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GEORGIA STATE UNIVERSITY LAW REVIEW

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EDUCATION

Elementary and Secondary Education

Constitutional Sections: GA. CONST. art. VIII, § 1, para. 1 (amended); art. VIII, § 5, para. 1 (amended); art. VIII, § 5, para. 7 (amended)

Resolution Number: HR 1162

Georgia Laws: 2012 Ga. Laws 1364

Effective Date: Contingent on a statewide vote in November 2012

Summary: The resolution proposes amendments to the Georgia Constitution that grant authority to the state to authorize charter schools. The resolution specifically prohibits the spending of local money on state-authorized charter schools

Elementary and Secondary Education

Code Sections: O.C.G.A. §§ 20-2-2068.1, -2080 to -2092 (amended)

Bill Number: HB 797

Georgia Laws: 2012 Ga. Laws 1298

Effective Date: O.C.G.A. § 20-2-2068.1, July 1, 2012; §§ 20-2-2080 to -2092, January 1, 2013

Summary: The Act amends several sections of the Georgia Code relating to the creation and funding of charter schools by the State. The Act provides for the creation of a State Charter School Commission that may authorize charter schools. It further provides and clarifies the funding mechanisms for state-chartered schools, the process of nominating and selecting Commission members, the duties of the Commission, and the rules and regulations pertaining to state-authorized charter schools. Portions of HB 797 become effective only if Georgia citizens ratify HR 1162 at the ballot box in November 20121

STATE GOVERNMENT

Georgia Tax Tribunal Act of 2012

Code Sections: O.C.G.A. §§ 48-2-18, -35, -36, -50, -59 (amended); 48-3-1 (amended); 48-5-519 (amended); 48-6-7, -76 (amended); 48-7-31, -165 (amended); 50-13-12, -13, -42 (amended); 50-13A-1 to -20 (new)

Bill Number: HB 100

Georgia Laws: 2012 Ga. Laws 318

Effective Date: O.C.G.A. §§ 50-13A-1 to -20, July 1, 2012;

§§ 48-2-18, -35, -36, -50, -59, Jan. 1, 2013; §§ 48-3-1; 48-5-519; 48-6-7, -76; 48-7-31, -165; 50-13-12, -13, -42, Jan. 1, 2013

Summary: The Act creates the Georgia Tax Tribunal, a separate and autonomous division of the Office of State Administrative Hearings, which can, concurrently with superior courts, hear and resolve the tax-related disputes of individuals and businesses. A chief tribunal judge, who must be a licensed attorney and who has specialized in tax law for at least eight years, will head the tribunal. The Act allows for individuals and businesses to petition the tax tribunal for relief from the Department of Revenue under various circumstances. Persons or businesses aggrieved by a judgment of the tax tribunal may appeal that ruling to the Superior Court of Fulton County. The Act also creates a small claims division of the tax tribunal that can hear claims regarding amounts below a certain threshold70

LABOR AND INDUSTRIAL RELATIONS

Employment Security

Code Sections: O.C.G.A. §§ 34-8-49, -156, -193

Bill Number: HB 347

Georgia Laws: 2012 Ga. Laws 950

Effective Date: O.C.G.A. §§ 34-8-49, -156, May 2, 2012; § 34-8-193, July 1, 2012

Summary: The Act changes the State-Wide Reserve Ratio for unemployment tax and the determination of the weekly unemployment benefit amount. The Act reduces the existing twenty-six weeks of benefits, or weekly benefit amounts, to a range of possible amounts. These amounts depend upon the state unemployment rate, with a minimum of fourteen times the weekly benefit amount when unemployment is at 6.5% or below and a maximum of twenty times the weekly benefit amount when unemployment equals or exceeds 9%92

REVENUE AND TAXATION

Sales and Use Taxes

Code Sections: O.C.G.A. §§ 2-1-5 (amended); 40-2-23 (amended); 44-10-3 (new); 48-5-441 (amended), -441.1 (new); 48-5B-1 (new); 48-7-26, -27 (amended), -29.12 (amended); 48-8-2, -3 (amended); 48-8-3.2 (new); 48-8-3.3 (new); 48-13-110, -111, -112, -113, -114, -115, -116, -117, -118 (new)

Bill Number: HB 386

Georgia Laws: 2012 Ga. Laws 257

Effective Date: O.C.G.A. §§ 48-8-3 ¶¶ (90), (91), (92), Jan. 1, 2012 (retroactive); § 48-8-3.2, Apr. 19, 2012; §§ 48-8-3 ¶¶ (25), (26), (27), (28), (29), (29.1), (34), (34.3), (35), (37), (49), (64), (73), (75), (77), (79), (82), (90), -3.3, 48-13-110, -111, -112, -113, -114, -115, -116, -117, -118, July 1, 2012;

§ 48-8-2, Oct. 1, 2012; §§ 2-1-5, 44-10-3, 48-7-26, -27, -29.12, Jan. 1, 2013;
 §§ 40-2-23, 48-5-441, -441.1, 48-5B-1, 48-8-3, Mar. 1, 2013
Summary: This Act establishes a comprehensive tax reform for the state of Georgia. This bill began in the 2010 legislative session with HB 1405, but failed to pass in both the 2010 and 2011 legislative sessions. This bill implements a number of tax cuts, exemptions, and credits for individuals, industry, and agriculture, while at the same time eliminating some tax benefits that were formerly available.....112

STATE GOVERNMENT

Open and Public Meetings

Code Sections: O.C.G.A. §§ 15-12-11 (amended); 15-16-10 (amended); 20-2-55 (amended); 31-7-402, -405 (amended); 33-2-8.1 (amended); 36-76-6 (amended); 38-3-152 (amended); 40-5-2 (amended); 43-34-7 (amended); 45-6-6 (amended); 46-5-1 (amended); 50-1-5 (amended); 50-14-1, -2, 3, -4, -6 (amended); 50-17-22 (amended); 50-18-70, -71, -72, -73, -74 (amended); 50-29-2 (amended)
Bill Number: HB 397
Georgia Laws: 2012 Ga. Laws 218
Effective Date: July 1, 2012
Summary: The Act clarifies Georgia’s open records and open meetings laws regarding state government in order to increase transparency and lessen the confusion surrounding ambiguous sunshine laws. The Act also provides for criminal and civil remedies and reduces the cost of requesting records139

STATE GOVERNMENT

Organization of the Executive Branch Generally

Code Sections: O.C.G.A. §§ 50-4-1 to -7 (amended); 50-4-20 to -24 (new)
Bill Number: HB 456
Georgia Laws: N/A
Effective Date: N/A
Summary: The bill would have created a joint committee, the Legislative Sunset Advisory Committee (LSAC), which would have been responsible for reviewing the efficiency and productivity of state agencies. The bill set forth procedures and criteria for agency reporting and LSAC review. Agencies would have been required to cooperate with the LSAC upon request, to submit any records, and to submit reports for review. The LSAC could have made recommendations to the General Assembly for the abolition, continuation, or reorganization of the agencies it reviewed. If the LSAC recommended that an agency be abolished, the abolishment would have become automatic one year after the recommendation, if the General Assembly found by joint resolution that the laws for which the agency is responsible had been

repealed, revised, or reassigned, and the agency's debts were transferred. Agencies established by constitutional provision would not have been subject to automatic abolishment. Further, the LSAC could have recommended elimination, privatization, consolidation, transfer, or reorganization of an agency's programs when it determined that those programs were redundant. The bill would have also provided for the automatic abolishment of boards, commissions, advisory councils, or similar bodies that had not held an open public meeting for more than a year. The bill would have only applied to state entities funded through a state appropriations act.....162

ANIMALS

General Provisions

Code Sections: O.C.G.A. §§ 4-8-1, -4, -5, -20, -21, -22, -23, -24, -25, -26, -27, -28, -29, -30 (amended); 4-8-31, -32, -33 (new); 4-8-40, -41, -42, -44, -45 (repealed)

Bill Number: HB 685

Georgia Laws: 2012 Ga. Laws 1920

Effective Date: July 1, 2012

Summary: The Act revises the classification system relating to dogs whose behavior is adverse to public safety and private property, establishes more stringent requirements for registration of dangerous and vicious dogs, and provides that owners of dangerous and vicious dogs comply with specific safety measures. The Act also provides for criminal offenses and punishment for violators of the Act, and it establishes policies for confiscation and euthanasia of dangerous and vicious dogs.....180

EVIDENCE

Privileges

Code Sections: O.C.G.A. §§ 24-5-503 (amended); 24-5-509 (new)

Bill Number: HB 711

Georgia Laws: 2012 Ga. Laws 105

Effective Date: January 1, 2013

Summary: The Act abrogates the right of spousal privilege in cases involving domestic violence and creates confidentiality between family violence or sexual assault victims and agents providing services to such victims at family violence shelters and rape crisis centers204

PUBLIC OFFICERS AND EMPLOYEES

Division of Archives and History

Code Sections: O.C.G.A. § 45-13-51 (amended)

Bill Number: HB 766

Georgia Laws: 2012 Ga. Laws 699

Effective Date: July 1, 2012

Summary: This Act extends the locations in which the Foundations of American Law and Government Displays (Displays) may be published. When the law was originally enacted, local municipalities and political subdivisions could place the Displays in courthouses and judicial facilities. As revised, the Act allows both the State and all municipalities and political subdivisions to post the Displays in any public building.214

SOCIAL SERVICES

Public Assistance

Code Sections: O.C.G.A. § 49-4-193 (new)

Bill Number: HB 861

Georgia Laws: 2012 Ga. Laws 91

Effective Date: July 1, 2012

Summary: The Act requires law enforcement agencies to report drug related arrests to the Department of Human Services. The Act requires drug testing for applicants and recipients of state administered TANF benefits. Those who test positive for drugs become ineligible for TANF benefits for a certain period of time. When a parent of a dependent child tests positive for drugs, a protective payee shall be designated to receive benefits on behalf of the child.....224

COMMERCE AND TRADE

Secondary Metals Recyclers

Code Sections: 10-1-350 to -59 (amended); 10-1-360 to -63 (new); 10-1-360.1 (new); 16-8-12 (amended); 40-3-36, -56 (amended)

Bill Number: HB 872

Georgia Laws: 2012 Ga. Laws 112

Effective Date: O.C.G.A. §§ 10-1-350 to -63, 16-8-12, 40-3-36, -56, July 1, 2012; § 10-1-360.1, effective upon the date in which there is an appropriation of funds required to carry out the goal of the new Code section

Summary: The Act revises and supplements existing code as it regulates secondary metals recyclers. Important registry information was added to existing law. Secondary metals recyclers now must maintain more thorough records, including photocopies of the regulated property, of the seller’s and deliverer’s identification, and of the check or voucher provided. All registration information is now compiled into a Georgia Bureau of Investigation database and will be available statewide. Additional safeguards include restricted buying hours for secondary metals recyclers and further specification of what metals may be sold without the seller carrying a license.....238

CRIMES AND OFFENSES

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Code Sections: O.C.G.A. §§ 16-12-140 (amended); 16-12-141 (amended); 31-9B-1, -2, -3 (new); 31-9A-6.1 (new); 31-9A-2 (amended)

Bill Number: HB 954

Georgia Laws: 2012 Ga. Laws 575

Effective Date: January 1, 2013

Summary: The Act asserts a compelling interest in limiting the time frame in which women may obtain an abortion to the first twenty weeks of gestational age, absent certain medical findings. The Act requires physicians to determine gestational age, adds reporting rules for doctors performing covered procedures, and mandates doctors performing any such measures in a way mostly likely to save the fetus because the fetus may experience pain at twenty weeks gestational age253

CRIMES AND OFFENSES

Homicide

Code Section: O.C.G.A. §§ 16-5-5 (amended); 16-14-3 (amended); 51-4-6 (new)

Bill Number: HB 1114

Georgia Laws: 2012 Ga. Laws 637

Effective Date: May 1, 2012

Summary: The Act prohibits assisted suicide and provides for certain criminal penalties, reporting requirements by healthcare providers, and exceptions. Furthermore, it adds assisted suicide to the list of predicate RICO offenses. Finally, it mandates reporting requirements with respect to a civil judgment against a health care provider.....278

CRIMES AND OFFENSES

Appeal or Certiorari by State in Criminal Cases

Code Section: O.C.G.A. §§ 5-6-34 (amended); 5-7-1, -2 (amended); 15-1-15, -16 (amended); 15-10-260 (amended); 15-11-30.3, -83 (amended); 15-18-80 (amended); 15-21-100, -101 (amended); 16-7-1 (amended); 16-8-12, -14, -17 (amended); 16-9-1, -2, -3, -20 (amended); 16-11-131 (amended); 16-13-30, -31 (amended); 16-14-3 (amended); 16-16-1 (amended); 17-3-1, -2.1 (amended); 17-6-1 (amended); 17-7-70.1 (amended); 17-10-1, -7, -9.1, -30 (amended); 19-7-5 (amended); 31-7-250, -350 (amended); 35-3-34, -37 (amended); 36-32-9 (amended); 42-1-1 (amended), -11.2 (new); 42-2-1, -11 (amended); 42-5-50, -85 (amended); 42-8-21, -23, -35, -35.4, -37, -38 (amended)

Bill Number: HB 1176

Georgia Laws: 2012 Ga. Laws 899

Effective Date: O.C.G.A. §§ 5-7-1, -2, 15-1-15, -16, 15-10-260, 15-11-30.3, 15-18-80, 15-21-100, -10, 16-7-1, 16-8-12, -14, -17, 16-9-1, -2, -3, -20, 16-11-131, 16-13-30, -31, 16-14-3, 16-16-1, 17-3-1, -2.1, 17-6-1, 17-7-70.1, 17-10-1, -7, -9.1, -30, 19-7-5, 31-7-250, -350, 36-32-9, 42-1-1, -11.2, 42-2-1, -11, 42-5-50, 85, 42-8-21, -23, -35, -35.4, -37, -38, July 1, 2012; §§ 5-6-34, 15-11-83, 16-13-30, 35-3-34, -37 July 1, 2013; § 16-13-30, July 1, 2014

Summary: The Act seeks to curb the growth of Georgia’s prison population by decreasing sentences for certain nonviolent theft crimes and drug crimes, and enhance community-based supervision of probationers by permitting probation supervisors to impose graduated sanctions without subsequent judicial intervention and expanding the use of electronic monitoring. To reduce recidivism, the Act provides for a statewide system of accountability courts and requires the Georgia Board of Corrections to establish rules and regulations for managing inmates and probationers in accordance with evidence based practices, and to track performance outcomes. The Act also expands the list of mandated reporters of child abuse to include nurses’ aides and pregnancy and reproductive health center personnel and volunteers, eliminates the statute of limitations for certain crimes against children, and restricts access to certain criminal records, including records of arrests that do not result in prosecution, to law enforcement and court personnel.290

DOMESTIC RELATIONS

Parent and Child Relationship Generally

Code Section: O.C.G.A. § 19-7-3 (amended)

Bill Number: HB 1198

Georgia Laws: 2012 Ga. Laws 860

Effective Date: May 1, 2012

Summary: The Act provides courts the authority to award grandparents reasonable visitation rights to their grandchildren when the child’s parent is unable to exercise his or her own discretion regarding visitation because of death, incarceration, or incapacitation320

CIVIL PRACTICE

Arbitration

Code Sections: O.C.G.A. §§ 9-9-20 to -29 (new); §§ 9-9-30 to -43 (amended); §§ 9-9-44 to -59 (new)

Bill Number: SB 383

Georgia Laws: 2012 Ga. Laws 961

Effective Date: July 1, 2012

Summary: The Act repeals the previous international transactions portion of the arbitration code and establishes an entirely new framework governing international commercial arbitration. Parties to an international contract containing an arbitration agreement may now look solely to the Act for rights, remedies, and procedures relating to the international arbitral process, rather than having to refer to the domestic code and international code in tandem. The Act is based upon the UNCITRAL Model Arbitration Law, as amended in 2006, and includes several provisions adopted from other states and countries, as well as new provisions unique to Georgia. The Act is compatible with federal law, including international treaties, and serves arbitration’s goals of fairness, efficiency, and party autonomy334

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