



2016 Georgia General Assembly Summary

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The General Assembly adjourned sine die just after midnight on March 25, 2016. Because this was the second year of a two-year session, any bill that did not pass is dead and will need to be reintroduced next year. The next legislative session will begin on January 9, 2017.

The following summary includes bills that **PASSED** and have been signed into law by the Governor. Unless otherwise specified, the new laws will become effective as of July 1, 2016.

STATE BUDGET

The Governor signed the FY 2017 Budget. Highlights from the \$23.7 Billion state budget include:

Dept. of Human Services:

- Maintained FY 2016 funding levels for domestic violence and sexual assault programs
- Increased FY 2017 funding levels by 3 percent – or \$361,000 – for domestic violence and sexual assault programs
- Added \$7.3 million for 175 additional child protective service workers
- Increased FY 2017 funding levels by \$50,000 for child advocacy centers

Judicial Council:

- Added \$193,125 in funding for civil legal services for domestic violence victims

POLICY HIGHLIGHTS

SB 193 ensures that a previous family violence battery conviction against the same victim or any family violence conviction against any household member would result in a subsequent family violence battery and would be punished as a felony.

HB 827 (Pursuing Justice for Rape Victims Act) establishes a protocol for local law enforcement for the handling and submission of rape kits to the Georgia Bureau of Investigation for testing. Specifically, individuals performing forensic medical exams and collecting evidence for the kits for which the victim gives consent for testing must notify law enforcement, which must take possession of new kits within 96 hours. Law enforcement must then submit the kits to the GBI within 30 days. For kits collected prior to July 1, 2016, individuals performing forensic medical exams and collecting evidence for the kits must notify law enforcement on or before July 15, 2016. Law enforcement must then take possession of the kits on or before July 31, 2016 and submit the kits to the GBI by August 31, 2016. Additionally, law enforcement must create a list of kits in their possession as of August 1, 2016 and submit this list to the GBI by August 15, 2016. Finally, GBI must issue an annual report to the Governor and the Georgia General Assembly detailing the number of rape kits they tested during the year.

OTHER LEGISLATION OF INTEREST

[HB 52](#) stipulates that, in cases where the custody of a child is at issue between the parents, each parent or parents jointly shall prepare a parenting plan which, unless otherwise ordered by the court, would be included in the final decree of the legal action involving the custody of a child. The exemption for parents who have a Temporary Protective Order still stands.

[HB 229](#) expands grandparent visitation and intervention rights to include the ability for great-grandparents, aunts, uncles, and siblings to file an original action for visitation rights to a child or to intervene in and seek to obtain visitation rights regarding children in various stages of custody dispute, termination of parental rights or adoption.

[HB 725](#) provides for immunity for child advocacy centers in releasing child abuse records under certain circumstances, among other provisions.

[HB 768](#) [Georgia Achieving a Better Life Experience (ABLE) Act] allows the contribution of funds to tax-exempt accounts to pay for the qualified expenses of individuals with significant disabilities with onset before age 26, meet the conditions of disability as defined by SS, SSDI, or are certified under pending IRS rules. Income earned by the accounts and withdrawals for qualified disability expenses would not be taxable. The bill went into effect May 3, 2016.

[HB 770](#) makes it a crime to traffic a child whom the accused believes to be under the age of 18 years or who has a developmental disability.

[HB 887](#) prioritizes the placement by the Department of Family and Children Services (DFCS) of a child with a relative who is an adult or fictive kin when such individual is qualified to care for such child and it is in the best interests of the child. The bill also allows a parent to transfer parental rights to another adult individual without judicial oversight.

[HB 905](#) adds “child endangerment” to mandated child abuse reporting, among other provisions.

[HR 1113](#) is a Constitutional amendment that abolishes the existing Judicial Qualifications Commission (JQC) and reconstitutes it with a revamped composition of membership. **[HB 808](#)** is the enabling legislation that accompanies HR 1113, stipulating that the JQC be comprised of seven individuals appointed by the Speaker of the Georgia House of Representatives and the Lieutenant Governor. If the Constitutional amendment is approved by voters in November 2016, the bill will go into effect January 1, 2017.

[SB 64](#) repeals provisions of the juvenile code that allow fathers to provide voluntary acknowledgements of legitimation (a.k.a. administrative legitimation) of a child born outside of marriage, thereby requiring fathers to file in court for legitimation in order to access custody, visitation, and inheritance rights. The bill also requires hospitals give new parents information on the different between paternity acknowledgement and legitimation.

[SB 331](#) allows for the termination of parental rights against fathers of children who were conceived through rape.

[SB 367](#) is Governor Deal's criminal justice reform bill for this year. It contains provisions which require a court hearing before an individual can be arrested on a misdemeanor probation violation based on their inability to pay probation fees, extends parole eligibility to people serving long sentences for drug possession, establishes restrictions on secure detention for youth 13 years old or under, and lifts the ban on Supplemental Nutrition Assistance Program (SNAP) benefits for people with drug convictions, among other provisions.

[SR 1032](#) creates the Senate Sexual Offender Registry Study Committee.

[SR 1098](#) creates the Senate Crime Study Committee.

Other legislation impacting domestic violence survivors that DID NOT PASS or was VETOED

Access to Services

[HB 757](#) would have prohibited the government from taking any adverse action against nonprofit organizations that discriminate against LGBT people, single mothers, and sexually active straight couples by denying them services based on religious beliefs. Under this bill, victims of domestic violence who fall into these categories could have legally been denied services that many nonprofits are contracted with the state of Georgia and given taxpayer dollars to provide, including shelter services, food assistance, medical assistance, and other services essential for safety and well-being. Such discrimination could have jeopardized the federal funds many nonprofits receive which strictly prohibit them from denying services to specific populations, particularly LGBT individuals. The bill passed both chambers but was vetoed by the Governor.

[HB 849](#) (Georgia Civil Rights in Public Accommodations Act) would have banned businesses from turning away customers based on their race, color, religion or national origin.

Child and Family Law

[HB 728](#) would have created a criminal offense for the act of soliciting or inviting contact or approach from a party against whom such person has obtained a Temporary Protective Order.

[HB 680](#) would have required any married person with dependent children seeking to petition for a divorce to complete four hours of education about the benefits of marriage and the effect of divorce on families prior to filing the petition for divorce.

[HB 531](#) would have amended Georgia's long arm statute, adopting the broadest possible standard by which courts establish personal jurisdiction over out-of-state respondents in civil cases.

[HR 768](#) would have created the House Study Committee on Mandatory Reporting of Child Abuse.

Criminal Justice

[HB 702](#) would have given judges adjudicating cases of murder, manslaughter, aggravated assault, or aggravated battery the discretion to depart from mandatory minimum sentencing guidelines if the judge

Other legislation impacting domestic violence survivors that DID NOT PASS or was VETOED
(continued)

concluded that the defendant was the victim of family violence or child abuse committed by the person against whom the crime was committed.

[SB 77](#) would have allowed for the collection of DNA upon arrest and conviction of a serious felony charge as defined in the legislation.

[HR 1199](#) would have created a Constitutional amendment to be approved by statewide voter referendum in November 2016 to enshrine crime victims' rights into the Georgia Constitution.

Teen Dating Violence

[HB 1090](#) would have required the State Board of Education to incorporate the "Love Is Not Abuse" curriculum into the rape prevention educational program promulgated for local school boards.

Sexual Assault

[SB 322](#) would have required campus police at university or college campuses to report allegations of rape to a local law enforcement agency with concurrent jurisdiction, to hand over all information and evidence, and to cooperate with that law enforcement agency. The bill also would have required all law enforcement agencies with information on a sexual assault to cooperate with colleges and universities investigating a student for the assault.

Human Trafficking

[SB 278](#) would have increased the penalty provisions relating to pimping and pandering. The bill also would have required registration on the State Sexual Offender Registry when an individual is convicted for the second time for pandering.

Immigration

[SB 6](#) would have replaced the drivers' licenses currently issued to immigrants in deferred action status with licenses that conspicuously identified their lack of full legal status. This includes immigrant victims of domestic violence and human trafficking who have been granted this status while awaiting the finalization of their T-Visa, U-Visa, or VAWA petition.

[SR 675](#) would have created a Constitutional amendment to be approved by statewide voter referendum in November 2016 to declare English the official language of Georgia. The bill would have prohibited any requirement that any language other than English be used in any documents, regulations, orders, transactions, proceedings, meetings, programs, or publications of any state agency.

Other legislation impacting domestic violence survivors that DID NOT PASS or was VETOED
(continued)

LGBT

[HB 716](#) would have prohibited psychiatrists, psychologists, professional counselors, social workers, marriage and family therapists from engaging in sexual orientation change efforts (a.k.a. reparative therapy) with a person under 18 years of age.

Economic Security

[HB 746/SB 242](#) would have required employers that offer sick leave to allow employees to use that leave time flexibly in order to care for sick children, spouses, and other family members.

[HB 1006](#) would have reduced lifetime cash aid from the Temporary Assistance for Needy Families (TANF) program from 48 to 12 months. The bill also would have increased sanctions for individuals who violate their TANF and/or SNAP terms and would have increased eligibility verification, among other provisions.

[SB 389](#) would have increased sanctions for individuals who violate the terms of their TANF and/or SNAP, while also providing some income disregards when determining eligibility, offering a work activity requirement waiver when adequate child care is not available, and creating a cash diversion program, among other provisions.

[HB 972](#) (Georgia Pregnant Workers Fairness Act) would have required reasonable accommodations to job applicants and employees for circumstances related to pregnancy, childbirth, or related conditions, such as nursing. The bill also provided for a civil cause of action for unfair employment practices and requires the Department of Labor to develop courses and educate the public on such accommodations.

[HB 824](#) would have required employers to offer up to 56 hours of paid sick leave per year for all full-time employees. In addition, sick leave could have been used to care for family members.

[HR 1553](#) would have created the House Study Committee on Homes for Georgia's Families (homelessness.)

[HR 1592](#) would have created the House Study Committee on Child Care Assistance.

Firearms

[SB 260](#) would have prohibited the purchase of a firearm by any person who is currently a party to a divorce proceeding and against whom a family violence protective order has been issued without permission of the presiding judge.

[HB 859](#) would have allowed students at least 21 years old to carry a gun on post-secondary campuses, except in student housing, including fraternity and sorority houses, and at sporting events. The bill was passed by both chambers but was vetoed by the Governor.

**Other legislation impacting domestic violence survivors that DID NOT PASS or was VETOED
(continued)**

Healthcare

[HB 718](#) would have prohibited the use of individual mechanical restraints, including handcuffs and shackles, on an inmate while she is experiencing labor or during delivery or post delivery recovery under most circumstances.

[HR 1091](#) would have created a Constitutional amendment to be approved by statewide voter referendum in November 2016 to define life as beginning at fertilization, which would lay the foundation to ban some forms of birth control as well as abortion.

[HB 762](#) would have banned the sale of aborted fetal tissue.

[HR 1093/SR 722](#) would have created the Joint Study Committee on Mental Illness Initiative, Reform, Public Health, and Safety.