

House Bill 450

By: Representatives Gunter of the 8th, Smith of the 18th, Efstoration of the 104th, Burchett of the 176th, Reeves of the 99th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts in general,
2 so as to provide for the reestablishment of the Criminal Case Data Exchange Board as an
3 advisory board to the Administrative Office of the Courts; to provide for membership,
4 selection of officers, meetings, and duties of such board; to provide for continuation in office
5 of current members; to provide for duties of the Administrative Office of the Courts; to
6 provide for transmission of data to the Georgia Crime Information Center; to provide for
7 definitions; to provide for implementation; to provide that a superior court shall ensure that
8 its operations do not conflict with the uniform standards promulgated by the Criminal Case
9 Data Exchange Board; to provide for annual reports by the Administrative Office of the
10 Courts detailing activities and progress of groups within the Criminal Case Data Exchange
11 Board; to amend Title 35 of the Official Code of Georgia Annotated, relating to law
12 enforcement officers and agencies, so as to provide for compliance with data transmission
13 requirements; to provide for required reports; to amend Chapter 25 of Title 50 of the Official
14 Code of Georgia Annotated, relating to the Georgia Technology Authority, so as to provide
15 for release of funds from the technology empowerment fund, subject to certain conditions;
16 to provide for related matters; to repeal conflicting laws; and for other purposes.

H. B. 450

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Title 15 of the Official Code of Georgia, relating to courts in general, is amended in Article
20 2 of Chapter 5, relating to judicial council, by revising Code Section 15-5-24, relating to
21 duties of Administrative Office of the Courts, as follows:

22 "15-5-24.

23 Under the supervision and direction of the Judicial Council, the Administrative Office of
24 the Courts shall perform the following duties:

25 (1) Consult with and assist judges, administrators, clerks of court, and other officers and
26 employees of the court pertaining to matters relating to court administration and provide
27 such services as are requested;

28 (2) Examine the administrative and business methods and systems employed in the
29 offices related to and serving the courts and make recommendations for necessary
30 improvement;

31 (3) Compile statistical and financial data and other information on the judicial work of
32 the courts and on the work of other offices related to and serving the courts, which data
33 and information shall be provided by the courts;

34 (4) Analyze data relating to civil cases and on or before the first day of October each
35 year provide such data, analysis, or both data and analysis to the courts and agencies of
36 the judicial branch, agencies of the executive branch, and the chairpersons of the Senate
37 Judiciary Committee and the House Committee on Judiciary;

38 (5) Examine the state of the dockets and practices and procedures of the courts and make
39 recommendations for the expedition of litigation;

40 (6) Act as fiscal officer and prepare and submit budget estimates of state appropriations
41 necessary for the maintenance and operation of the judicial system;

42 (7) Formulate and submit recommendations for the improvement of the judicial system;

43 (8) Perform such additional duties as may be assigned by the Judicial Council; ~~and~~

- 44 (9) Prepare and publish in print or electronically an annual report on the work of the
 45 courts and on the activities of the Administrative Office of the Courts;:
- 46 (10) Issue uniform standards not inconsistent with the uniform standards promulgated
 47 by the Criminal Case Data Exchange Board pursuant to Code Section 15-5-24.1; and
- 48 (11) Prepare a report detailing the activities of the Criminal Case Data Exchange Board
 49 and the progress of the represented groups within the board's membership to effect the
 50 uniform standards promulgated pursuant to paragraph (5) of subsection (h) of Code
 51 Section 15-5-24.1 for the previous year. Such report shall be transmitted electronically
 52 or mailed to the office of the chairs of the Senate Judiciary Committee and the House
 53 Committee on Judiciary and to the Governor, Lieutenant Governor, Speaker of the
 54 House, and Chief Justice of the Supreme Court of Georgia no later than January 15 of
 55 each year."

56 SECTION 2.

57 Said title is further amended in Article 2 of Chapter 5, relating to judicial council, by adding
 58 a new Code section to read as follows:

59 "15-5-24.1.

60 (a) As used in this Code section, the term:

61 (1) 'Board' shall mean the Criminal Case Data Exchange Board.

62 (2) 'Predecessor board' shall mean the Criminal Case Data Exchange Board, which was
 63 established as an advisory board to The Council of Superior Court Clerks of Georgia in
 64 2022 by an Act of the General Assembly.

65 (b) The Criminal Case Data Exchange Board is reestablished as an advisory board to the
 66 Administrative Office of the Courts.

67 (c) The board shall consist of 19 members as follows:

68 (1) A designee of the director of the Administrative Office of the Courts, the executive
 69 director of The Council of Superior Court Judges of Georgia, the executive director of
 70 The Council of State Court Judges of Georgia, the executive director of The Council of

71 Superior Court Clerks of Georgia, the executive director of the Prosecuting Attorneys'
72 Council, the chairperson of the State Board of Pardons and Paroles, the commissioner of
73 corrections, the commissioner of community supervision, the director of the Georgia
74 Bureau of Investigation, the director of the Office of Planning and Budget, the chief
75 information officer of the Georgia Technology Authority, the executive director of the
76 Georgia Sheriffs' Association, and the executive director of the Georgia Association of
77 Chiefs of Police, provided that any such member may allow a designee to represent him
78 or her at a board meeting and vote in his or her stead; and

79 (2) Six members, one of whom is a superior court judge, one of whom is a state court
80 judge, one of whom is a clerk of a superior court, one of whom is a district attorney, one
81 of whom is a sheriff of a county, and one of whom is a police chief of a municipality shall
82 be appointed by the Governor for terms of four years; provided, however, that any person
83 who, as of June 30, 2023, was serving as a member of the predecessor board pursuant to
84 an appointment by the Governor shall continue to serve as a member of the board for the
85 remainder of the term of such appointment; and provided, further, that no person shall
86 serve beyond the time he or she holds the office by reason of which he or she was initially
87 eligible for appointment.

88 (d) In the event of death, resignation, disqualification, or removal of any member of the
89 board for any reason, vacancies shall be filled in the same manner as the original
90 appointment and successors shall serve for the unexpired term.

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

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

95 (g) Members of the board shall serve without compensation, although each member of the
96 board shall be reimbursed for actual expenses incurred in the performance of his or her
97 duties from funds available to the Administrative Office of the Courts. Such
98 reimbursement shall be limited to all travel and other expenses necessarily incurred through

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

102 (h) The board shall:

103 (1) Meet no less than quarterly at such times and places as it shall determine necessary
104 or convenient to perform its duties and also upon the call of the chairperson of the board,
105 the director of the Administrative Office of the Courts on the board, or the Governor;

106 (2) Maintain minutes of its meetings;

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

109 (4) Using the combined expertise and experience of its members, provide regular advice
110 and counsel to the Administrative Office of the Courts;

111 (5) By July 1, 2023, promulgate uniform standards for the creation and transmission of
112 electronic criminal history data by and between local and state criminal justice agencies.
113 Such data shall include arrests; indictments, accusations, information, and other formal
114 charges; and final dispositions arising therefrom, including, but not limited to,
115 convictions;

116 (6) Make recommendations for the improvement of criminal history data sharing for the
117 benefit of the public, employers, and law enforcement;

118 (7) Carry out such duties as may be required by federal law or regulation so as to enable
119 this state to receive and disburse federal funds for criminal case data exchange and
120 management; and

121 (8) By July 1, 2023, after having conducted a comprehensive review of automated victim
122 notification systems, make a recommendation for adoption of an automated system in
123 Georgia that provides for individualized notification to victims of certain occurrences in
124 each case involving the victim, including, but not limited to, occurrences of arrest,
125 pre-trial release, court hearings, and sentencing. Such system shall also be able to
126 reconcile individuals' criminal data at all steps of the data exchange process. Such

127 recommendation and any accompanying report shall be transmitted to the director of the
128 Georgia Crime Information Center, the executive director of the Georgia Sheriff's
129 Association, and the executive director of the Prosecuting Attorneys' Council and be
130 available to all members of the board. Nothing in this Code section shall be construed
131 to limit or otherwise prevent criminal justice agencies from improving the organization
132 of their respective data or developing and implementing, individually or collectively, an
133 automated victim notification system for crime victims in this state during or after the
134 time the comprehensive review of automated victim notification systems is being
135 conducted.

136 (i) Public access to data that are collected or transmitted via the criminal case information
137 exchange shall remain the responsibility of the Georgia Crime Information Center. No
138 release of collected data shall be made by or through the Georgia Technology Authority."

139 **SECTION 3.**

140 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section
141 15-6-11, relating to electronic filings of pleadings and documents, electronic payments and
142 remittances, access, and public disclosure, to read as follows:

143 "(2) The Council of Superior Court Clerks shall submit to the Council of Superior Court
144 Judges the uniform standards ~~adopted by the board promulgated~~ pursuant to paragraph (5)
145 of subsection (h) of Code Section 15-5-24.1 by the Criminal Case Data Exchange Board
146 ~~15-6-50.3 to the Council of Superior Court Judges~~. The chief superior court judge of each
147 judicial circuit shall assist the superior court clerk with the implementation of such uniform
148 standards. A superior court judge may order any party to provide data needed by the clerk
149 to facilitate transmission of data."

150 **SECTION 4.**

151 Said title is further amended by repealing subsections (f) and (g) of Code Section 15-6-50.2,
152 relating to The Council of Superior Court Clerks of Georgia.

153 **SECTION 5.**

154 Said title is further amended by repealing Code Section 15-6-50.3, relating to Criminal Case
155 Data Exchange Board created, membership, operation, role, and public access.

156 **SECTION 6.**

157 Said title is further amended by revising subparagraph (a)(4)(B) and paragraph (18) of
158 subsection (a) of Code Section 15-6-61, relating to duties of clerks generally and
159 computerized record-keeping system, as follows:

160 "(B) An automated criminal case management system which shall contain a summary
161 record of all criminal indictments in which true bills are rendered and all criminal
162 accusations filed in the office of clerk of superior court in accordance with rules
163 promulgated by ~~The Council of Superior Court Clerks of Georgia~~ the Criminal Case
164 Data Exchange Board. The criminal case management system shall contain entries of
165 other matters of a criminal nature filed with the clerk, including quasi-civil proceedings
166 and entries of cases which are ordered dead docketed. When a case is dead docketed,
167 all witnesses who may have been subpoenaed therein shall be released from further
168 attendance until resubpoenaed; and"

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

176

SECTION 7.

177 Said title is further amended by revising subsection (a) of Code Section 15-7-5, relating to
 178 electronic filings of pleadings and documents, electronic payments and remittances, access,
 179 and public disclosure, as follows:

180 "(a)(1) Pursuant to rules promulgated by the Criminal Case Data Exchange Board in
 181 effect on June 30, 2022, a state court shall provide for the filing of pleadings in criminal
 182 cases and any other document related thereto and for the acceptance of payments and
 183 remittances by electronic means.

184 (2) ~~The Council of Superior Court Clerks~~ Administrative Office of the Courts shall
 185 submit the uniform standards adopted by the board pursuant to paragraph (5) of
 186 subsection (h) of Code Section ~~15-6-50.3~~ 15-5-24.1 to the Council of State Court Judges.
 187 The chief state court judge of each county shall assist the state court clerk with the
 188 implementation of such uniform standards. A state court judge may order any party to
 189 provide data needed by the clerk to facilitate transmission of data."

190

SECTION 8.

191 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
 192 agencies, is amended by revising paragraph 2 of subsection (b) of Code Section 35-3-32,
 193 relating to establishment of council, composition, and duties and responsibilities of the
 194 Georgia Crime Information Center Council generally, as follows:

195 "(2) Advise and assist in updating the policies under which the center is to be operated,
 196 to the extent that such policies are necessary to comply with the uniform standards
 197 promulgated pursuant to paragraph (5) of subsection (h) of Code Section ~~15-6-50.3~~
 198 15-5-24.1 issued by ~~The Council of Superior Court Clerks of Georgia~~ the Criminal Case
 199 Data Exchange Board;"

200

SECTION 9.

201 Said title is further amended by revising subsection (g) of Code Section 35-3-36, relating to
 202 duties of state criminal justice agencies as to submission of fingerprints, photographs, and
 203 other identifying data to center and responsibility for accuracy, as follows:

204 "(g)(1) Criminal justice agencies within this state, all persons in charge of law
 205 enforcement agencies, clerks of court, municipal judges when such judges do not have
 206 a clerk, magistrates, persons in charge of community supervision, juvenile probation, or
 207 Article 6 of Chapter 8 of Title 42 probation offices, and the State Board of Pardons and
 208 Paroles shall transmit to the center the information described in Code Section 35-3-33
 209 within 30 days of the creation or receipt of such information, except as provided in
 210 subsection (d) of this Code section, on the basis of the forms and instructions to be
 211 provided by the center. Such forms and instructions shall not be inconsistent with the
 212 uniform standards promulgated pursuant to paragraph (5) of subsection (h) of Code
 213 Section 15-5-24.1 by the Criminal Data Exchange Board ~~15-6-50.3 issued by The~~
 214 ~~Council of Superior Court Clerks of Georgia.~~

215 (2) Compliance with the provisions in paragraph (1) of this subsection is mandatory,
 216 regardless of whether the center requests the information described in Code Section
 217 35-3-33."

218

SECTION 10.

219 Chapter 25 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia
 220 Technology Authority, is amended by revising subsection (e) of Code Section 50-25-7.1,
 221 relating to technology empowerment fund, appropriations, initiatives, and steering
 222 committee, to read as follows:

223 "(e) Upon enactment of enforceable uniform standards for the submission of electronic
 224 records to the Georgia Crime Information Center promulgated pursuant to paragraph (5)
 225 of subsection (h) of Code Section 15-5-24.1 by the Criminal Case Data Exchange Board
 226 ~~by The Council of Superior Court Clerks of Georgia~~, and subject to the availability of

227 appropriations and moneys otherwise available to the authority, the authority is authorized
228 to release funds from the technology empowerment fund for the purpose of installing or
229 upgrading criminal justice information systems to be used by criminal justice agencies for
230 complying with their respective obligations to provide information and data to the Georgia
231 Crime Information Center.”

232 **SECTION 11.**

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