

Senate Bill 272

By: Senators Kennedy of the 18th, Tillery of the 19th, Strickland of the 17th, Hatchett of the 50th, Butler of the 55th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended so as
2 to supplement the duties of administrative judges; to reestablish the Criminal Case Data
3 Exchange Board; to provide for definitions; to provide for submission of uniform standards
4 by the Administrative Office of the Courts; to provide for acceptance by The Council of
5 Superior Court Judges of Georgia of uniform standards promulgated by the Criminal Case
6 Data Exchange Board; to revise provisions regarding uniform standards issued by and reports
7 prepared by the Criminal Case Data Exchange Board; to repeal Code Section 15-6-50.3,
8 relating to Criminal Case Data Exchange Board created, membership, operation, role, and
9 public access, in its entirety; to provide for cross-references; to provide for technical services
10 provided by the Administrative Office of the Courts; to amend Article 2 of Chapter 3 of Title
11 35 and Code Section 50-25-7.1 of the Official Code of Georgia Annotated, relating to
12 Georgia Crime Information Center and technology empowerment fund, appropriations,
13 initiatives, steering committee, and release of funds, respectively, so as to provide for
14 cross-references; to provide for related matters; repeal conflicting laws; and for other
15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 272

- 1 -

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising Code Section 15-5-5, relating to duties of district administrative judge, as follows:

"15-5-5.

The duties and authority of each district administrative judge shall be as follows:

(1) To request, collect, and receive information from the courts of record within his or her district pursuant to uniform rules promulgated by the ten administrative judges; ~~and~~

(2) To authorize and assign any superior court judge within the district to sit on any type of case or to handle other administrative or judicial matters within the district; provided, however, that the assignment shall be made with the consent of the assigned judge and with the consent of the majority of the judges of the circuit to which the assignment is made and that the assignment shall be made subject to rules promulgated by the district council by a majority vote of the superior court judges within the district; and

(3) To assist the various courts of record within his or her district with the implementation and continued maintenance of uniform standards promulgated pursuant to paragraph (5) of subsection (h) of Code Section 15-5-24.1."

SECTION 2.

Said title is further amended by adding a new Code section to read as follows:

"15-5-24.1.

(a) As used in this Code section, the term:

(1) 'Board' means the Criminal Case Data Exchange Board.

(2) 'Predecessor board' means the Criminal Case Data Exchange Board established as a board to the Criminal Justice Coordinating Council in 2018 by an Act of the General Assembly.

(3) 'Reestablished board' means the Criminal Case Data Exchange Board reestablished as an advisory board to The Council of Superior Court Clerks in 2022 by an Act of the General Assembly.

(b) The Criminal Case Data Exchange Board is reestablished as an advisory board for the benefit of the judicial and executive branches of this state's government to facilitate the compliance efforts the various judicial agencies, judicial subdivisions, applicable courts, applicable clerks, and applicable executive branch officers, departments, and agencies with the requirements of Code Section 35-3-36. The board shall be attached to the Administrative Office of the Courts for administrative purposes.

(c)(1) The board shall consist of 19 members as follows:

(A) The executive director of The Council of Superior Court Judges of Georgia;

(B) The executive director of The Council of State Court Judges of Georgia;

(C) The executive director of The Council of Superior Court Clerks of Georgia;

(D) The executive director of the Prosecuting Attorneys' Council;

(E) The chairperson of the State Board of Pardons and Paroles;

(F) The commissioner of corrections;

(G) The commissioner of community supervision;

(H) The director of the Georgia Bureau of Investigation;

(I) The director of the Office of Planning and Budget;

(J) The director of the Administrative Office of the Courts;

(K) The chief information officer of the Georgia Technology Authority;

(L) The executive director of the Georgia Sheriffs' Association; and

(M) The executive director of the Georgia Association of Chiefs of Police,

provided that any such member may allow a designee to represent him or her at a board meeting and vote in his or her stead; and

(2) Six members as follows:

(A) One of whom is a superior court judge;

68 (B) One of whom is a state court judge;

69 (C) One of whom is a clerk of a superior court;

70 (D) One of whom is a district attorney;

71 (E) One of whom is a sheriff of a county; and

72 (F) One of whom is a police chief of a municipality,

73 who shall each be appointed by the Governor for a term of four years; provided, however,
74 that any person who, as of July 1, 2023, was serving as a member of the predecessor
75 board pursuant to an appointment by the Governor or otherwise provided by law shall
76 continue to serve as a member of the board for the remainder of the term of such
77 appointment; and provided, further, that no person shall serve beyond the time he or she
78 holds the position of the board by reason of which he or she was initially eligible for
79 appointment.

80 (d) Any vacancy on the board due to death, resignation, disqualification, or removal of any
81 member for any reason, shall be filled in the same manner as the original appointment and
82 any successor shall serve for the unexpired term.

83 (e) Membership on the board shall not constitute public office, and no member shall be
84 disqualified from holding public office by reason of his or her membership on the board.

85 (f) The board shall elect a chairperson from among its members and may elect such other
86 officers and appoint committees as it considers appropriate.

87 (g) Members of the board shall serve without compensation, but shall be reimbursed for
88 actual expenses incurred in the performance of his or her duties from funds available to The
89 Council of Superior Court Clerks of Georgia or Administrative Office of the Courts. Such
90 reimbursement shall be limited to all travel and other expenses necessarily incurred through
91 service on the board, in compliance with the travel rules and regulations of this state;
92 provided, however, that in no case shall a member of the board be reimbursed for expenses
93 incurred in the member's capacity as the representative of another state agency.

94 (h) The board shall:

95 (1) Meet no less than quarterly at such times and places as it shall determine necessary
96 or convenient to perform its duties and also upon the call of the chairperson of the board,
97 the Chief Justice of the Supreme Court, or the Governor;

98 (2) Maintain minutes of its meetings;

99 (3) Participate in the review and improvement of this state's criminal case data exchange
100 and management system;

101 (4) Using the combined expertise and experience of its members, provide regular advice
102 and counsel to the groups of elected and appointed officials represented by the
103 membership on the board to enable its members to carry out its statutory duties related
104 to criminal case data exchange under this article;

105 (5) Promulgate, review, and update uniform standards for the creation and transmission
106 of criminal history data by and between local and state criminal justice agencies,
107 including, but not limited to, processes and procedures that criminal justice agencies shall
108 adopt in order to provide for the transmission and acceptance of such data by and
109 between the applicable agencies and by the Georgia Crime Information Center. Such
110 data shall include arrests; indictments, accusations, information, and other formal
111 charges, and final dispositions arising therefrom, including, but not limited to,
112 convictions. This subparagraph shall not be construed to override, supplant, or preclude
113 any uniform standards promulgated by the reestablished board;

114 (6) By October 1 of each year, prepare a report on the board's progress in developing
115 uniform standards pursuant to paragraph (5) of this subsection. Such report shall be
116 transmitted electronically or mailed to the office of the chairs of the Senate Judiciary
117 Committee and the House Committee on Judiciary, the chairs of the Senate
118 Appropriations Committee and the House Committee on Appropriations, and to the
119 Governor, Lieutenant Governor, Speaker of the House, and Chief Justice of the Supreme
120 Court of Georgia no later than October 10 of each year;

121 (7) Make recommendations for the improvement of criminal history data sharing for the
122 benefit of the public, employers, and law enforcement;

123 (8) Carry out such duties as may be required by federal law or regulation so as to enable
124 this state to receive and disburse federal funds for criminal case data exchange and
125 management;

126 (9) Make recommendations as the board deems necessary on the adoption, development,
127 and use of an automated system that provides for individualized notification to victims
128 of certain occurrences in each case involving the victim, including, but not limited to,
129 occurrences of arrest, pretrial release, court hearings, and sentencing. Any such
130 recommendations and accompanying reports shall be made available to all members of
131 the board. Nothing in this Code section shall be construed to limit or otherwise prevent
132 criminal justice agencies from improving the organization of their respective data or
133 developing and implementing, individually or collectively, an automated victim
134 notification system for crime victims in this state.

135 (10) By December 1, 2024, review the feasibility of a system for tracking and analyzing
136 criminal history data related to recidivism, criminal plea agreements, immunity defenses
137 in criminal proceedings, and post-adjudication proceedings. Such review shall be in
138 coordination with experts in the field of criminal justice. The board, in determining the
139 feasibility of such system, shall prepare a report detailing its review, findings, and any
140 recommendations and such report shall be transmitted electronically or mailed to the
141 office of the chairs of the Senate Judiciary Committee and the House Committee on
142 Judiciary Non-civil, and to the Governor, Lieutenant Governor, Senate President Pro
143 Tempore, Speaker of the House, and Chief Justice of the Supreme Court of Georgia.

144 (i) Public access to data collected or transmitted via the criminal case information
145 exchange shall remain the responsibility of the Georgia Crime Information Center. No
146 release of collected data shall be made by or through the Georgia Technology Authority."

SECTION 3.

Said title is further amended in Code Section 15-6-11 of the Official Code of Georgia Annotated, relating to electronic filings of pleadings and documents, electronic payments and remittances, access, and public disclosure, by revising paragraph (2) of subsection (a) as follows:

"(2) ~~The Council of Superior Court Clerks~~ Administrative Office of the Courts shall submit the uniform standards adopted by the board pursuant to paragraph (5) of subsection (h) of Code Section ~~15-6-50.3~~ 15-5-24.1 ~~to the~~ The Council of Superior Court Judges and to the chief superior court judge of each judicial circuit. The chief superior court judge of each judicial circuit shall assist the superior court ~~clerk~~ clerks and prosecutors within the judicial circuit with the implementation and continued maintenance of such uniform standards. A superior court judge may order any party to provide data needed by ~~the~~ a clerk or a prosecutor to facilitate transmission of data."

SECTION 4.

Said title is further amended in Code Section 15-6-34 of the Official Code of Georgia Annotated, relating to creation of The Council of Superior Court Judges of Georgia and composition, by adding a new subsection to read as follows:

"(d) The Council of Superior Court Judges of Georgia shall accept the submission of uniform standards promulgated by the Criminal Case Data Exchange Board pursuant to paragraph (5) of subsection (h) of Code Section 15-5-24.1 and submitted by the Administrative Office of the Courts. Training on and publication of such uniform standards among the council and the superior courts of this state shall be to further improvement of the superior courts as provided in paragraph (b) of this Code section."

SECTION 5.

Said title is further amended in Code Section 15-6-50.2 of the Official Code of Georgia Annotated, relating to The Council of Superior Court Clerks of Georgia, by revising subsections (f) and (g) as follows:

"(f) The council shall issue uniform standards not inconsistent with the uniform standards promulgated by the Criminal Case Data Exchange Board pursuant to paragraph (5) of subsection (h) of Code Section 15-6-50.3 15-5-24.1. Such uniform standards shall be incorporated into the assistance and training provided to superior court clerks pursuant to subsection (b) of this Code section.

~~(g) By January 15 of each year, the council shall prepare a report detailing the activities of the Criminal Case Data Exchange Board and the progress of the represented groups within the board's membership to effect the uniform standards prescribed in paragraph (5) of subsection (h) of Code Section 15-6-50.3 for the previous year. Such report shall be transmitted electronically or mailed to the office of the chairs of the Senate Judiciary Committee and the House Committee on Judiciary and to the Governor, Lieutenant Governor, Speaker of the House, and Chief Justice of the Supreme Court of Georgia no later than January 15 of each year."~~

SECTION 6.

Said title is further amended by repealing Code Section 15-6-50.3, relating to Criminal Case Data Exchange Board created, membership, operation, role, and public access, in its entirety.

SECTION 7.

Said title is further amended in Code Section 15-6-61 of the Official Code of Georgia Annotated, relating to duties of clerks generally and computerized record-keeping system, by revising subparagraph (4)(B) and paragraph (18) of subsection (a) as follows:

194 "(B) An automated criminal case management system which shall contain a summary
195 record of all criminal indictments in which true bills are rendered and all criminal
196 accusations filed in the office of clerk of superior court in accordance with rules
197 ~~promulgated~~ issued by The Council of Superior Court Clerks of Georgia pursuant to
198 subsection (f) of Code Section 15-6-50.2. The criminal case management system shall
199 contain entries of other matters of a criminal nature filed with the clerk, including
200 quasi-civil proceedings and entries of cases which are ordered dead docketed. When
201 a case is dead docketed, all witnesses who may have been subpoenaed therein shall be
202 released from further attendance until resubpoenaed; and"

203 "(18) To electronically collect all data elements required pursuant to subsection (g) of
204 Code Section 35-3-36, and such clerk of superior court shall transmit such data to the
205 Georgia Crime Information Center, in a form and format required by and consistent with
206 uniform standards issued by The Council of Superior Court Clerks of Georgia, ~~which~~
207 pursuant to subsection (f) of Code Section 15-6-50.2 and shall provide the data to the
208 Administrative Office of the Courts for use by the state judicial branch upon request.
209 Public access to said data shall remain the responsibility of only the Georgia Crime
210 Information Center;"

211 SECTION 8.

212 Said title is further amended in Code Section 15-7-5 of the Official Code of Georgia
213 Annotated, relating to electronic filings of pleadings and documents, electronic payments and
214 remittances, access, and public disclosure, by revising paragraph (2) of subsection (a) as
215 follows:

216 "(2) ~~The Council of Superior Court Clerks~~ Administrative Office of the Courts shall
217 submit the uniform standards adopted by the board pursuant to paragraph (5) of
218 subsection (h) of Code Section ~~15-6-50.3~~ 15-5-24.1 to ~~the~~ The Council of State Court
219 Judges. The chief state court judge of each county shall assist the state court clerk with

220 the implementation of such uniform standards. A state court judge may order any party
221 to provide data needed by the clerk to facilitate transmission of data."

222 **SECTION 9.**

223 Said title is further amended in Code Section 15-7-26 of the Official Code of Georgia
224 Annotated, relating to The Council of State Court Judges of Georgia, by revising subsection
225 (d) as follows:

226 "(d) The Administrative Office of the Courts shall provide technical services to the council
227 and shall assist the ~~council~~ council's composition in complying with all its legal
228 requirements. Such requirements shall include, but shall not be limited to, the transmission
229 of criminal history data not inconsistent with the uniform standards promulgated pursuant
230 to paragraph (5) of subsection (h) of Code Section 15-5-24.1."

231 **SECTION 10.**

232 Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
233 Georgia Crime Information Center, is amended in Code Section 35-3-32, relating to
234 establishment of council, composition, and duties and responsibilities of council generally,
235 by revising paragraph (2) of subsection (b) as follows:

236 "(2) Advise and assist in updating the policies under which the center is to be operated,
237 to the extent that such policies are necessary to comply with the uniform standards
238 promulgated pursuant to paragraph (5) of subsection (h) of Code Section ~~15-6-50.3~~
239 ~~by The Council of Superior Court Clerks of Georgia~~ 15-5-24.1;"

240 **SECTION 11.**

241 Said article is further amended in Code Section 35-3-36, relating to duties of state criminal
242 justice agencies as to submission of fingerprints, photographs, and other identifying data to

center, and responsibility for accuracy, by revising paragraph (1) of subsection (g) as follows:

"(1) Criminal justice agencies within this state, all persons in charge of law enforcement agencies, clerks of court, municipal judges when such judges do not have a clerk, magistrates, persons in charge of community supervision, juvenile probation, or Article 6 of Chapter 8 of Title 42 probation offices, and the State Board of Pardons and Paroles shall transmit to the center the information described in Code Section 35-3-33 within 30 days of the creation or receipt of such information, except as provided in subsection (d) of this Code section, on the basis of the forms and instructions to be provided by the center. Such forms and instructions shall not be inconsistent with the uniform standards promulgated pursuant to paragraph (5) of subsection (h) of Code Section ~~15-6-50.3~~ issued by ~~The Council of Superior Court Clerks of Georgia~~ 15-5-24.1."

SECTION 12.

Code Section 50-25-7.1 of the Official Code of Georgia Annotated, relating to technology empowerment fund, appropriations, initiatives, steering committee, and release of funds, is amended by revising subsection (e) as follows:

"(e) Upon enactment of enforceable uniform standards for the submission of electronic records to the Georgia Crime Information Center promulgated by ~~The Council of Superior Court Clerks of Georgia~~ pursuant to paragraph (5) of subsection (h) of Code Section 15-5-24.1, and subject to the availability of appropriations and moneys otherwise available to the authority, the authority is authorized to release funds from the technology empowerment fund for the purpose of installing or upgrading criminal justice information systems to be used by criminal justice agencies for complying with their respective obligations to provide information and data to the Georgia Crime Information Center. No release of funds pursuant to this paragraph shall be made on or after July 1, 2027."

268

SECTION 13.

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