



ACLU of Georgia Legislative Priorities for June 2020

Why Was the Legislative Session Suspended?

After the Governor declared a public health state of emergency on March 14th, due to the coronavirus, the legislature reconvened for a 1-day special session to grant the governor constitutionally permitted emergency powers to address the impact of COVID on our state and to suspend the legislative session. Over the last few months, after a lot of back and forth between the state house and the state senate, the legislature agreed to reconvene on June 15th.

How Long Will the Legislative Session Last?

On Monday, June 15th, the Legislature reconvened for the remaining 11 legislative days. Constitutionally, the legislature is only required to pass the budget by June 30th.

What are the ACLU of Georgia Legislative Priorities for the Remainder of Session?

For the remainder of the 2020 Legislation Session, the ACLU of Georgia has 3 core priorities: 1) to repeal Georgia's citizen's arrest law, 2) to stop the Governor's "Gang Bill" (HB 994), and 3) to repeal the residency requirement for poll workers.

In addition to our core priorities, we also have a handful of bills we're tracking and working on this session. The following are bills that we will be watching that address women's rights, voting rights, criminal justice reform, and freedom of speech.

Top 3 Legislative Priorities

1) Repeal Citizen's Arrest

Our first priority for the remainder of the legislative session is to repeal Georgia's citizen's arrest law. Georgia's citizen's arrest law was first codified in 1863, shortly after Georgia seceded from the Union. This time in Georgia's history was plagued with hate and racism, and this seeped into some of the laws that still govern our state today.

Allowing everyday citizens to use their discretion about whether someone else is committing a crime is an infringement on liberty and freedom, and it magnifies the role of implicit bias and explicit racism, as shown in the murder of Ahmaud Arbery.¹ Georgia's citizen's arrest law is racist and it is dangerous; it must be repealed.

2) Stop House Bill 994 (The Gang Bill)

House Bill 994 would roll back the progress our state has made over the last decade in reforming the criminal legal system. This bill increases the criminalization of young

¹ The Boston Globe. [Citizens should not be emboldened to make arrests](#). 05/12/2020



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people in Georgia and would make our state's mass incarceration problem even worse. Longer sentences do not result in increased public safety; instead, they waste taxpayer dollars, harm local communities, prevent successful reentry into society, and they have a disproportionately negative impact on Black and Brown Georgians. House Bill 994 must be stopped.

3) **Repeal The Poll Worker Residency Requirement**

Georgia's county residency requirement for poll workers must be repealed. The fiasco of disenfranchisement we witnessed during the June 9 primary election cannot happen again. Our constitutionally-guaranteed right to vote is sacred and the right upon which all other rights depend. Repealing the requirement that poll workers reside in the county where they work would increase the number of eligible poll workers in any given county. This would help polling locations stay open and adequately staffed, thereby shortening lines, minimizing last-minute polling location changes, and increasing access to the ballot.

Additional Legislative Priorities

Womens' Rights

HB 1114

Sponsors: Sharon Cooper (R), Jan Jones (R), Terry England (R), Jon Burns (R), Katie Dempsey (R), Butch Parrish (R)

Committee: [Senate Health and Human Services](#)

Summary: House Bill 1114 would expand postpartum Medicaid coverage from two to six months. The expansion of coverage is subject to appropriations by the General Assembly.

Position: The ACLU of GA supports House Bill 1114, because it would extend postpartum Medicaid coverage from two months to six months after birth. We support this bill because expanding postpartum Medicaid coverage for pregnant women in Georgia from two to six months is a step in the right direction to help rectify Georgia's high maternal mortality rate and to expand the Reproductive Freedom of women in Georgia.

Voter Rights Bills

SB 463

Sponsors: John Kennedy (R), Mike Dugan (R), Steven Gooch (R), Burt Jones (R), Jeff Mullis (R)

Committee: [House Governmental Affairs](#)

Summary: Senate Bill 463 makes multiple changes to Georgia elections law. The bill allows local officials to decrease the number of voting booths for all elections outside of the general elections that happen once every two years. It also requires local election officials to report wait times to

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the Georgia Secretary of State and to address excessive lines at the polls by splitting voting precincts or increasing capacity before the next general election.

Issue area: Voter rights

Position: The ACLU of GA is opposed to Senate Bill 463. After what happened during the June 9 primary election, with many Georgia voters waiting in line for 3 to 7 hours, Senate Bill 463 is concerning. A bill that would allow more voting machines to sit unused during elections could make it even harder for Georgians to exercise their constitutional and sacred right to vote. The ACLU of Georgia opposes Senate Bill 463 in its current form.

Criminal Justice Bills

HB 426

Sponsors: Chuck Efration (R), Calvin Smyre, Karen Bennett, Deborah Silcox, Karla Drenner, Ron Stephens

Committee: [Senate Judiciary](#)

Summary: House Bill 426 creates new sentence enhancements for offenses in cases where it is determined, beyond a reasonable doubt, that the victim(s) were intentionally selected based on specific categories. It applies to biases based on actual or perceived race, color, religion, national origin, sexual orientation, gender, mental disability, or physical disability.

Issue area: Criminal Justice

Position: The ACLU of GA is monitoring House Bill 426. The ACLU of Georgia supports decreasing avenues into the criminal legal system and reducing mass incarceration. Although HB 426 is well intentioned, it does not include mandatory reporting of hate-motivated offenses and charges, which we believe is a vital component of a hate crime law.

SB 402

Sponsors: Randy Robertson (R), John Albers (R), Butch Miller (R), Renee Unterman (R), Chuck Payne (R), Steve Gooch (R)

Committee: [House Judiciary - Non-Civil](#)

Summary: Senate Bill 402 further exploits the discriminatory cash bail system by requiring monetary payment for certain offenses and decreasing judges' ability to release individuals without upfront monetary payment.

Issue area: Criminal Justice

ACLU GA Position: OPPOSE; The ACLU of Georgia opposes Senate Bill 402. If passed, judges will only have two financial options for pretrial releases: to impose secured bonds or to require no financial conditions at all. SB 402 would have a disproportionately negative impact on poor Georgians and Georgians of color who often can't afford to come up with bail money. This would leave these people stuck in jail awaiting trial, sometimes for months or years. Meanwhile, wealthy people accused of the same crime can buy their freedom and return home. This bill would not only contribute to mass incarceration, but it would also raise due process and equal

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protection concerns. The constitutional rights to liberty and freedom should not depend on financial means.

HB 994

Sponsors: Bert Reeves(R), Barry Fleming (R), Chuck Efstoration(R), Andy Welch(R), Ginny Ehrhart(R)

Committee: [Senate Assignments](#)

Summary: HB 994 unnecessarily expands the definition of “criminal gang activity” and allows for longer sentences for alleged gang-related activity.

ACLU GA Position: OPPOSE; The ACLU of Georgia opposes House Bill 994 because it would unravel Georgia’s progress made over the last decade in reforming the criminal legal system. Instead of meaningfully working to address why young people join gangs, this bill calls for utilizing excessively harsh and unproven tactics. The ACLU opposes this bill because it increases the criminalization of young people in Georgia and because the bill’s penalty enhancements would worsen Georgia’s mass incarceration problem, especially for Black and Brown people.

SB 288

Sponsors: Tonya Anderson (D), Harold Jones (D), Jennifer Jordan (D), Elena Parent (D), Emanuel Jones (D), Gloria Butler (D)

Committee: [House Special Committee on Access to the Civil Justice System](#)

Summary: This bill allows for the expungement of certain misdemeanor and felony charges and convictions from one’s record after a period of time. Specifically, the bill allows individuals to restrict and seal up to two misdemeanor convictions from their record. It also allows individuals who have had certain felony convictions pardoned to apply to have said conviction record restricted and sealed. Additionally, Senate Bill 288 provides liability protections for employers who hire individuals that have been convicted of certain misdemeanor and felony offenses.

ACLU GA Position: SUPPORT; The ACLU of Georgia supports Senate Bill 288 because it addresses some of the most important tools for fighting recidivism: access to good jobs, safe housing, and educational opportunities. Along with reducing recidivism, Senate Bill 288 would reduce mass incarceration rates and improve public safety. The bill gives individuals who have been convicted of certain offenses and their families a chance to move forward with their lives.

HB 799

Sponsors: Shaw Blackmon (R), Steven Sainz (R), Dar’shun Kendrick (D), John Corbett (R), Trey Kelley (R), Mary Margaret Oliver (D)

Committee: [Senate Judiciary](#)

Summary: This bill allows for the early reinstatement of driver’s licenses in situations where the license was originally suspended after the driver was charged with driving under the influence of a controlled substance, including marijuana.

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ACLU GA Position: MONITORING; The ACLU of Georgia is monitoring House Bill 799. The ACLU supports decreasing the criminalization of nonviolent drug offenses. House Bill 799 would allow for the early reinstatement of driver's licenses if the license was suspended for driving under the influence of a controlled substance, including marijuana. The opportunity to apply for early reinstatement of a suspended driver's license is a good thing. When you lose your license, there's a spiral effect that can occur, which can lead to increased recidivism.

Free Speech Bills

SB 318

Sponsors: William Ligon (R), Butch Miller (R), Randy Robertson (R), Bill Heath (R), Bruce Thompson (R), Marty Harbin (R)

Committee: [House Higher Education](#)

Summary: Senate Bill 318 eliminates "free speech zones" at public colleges and universities, it provides protections for tax-payer funded student organizations that discriminate, and it infringes on the free speech rights of select college students.

ACLU GA Position: OPPOSE; The ACLU of Georgia is opposed to Senate Bill 318 for a number of reasons, and overall because it infringes on First Amendment freedom of speech protections. Senate Bill 318, allows for state-funded student organizations at public colleges and universities to discriminate. Senate Bill 318 also infringes on the First Amendment rights of student-athletes. The American ideals of free speech must not be used as a shield for discriminatory conduct, nor should they be stripped with the goal of silencing opposing views.

Guide on COVID-19 Restrictions When Visiting the State Capitol

What Rules Must Be Followed to Enter the Capitol?

Due to COVID-19, the [Georgia General Assembly](#) has instituted [guidelines](#) to limit the spread of the virus during the resumption of the 2020 Legislative Session.

These guidelines include:

- Visitors are encouraged to wear masks and to practice social distancing.
- Visitors must have their temperatures checked.
- Visitors must have an appointment to meet with legislators in their offices.
- Committee meetings are open to the public, but space may be limited due to social distancing.
- The House and Senate galleries are closed to the public.
- Members of the public will be required to sign-in before entering offices, buildings, and committee meetings.
 - The sign-in sheets may be used for contact tracing if someone who attended the Capitol tests positive for COVID-19.

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How Can I Contact My State Legislators?

- You can find the contact information for your state legislator by clicking on their name at the link [here](#).

How Can I Look up Bills?

- You can search bills that have been introduced during the current Legislative Session [here](#).

How Can I See What Committee Meetings are Going On? How Can I Stream Those Meetings?

- You can find the Committee Meeting Schedules in both the [House](#) and [Senate](#) through the attached links. If the meetings are broadcasted, they will attach the link above the agenda. Additionally, there is a livestream of [341 CAP](#), which houses many committees.

How Can I Watch the House and the Senate Legislative Sessions?

- You can find the live broadcasts of the [House](#) and [Senate](#) online.