circuit currently residing in Columbia County shall be the three judges of the Columbia Circuit. The governor shall appoint a district attorney for a term beginning July 1, 2021.

All proceedings and litigation currently pending in the Superior Court of Columbia County shall transfer to the Columbia Circuit. The judges of both the Columbia Circuit and Augusta Circuit shall continue to receive county salary supplements equal to the aggregate county salary supplements currently received by the judges of the Augusta Circuit.

The Augusta Circuit will transfer to the Columbia Circuit 25 percent of the amount it held as of January 1, 2021, for costs collected relating to court connected alternative resolution programs. The district attorney of the Augusta Circuit shall transfer to the district attorney of the Columbia Circuit the amount held as of January 1, 2021, that was secured pursuant to condemnation of forfeiture actions.

The bill specifies that the four remaining judges of the Augusta Judicial Circuit, as well as the current district attorney, shall remain as the judges and district attorney of the Augusta Circuit. The judgeship that is currently

vacant shall also remain with the Augusta Circuit.

The county salary supplements of the judges and district attorney of the Augusta Circuit, as well as the court-wide expenditures of the Augusta Circuit, shall be paid by Richmond County and Burke County in a ratio equal to their current proportional responsibility, less the contributions to the Augusta Circuit previously paid for by Columbia County.

Senior or retired judges of the Augusta Circuit who currently receive a retirement supplement from the three counties of the current Augusta Circuit shall continue to receive such supplement from all three counties. Senior or retired judges owed a retirement supplement after the effective date shall receive such supplement from the county or counties of the circuit from which they retire.

**SB 27      Professional Licenses; extend the time a member of the military has to qualify for the issuance of a license; electrical contractor, plumber;**

***By: Sen. Bruce Thompson (14th)      Through the Regulated Industries Committee***

**Final Bill Summary:** Senate Bill 27 extends the deadline for current or former members of the military to apply for immediate issuance of a state license or certification from the applicable regulatory board from 180 days after his or her discharge to two years. This bill also provides the applicable licensing board with discretion by allowing the board to extend the two-year period via a rule or regulation or on an individual-case basis if the applicant meets certain circumstances, such as health, hospitalization, or other related emergencies.

**SB 28      Juvenile Code and Domestic Relations; provisions relating to the protection of children; strengthen, clarify and update**

***By: Sen. Bo Hatchett (50th)      Through the Juvenile Justice Committee***

**Final Bill Summary:** Section 1 of Senate Bill 28 revises the juvenile Code by amending the definition of "juvenile court intake officer" to clarify that Department of Juvenile Justice (DJJ) staff acting as juvenile court intake officers may make intake decisions for complaints alleging delinquency or children in need of services proceedings. The definition of "sexual exploitation" in O.C.G.A. 15-11-2 is revised to remove the reference to the crime of "prostitution" while adding a reference to "sexual servitude." The section also removes a reference to "placement of" a child in the definition of "temporary alternatives to foster care."

Section 2 changes the training requirements for juvenile court intake officers from eight hours annually to an initial training requirement of eight hours with two hours required annually thereafter.

Section 3 allows for the court to support a voluntary agreement made between a parent, guardian, or legal custodian and the Division of Family and Children Services (DFCS) and specifies what types of orders constitute a "temporary alternative to foster care." The deadline for when a preliminary protective hearing must be completed is changed, so as to remove the requirement that it be held within five days of the order being issued and to add a reference to have the procedure be applied as stated in O.C.G.A. 15-11-145. The bill also adds a requirement that DFCS file a petition alleging dependency if probable cause exists.

Section 4 allows the juvenile court to consider hearsay evidence that the court finds to be relevant, reliable, and necessary at preliminary protective hearings.

Section 5 adds clarifying language to be consistent with Section 1 of the bill regarding "temporary alternatives to foster care."

Section 6 clarifies that an adjudication hearing for a child who is not in foster care must be held within 60 days of the petition being filed, regardless of whether a temporary alternative to foster care order has been issued.

Section 7 allows the juvenile court to consider hearsay evidence that the court finds to be relevant, reliable, and necessary at hearings to review placement change decisions. Further, it is clarified that the presumption given to foster parents as stated in O.C.G.A. 15-11-215 is not to be used to prevent a reunification of a child with his or her parents.

Section 8 allows the juvenile court to consider hearsay evidence that the court finds to be relevant, reliable, and necessary at periodic review hearings.

Section 9 allows the juvenile court to consider hearsay evidence that the court finds to be relevant, reliable, and necessary at permanency plan hearings.

Section 10 allows the juvenile court to consider hearsay evidence that the court finds to be relevant, reliable, and necessary at the dispositional hearing that occurs after parental rights have been terminated or surrendered.

Section 11 allows the juvenile court to consider hearsay evidence that the court finds to be relevant, reliable, and necessary at post-termination of parental rights adoption review hearings.

Section 12 adds a definition for "abandonment" and defines it as any conduct of a parent, guardian, or legal custodian that shows an intent to forgo parental duties or relinquish parental claims. This section also lists specific factors that are used to show evidence of the intent referenced in the definition. Further, numerous definitions related to child abuse are added for terms such as "emotional abuse," "labor servitude," "legal custodian," "neglect," and others so as to provide clarity for those persons who are statutorily mandated to report suspected child abuse.

Sections 13 and 14 revise the definition of "sexual exploitation" in O.C.G.A. 19-15-1 and O.C.G.A. 49-5-40, respectively, to remove the reference to the crime of "prostitution" while adding a reference to "sexual servitude."

Section 15 makes the bill effective as of January 1, 2022.

**SB 33      Torts; cause of action against perpetrators for victims of human trafficking; provide**

*By: Sen. Clint Dixon (45th)*

*Through the Judiciary Committee*

Final Bill Summary: Senate Bill 33 establishes a civil cause of action for victims of human trafficking against their perpetrators. "Perpetrator" is defined as any person or entity that knowingly benefited from participation in a venture or scheme that they knew, or should have known, was in violation of the human trafficking statute.

Any civil action filed pursuant to this provision shall be stayed during the pendency of any criminal action relating to the victim. Victims may bring a civil action within 10 years after the cause of action arose or within 10 years after the victim reaches the age of 18, if the victim was a minor at the time of the alleged violation.

The attorney general shall have a cause of action against a perpetrator on behalf of the state whenever he or she has reasonable cause to believe that an interest of the citizens of the state has been threatened or adversely affected by the perpetrator.

**SB 34      Domestic Relations; name change; victims of human trafficking may petition; provide**

*By: Sen. Clint Dixon (45th)*

*Through the Judiciary Committee*

Final Bill Summary: Senate Bill 34 amends Chapter 12 of Title 19, related to petitions for name change by victims of family violence, to include victims of human trafficking as petitioners who may request a name change under seal.

**SB 47      Georgia Special Needs Scholarship Act; revise prior school year requirement**

*By: Sen. Steve Gooch (51st)*

*Through the Education Committee*

Final Bill Summary: Senate Bill 47 amends O.C.G.A. 20-2-2113 relating to the 'Georgia Special Needs Scholarship Act' by allowing students to qualify who spend the prior school year in attendance at a Georgia public school or received a preschool special education or related services provided for by the 'Individuals with Disabilities Education Act'. Students also qualify for the scholarship if the student's parent is an active duty military service member stationed in Georgia; the student is adopted or under permanent guardianship from foster care; the student previously qualified; or the student was enrolled at a public school for at least one count during either the 2019-2020 or 2020-2021 school years. SB 47 extends eligibility to students with a formal diagnosis from a physician or a psychologist licensed in Georgia or a Section 504 Plan relating to one or more conditions that the State Board of Education designates as a qualifying condition.

The State Board of Education shall annually survey participants and gather data relating to student eligibility, transparency, and awareness of the impact of the program. The Department of Education must post on the department's website the basic unit cost of instructional programs as the minimum estimate for scholarship amounts.

**SB 78      Invasion of Privacy; prohibition on electronically transmitting or posting nude or sexually explicit photographs or videos for purposes of harassing the depicted person; revise**

*By: Sen. Harold Jones II (22nd)*

*Through the Judiciary Non-Civil Committee*

**Final Bill Summary:** Senate Bill 78 creates a felony crime for posting a sexually explicit photograph or video to a website, file-sharing site, or message board, that specifically advertises or promotes its services as showing or distributing sexually explicit conduct when the posting was made to cause harassment or financial loss and serves no legitimate purpose to the depicted person. Distributing this content via any other electronic means remains a high and aggravated misdemeanor offense. The felony offense is punishable for a first offense by imprisonment of between one to five years, a fine of \$100,000, or both. A second or subsequent conviction of the felony offense is punishable by imprisonment of between two to five years, a fine of \$100,000, or both.

**SB 85 "Max Gruver Act"; enact**

**By: Sen. John Albers (56th)**

***Through the Judiciary Non-Civil Committee***

**Final Bill Summary:** Senate Bill 85, the 'Max Gruver Act', expands the definition of "hazing" to include coercing a student through the use of social or physical pressure to consume any food, liquid, alcohol, drug, or other substance that would subject the student to a likely risk of vomiting, intoxication, or unconsciousness. The definition of "school organization" is also expanded to include associations, corporations, orders, or athletic teams that have students or alumni as its principal members. Further, the definition of "student" is revised to include prospectively-enrolled students in Georgia schools. It remains unlawful for any person to haze a student in connection with gaining acceptance to a membership, office, or other status in a school organization, and the penalty for the crime remains a high and aggravated misdemeanor.

The bill requires applicable colleges to establish policies by July 1, 2021, that provide for reporting, investigation, and adjudication of incidents of alleged hazing between students and student organizations. Adjudications of hazing, or hazing-related convictions, will be made publicly available within 15 days from the final adjudication. The required reporting includes the name of the school organization that was involved; the date of the hazing incident; and a description of the findings, sanctions, adjudications, and convictions for any person or school organization. The information is required to be posted prominently on the school's website for at least five years, although personal identifying information of an individual student is exempted from the public disclosure requirement.

**SB 100 State Government; this state shall observe standard time year round; provide**

**By: Sen. Ben Watson (1st)**

***Through the State Planning & Community Affairs Committee***

**Final Bill Summary:** This bill provides that the state, including all political subdivisions, shall observe daylight savings time year-round as the standard time. The new Code section shall become effective only if the United States Congress authorizes states to keep daylight savings time year-round.

**SB 105 State-Wide Probation System; conditions and procedures under which probation may be terminated early; revise**

**By: Sen. Brian Strickland (17th)**

***Through the Judiciary Non-Civil Committee***

**Final Bill Summary:** Senate Bill 105 revises the requirements related to behavioral incentive dates and reporting by the Department of Community Supervision (DCS). DCS is required to report to the prosecuting attorney and court within 60 days of the expiration of a behavioral incentive date under O.C.G.A. 17-10-1 if the defendant has: paid all restitution owed; not had his or her probation revoked in the preceding 24 months or other applicable period; and not been arrested for anything other than a non-serious traffic offense. If the court or prosecuting attorney requests a hearing on the matter, then the court must schedule the matter for a hearing as soon as possible and within 90 days after receiving the order to terminate.

The bill requires a behavioral incentive date to be included in all sentencing orders involving a situation in which a person with no prior felony convictions was convicted of a felony offense or charged with a felony offense; sentenced pursuant to subsections (a) or (c) of O.C.G.A. 16-3-2 or Article 3 ("First Offenders") of Chapter 8 ("Probation") of Title 42 ("Penal Institutions"); and the court imposed probation or a sentence of 12 or less months of imprisonment followed by a term of probation. This requirement for including behavioral incentive dates in sentencing orders is retroactive. If a behavioral incentive date is not included in the order, then a default timeframe of three years from when the sentence was imposed shall be used.

The bill also requires that when a court receives a petition to shorten the period of active probation supervision or unsupervised probation, the court must schedule the hearing for as soon as possible and within 90 days after receiving the motion. In situations in which a report is required to be filed due to a probationer serving three years of his or her sentence, the report must address both whether the probationer has had his or her probation revoked in the preceding 24 months and the status of the probationer's payments towards any restitution. If DCS is recommending early termination of the probation in its written report, then it must notify the

prosecuting attorney and provide the court with an order to terminate the probation. The court must hear the matter as soon as possible and within 90 days after receiving the order to terminate.

**SB 107      Postsecondary Education Grants; waiver of tuition and all fees, for qualifying foster and adopted students by units of the University System of Georgia and the Technical College System of Georgia; provide**

*By: Sen. Brian Strickland (17th)                      Through the Higher Education Committee*

Final Bill Summary: Senate Bill 107 amends O.C.G.A. 20-3-66 to provide that students who are identified as homeless or from a foster home situation are eligible for in-state tuition at University System of Georgia institutions for 10 years or until the student achieves a baccalaureate degree, as well as eligible for in-state tuition at Technical College System of Georgia (TCSG) institutions for 10 years or until the student achieves a diploma, certificate, or baccalaureate degree. The bill clarifies that students from a homeless situation do not include individuals who are non-citizens or have been incarcerated in any correctional institution, detention center, jail, or other similar facility after having been convicted of a crime in the past 12 months. SB 107 provides that state-funded foster care assistance is not to be considered income for the purposes of determining financial aid within the limits of federal law.

Senate Bill 107 further amends O.C.G.A. 20-3-660, relating to postsecondary education grants for foster children and adopted children. This legislation waives tuition and fees, including mandatory rooming and board fees, for qualifying foster and adopted students attending TCSG colleges. SB 107 requires the TCSG to waive costs for qualifying foster and adopted individuals to obtain a GED. Students must apply for Free Application for Federal Student Aid (FAFSA), with help from the Division of Family and Children Services, and use any federal aid available first, and any remaining fees or tuition will be waived. This bill also encourages the University System of Georgia to adopt the same practice.

**SB 114      Professions and Businesses; grounds for refusing to grant or revoking a license; revise**

*By: Sen. Randy Robertson (29th)                      Through the Regulated Industries Committee*

Final Bill Summary: This bill creates a further exception to when licensing boards cannot refuse to grant a license to an applicant by stating that licensing boards cannot deny an applicant solely, or in part, due to the applicant being under community supervision for a felony conviction, or any crime involving moral turpitude, so long as the offender was not convicted of a felony in violation of Chapter 5 ("Crimes against the Person") of Title 16 or an offense requiring registration on the state sexual offender registry.

**SB 117      Department of Human Services; offenses of improper sexual contact by employee or agent in the first and second degrees; revise**

*By: Sen. Butch Miller (49th)                      Through the Judiciary Non-Civil Committee*

Final Bill Summary: Senate Bill 117 creates a new definition for a "person in a position of trust" as a person whom a parent or guardian has entered into an agreement with and entrusts that individual with the responsibility of both education and supervision of that minor; the position of trust status lasts only until the agreement has been satisfied, or terminated, and the minor is not under the supervision of the individual.

The bill creates a crime for "improper sexual contact by a person in a position of trust" with the first degree of the offense occurring when an individual who is in a position of trust engages in "sexually explicit conduct" with a minor and that individual has entered into an agreement that entrusts the individual with the responsibility of both education and supervision of the minor. The penalty for the first degree of the crime is imprisonment of between one to 25 years and a maximum fine of \$100,000, in addition to being subject to punishment as a sexual offender under O.C.G.A. 17-10-6.2. If the minor is under the age of 16 years old, the punishment is escalated to imprisonment of between 10 to 30 years and a maximum fine of \$100,000, in addition to being subject to punishment as a sexual offender under O.C.G.A. 17-10-6.2. If the minor is under the age of 16 years old and the act physically injures the minor, or involves an act of sodomy, the punishment is further escalated to imprisonment of between 25 to 50 years and a maximum fine of \$100,000, in addition to being subject to punishment as a sexual offender under O.C.G.A. 17-10-6.2.

The bill also creates a second degree of the crime for "improper sexual contact by a person in a position of trust," which an individual commits when that individual is in a position of trust and engages in "sexual contact," excluding "sexually explicit conduct," with a minor and that individual has entered into an agreement that entrusts the individual with the responsibility of both education and supervision of the minor. The penalty for the second degree of the crime is a high and aggravated misdemeanor. If the minor is under the age of 16 years old, the punishment is escalated to imprisonment of between five and 25 years and a maximum fine of \$25,000, in addition to being subject to punishment as a sexual offender under O.C.G.A. 17-10-6.2. On a

second, or subsequent, conviction of the second degree of the crime, the defendant is guilty of a felony that results in imprisonment for between one to five years, in addition to being subject to punishment as a sexual offender under O.C.G.A. 17-10-6.2.

Further, the bill adds the first degree of the crime and the portions of the second degree of the crime that have escalated punishments, which are subject to punishment under O.C.G.A. 17-10-6.2, to the list of "dangerous sexual offenses" under O.C.G.A. 42-1-12. Also, any person who commits the crime of improper sexual contact by a person in a position of trust is not allowed visitation with any minor unless the minor is a direct family member and not a victim of the inmate's sexual offense. The crime is also added to the list of crimes that bar an applicant from obtaining a license to operate a child welfare agency.

**SB 145      Distilled Spirits; initiating a referendum election for the authorization of the issuance of licenses for the package sale of distilled spirits; modify the petition requirements**

*By: Sen. Matt Brass (28th)*

*Through the Regulated Industries Committee*

Final Bill Summary: Senate Bill 145 allows local jurisdictions to enact an ordinance that triggers a special election on the question of whether the local jurisdiction should allow for applications for package stores selling distilled spirits. The bill also reduces the percentage of registered voters in the county required to sign a petition to trigger a special election on the question from 35 percent to 20 percent.

**SB 156      Labor and Industrial Relations; appointment, oath, bond, power, duties, and authority of a chief labor officer; provide**

*By: Sen. Marty Harbin (16th)*

*Through the Industry and Labor Committee*

Final Bill Summary: Senate Bill 156 creates the Office of the Chief Labor Officer, which has the power to provide timely reports and responses to financial audits of the Georgia Department of Labor and to inquiries from various members of the Georgia legislature. The commissioner of the Department of Labor is required to provide the chief labor officer with the same information that the Department of Labor has access to, as well as sufficient staff and resources to fulfill the duties of the office. The chief labor officer has standing to file a mandamus action in Fulton County Superior Court to compel certain actions if he or she contends that the commissioner of Labor has abused his or her discretion regarding the required resources and staff provided by this bill. The chief labor officer is appointed by the speaker of the House, subject to confirmation by the Senate Committee on Government Oversight. The provisions of this bill are repealed on December 31, 2022.

Further, the bill requires the commissioner of Labor to submit a weekly report to members of the House and Senate leadership detailing the amount of unemployment claims filed with the department; unpaid claims; number of claims in each stage of the process; inquiries submitted by members of the General Assembly; and unresolved inquiries submitted by the General Assembly. The bill also provides authorization for members of the General Assembly to be granted access to private records pertaining to unemployment compensation claims for constituents, so long as a consent form is signed.

**SB 163      Judicial Emergency; suspension of statutory speedy trial requirements; provide**

*By: Sen. Brian Strickland (17th)*

*Through the Judiciary Committee*

Final Bill Summary: Senate Bill 163 allows for the suspension of statutory speedy trial requirements following a judicial emergency. A chief judge of a superior court judicial circuit or a state court may grant relief from speedy trial requirements if the judge certifies that under the totality of the circumstances arising from the preceding judicial emergency, compliance with speedy trial requirements would be impracticable. Certain factors required for a judge's consideration when determining whether to issue such a certification are provided, as are the required contents for the certification.

Each time a chief judge of a superior court judicial circuit or a state court enters an order granting relief from speedy trial requirements, he or she must certify or recertify that compliance with speedy trial requirements is impracticable or attach a certification provided by either a majority of the superior court judges or state court judges in the county, respectively.

A chief judge of a superior court judicial circuit or a state court may act independently of any emergency declared by the governor, and in his or her own discretion, but the judges shall act upon the request, in writing, of a majority of the active judges of their respective circuit or county.

Each period of relief granted by a chief judge shall not exceed a total of eight months and shall end on the last day of a term of court. Each time a chief judge issues an order granting relief from speedy trial requirements,

he or she shall provide notice of the action to judicial officials and the public. Notice shall include a copy of the certification issued in accordance with the grant of relief.

The chief justice of the Georgia Supreme Court may use discretion to reinstate any statutory speedy trial requirement that was relieved. The chief justice shall provide notice of the action and a chief judge shall not grant further subsequent relief from speedy trial requirements unless subsequent relief is reauthorized by the chief justice.

The authorization to provide relief from speedy trial requirements does not relieve the state of its constitutional obligation to provide for a speedy and public criminal trial. The provisions of this bill shall be in effect until June 30, 2023, and no order granting relief from statutory speedy trial requirements shall be issued after that date.

**SB 174      Bonds and Recognizances; appointed judges who are fulfilling a vacancy of an elected judge to issue an unsecured judicial release under certain circumstances; authorize**

*By: Sen. Steve Gooch (51st)*

*Through the Judiciary Non-Civil Committee*

Final Bill Summary: Senate Bill 174 revises the ability of judges to issue unsecured judicial releases by requiring that the release be noted on the release order and requiring that the person not be charged with a "bail restricted offense" as defined in O.C.G.A. 17-6-12(a)(1). Appointed judges filling the vacancy of an elected judge are also now included within the requirements for unsecured judicial releases. In addition, the definition of "unsecured judicial release" is revised to mean a release that does not have a dollar amount required to be secured and is either on a person's own recognizance or for purposes of entering a specified pre-trial program.

The bill adds felony offenses of burglary, entering an automobile with intent to commit theft or felony, and stalking to the definition of "bail restricted offense." Further, the bill adds the misdemeanor offense of "crimes involving family violence," as defined under O.C.G.A. 19-13-1, and the misdemeanor offense of stalking to the definition of "bail restricted offense."

**SB 202      Elections and Primaries; persons or entities that mail absentee ballot applications shall mail such applications only to eligible registered electors; provide**

*By: Sen. Max Burns (23rd)*

*Through the Special Committee on Election Integrity Committee*

Final Bill Summary: Section 1: Establishes the legislation as the 'Election Integrity Act of 2021.'

Section 2: Provides an overview of the General Assembly's reasoning and intent regarding election legislation.

Section 3: Revises the definition of "superintendent" as it relates to the State Election Board.

Section 4: Authorizes the attorney general to establish a telephone hotline for electors to submit complaints and allegations of voter intimidation and illegal election activities. The attorney general must review each complaint and allegation as expeditiously as possible to determine if further action is needed.

Section 5: Establishes that the non-partisan chairperson of the State Election Board is to be elected by the General Assembly through a joint resolution. The secretary of state shall be an ex-officio, non-voting member of the State Election Board.

Section 6: Authorizes the State Election Board to suspend a county or municipal election superintendent and appoint a temporary replacement. No more than four county or municipal superintendents can be suspended at the same time.

Requires the secretary of state to provide necessary support and assistance at the request of the State Election Board.

Section 7: Establishes the process required for the State Election Board, on its own motion or upon petition by the governing authority of a county or municipality, to suspend, replace, or reinstate county or municipal election superintendents.

Section 8: Permits the State Election Board to adopt emergency rules only in circumstances of imminent peril to public health, safety, or welfare and subject to specified notice requirements.

Requires the State Election Board, the secretary of state, or their designees to notify the General Assembly's Committees on Judiciary prior to entering into any relevant consent agreements, settlements, or consent orders.

Section 9: Prohibits election superintendents from accepting any funds from any source other than a county, municipal, state, or federal governing authority.

Requires the State Election Board, by October 1, 2021, to submit a report to the General Assembly on a proposed method for accepting and distributing donations statewide.

Section 10: Provides for the appointment of an acting election superintendent, in counties without a board of elections, when there is a vacancy or incapacitation in the office of judge of the probate court.

Section 11: Permits a poll officer to serve in a county that adjoins the county of their residence, when specified conditions are met.

Section 12: Permits a local governing authority or the applicable members of the General Assembly to request a performance review of local election officials to be conducted by an independent performance review board at the direction of the State Election Board.

Section 13: Provides guidelines in the event of the death of a candidate on the ballot in a non-partisan election.

Section 14: Prohibits boards of registrars from accepting any funds from any source other than a county, municipal, state, or federal governing authority.

Sections 15 and 16: Establishes that there is not a limit on the number of persons whose qualifications an elector can challenge, as it relates to persons registering to vote, electors on the list of electors, and electors voting in an election.

Section 17: Authorizes the secretary of state to obtain voter information from a specified non-governmental entity on a regular basis in order to conduct list maintenance of the eligible elector list.

Section 18: For a precinct with more than 2,000 electors, if the voting wait time was more than one hour for the previous general election, the superintendent must either reduce the size of the precinct to less than 2,000 electors or provide additional poll workers or equipment, or both, before the next general election.

Section 19: Requires notice to be posted during the seven days before and on the day of the first election following a change to a polling location.

Section 20: Specifies that buses and readily-movable facilities, used to supplement polling place capacity, shall only be used in governor-declared emergency situations.

Sections 20A, 20B, and 20C: Requires that the name and designation of the precinct that the ballot is prepared for be printed at the top of specified election ballots.

Section 21: Clarifies when a candidate in a non-partisan election is duly elected.

Sections 21A and 21B: Requires that the name and designation of the precinct that the ballot is prepared for be printed at the top of specified election ballots.

Section 22: Clarifies that in any election other than a statewide general election, the election superintendent may provide more or less voting booths per precinct than the general election standard of one voting booth per every 250 electors, depending on relevant factors.

Section 23: Requires ballots, with exceptions, to be printed on security paper.

Section 23 A: Requires that the name and designation of the precinct that the ballot is prepared for be printed at the top of specified election ballots.

Section 24: Provides requirements for the public notice of the time and place of voting equipment testing.

Section 25: Allows an elector to apply for an absentee ballot beginning 78 days prior to the election until 11 days prior to the election. Requires absentee ballot applications to be received by the board of registrars or an absentee ballot clerk no later than 11 days prior to the election.

Requires the submission of identifying information, including a driver's license or identification card number, when applying for an absentee ballot. If the applicant does not have a driver's license or identification card, a

photocopy of an approved form of identification must be submitted with the application. The absentee ballot application must also include an oath for the elector or relative submitting the application to sign.

Prohibits the secretary of state, election superintendents, boards of registrars, or other governmental entities from sending unsolicited absentee ballot applications to electors. The bill prohibits any unauthorized person from sending an absentee ballot application with prefilled personal information to an elector. Other than specified exceptions, no person may handle or return an elector's completed absentee ballot application. Handling of a completed absentee ballot application by an unauthorized person is a misdemeanor.

If an absentee ballot application is sent to an elector by a non-governmental person or entity, the following guidelines must be followed: the application must be the same form as the one made available by the secretary of state; the name of the person or entity sending the application must be clearly disclosed on the face of the application; and a disclaimer that the person or entity is not a governmental entity and the application is not a ballot.

Electors in jails or detention centers who are eligible to vote must be granted access to any pertinent personal effects needed to apply for and vote via an absentee ballot.

Prohibits non-governmental entities from sending absentee ballot applications to individuals who have already requested, received, or voted via an absentee ballot. A person or entity who violates this prohibition will be subject to sanctions by the State Election Board.

In instances where the identifying information submitted with the absentee ballot application does not match the elector's identifying information on file with the board of registrars, a provisional absentee ballot will be sent to the applicant, along with information on how to cure the discrepancy. If the application is incomplete or the oath is unsigned, the registrar or clerk must promptly contact the applicant in writing to request the additional information or the signed oath.

Section 26: Requires that additional registrar's offices or places of registration to receive absentee ballots or conduct advance voting must be located in a building.

Requires boards of registrars and absentee ballot clerks to establish at least one absentee ballot drop box. Additional drop boxes are permitted, subject to limitations, and must be evenly geographically distributed by population in the county. Absentee ballot drop boxes must be located at the office of the board of registrars or absentee ballot clerk or inside advance voting locations. The drop boxes may be located outside such locations during a governor-declared emergency, under specified circumstances. The drop boxes will be available for ballot drop-off during the hours of advance voting. The bill provides guidelines for the security, construction, and ballot collection process for the drop boxes.

Section 27: Requires boards of registrars or absentee ballot clerks to mail or issue official absentee ballots to all eligible applicants between 29 days and 25 days prior to a non-municipal election. Official absentee ballots must be issued to electors entitled to vote absentee under the federal 'Uniformed and Overseas Citizen Absentee Voting Act' (UOCAVA) between 49 days and 45 days prior to a federal primary or election.

During the advance voting period, boards of registrars or absentee ballot clerks must issue an absentee ballot, provisional absentee ballot, or notice of rejection within three days of receipt of the absentee ballot application. An elector confined to a hospital may apply for an absentee ballot on the day of the primary or election or during the 10-day period prior to the primary or election. These applications must be immediately processed and, if approved, the ballot must be delivered to the elector.

The envelope that an elector uses to return a completed absentee ballot must include the following: the elector's name and signature; the elector's driver's license or identification card number; a space for the elector to mark if they do not have a driver's license or identification card; the elector's date of birth; and the last four digits of the elector's social security number, if the elector does not include the driver's license or identification card number. These identifying pieces of information should be concealed when the envelope is correctly sealed. Any unauthorized person who knowingly unseals an absentee ballot envelope shall be guilty of a felony.

The uniform instructions provided with the absentee ballot must include the following: specific instructions that the elector must mark the ballot in private and will not allow any unauthorized person to deliver or return the ballot on their behalf as well as an oath, under penalty of false swearing, affirming such; a list of persons authorized to return a completed ballot to the board of registrars on behalf of the elector; and the contact information of the State Election Board.

Absentee electors on the master list of electors who have been sent absentee ballots may be challenged by any

elector prior to 5:00 p.m. on the day before election officials begin scanning and tabulating absentee ballots.

A special absentee run-off ballot must be included with each general primary or general election absentee ballot that is sent to UOCAVA voters. The special absentee run-off ballot will allow the UOCAVA elector to cast their vote for a runoff by indicating their order of preference for each candidate in each race. The elector will rank each candidate beginning with "1," then "2," and so forth until the elector has ranked each candidate that he or she chooses to rank.

Section 28: Requires the outer oath envelope of the absentee ballot to include a space for the elector to provide his or her driver's license or identification card number and his or her date of birth. If the elector does not have a driver's license or identification card, the elector must provide the last four digits of his or her social security number. If none of the above can be provided, the elector must include a copy of an approved form of identification.

The advance voting period must begin on the fourth Monday immediately prior to each primary or election and as soon as possible prior to a runoff. Advance voting hours must begin at 9:00 a.m. and end at 5:00 p.m. on weekdays and, when applicable, Saturdays. Advance voting must be conducted on the second and third Saturdays of the advance voting period. The registrar or absentee ballot clerk may choose to hold advance voting on the second or third Sunday, or both the second and third Sunday, prior to a primary or election. The Sunday advance voting hours are determined by the registrar or absentee ballot clerk, but no longer than 7:00 a.m. through 7:00 p.m. Registrars may extend the early voting hours to permit voting from 7:00 a.m. until 7:00 p.m. Advance voting is only permitted to occur on the days specified in Code, and cannot be conducted on any other days.

The board of registrars must publish the dates, times, and locations of advance voting at least 14 days prior to the advance voting period for a primary or election and at least seven days prior to the advance voting period for a runoff. Once published, the board of registrars are prohibited from removing an advance voting location unless an emergency occurs.

On each business day of the absentee voting period, the county board of registrars or absentee ballot clerk must report to the secretary of state and post the following information: the numbers of absentee ballots that have been issued, returned, and rejected.

On each business day of the advance voting period, the county board of registrars or absentee ballot clerk must report to the secretary of state and post the following information: the number of persons who have voted at advance voting sites in the county or municipality.

On each business day of the absentee voting period and for a period of three days following the election, the county board of registrars or absentee ballot clerk must report to the secretary of state and post the following information: the numbers of provisional ballots that have been voted, verified, cured and accepted for counting, and rejected.

Section 29: Upon receipt of an absentee ballot, the registrar or clerk must compare the identifying information provided by the elector with the same information contained in the elector's voter registration records and verify that the elector's oath has been signed. If the elector did not sign the oath or their provided identifying information does not match the information in the elector's voter registration records, the ballot will be rejected, and the elector will be given the opportunity to cure the problem that resulted in the rejection.

The election superintendent is authorized to process and scan verified and accepted absentee ballots beginning at 8:00 a.m. on the third Monday prior to the day of the primary, election, or runoff. It is prohibited, unless otherwise provided in Code, to tabulate or tally in any way the absentee ballot votes until the closing of the polls on the day of the election. At least seven days prior to processing and scanning the absentee ballots, the superintendent must provide written notice to the secretary of state as well as post the notice in the superintendent's office and on the county election superintendent's website, if applicable. The secretary of state must post the provided notice on the secretary of state's website as well.

The processing and scanning of absentee ballots must be open to the view of the public, but only the superintendent or their employee or designee is authorized to touch the ballots or ballot container. Anyone involved in processing or scanning absentee ballots must swear an oath before beginning the process.

Political parties have the right to designate persons to act as monitors to observe the absentee ballot processing and scanning. Such monitors are prohibited from the following: interfering with the process in any way; using or bringing into the room any type of recording device; engaging in campaigning; endangering the secrecy and security of the ballots; touching the ballots or ballot container; in any way tabulating the votes cast on the absentee ballots; communicating observed information about any ballot, vote, or selection to anyone other than

an election official.

When requested by the superintendent, but not earlier than the third Monday prior to the election, a registrar or absentee ballot clerk must deliver the absentee ballots, rejected ballots, ballot applications, and the list of certified and rejected ballots to a designated location. At that location, the superintendent must ensure that the ballots are opened and tabulated.

The superintendent is required to ensure that absentee ballot returns are reported to the public as soon as possible following the closing of the polls on election day. Failure to do so subjects the superintendent to sanctions by the State Election Board and, under certain circumstances, review by an independent performance review board.

Section 30: Authorizes the secretary of state to inspect and audit absentee ballot applications or envelopes at any time during the 24-month retention period.

Section 31: Provides that poll hours at a precinct may only be extended by order of a superior court judge.

Section 32: Requires poll watchers to complete training provided by the political party or body that they are representing.

Section 33: Prohibits giving money or gifts, including food and drinks, to an elector within 150 feet of a polling place, within a polling place, or within 25 feet of a voter standing in line to vote. Permits poll officers to make available unattended, self-service water receptacles for electors standing in line to vote.

Sections 34 and 35: The provisional ballot of an elector voting in the wrong precinct will only be counted if the ballot was cast after 5:00 p.m. and the elector signed a sworn statement.

Section 36: After polls have closed on election day, poll officials must report the following information to the election superintendent: the total number of ballots cast at the precinct and the total number of provisional ballots cast at the precinct. The chief manager and at least one assistance manager must immediately deliver ballots and election materials to the election superintendent or the counting and tabulating center. The election superintendent must ensure that all ballots are processed, counted, and tabulated as soon as possible and such counting and tabulation must not be stopped until all votes are counted. The superintendent must post the reported information publicly.

Requires the election superintendent, before 10:00 p.m. on election day, to report to the secretary of state and post in a prominent location specified information regarding the number of ballots cast on election day, the number of ballots cast during advance voting, and the number of returned absentee ballots. Once all votes have been counted, the previously reported totals must be compared with the total number of ballots cast and reported to the secretary of state.

Section 37: Removes a provision allowing poll officers to stop canvassing the votes in order to resume the following day. Clarifies when votes for candidates who have died or been disqualified will or will not be counted.

Section 38: Clarifies when votes for candidates who have died or been disqualified will or will not be counted.

Sections 38A and 38B: Requires that the name and designation of the precinct that the ballot is prepared for be printed at the top of specified election ballots.

Section 39: Establishes the creation of duplication panels to prepare duplicate copies of ballots when necessary. The duplication panel must consist of an election superintendent, or their designee, and two other members, as specified based on the type of election.

Section 40: Computation and canvassing of votes must take place following the close of the polls on election day.

Section 41: The superintendent must publicly commence the computation and canvassing of returns after the close of the polls on election day and continue until all absentee ballots received by the close of the polls have been counted and tabulated.

Requires the secretary of state to create a pilot program for posting the digital images of scanned paper ballots.

Election returns must be certified by the superintendent by 5:00 p.m. on the Monday following election day.

Section 42: When a runoff is necessary, it must be held on the 28th day after the general or special primary or general or special election.

Section 43: Special primaries and special elections held at the same time as a general primary must be conducted using the same machines and facilities as the general primary, when possible. If a vacancy occurs in a partisan office to which the governor is authorized to appoint an individual to serve until the next general election, a special primary must precede the special election. The names of candidates on the ballot in a special primary must be listed alphabetically.

Section 44: When applicable, the candidates and questions on the ballot for a special primary or special election must be included on the ballot for a general primary or general election, if the registration deadlines are the same for both elections.

Section 45: In order to fill a vacancy for an unexpired term of a United States senator, a special primary must be held at the same time as the general primary, followed by a special election held at the same time as the general election.

Section 46: A vacancy in the office of specified judges must be filled by the governor's appointment until a successor is duly elected.

Section 47: Specifies that a person shall be guilty of a felony if they, without proper authorization, accept an absentee ballot from an elector for delivery or return to the board of registrars.

Section 48: Makes it a felony for an unauthorized person to intentionally observe an elector while casting a ballot in order to see how the elector voted.

Makes it a misdemeanor to photograph or record a voted ballot.

Section 49: If the decennial census results are published within 120 days of the next general or special municipal election, the reapportionment of municipal election districts shall be effective for any subsequent special or general municipal election.

Section 50: When the State Election Board adopts an emergency rule relative to a state of emergency, the rule must be submitted to the General Assembly no later than 20 days prior to the rule taking effect. Any emergency rule adopted by the State Election Board may be suspended upon the majority vote of the Judiciary committees of the House of Representatives or Senate.

Section 51: Requires scanned ballot images created by a voting system to be public records that are subject to disclosure.

**SB 204      Education; State Board of the Technical College System of Georgia to award high school diplomas; provide**

*By: Sen. Lindsey Tippins (37th)                      Through the Higher Education Committee*

Final Bill Summary: Senate Bill 204 amends O.C.G.A. 20-4-11 to allow the State Board of the Technical College System of Georgia to award high school diplomas to students 16-years old or older through a pilot program known as the Dual Achievement Program. The students must complete the necessary secondary school coursework requirements set forth by the college in order to receive a diploma. No later than February 1 of each year, the program must provide the General Assembly with a comprehensive report with recommendations on continued use and any needed changes to the program.

**SB 210      Motor Vehicles and Traffic; definitions relative to registration and licensing of motor vehicles; provide**

*By: Sen. Randy Robertson (29th)                      Through the Motor Vehicles Committee*

Final Bill Summary: Senate Bill 210 provides for the issuance, regulation, and usage of digital license plates for motor vehicles. When a driver applies for a digital license plate, the commissioner or county tag agent must transmit the license plate information to the digital license plate provider. The commissioner or tag agent must issue a 45-day temporary operating permit to the applicant for use until the digital plate has been received. The digital license plate must be renewed annually. If the commissioner sends notice of a cancelled or revoked registration, the digital license plate provider must terminate the transmission of data to the cancelled or

revoked license plate.

The bill requires the commissioner to submit a report to the General Assembly on digital license plate implementation by January 1, 2024.

**SB 221    Ethics in Government; leadership committees; chairpersons; such committees may receive contributions and make expenditures; provide**

***By: Sen. Jeff Mullis (53rd)***

***Through the Judiciary Committee***

Final Bill Summary: Senate Bill 221 provides for the allowance of leadership committees for the purpose of campaign financing. "Leadership committees" are specifically defined as a committee, corporation, or organization chaired by the governor, the lieutenant governor, or the nominee of a political party for either office; and up to two political action committees designated by the majority and minority caucuses of the House of Representatives and the Senate.

Leadership committees are authorized to receive contributions and make expenditures for the purposes of: affecting the outcome of any election or advocating for or against a political candidate; paying for expenses related to any candidate's campaign for office; and paying for expenses in connection with a public officer's fulfillment or retention of such office. Leadership committees that accept contributions in excess of \$500 must register with the Georgia Government Transparency and Campaign Finance Commission and file disclosure reports pursuant to the schedule defined for candidates and campaign committees. Contribution and expenditure limits shall not apply to these committees. Any communications paid for by the expenditures of a committee shall contain a disclaimer that the committee paid for the communication.

When the chairperson of a leadership committee is no longer eligible to serve as chairperson, he or she must: transfer the remaining assets of the leadership committee, if any, to another leadership committee within 60 days; name an eligible person as the new chairperson within 60 days; or dispose of the leadership committee's assets in accordance with Code Section 21-5-33.