

The House Committee on Judiciary Non-Civil offers the following substitute to HB 450:

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

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 SECTION 1.

20 Title 15 of the Official Code of Georgia, relating to courts in general, is amended in Article  
21 2 of Chapter 5, relating to judicial council, by adding a new Code section to read as follows:  
22 "15-5-24.1.

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

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

25 (2) 'Predecessor board' shall mean the Criminal Case Data Exchange Board, which was  
26 established as an advisory board to The Council of Superior Court Clerks of Georgia in  
27 2022 by an Act of the General Assembly.

28 (b)(1) The Judicial Council of Georgia shall issue uniform standards not inconsistent  
29 with the uniform standards promulgated by the Criminal Case Data Exchange Board  
30 pursuant to this Code section

31 (2) Prepare a report detailing the activities of the Criminal Case Data Exchange Board  
32 and the progress of the represented groups within the board's membership to effect the  
33 uniform standards promulgated pursuant to paragraph (5) of subsection (i) of this Code  
34 section for the previous year. Such report shall be transmitted electronically or mailed  
35 to the office of the chairs of the Senate Judiciary Committee and the House Committee  
36 on Judiciary and to the Governor, Lieutenant Governor, Speaker of the House, the  
37 chairperson of the House Committee on Judiciary Non-Civil, and Chief Justice of the  
38 Supreme Court of Georgia no later than January 15 of each year.

39 (c) The Criminal Case Data Exchange Board is reestablished as an advisory board to the  
40 Judicial Council of Georgia.

41 (d) The board shall consist of 20 members as follows:

42 (1) A designee of the Judicial Council of Georgia, the executive director of The Council  
43 of Superior Court Judges of Georgia, the executive director of The Council of State Court  
44 Judges of Georgia, the executive director of The Council of Superior Court Clerks of

45 Georgia, the executive director of the Prosecuting Attorneys' Council, the chairperson of  
46 the State Board of Pardons and Paroles, the commissioner of corrections, the  
47 commissioner of community supervision, the director of the Georgia Bureau of  
48 Investigation, the director of the Office of Planning and Budget, the chief information  
49 officer of the Georgia Technology Authority, the executive director of the Georgia  
50 Sheriffs' Association, the executive director of the Georgia Association of Chiefs of  
51 Police, and the executive director of the Georgia Association of Criminal Defense  
52 Lawyers, provided that any such member may allow a designee to represent him or her  
53 at a board meeting and vote in his or her stead; and

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

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

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

68 (g) The board shall elect a chairperson from among its membership and may elect such  
69 other officers and committees as it considers appropriate.

70 (h) Members of the board shall serve without compensation, although each member of the  
71 board shall be reimbursed for actual expenses incurred in the performance of his or her  
72 duties from funds available to the Judicial Council of Georgia. Such reimbursement shall

73 be limited to all travel and other expenses necessarily incurred through service on the  
74 board, in compliance with this state's travel rules and regulations; provided, however, that  
75 in no case shall a member of the board be reimbursed for expenses incurred in the  
76 member's capacity as the representative of another state agency.

77 (i) The board shall:

78 (1) Meet no less than quarterly at such times and places as it shall determine necessary  
79 or convenient to perform its duties and also upon the call of the chairperson of the board,  
80 the member of the board designated by the Judicial Council of Georgia, or the Governor;

81 (2) Maintain minutes of its meetings;

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

84 (4) Using the combined expertise and experience of its members, provide regular advice  
85 and counsel to the Judicial Council of Georgia;

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

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

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

96 (8) By July 1, 2023, after having conducted a comprehensive review of automated victim  
97 notification systems, make a recommendation for adoption of an automated system in  
98 Georgia that provides for individualized notification to victims of certain occurrences in  
99 each case involving the victim, including, but not limited to, occurrences of arrest,  
100 pre-trial release, court hearings, and sentencing. Such system shall also be able to

101 reconcile individuals' criminal data at all steps of the data exchange process. Such  
102 recommendation and any accompanying report shall be transmitted to the director of the  
103 Georgia Crime Information Center, the executive director of the Georgia Sheriff's  
104 Association, and the executive director of the Prosecuting Attorneys' Council and be  
105 available to all members of the board. Nothing in this Code section shall be construed  
106 to limit or otherwise prevent criminal justice agencies from improving the organization  
107 of their respective data or developing and implementing, individually or collectively, an  
108 automated victim notification system for crime victims in this state during or after the  
109 time the comprehensive review of automated victim notification systems is being  
110 conducted.

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

114 **SECTION 2.**

115 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section  
116 15-6-11, relating to electronic filings of pleadings and documents, electronic payments and  
117 remittances, access, and public disclosure, to read as follows:

118 "(2) The Council of Superior Court Clerks shall submit to The Council of Superior Court  
119 Judges the uniform standards issued by the Judicial Council of Georgia pursuant to  
120 paragraph (1) of subsection (b) of Code Section 15-5-24.1 adopted by the board pursuant  
121 to paragraph (5) of subsection (h) of Code Section 15-6-50.3 to the Council of Superior  
122 Court Judges. The chief superior court judge of each judicial circuit shall assist the  
123 superior court clerk with the implementation of such uniform standards. A superior court  
124 judge may order any party to provide data needed by the clerk to facilitate transmission of  
125 data."

126 **SECTION 3.**

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

129 **SECTION 4.**

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

132 **SECTION 5.**

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

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

145 "(18) To electronically collect all data elements required pursuant to subsection (g) of  
146 Code Section 35-3-36, and such clerk of superior court shall transmit such data to the  
147 Georgia Crime Information Center, in a form and format required by and consistent with  
148 uniform standards issued by ~~The Council of Superior Court Clerks of Georgia~~ the Judicial  
149 Council of Georgia, which shall provide the data to the Administrative Office of the  
150 Courts for use by the state judicial branch upon request. Public access to said data shall  
151 remain the responsibility of only the Georgia Crime Information Center;"

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152 **SECTION 6.**

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

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

160 (2) The ~~Council of Superior Court Clerks~~ Judicial Council of Georgia shall submit the  
161 uniform standards ~~adopted by the board~~ issued pursuant to paragraph ~~(5)~~ (1) of subsection  
162 ~~(h)~~ (b) of Code Section ~~15-6-50.3~~ 15-5-24.1 to the Council of State Court Judges. The  
163 chief state court judge of each county shall assist the state court clerk with the  
164 implementation of such uniform standards. A state court judge may order any party to  
165 provide data needed by the clerk to facilitate transmission of data."

166 **SECTION 7.**

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

171 "(2) Advise and assist in updating the policies under which the center is to be operated,  
172 to the extent that such policies are necessary to comply with the uniform standards  
173 promulgated pursuant to paragraph (5) of subsection ~~(h)~~ (i) of Code Section ~~15-6-50.3~~  
174 15-5-24.1 issued by ~~The Council of Superior Court Clerks of Georgia~~ the Criminal Case  
175 Data Exchange Board;"

176

**SECTION 8.**

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

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

191 (2) Compliance with the provisions in paragraph (1) of this subsection is mandatory,  
 192 regardless of whether the center requests the information described in Code Section  
 193 35-3-33."

194

**SECTION 9.**

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

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



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

208

**SECTION 10.**

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