

The House Committee on Judiciary Non-Civil offers the following substitute to SB 272:

A BILL TO BE ENTITLED
AN ACT

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

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 272 (SUB)

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 of 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 Judicial Council of Georgia and its Administrative Office of the Courts for administrative purposes. The Judicial Council of Georgia shall issue uniform standards not inconsistent with the uniform standards promulgated by the Criminal Case Data Exchange Board pursuant to this Code section.

(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) A designee of the Judicial Council of Georgia;

(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;

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

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

(D) One of whom is a district attorney;

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

(F) One of whom is a police chief of a municipality.

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

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

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

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

(g) Members of the board shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of his or her duties from funds available to the Judicial Council of Georgia. Such reimbursement shall be limited to all travel and other expenses necessarily incurred through service on the board, in compliance with the travel

rules and regulations of this state; provided, however, that in no case shall a member of the board be reimbursed for expenses incurred in the member's capacity as the representative of another state agency.

(h) The board shall:

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

(2) Maintain minutes of its meetings;

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

(4) Using the combined expertise and experience of its members, provide regular advice and counsel to the Judicial Council of Georgia and its Administrative Office of the Courts to enable its members to carry out its statutory duties related to criminal case data exchange under this article;

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

(6) By October 1 of each year, prepare a report on the board's progress in developing uniform standards pursuant to paragraph (5) of this subsection. Such report shall be transmitted electronically or mailed to the office of the chairs of the Senate Judiciary

Committee, the House Committee on Judiciary, and the House Committee on Judiciary
Non-Civil, the chairs of the Senate Appropriations Committee and the House Committee
on Appropriations, and to the Governor, Lieutenant Governor, Speaker of the House, and
Chief Justice of the Supreme Court of Georgia no later than October 10 of each year;
(7) Make recommendations for the improvement of criminal history data sharing for the
benefit of the public, employers, and law enforcement;
(8) Carry out such duties as may be required by federal law or regulation so as to enable
this state to receive and disburse federal funds for criminal case data exchange and
management;
(9) After conducting a comprehensive review of automated victim notification systems,
make recommendations as the board deems necessary on the adoption, development, and
use of an automated system that provides for individualized notification to victims of
certain occurrences in each case involving the victim, including, but not limited to,
occurrences of arrest, pretrial release, court hearings, and sentencing. Such system shall
also be able to reconcile individuals' criminal data at all steps of the data exchange
process. Any such recommendations and accompanying reports shall be transmitted to
all members of the board. Nothing in this Code section shall be construed to limit or
otherwise prevent criminal justice agencies from improving the organization of their
respective data or developing and implementing, individually or collectively, an
automated victim notification system for crime victims in this state; and
(10) By December 1, 2024, review, in coordination with experts in the field of criminal
justice, the feasibility of a system for tracking and analyzing criminal history data related
to recidivism, criminal plea agreements, immunity defenses in criminal proceedings, and
post-adjudication proceedings. Such review of criminal plea agreements shall include the
feasibility of tracking charges pertaining to human trafficking and whether those charges
resulted in convictions or resulted in pleas of lesser or related charges. The board, in
determining the feasibility of such system, shall prepare a report detailing its review,

findings, and any recommendations and such report shall be transmitted electronically or mailed to the office of the chairs of the Senate Judiciary Committee, the House Committee on Judiciary, and the House Committee on Judiciary Non-civil, and to the Governor, Lieutenant Governor, Senate President Pro Tempore, Speaker of the House, and Chief Justice of the Supreme Court of Georgia.

(i) Public access to data collected or transmitted via the criminal case information exchange shall remain the responsibility of the Georgia Crime Information Center. No 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~~ Judicial Council of Georgia 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~~ 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:

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

179 **SECTION 5.**

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

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

188 ~~“(g) By January 15 of each year, the council shall prepare a report detailing the activities~~
189 ~~of the Criminal Case Data Exchange Board and the progress of the represented groups~~
190 ~~within the board's membership to effect the uniform standards prescribed in paragraph (5)~~
191 ~~of subsection (h) of Code Section ~~15-6-50.3~~ for the previous year. Such report shall be~~
192 ~~transmitted electronically or mailed to the office of the chairs of the Senate Judiciary~~
193 ~~Committee and the House Committee on Judiciary and to the Governor, Lieutenant~~
194 ~~Governor, Speaker of the House, and Chief Justice of the Supreme Court of Georgia no~~
195 ~~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:

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

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

SECTION 8.

Said title is further amended in Code Section 15-7-5 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~~ Judicial Council of Georgia 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 State Court Judges. The chief state court judge of each county shall assist the state court clerk with the implementation of such uniform standards. A state court judge may order any party to provide data needed by the clerk to facilitate transmission of data."

SECTION 9.

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

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

SECTION 10.

Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Crime Information Center, is amended in Code Section 35-3-32, relating to

establishment of council, composition, and duties and responsibilities of council generally, by revising paragraph (2) of subsection (b) as follows:

"(2) Advise and assist in updating the policies under which the center is to be operated, to the extent that such policies are necessary to comply 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 11.

Said article is further amended in Code Section 35-3-36, relating to duties of state criminal 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:

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

279 **SECTION 13.**

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