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**GEORGIA STATE UNIVERSITY  
LAW REVIEW**

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**VOLUME 38**

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**CRIMES AND OFFENSES**

**Crimes Against the Person**

CODE SECTIONS: O.C.G.A. §§ 16-5-61 (amended); 20-1-30  
(amended)

BILL NUMBER: SB 85

GEORGIA LAWS: 2021 Ga. Laws 206

EFFECTIVE DATE: July 1, 2021

SUMMARY: The Act expands the definition of “hazing” to include actions subjecting a student to physical endangerment as well as actions coercing the student to engage in behavior that would subject the student to a likely risk of vomiting, intoxication, or unconsciousness. Additionally, the Act imposes a mandatory reporting requirement on Georgia colleges and universities to report hazing-related violations.....1

**CRIMES AND OFFENSES**

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CODE SECTIONS: O.C.G.A. §§ 16-8-24 (new); -25 (new)

BILL NUMBER: HB 94

GEORGIA LAWS: 2021 Ga. Laws 652

EFFECTIVE DATE: July 1, 2021

SUMMARY: The Act criminalizes the possession of stolen mail and the theft of mail or packages from the porch or entrance of a residential building. A violator may be subject to felony prosecution and imprisonment of one to five years.....13

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BILL NUMBER: HB 479

GEORGIA LAWS: 2021 Ga. Laws 625

EFFECTIVE DATE: July 1, 2021

SUMMARY: The Act revises private arrest powers and repeals the Georgia Citizen’s Arrest Law in its entirety. The Act provides certain arresting powers for law enforcement officers when acting outside of their jurisdiction. In addition, the Act clarifies detention powers for shopkeepers of retail, food service establishments, and other business entities under certain circumstances.....25

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CODE SECTIONS: O.C.G.A. §§ 17-6-1 (amended); -12 (amended)

BILL NUMBER: SB 174

GEORGIA LAWS: 2021 Ga. Laws 461

EFFECTIVE DATE: May 4, 2021

SUMMARY: The Act amends Georgia’s law relating to the general provisions regarding bond and recognizances by revising the list of bail restricted offenses through the addition of both misdemeanor and felony crimes. The Act authorizes appointed judges who are fulfilling a vacancy of an elected judge to issue certain bonds and an unsecured judicial release in certain circumstances.....41

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BILL NUMBER: HB 255

GEORGIA LAWS: 2021 Ga. Laws 567

EFFECTIVE DATE: July 1, 2021

SUMMARY: The Act includes various amendments to Georgia’s sexual assault protocol. First, the Act

creates a statewide tracking system for sexual assault kits. The system will track the location and status of kits through the investigative process and allow sexual assault victims to track or receive updates. Second, the Act requires that law enforcement agencies investigating a homicide or attempted homicide thought to be serial, random, or sexually motivated input information into a national database maintained by the Federal Bureau of Investigation.....71

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BILL NUMBER: SB 47  
GEORGIA LAWS: 2021 Ga. Laws 541  
EFFECTIVE DATE: July 1, 2021  
SUMMARY: The Act expands the eligibility requirements for the Georgia Special Needs Scholarship Program. The Act removes the requirement of having to reside in Georgia for one year before becoming eligible for the Scholarship. Further, the Act requires the Georgia Department of Education to conduct annual surveys of parents whose children participate in the Scholarship to increase transparency and facilitate budget allocation.....83

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(amended)

BILL NUMBER:

SB 202

GEORGIA LAWS:

2021 Ga. Laws 14

EFFECTIVE DATE:

March 25, 2021

SUMMARY:

The Act primarily functions to revise elections and voting in three significant areas: voting access, ballot counting, and power and controls. With regard to voting access, the Act confines drop boxes to early voting sites, requires identification for absentee voting, changes the early voting hours, criminalizes the handing out of food and water to voters in line, moves up absentee ballot deadlines, bans voting buses, deems provisional ballots cast in the improper precinct void, restricts the mass mailing of absentee ballot request forms, removes limitations on voter eligibility challenges, and opens the potential for more voting sites when there are long lines. In terms of ballot counting, the Act provides for quicker election reporting times, requires that ballots appear on special paper, deems digital images of paper ballots as public records, and grants more access to poll watchers. Finally, regarding power and controls, the Act provides that state officials may replace county election boards, stipulates that a law enforcement hotline will be the point of contact for voter

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CODE SECTIONS: O.C.G.A. §§ 21-5-34.2 (new)  
BILL NUMBER: SB 221  
GEORGIA LAWS: 2021 Ga. Laws 219  
EFFECTIVE DATE: July 1, 2021  
SUMMARY: The Act primarily provides for the creation of leadership committees that accept contributions and make expenditures for the purpose of affecting the outcome of elections or advocating for the election or defeat of candidates. The governor, lieutenant governor, or a political party’s nominee for those positions, and the Democratic and Republican leaders in the state Senate and House would control and chair such committees: specifically, one person designated by the majority caucus of the House of Representatives, one by the minority caucus of the House of Representatives, one by the majority caucus of the Senate, and one by the minority caucus of the Senate. Notably, these leadership committees will be able to raise funds and receive donations during legislative sessions—an ability previously reserved to the Assembly’s political parties.....155

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BILL NUMBER: SB 6  
GEORGIA LAWS: 2021 Ga. Laws 289

EFFECTIVE DATE: July 1, 2021  
SUMMARY: The Act provides for the review of tax credits and deductions while extending or creating various tax credits and deductions. First, the Act allows certain government officials to request a review of up to five tax credits or deductions per year to evaluate their economic efficiency. Second, the Act creates or extends tax credits and deductions for medical and pharmaceutical manufacturers, high-impact aerospace defense projects, short-line railroads, ticket sales for fine arts performances, rehabilitation of historic structures, yacht maintenance, and projects of regional significance.....167

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BILL NUMBER: HB 128  
GEORGIA LAWS: 2021 Ga. Laws 546  
EFFECTIVE DATE: July 1, 2021  
SUMMARY: The Act prohibits discrimination by health care providers and insurers against potential organ transplant recipients due to physical or mental disabilities. Also known as Gracie’s Law, the Act provides a pathway through local courts to enforce compliance, and an affected individual may bring a civil action for injunctive and other equitable relief. In addition, the Act incorporates Simon’s Law, which provides that an order to not resuscitate a minor child can only be issued with the consent of the minor’s parents.....189

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| BILL NUMBER:    | HB 286  |
| GEORGIA LAWS:   | 2021 Ga. Laws 621   |
| EFFECTIVE DATE: | July 1, 2021  |
| SUMMARY:        | The Act primarily functions to restrict the ability of county and municipal or consolidated government authorities to reduce funding for county and municipal police departments. In addition, the Act provides exceptions for police departments with less than twenty-five officers.....201 |

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| GEORGIA LAWS:   | 2021 Ga. Laws 491  |
| EFFECTIVE DATE: | July 1, 2021   |
| SUMMARY:        | The Act establishes a paid parental leave program for certain public employees of Georgia. Eligible employees include those who work for the executive, legislative, or judicial branches of the state government as well as those employed by local boards of education. The Act provides that such employees, both mothers and fathers, are eligible to receive 120 hours of paid leave per twelve-month period after birthing, adopting, or fostering a child.....215 |

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| EFFECTIVE DATE: | July 1, 2021  |
| SUMMARY:        | The Act amends the Pandemic Business Safety Act to extend its applicability for an additional year, expiring on July 14, 2022. The Pandemic Business Safety Act provides liability protection limitation to business against tort |



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 BILL NUMBER: SB 33  
 GEORGIA LAWS: 2021 Ga. Laws 99  
 EFFECTIVE DATE: July 1, 2021  
 SUMMARY: The Act creates a new civil cause of action against human traffickers. It allows both victims and the Attorney General to sue traffickers and those benefitting financially from human trafficking for damages and reasonable attorney’s fees. The plaintiffs can file their lawsuit within ten years after the cause of action arose or, if the victim was a minor at the time of the violation, within ten years after the victim turned eighteen-years-old.....241