

The Senate Committee on Judiciary offered the following substitute to HB 926:

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 include healthcare workers and emergency health workers as special classes relating to  
3 battery by a juvenile; to amend Title 17 of the Official Code of Georgia Annotated, relating  
4 to criminal procedure, so as to revise procedure for arrest by citation for violations of motor  
5 vehicle related laws or ordinances; to provide for contents of uniform traffic citations; to  
6 revise consequences upon an individual's driver's license for failure to respond to a uniform  
7 traffic citation; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated,  
8 relating to drivers' licenses, so as to provide for the waiver of a driver's license reinstatement  
9 fee for individuals submitting pauper affidavits; to revise periods of suspension of license or  
10 driving privilege for failure to respond to a uniform traffic citation; to amend Code Section  
11 44-5-150 of the Official Code of Georgia Annotated, relating to search and notification for  
12 information identifying anatomical gift donor status, so as to provide for conforming  
13 changes; to provide a short title; to provide for related matters; to provide for an effective  
14 date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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**SECTION 1.**

17 This Act shall be known and may be cited as the "Second Chance Workforce Act."

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**SECTION 2.**

19 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Code  
20 Section 15-11-505, relating to use of detention assessments to determine if detention is  
21 warranted, and "serious delinquent act" defined, by revising subparagraphs (V) and (W) and  
22 by adding a new subparagraph to paragraph (1) of subsection (b) to read as follows:

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"(V) Vehicular homicide; or

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(W) Voluntary manslaughter; or

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(X) Battery if the victim is a healthcare worker or emergency health worker, as either

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term is defined in Code Section 16-5-19."

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**SECTION 3.**

28 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is  
29 amended by revising Code Section 17-4-23, relating to procedure for arrests by citation for  
30 motor vehicle violations, issuance of warrants for arrest for failure of persons charged to  
31 appear in court, and bond, as follows:

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"17-4-23.

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(a)(1) A law enforcement officer may arrest a person accused of violating any law or

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ordinance enacted by local law governing the operation, licensing, registration,

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maintenance, or inspection of motor vehicles or violating paragraph (2), (3), or (5) of

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subsection (a) of Code Section 3-3-23 by the issuance of a citation, provided that such

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offense is committed in his or her presence or information constituting a basis for such

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arrest was received by the arresting officer from a law enforcement officer observing

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such offense being committed, except that, when such offense results in an accident, an

40 investigating officer may issue citations regardless of whether the offense occurred in the  
41 presence of a law enforcement officer.

42 (2) A law enforcement officer may arrest a person accused of any misdemeanor violation  
43 of Code Section 16-7-21, 16-8-14, 16-8-14.1, or 16-13-30 by the issuance of a citation,  
44 provided that such offense is committed in his or her presence or information constituting  
45 a basis for such arrest was received by the arresting officer or an investigating officer  
46 from another law enforcement officer or other individual observing or aware of such  
47 offense being committed. When an arrest is made for such offense, prior to releasing the  
48 accused on citation, the arresting law enforcement officer shall review the accused's  
49 criminal record as such is on file with the Federal Bureau of Investigation and the  
50 Georgia Crime Information Center within the Georgia Bureau of Investigation and ensure  
51 that the accused's fingerprints are obtained.

52 (3) The arresting officer shall issue a citation to the accused which shall enumerate the  
53 specific charges and the date upon which he or she is to appear and answer the charges  
54 or a notation that he or she will be later notified of the date upon which he or she is to  
55 appear and answer the charges. ~~When an arresting officer makes an arrest concerning the~~  
56 ~~operation of a motor vehicle based on information received from another law~~  
57 ~~enforcement officer who observed the offense being committed, the citation shall list the~~  
58 ~~name of each officer and each officer must be present when the charges against the~~  
59 ~~accused are heard.~~

60 (b)(1) When an accused is issued a citation pursuant to paragraph (1) of subsection (a)  
61 of this Code section, and If the accused fails to appear as specified in the citation, the  
62 judicial officer having jurisdiction of the offense may issue a warrant ordering the  
63 apprehension of the accused and commanding that he or she be brought before the court  
64 to answer the charge contained within the citation and the charge of his or her failure to  
65 appear as required. The accused shall then be allowed to make a reasonable bond to  
66 appear on a given date before the court.

67 ~~(c)(2) When an accused is issued a citation pursuant to paragraph (2) of subsection (a)~~  
 68 ~~of this Code section~~ Notwithstanding subsection (b) of this Code section, when an  
 69 accused was issued a citation for a violation of Code Section 16-7-21, 16-8-14, 16-8-14.1,  
 70 or 16-13-30, and the accused fails to appear as specified in the citation, the judicial  
 71 officer having jurisdiction of the offense, absent a finding of sufficient excuse to appear  
 72 at the time and place specified in the citation, shall issue a warrant ordering the  
 73 apprehension of the accused and commanding that he or she be brought before the court  
 74 to answer the charge contained within the citation and the charge of his or her failure to  
 75 appear as required. The accused shall then be allowed to make a reasonable bond to  
 76 appear on a given date before the court."

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#### SECTION 4.

78 Said title is further amended by revising Code Section 17-6-11, relating to display of driver's  
 79 license for violation of certain traffic related laws, notice of failure to appear, suspension of  
 80 license, arrest, and seizure of license, as follows:

81 "17-6-11.

82 (a)(1) When an individual is apprehended by an officer for the violation of the laws of  
 83 this state or ordinances relating to the offenses listed in paragraph (2) of this subsection,  
 84 he or she may display his or her driver's license and be issued a uniform traffic citation  
 85 in lieu of being:

86 (A) Brought before the proper magistrate or other judicial officer;

87 (B) Incarcerated;

88 (C) Ordered to post a bond; or

89 (D) Ordered a recognizance for his or her appearance for trial.

90 (2) This subsection shall apply to any violation:

91 (A) Of Title 40 except any offense:

- 92 (i) For which a driver's license may be suspended for a first offense by the  
93 commissioner of driver services;
- 94 (ii) Covered under Code Section 40-5-54; or
- 95 (iii) Covered under Article 15 of Chapter 6 of Title 40;
- 96 (B) Involving the width, height, and length of vehicles and loads;
- 97 (C) Involving motor common carriers and motor contract carriers;
- 98 (D) Involving hazardous materials transportation; or
- 99 (E) Involving road taxes on motor carriers as provided in Article 2 of Chapter 9 of  
100 Title 48.
- 101 (3) The apprehending officer shall include the individual's driver's license number on the  
102 uniform traffic citation. When an apprehending officer issues a citation based on  
103 information received from another law enforcement officer who observed the offense  
104 being committed, the citation shall list the name of each officer. The uniform traffic  
105 citation, duly served as provided in this Code section, shall give the judicial officer  
106 jurisdiction to dispose of the matter.
- 107 (4) Upon display of the driver's license, the apprehending officer shall release the  
108 individual so charged for his or her further appearance before the proper judicial officer  
109 as required by the uniform traffic citation.
- 110 (b)(1) When a uniform traffic citation is issued and if the accused fails to appear for  
111 court or otherwise dispose of his or her charges before his or her scheduled court  
112 appearance as stated on the uniform traffic citation, prior to the court issuing a bench  
113 warrant, the clerk of court shall notify the accused by first-class mail or by postcard at the  
114 address listed on the uniform traffic citation of his or her failure to appear. Such notice  
115 shall be dated and allow the accused 30 days from such date to dispose of his or her  
116 charges or waive arraignment and plead not guilty. If after the expiration of such 30 day  
117 period the accused fails to dispose of his or her charges or waive arraignment and plead  
118 not guilty, the clerk of court in which the charges are lodged shall, within five days of

119 such date, forward to the Department of Driver Services the accused's driver's license  
120 number unless otherwise ordered by the court. The commissioner of driver services shall,  
121 upon receipt of such driver's license number, suspend such accused's driver's license and  
122 driving privilege until notified by the clerk of court that ~~the charge against the accused~~  
123 ~~has been finally adjudicated or the court has ordered such accused~~ such driver's license  
124 is to be reinstated. Such accused's driver's license shall be reinstated when the accused  
125 has scheduled a new date to appear before the court; has appeared in court for a hearing,  
126 arraignment, or waiver of arraignment and entry of a plea; or the charge against the  
127 accused has been finally adjudicated and the Department of Driver Services receives  
128 ~~proof of the final adjudication or order of reinstatement by the court~~ notice to reinstate  
129 the license by the court and the accused individual pays to the Department of Driver  
130 Services the applicable restoration fee as set forth in Code Section 40-5-56, unless such  
131 fee is waived by the court or otherwise as provided by law.

132 (2)(A) The scheduling of a new date to appear before the court for disposition of a  
133 uniform traffic citation shall not be conditioned upon payment of any fee for a previous  
134 failure to appear.

135 (B) After the clerk of court has notified the Department of Driver Services of a license  
136 reinstatement based upon a newly scheduled date for an accused to appear before the  
137 court pursuant to paragraph (1) of this subsection, when the accused requests, for a  
138 second or subsequent time, a new date for disposition of the same uniform traffic  
139 citation, the court may forward to the Department of Driver Services the accused's  
140 driver's license number. The commissioner of driver services shall suspend such  
141 accused's driver's license and driving privilege until notified by the clerk of court that  
142 the driver's license of the accused is to be reinstated. Nothing in this subsection shall  
143 require a clerk of court to suspend the driver's license of an accused who schedules a  
144 second or subsequent new date for disposition of the same uniform traffic citation  
145 pursuant to this subparagraph.

146 (C) When the accused fails, for a second or subsequent time, to appear for court or  
 147 otherwise dispose of his or her charges before his or her newly scheduled court  
 148 appearance for disposition of the same uniform traffic citation, the court may forward  
 149 to the Department of Driver Services the accused's driver's license number. The  
 150 commissioner of driver services shall suspend such accused's driver's license and  
 151 driving privilege until notified by the clerk of court that the driver's license of the  
 152 accused is to be reinstated. Nothing in this subsection shall require a clerk of court to  
 153 suspend the driver's license of an accused who fails to appear for court pursuant to this  
 154 subparagraph.

155 (D) Nothing in this subsection shall prevent a court from establishing a policy or  
 156 practice, by standing order or otherwise, to reinstate such accused driver's license.

157 (E) Any notification to suspend or reinstate such accused driver's license and driving  
 158 privileges shall be compliant with procedures established by the Department of Driver  
 159 Services.

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

161 (A) For which a driver's license may be suspended for a first offense by the  
 162 commissioner of driver services;

163 (B) Covered under Code Section 40-5-54; or

164 (C) Covered under Article 15 of Chapter 6 of Title 40.

165 ~~(b.1)(c) A~~ A ~~It shall be the duty of a law enforcement officer or emergency medical~~  
 166 ~~technician responding to the scene of any motor vehicle accident or other accident~~  
 167 ~~involving a fatal injury to examine~~ shall ~~immediately examine~~ the driver's license of the  
 168 victim to determine the victim's wishes concerning organ donation. If the victim has  
 169 indicated that he or she wishes to be an organ donor, ~~it shall be the duty of such law~~  
 170 ~~enforcement officer or emergency medical technician to~~ shall take appropriate action to  
 171 ensure, if possible, that the victim's organs ~~shall not be~~ are not imperiled by delay in  
 172 verification by the donor's next of kin.

173 ~~(e)~~(d) Nothing in this Code section ~~bars~~ shall prohibit any law enforcement officer from  
174 arresting or from seizing the driver's license of any individual possessing a fraudulent  
175 license or a suspended license or operating a motor vehicle while his or her license is  
176 suspended, outside the scope of a driving permit, or without a license.

177 ~~(d)~~(e) The commissioner of driver services shall be authorized to promulgate reasonable  
178 rules and regulations to carry out the purposes of this Code section and to establish  
179 agreements with other states whereby a valid license from that state may be accepted for  
180 purposes of this Code section."

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### SECTION 5.

182 Said title is further amended by revising Code Section 17-7-90, relating to issuance of bench  
183 warrant, execution, and receiving bail, fixing bond, and approving sureties, as follows:

184 "17-7-90.

185 (a) A bench warrant may be issued by a judge for the arrest of a person:

186 (1) Accused of a crime by a grand jury;

187 (2) Except as otherwise provided in Code Section 17-6-11, charged with a crime who has  
188 failed to appear in court after:

189 (A) Actual notice of the time and place to appear to the person in open court;

190 (B) Notice of the time and place to appear to the person by mailing a notice to such  
191 person's last known address; or

192 (C) The person has otherwise been notified of the time and place to appear personally,  
193 in writing, by a court official or officer of the court;

194 (3) Charged with a crime upon the filing by the prosecutor of an accusation supported  
195 by affidavit; or

196 (4) Who failed to dispose of his or her charges, schedule a new date to appear before the  
197 court, make an appearance in court, or waive arraignment and plead not guilty after the  
198 expiration of the 30 day period set forth in subsection (b) of Code Section 17-6-11.

199 (b) Every officer is bound to execute a bench warrant within his or her jurisdiction, and  
 200 every person so arrested shall be committed to jail until bail is tendered. Any judicial  
 201 officer or the sheriff of the county where the charge was returned may receive the bail, fix  
 202 the amount of the bond, and approve the sureties unless it is a case that isailable only  
 203 before some particular judicial officer."

204 **SECTION 6.**

205 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
 206 is amended in Code Section 40-5-9, relating to pauper's affidavit for a partial waiver of  
 207 driver's license reinstatement and restoration fees, by revising subsection (b) and by adding  
 208 a new subsection to read as follows:

209 "(b) Upon the submission of a pauper's affidavit, the driver's license reinstatement or  
 210 restoration fee shall be ~~50 percent of the fee required by law~~ waived.

211 (c) The commissioner may promulgate such rules and regulations as are necessary to  
 212 implement this Code section."

213 **SECTION 7.**

214 Said chapter is further amended by revising Code Section 40-5-56, relating to cancellation,  
 215 suspension, and revocation of licenses, as follows:

216 "40-5-56.

217 (a) Notwithstanding any other provisions of this chapter or any other law to the contrary  
 218 and unless otherwise ordered by the court, the department shall suspend the driver's license  
 219 or privilege to operate a motor vehicle in this state of any person who has failed to respond  
 220 to a citation to appear before a court of competent jurisdiction in this state or in any other  
 221 state for a traffic violation other than a parking violation. The department shall include  
 222 language in the uniform traffic citation stating that failure to appear and respond to such  
 223 citation may result in the suspension of the violator's driver's license or nonresident driving

224 privilege. The language reflected on a uniform traffic citation issued in this state shall be  
225 sufficient notice of said suspension to support a conviction for a violation of Code Section  
226 40-5-121 if such person drives subsequent to the imposition of such a suspension following  
227 his or her failure to appear; provided, however, that the department shall send notice of any  
228 suspension imposed pursuant to this Code section via certified mail or certificate of mailing  
229 to the address reflected on its records as the person's mailing address. For purposes of this  
230 subsection, the term 'certificate of mailing' means a delivery method utilized by the United  
231 States Postal Service which provides evidence that an item has been sent and the date such  
232 item was accepted.

233 (b) The suspension provided for in this Code section shall be for an indefinite period until  
234 such person ~~shall respond and pay any fines and penalties imposed~~ has scheduled a new  
235 date to appear before the court pursuant to subsection (b) of Code Section 17-6-11; has  
236 made an appearance in court through hearing, arraignment, or waiver of arraignment and  
237 entry of a plea; the charge against the accused has been finally adjudicated; or the court  
238 otherwise orders such person's driver's license be reinstated. Such person's license shall  
239 be reinstated when the department receives proof of payment of any fines and penalties,  
240 ~~or an~~ order of reinstatement by the court and the person pays payment of the applicable  
241 restoration fee of \$100.00 or \$90.00 when such reinstatement is processed by mail to the  
242 department, unless such fee is waived by the court or otherwise as provided by law. Such  
243 suspension shall be in addition to any other suspension or revocation provided for in this  
244 chapter."

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### SECTION 8.

246 Code Section 44-5-150 of the Official Code of Georgia Annotated, relating to search and  
247 notification for information identifying anatomical gift donor status, is amended by revising  
248 paragraph (1) of subsection (a) as follows:

249 "(1) A law enforcement officer, firefighter, paramedic, emergency medical technician,  
250 or other first responder finding the individual, in accordance with subsection ~~(b.1)~~ (c) of  
251 Code Section 17-6-11; and"

252 **SECTION 9.**

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

255 **SECTION 10.**

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