

The House Committee on Judiciary Non-Civil offers the following substitute to SB 10:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to provide for the offense of impersonating an officer of the court; to provide
3 for limitations regarding the use of electronic monitoring devices; to amend Title 17 of the
4 Official Code of Georgia Annotated, relating to criminal procedure, so as to provide for the
5 waiver of restoration fees in the reinstatement of driver's licenses by order of the court; to
6 amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers'
7 licenses, so as to provide for judicial discretion in suspension of a driver's license upon
8 failure to appear for certain traffic violations; to provide for related matters; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
13 amended by revising Code Section 16-10-23, relating to impersonating a public officer or
14 employee, as follows:

S. B. 10 (SUB)

15 "16-10-23.

16 A person who falsely holds himself or herself out as a peace officer, officer of the court,
 17 or other public officer or employee with intent to mislead another into believing that he or
 18 she is actually such officer commits the offense of impersonating an officer and, upon
 19 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by
 20 imprisonment for not less than one nor more than five years, or both."

21 **SECTION 2.**

22 Said title is further amended by adding a new paragraph and by revising paragraphs (6) and
 23 (7) of Code Section 16-11-62, relating to eavesdropping, surveillance, or intercepting
 24 communication which invades privacy of another and divulging private message, as follows:

25 "(6) Any person to sell, give, or distribute, without legal authority, to any person or entity
 26 any photograph, videotape, or record, or copies thereof, of the activities of another which
 27 occur in any private place and out of public view without the consent of all persons
 28 observed; ~~or~~

29 (7) Any person to intentionally and in a clandestine manner place, or direct someone else
 30 to place, a global positioning system monitoring device, or any other electronic
 31 monitoring device, on a motor vehicle owned or leased by another person without the
 32 consent of such person when such person has a protective order pursuant to Code Section
 33 17-17-16, 19-13-4, or 19-13A-4, or a protective order from another jurisdiction, against
 34 the person who places, or directs another to place, the global positioning system
 35 monitoring device or other electronic device. Nothing in this paragraph shall be
 36 construed to limit electronic monitoring as provided in Code Sections 31-7-12, 31-7-12.1,
 37 and 31-6-2; or

38 (8) Any person to commit any other acts of a nature similar to those set out in paragraphs
 39 (1) through ~~(6)~~ (7) of this Code section which invade the privacy of another."

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SECTION 3.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended in Code Section 17-6-11, relating to display of driver's license for violation of certain traffic related laws, notice of failure to appear, suspension of license, arrest, and seizure of license, by revising subsection (b) as follows:

"(b)(1) When a uniform traffic citation is issued and if the accused fails to appear for court or otherwise dispose of his or her charges before his or her scheduled court appearance as stated on the uniform traffic citation, prior to the court issuing a bench warrant, the clerk of court shall notify the accused by first-class mail or by postcard at the address listed on the uniform traffic citation of his or her failure to appear. Such notice shall be dated and allow the accused 30 days from such date to dispose of his or her charges or waive arraignment and plead not guilty. If after the expiration of such 30 day period the accused fails to dispose of his or her charges or waive arraignment and plead not guilty, the clerk of court in which the charges are lodged shall, within five days of such date, forward to the Department of Driver Services the accused's driver's license number unless otherwise ordered by the court. The commissioner of driver services shall, upon receipt of such driver's license number, suspend such accused's driver's license and driving privilege until notified by the clerk of court that the charge against the accused has been finally adjudicated or the court has ordered such accused driver's license to be reinstated. Such accused's driver's license shall be reinstated when ~~he or she submits the~~ Department of Driver Services receives proof of the final adjudication and or order of reinstatement by the court and the accused individual pays to the Department of Driver Services a restoration fee of \$50.00 or \$25.00 when such reinstatement is processed by mail the applicable restoration fee as set forth in Code Section 40-5-56, unless such fee is waived by the court or otherwise as provided by law.

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

- 66 (A) For which a driver's license may be suspended for a first offense by the
67 commissioner of driver services;
- 68 (B) Covered under Code Section 40-5-54; or
- 69 (C) Covered under Article 15 of Chapter 6 of Title 40."

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SECTION 4.

71 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
72 is amended by revising Code Section 40-5-56, relating to suspension of license or driving
73 privilege for failure to respond to citation and reinstatement of license, as follows:

74 "40-5-56.

75 (a) Notwithstanding any other provisions of this chapter or any other law to the contrary
76 and unless otherwise ordered by the court, the department shall suspend the driver's license
77 or privilege to operate a motor vehicle in this state of any person who has failed to respond
78 to a citation to appear before a court of competent jurisdiction in this state or in any other
79 state for a traffic violation other than a parking violation. The department shall include
80 language in the uniform traffic citation stating that failure to appear and respond to such
81 citation ~~shall~~ may result in the suspension of the violator's driver's license or nonresident
82 driving privilege. The language reflected on a uniform traffic citation issued in this state
83 shall be sufficient notice of said suspension to support a conviction for a violation of Code
84 Section 40-5-121 if such person drives subsequent to the imposition of such a suspension
85 following his or her failure to appear; provided, however, that the department shall send
86 notice of any suspension imposed pursuant to this Code section via certified mail or
87 certificate of mailing to the address reflected on its records as the person's mailing address.
88 For purposes of this subsection, the term 'certificate of mailing' means a delivery method
89 utilized by the United States Postal Service which provides evidence that an item has been
90 sent and the date such item was accepted.

91 (b) The suspension provided for in this Code section shall be for an indefinite period until
92 such person shall respond and pay any fines and penalties imposed or the court orders such
93 person's driver's license be reinstated. Such person's license shall be reinstated ~~if the~~
94 ~~person submits proof of payment of the fine from the court of jurisdiction and pays a~~ when
95 the department receives proof of payment of any fines and penalties or order of
96 reinstatement by the court and the person pays the applicable restoration fee of \$100.00 or
97 \$90.00 when such reinstatement is processed by mail to the department, unless such fee is
98 waived by the court or otherwise as provided by law. Such suspension shall be in addition
99 to any other suspension or revocation provided for in this chapter."

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SECTION 5.

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