



2012 Georgia General Assembly Summary

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May 11, 2012

The General Assembly adjourned sine die just before midnight on March 29, 2012. Because this is the second year of a two-year session, any bill that did not pass is now dead and will need to be reintroduced next year. The next regular session will begin on January 14, 2013.

The following summary includes bills that **PASSED** and have been signed into law by the Governor.

STATE BUDGET

For the first time in three years, the state budget increased. The FY 2013 budget is 4.5% larger than the FY 2012 budget. However, when adjusted for inflation, per capita spending is equal to 1994 levels. Highlights from the \$19.3 billion state budget include:

Dept. of Human Services:

- Replaced all TANF funds with state funds for domestic violence programs.
- Added \$300,000 in new state funds for domestic violence programs.

Dept. of Community Health:

- Replaced \$2.8M in TANF funding for Children First with \$2.2M in state funding
- \$3.5M cut to teen centers to prevent teen pregnancies

POLICY HIGHLIGHTS:

HB 711 creates privilege for communications between victims and advocates in domestic violence and sexual assault programs. It also eliminates the spousal privilege in domestic violence criminal actions. This is the first proactive piece of legislation GCADV has advocated for in eight years. It brings Georgia into the mainstream as the majority of other states have enacted similar legislation. GCADV will be working to train advocates and prosecutors on the new tools provided by HB 711.

HB 733 creates a holdover provision for members of the GA Commission on Family Violence whose terms expire. This legislation will allow them to continue to serve until a new appointment is made.

HB 1176 is Gov. Deal's criminal justice reform bill. It includes two provisions that are relevant to the domestic violence community. First, the bill expands and clarifies the requirements for professionals who are mandated to report child abuse. The bill clarifies when clergy are required to report and adds definitions to ensure that coaches and other personnel who are working with children will be required to report child abuse. HB 1176 also expands the reporting requirement to volunteers as well as employees of hospitals, schools, and other similar organizations, and requires reproductive healthcare facilities and pregnancy resource centers to report child abuse. Second, HB 1176 extends the statute of limitations for certain sexual offenses. A prosecution for rape, aggravated sodomy, child molestation,

trafficking for sexual servitude, and incest can now be commenced at any time if the victim was younger than 16 at the time of the offense. Previously, the law required such prosecutions to be initiated within 7 years of the offense.

HR 1151 creates a joint House and Senate study committee to design a comprehensive system of services for victims of human trafficking. The multi-disciplinary study committee will have representatives from the courts, law enforcement, prosecution, criminal defense, and advocates serving both child and adult victims of trafficking. Through testimony of experts and consideration of best practices from other states, this committee will recommend a framework for appropriate services for all victims of human trafficking.

SB 50 addresses the order in which add-on fees for criminal penalties must be paid when partial payments are made. The bill moves the 5% add-on fee for victim services organizations to a higher position in the list of all fees which will increase the amount of funds received when partial payments are made.

POLICY LOWLIGHTS:

HB 861 will require applicants for TANF (welfare) benefits to pass a drug test as a condition of receiving benefits. GCADV opposed HB 861 and other similar bills because they create an additional obstacle to the critical short-term assistance many victims rely on when they leave. There is no evidence that drug use is higher among this population. A similar Florida statute has been found to be unconstitutional. Unfortunately, HB 861 passed in the final hours of the session and has been signed into law. DHS must promulgate administrative rules and regulations before drug testing can begin.

HB 347 will dramatically reduce unemployment benefits to workers laid off through no fault of their own. Employer tax cuts over 10 years led to a dramatic reduction in the unemployment insurance (UI) system's reserves, causing Georgia to borrow \$736 million from the federal government so that UI benefits could be paid. SB 447 sought to replenish UI reserves by slashing UI benefits to unemployed individuals from the current 26 weeks to a sliding scale of 14-20 weeks which will cause Georgia to have some of the most limited UI benefits in the nation.

OTHER LEGISLATION OF INTEREST:

HB 386 makes a number of changes to Georgia's tax code, although it falls far short of the comprehensive tax reform needed. This bill will create an estimated \$86M deficit during the first two years, necessitating some further short-term cuts, but it is expected to increase state funding over time. It taxes online sales, reduces the tax break for wealthy senior citizens, streamlines tax breaks, and eliminates a major tax break to Delta. It also expands sales tax holidays, creates a new jet fuel tax break, gives a tax cut to married couples, and creates a new system for taxing car sales.

HB 954 will prohibit abortions after 20 weeks unless the woman's life is in danger. It contains no exception for rape and incest, excludes consideration of the woman's mental health, and prohibits consideration of many serious health conditions. Language was added to provide an exception in cases of profound and irremediable anomalies that are incompatible of sustaining life after birth.

HB 1166 addresses "child-only" insurance policies. Parents who do not qualify for Medicaid or PeachCare and who do not have dependent coverage through their employers often need insurance products that cover only their children. HB 1166 requires insurers to offer child-only policies with an annual open enrollment period.

HB 1198 establishes factors a court must consider when determining whether the health or welfare of a child would be harmed without grandparent visitation. Where a parent is deceased, incapacitated, or incarcerated, a court may award grandparent visitation upon a finding that visitation would be in the child's best interests. While the court must consider the custodial parent's wishes, they are not determinative as to visitation. The bill sets out minimum standards for grandparent visitation.

Other legislation impacting domestic violence survivors that DID NOT PASS:¹

Criminal Justice

HB 342 would authorize law enforcement to arrest offenders who violate no contact provisions of bonds and probation in the presence of law enforcement. Currently, law enforcement must seek to revoke the bond or probation when such violations occur. Revocation can take a significant period of time, causing victims to be endangered when offenders receive no immediate consequences for violations.

Temporary Protective Orders

HB 983 was introduced by Rep. Yasmin Neal to create a new misdemeanor offense for victims who engage in conduct that would be a TPO violation if the abuser engaged in such conduct. GCADV expressed serious concerns about the bill as it would weaken the TPO statute by effectively making all TPOs mutual and would make enforcement of TPOs much more difficult once abusers learn that they can allege the victim initiated contact. Although the bill was not heard by the House Judiciary Non Civil Committee, Chairman Rich Golick is interested in considering it next session. Advocates will need to work with committee members during the interim to educate them on the dangers of this legislation.

SB 52 would require sheriffs to notify the victim when a temporary protective order is served on the abuser.

Teen Dating Violence

SR 999 urges the Dept. of Education to provide a teen dating violence curriculum for high schools.

Economic Security

HB 432 would require employers who offer sick leave to permit employees to use such leave to care for a child, spouse, or parent.

HB 630 would prohibit public employers from discriminating based on sexual orientation and gender identity.

¹ This list includes legislation that was either introduced or heard in committee during the 2012 Session. It does not include legislation that was introduced during the 2011 Session but which did not move in 2012.

SB 312 would require food stamps recipients to engage in “personal growth activities” such as GED classes as a condition of receiving benefits. Given the significant fiscal impact of the bill, it was narrowed to a pilot program in 5 counties.

Reproductive Healthcare

SB 434 would prohibit any insurance plan offered through the new health exchange from covering abortions. It did not include an exception for cases of rape, incest, or where the woman’s life was in danger.

SB 438 would prohibit the State Health Benefit Plan from covering abortions.

SB 460 would allow religious employers to refuse to provide insurance coverage for birth control.

HR 1072 would propose a constitutional amendment to define life as beginning at fertilization which would lay the foundation to ban some forms of birth control as well as abortion.

Miscellaneous

SB 107 would increase the penalties available for contempt of court.