

Georgia State University Law Review

Volume 39
Issue 1 *Fall 2022*

Article 3

2022

Table of Contents

Georgia State University Law Review

Follow this and additional works at: <https://readingroom.law.gsu.edu/gsulr>



Part of the [Law Commons](#)

Recommended Citation

Georgia State University Law Review, *Table of Contents*, 39 GA. ST. U. L. REV. xi (2022).
Available at: <https://readingroom.law.gsu.edu/gsulr/vol39/iss1/3>

This Frontmatter is brought to you for free and open access by the Publications at Reading Room. It has been accepted for inclusion in Georgia State University Law Review by an authorized editor of Reading Room. For more information, please contact gfowke@gsu.edu.

**GEORGIA STATE UNIVERSITY
LAW REVIEW**

VOLUME 39

NUMBER 1

FALL 2022

CONTENTS

CRIMES AND OFFENSES

Offenses Against Public Order and Safety

CODE SECTIONS: O.C.G.A. §§ 12-3-10 (amended);
16-11-125.1, -126, -127, -127.1, -129,
-130, -135, -137 (amended);
16-12-123, -127 (amended); 27-3-1.1, -6
(amended); 27-4-11.1 (amended);
40-6-228 (amended)

BILL NUMBER: SB 319

ACT NUMBER: 596

GEORGIA LAWS: 2022 Ga. Laws 74

EFFECTIVE DATE: April 12, 2022

SUMMARY: This Act removes the requirement to obtain a weapons carry license to carry concealed weapons in public spaces. The Act makes it lawful to carry a firearm in public so long as the individual is eligible for a license, has a license, or has a license in different state, and is not prohibited by law from possessing a firearm. Additionally, the Act applies the new licensing standard to provisions regarding the use or possession of a firearm in a park, historic site, or recreational area; courthouses, government buildings, and parking lots; at schools; by service members of the armed forces; on public transportation; wildlife management areas; and public fishing areas.....1

CRIMES AND OFFENSES

Street Gang Terrorism and Prevention

CODE SECTION:	O.C.G.A. § 16-15-4 (amended)
BILL NUMBER:	HB 1134
ACT NUMBER:	645
GEORGIA LAWS:	2022 Ga. Laws 99
EFFECTIVE DATE:	July 1, 2022
SUMMARY:	The Act amends the Georgia Street Gang Terrorism and Prevention Act to provide the attorney general with concurrent authority to prosecute criminal gang activity alongside local prosecuting attorneys in Georgia. Modeled after a similar act that created concurrent authority for the attorney general to prosecute human trafficking crimes, the Act seeks to enhance the government’s investigation and prosecution of gang crimes in the state by making the effort more corroborative, coordinated, and multi-jurisdictional.....21

EDUCATION

Elementary and Secondary Education

CODE SECTION:	O.C.G.A. § 20-2-324.6 (new)
BILL NUMBER:	SB 226
ACT NUMBER:	720
GEORGIA LAWS:	2022 Ga. Laws 146
EFFECTIVE DATE:	July 1, 2022
SUMMARY:	The Act requires each local board of education to adopt a complaint resolution process to be used by its local school system to address parents’ or permanent guardians’ complaints alleging that harmful material has been provided or is currently available to a minor student.....31

EDUCATION
General Provisions

CODE SECTIONS:	O.C.G.A. §§ 20-1-11 (new), 20-2-200 (amended), 20-2-316 (amended), 20-2-739 (amended), 20-2-984 (amended), 20-2-984.1 (amended)
BILL NUMBER:	HB 1084
ACT NUMBER:	719
GEORGIA LAWS:	2022 Ga. Laws 136
EFFECTIVE DATE:	July 1, 2022
SUMMARY:	The Act prohibits local school systems, charter schools, and their employees from teaching or advocating for divisive concepts as defined in the Act. Training programs for teacher certification by the Professional Standards Commission may not advocate for such divisive concepts. The Act also implements a complaint resolution policy for aggrieved parent(s), students, or school employees that allows them to appeal decisions to the State Board of Education, which can ultimately require local school systems to adopt a corrective action plan upon a finding of a violation of the Act. Local school systems that fail to adopt the corrective action plan are subject to suspension of one or more waivers. Finally, the Act requires all high schools receiving Quality Basic Education (QBE) funding for interscholastic sports events to appoint an executive oversight committee. Among the authority and duties of the committee is the power to prohibit transgender females from participating in sports events designated for female students. Violators of this provision are subject to forfeiture of QBE funding.....49

EDUCATION

Postsecondary Education

CODE SECTIONS: O.C.G.A. §§ 20-3-48, -48.1 (amended);
20-3-48.2 (repealed); 20-4-11.1 (new)

BILL NUMBER: HB 1

ACT NUMBER: 818

GEORGIA LAWS: 2022 Ga. Laws Act 553

EFFECTIVE DATE: July 1, 2022

SUMMARY: The Act prevents the creation of free
speech zones at public institutions of
higher education including Georgia
universities, colleges, and technical
colleges. Additionally, the Act allows
universities to create reasonable,
content- and viewpoint-neutral, and
narrowly tailored time, place, and
manner restrictions on any expressive
activity on campus.....75

EVIDENCE

Opinions and Expert Testimony

CODE SECTIONS: O.C.G.A. §§ 24-7-702 (amended);
24-7-707 (repealed)

BILL NUMBER: HB 478

ACT NUMBER: 743

GEORGIA LAWS: 2022 Ga. Laws 201

EFFECTIVE DATE: July 1, 2022

SUMMARY: The Act revises the Georgia Evidence
Code to enhance the evidentiary
standard for admitting expert testimony
in criminal cases. Like in civil cases,
expert testimony in criminal cases now
must satisfy the *Daubert* standard for
admission of scientific, technical, and
other specialized evidence.....93

LAW ENFORCEMENT OFFICERS AND AGENCIES

Georgia Bureau of Investigation

CODE SECTIONS: O.C.G.A. §§ 15-6-11, -50.2 (amended);
15-6-50.3 (new); 15-6-61 (amended);
15-7-5 (amended); 15-18-6, -66
(amended); 35-3-4 (amended); 35-3-4.5

	(new); 35-3-32, -33, -36 (amended); 35-6A-2, (amended), 35-6A-13, -14 (repealed); 50-25-7.1 (amended)
BILL NUMBER:	SB 441
ACT NUMBER:	717
GEORGIA LAWS:	2022 Ga. Laws 121
EFFECTIVE DATE:	July 1, 2022
SUMMARY:	The Act contains two distinct components. First, the Act reforms Georgia’s criminal records reporting system. Second, the Act grants the Georgia Bureau of Investigation authority to initiate investigations into election fraud.....105

LOCAL GOVERNMENT

Zoning Procedures

CODE SECTIONS:	O.C.G.A. §§ 36-66-1 -2, -3, -4, -5 (amended); 36-66-5.1 (new)
BILL NUMBER:	HB 1405
ACT NUMBER:	881
GEORGIA LAWS:	2022 Ga. Laws 825
EFFECTIVE DATE:	July 1, 2022
SUMMARY:	The Act amends the zoning procedures law to clarify the process for challenging and appealing certain land use decisions. The Act codifies the long-standing appeals process for zoning decisions that existed prior to 2017 such that legislative zoning challenges will be reviewed de novo by a superior court. Additionally, the Act designates which local government employees receive notice of such zoning appeals.....125

MENTAL HEALTH

Governing and Regulation of Mental Health

CODE SECTIONS:	O.C.G.A. §§ 15-1-23 (new); 15-21-101 (amended); 20-3-374 (amended); 31-2-17 (new); 31-53-3 (amended); 33-1-27 (new); 33-20A-31 (amended); 33-21A-13, -14 (new); 33-24-28.1, -29, -29.1 (amended);
----------------	--

35-5-2, -5 (amended); 35-6A-15 (new);
37-1-7, -20, -114.1, -115.1 (new), -116
(amended), -120, -121, -122, -123,
-124, -125 (new); 37-2-4, -6 (amended);
37-3-1, -42, -101 (amended);
37-7-1, -42, -101 (amended);
45-12-154.1 (new); 49-4-152.6
(new), -153 (amended); 49-5-24
(amended); 49-10-5 (new)

BILL NUMBER:

HB 1013

ACT NUMBER:

587

GEORGIA LAWS:

2022 Ga. Laws 26

EFFECTIVE DATE:

July 1, 2022

SUMMARY:

The Act overhauls Georgia's mental health system by enforcing compliance with federal mental health parity law. Most notably, the Act requires health insurers to provide coverage for mental health and substance use disorders equitably with physical health and defines generally accepted standards of care. The Act requires insurers to submit annual parity compliance reports and requires the Commissioner to make annual data calls and submit annual reports. The Act requires compliance with a minimum 85% medical loss ratio. The Act provides for cancelable loans to Georgia residents enrolled in related educational programs and creates grant programs for accountability courts. The Act conditionally authorizes peace officers to involuntarily commit persons to emergency receiving facilities. Finally, the Act creates a multi-agency treatment for children team (MATCH) to facilitate collaboration across state agencies.....145

MENTAL HEALTH

Psychiatric Advance Directive

CODE SECTIONS: O.C.G.A. §§ 10-6B-3 (amended);
16-5-5, -101, -102.1 (amended); 19-8-23
(amended); 29-4-10, -21 (amended);
29-5-21 (amended); 31-8-55 (amended);
31-9-2 (amended);
31-32-2, -4, -7, -10, -12, -14 (amended);
31-33-2 (amended); 31-36A-3, -6
(amended); 37-1-1, -20 (amended);
37-2-30 (amended); 37-3-20 (amended);
37-3-147, -148 (amended);
37-4-107, -108 (amended);
37-7-147, -148 (amended);
37-11-1, -2, -3, -4, -5, -6, -7, -8, -9, -10,
-11, -12, -13, -14, -15, -16 (new);
49-6-72, -82 (amended)

BILL NUMBER: HB 752

ACT NUMBER: 836

GEORGIA LAWS: 2022 Ga. Laws 611

EFFECTIVE DATE: July 1, 2022

SUMMARY: The Act amends Georgia laws relating to mental health and provides a statutory psychiatric advance directive form. The Act allows citizens with diagnosed mental health disorders to appoint a mental health agent to make treatment decisions on their behalf. The Act delineates the responsibilities, duties, and immunities of physicians and other providers using a psychiatric advance directive and clarifies the psychiatric advance directive’s interaction and relationship with other types of advance directives for health care.....191

MOTOR VEHICLES AND TRAFFIC

Uniform Rules of the Road

CODE SECTIONS: O.C.G.A. §§ 40-1-1 (amended);
40-6-320, -321, -322, -323, -324, -325,
-326, -327 (amended);
40-6-328, -329, -329.1, -329.2 (new)

BILL NUMBER: HB 1009
ACT NUMBER: 814
GEORGIA LAWS: 2022 Ga. Laws 543
EFFECTIVE DATE: July 1, 2022
SUMMARY: The Act provides for the remote operation of personal delivery devices on Georgia's highways, streets, bike paths, and sidewalks. It provides the required parameters for operation including parking, time frames, speed limits, safety parameters, weight limits, insurance, and local enforcement through civil citations.....211

NUISANCES
General Provisions

CODE SECTION: O.C.G.A. § 41-1-7 (amended)
BILL NUMBER: HB 1150
ACT NUMBER: 598
GEORGIA LAWS: 2022 Ga. Laws 87
EFFECTIVE DATE: July 1, 2022
SUMMARY: The Act protects agricultural facilities, agricultural operations, and forest landowners from nuisance lawsuits after two years of operation. If a facility converts to a confined animal feeding operation, the two-year time period restarts.....229

REVENUE AND TAXATION
Income Taxes

CODE SECTIONS: O.C.G.A. §§ 20-2A-2, -3 (amended);
48-7-29.16 (amended)
BILL NUMBER: HB 517
ACT NUMBER: 722
GEORGIA LAWS: 2022 Ga. Laws 150
EFFECTIVE DATES: O.C.G.A. §§ 20-2A-2, -3, July 1,
2022; § 48-7-29.16, January 1, 2023
SUMMARY: The Act extends the annual revenue received by student scholarship organizations to include interest earned on deposits and investments of

scholarship funds or tuition grants. The Act expands the scope of auditing that student scholarship organizations are subjected to and compels the organizations to submit Form 990 to the Department of Revenue. Further, the Act allows certain insurance companies to partake in the tax program and increases the tax credit available to participating taxpayers. Lastly, the Act increases the aggregate amount of tax credits allowed per year to \$120 million.....243

REVENUE AND TAXATION

Income Taxes

CODE SECTION: O.C.G.A. § 48-7-29.25 (new)
BILL NUMBER: SB 361
ACT NUMBER: 856
GEORGIA LAWS: 2022 Ga. Laws 716
EFFECTIVE DATE: July 1, 2022
SUMMARY: This Act provides a new income tax credit for individuals, LLC members, partnership partners, and S-corporation shareholders ranging from \$5,000-\$10,000 for donations to law enforcement foundations, defined as domestic nonprofit corporations with the sole function of supporting local law enforcement units. The Act caps credits for all taxpayers at \$75 million per year.....263

SOCIAL SERVICES

Public Assistance

CODE SECTION: O.C.G.A. § 49-4-159 (amended)
BILL NUMBER: SB 338
ACT NUMBER: 870
GEORGIA LAWS: 2022 Ga. Laws 759
EFFECTIVE DATE: July 1, 2022
SUMMARY: This Act amends Medicaid postpartum coverage for mothers from a period of

six months to one year. The Department of Human Services will provide postpartum care Medicaid coverage to mothers for a period of one year following the date pregnancy ends.....281

TABLE OF GEORGIA CODE SECTIONS AFFECTED.....291

HOUSE AND SENATE BILL INDEX.....294