

# Georgia insight

*Sue Ella Deadwyler*  
**www.georgiainsight.org**  
*"She hath done what she could."*  
*Mark 14:8a*  
*"...and having done all ... stand."*  
*Ephesians 6:13c*

## Open Letter to Governor Kemp and the General Assembly

- "No person shall be denied the equal protection of the laws."  
*Constitution of the State of Georgia, Article I, Section I, Paragraph II*
- "No State shall make or enforce any law which shall abridge ... nor deny to any person within its jurisdiction the equal protection of the laws."  
– *The Constitution of the United States, Article XIV, Section 1*

June 2020

Governor Brian Kemp  
Lieutenant Governor Geoff Duncan  
Speaker of the House David Ralston

Re: Hate Crimes Law, O.C.G.A. 17-10-17

Gentlemen:

Laws providing enhanced penalties for crimes against select members of society discriminate against the remaining members of society, and blatantly defy the *Constitution of the State of Georgia* and *The Constitution of the United States*.

Please do not allow passage of bills – including hate crimes bills – that violate the equal protection clauses of our constitutions, both state and federal.

*Question:* Does the 2004 opinion of Georgia's seven-member (now nine-member) Supreme Court (judicial branch of government) override/eradicate/repeal the law introduced in 2000 as S.B. 390, which passed the 236-member General Assembly (legislative branch of government) and became Act No. 486, O.C.G.A. 17-10-17?

*Fact:* O.C.G.A. 17-10-17 introduced in 2000 as S.B. 390 is an equal protection, non-discriminatory law that, regardless of criminal/victim identity, authorizes enhanced penalties for crimes proven to be based on bias or prejudice.

*Question:* Can or will the Georgia General Assembly retain/reiterate/affirm/regard O.C.G.A. 17-10-17 as a valid constitutionally-compliant law?

Sincerely,

*Sue Ella Deadwyler*

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**Note: The above letter was mailed to the three officials on June 5, 2020.  
The Georgia General Assembly reconvenes June 15, 2020!**

## Hate Crimes Bill Discriminates Against Biological ID

**H.B. 426 Punishment Enhanced for Hate Crimes** introduced February 22, 2019 by Representative Chuck Efstation, passed the House 96 – 64, 8 not voting, and 12 excused on March 7, 2019. It went into the Senate Judiciary Committee on March 8, 2019 and remains therein. H.B. 426 must be defeated because it *discriminates* against biological identity by providing civil rights status for variant sexual behavior.

*Pedophilia and necrophilia* are among the sexual orientations that could be afforded civil rights protection if H.B. 426 passes. Also included for possible civil rights status are *fifty-five sexual behaviors/identities* included in the term “gender,” i.e. sexual behavior that could qualify for special protection if H.B. 426 passes. The *Constitution of the State of Georgia* and *The Constitution of the United States* require equal protection under the law, but equal protection in criminal cases would be destroyed by H.B. 426.

**ACTION – Oppose.** Call Senate Judiciary Committee Senators Stone, Ch., 404 463-1314; Cowser, V-Ch., 463-1366; Tillery, Sec., 656-0089; Heath, 656-3943; Jones, H., 463-3942; Kennedy, 656-0045; Ligon, 463-1383; Parent, 656-5109; Rhett, 656-0054; and Strickland 656-7454.

**S.B. 318 Forming Open and Robust University Minds (FORUM) Act** introduced by Senator William Ligon January 29<sup>th</sup> (a) *prohibits* the limiting of lawful free speech and free expression of ideas in public universities and colleges or on their property, but (b) *supports* peaceful assembly, literature distribution, carrying of signs, petition circulation, demonstrations, protests, and speeches, including guest speakers. However, it (c) *does not protect* provocative threats or expressive activity that may induce imminent lawless actions.

(d) *Protects religious freedom.* “No public institution of higher education may deny a religious, political, or ideological student organization any benefit or privilege available to any other student organization, or otherwise discriminate against such an organization, based on the actual or anticipated expressive activity of the organization, including any requirement that the leaders or members of such organization [affirm and comply with their mission or purpose].”

**ACTION – Support.** Contact Judiciary Committee Senators Stone Ch., 404 463-1314; Cowser, V-Ch., 463-1366; Tillery, Sec., 656-0089; Heath, 656-3943; Jones, H., 463-3942; Kennedy, 656-0045; Ligon, Jr., 463-1383; Parent, 656-5109; Rhett, 656-0054; Strickland 656-7454

**H.B. 719 Modernization of HIV related Laws** introduced April 2, 2019 by Representative Deborah Silcox that passed the House March 12<sup>th</sup> changes Georgia law as follows:

- Deletes requirement to use HIV tests approved by the Department of Community Health.
- Deletes references to “HIV infected person” and inserts the term “a person living with HIV.”
- “Intent to transmit” must be proven before deeming it a crime to knowingly transmit HIV.
- Deletes the law against sharing HIV-infected hypodermic needles, syringes, or both.
- Repeals the law prohibiting HIV-infected persons from soliciting for sodomy.
- Deletes law prohibiting donations of HIV-infected organs, body parts, blood, body fluids.
- Penalties for HIV-infection-related violations would be cut in half from ten years to five.
- Deletes the crime of assault to infect a person, peace officer, or correctional officer with HIV or hepatitis and completely eliminates the five- to 20-year imprisonment penalty.
- Repeals the law against hypodermic injections of marijuana into a human.

**ACTION – Oppose.** (a) Call Committee on Assignments Chairman, Lt. Governor/President of the Senate Geoff Duncan, 404 656-5030, Senate Majority Leader Dugan, Ex-officio, 463-2478; Senate President Pro Tem Miller, Ex-officio, 656-6578; Senate Administration Floor Leader Senator Tillery, 656-0089; Senator Cowser, 463-1366.

## Sovereign Immunity, Lawsuits and Government

**S.R. 841 People may petition the Judiciary for declaratory relief from certain State actions that violate the Laws or Constitution of this State or the U.S. Constitution**, introduced February 27, 2020, passed the Senate March 12<sup>th</sup> and is in the House Judiciary Committee. It would waive state sovereign immunity and allow the superior court to provide relief and enforce judgment for illegal or unconstitutional actions caused by state government. As a proposed constitutional amendment, it requires two-thirds vote in the House and Senate, plus voter ratification. If passed, voters would be asked this question on the November ballot: *“Shall the Constitution of Georgia be amended to waive sovereign immunity and allow the people of Georgia to petition the superior court for relief from governmental acts done outside the scope of lawful authority or which violate the laws of this state, the Constitution of Georgia, or the Constitution of the United States?”*

**ACTION – Support.** Call House Judiciary Committee Representatives Fleming, Ch., 404 656-5125; Jones, T., V-Ch., 656-0213; Kelley, Sec., 656-5024; Nix, Randy, Ex Officio, 656-5146; Efstration, 656-5105; Powell, J., 656-5141; Reeves, 651-7737; Rich, 655-0254; Rutledge, 656-0254; Scoggins, 656-0325; Silcox, 656-3949; and Welch, 656-5912.

**S.B. 102 Unlocking the Promise Community Schools Act** by Senator Emanuel Jones passed the Senate 50 – 0 on March 12<sup>th</sup> could pass this session. It embraces the World Health Organization (WHO) program to integrate global health projects into school systems. Seventy U.S. organizations are signatories and, surprisingly, the U.S. Centers for Disease Control and Prevention (CDC) supports and promotes it for American students. Online, CDC explains its support this way: “The National Prevention Strategy external icon provides a HiAP framework to guide our nation in the most effective and achievable means for improving health and well-being,” then, refers us to the Surgeon General’s website [hereexternal icon](#).

**ACTION – Oppose S.B. 102.** Contact House Education Committee Representatives Jasperse, Ch., 404 656-5943; Cheokas, V-Ch., 656-0152; Benton, Sec., 656-5126; Belton, 656-3947; Cantrell, 656-0152; Carter, 656-0220; Dickerson, 656-0314; England, 463-2245; Erwin, 656-0188; Evans, 656-0109; Glanton, 657-183; Hill, 656-0325; Howard, 656-6372; Jones, J., 656-5072; Jones, T. 656-0213; LaRiccia, 651-7737; Lopez, 656-6372; Nix, 656-5146; Nguyen, 656-0314; Paris, 656-0109; Setzler, 656-7857; Stovall, 656-0314; Tanner, 656-9210; and Wilson, 656-6372.

**H.R. 876 Take Cannabis (Marijuana) Off Controlled Drug List**, introduced January 29<sup>th</sup> by Representative Dar’shun Kendrick, urges Congress to purge cannabis from the Schedule I drugs list, which would enable marijuana businesses to legally use “full spectrum” banking services. Though H.R. 876 does not mention marijuana or hemp, both are from the same cannabis genus. Leaves and flowers of low-THC marijuana/cannabis/hemp may be dried and smoked, as well as higher-THC marijuana/cannabis that provides the *high* psychoactive sensation when smoked.

**ACTION – Oppose.** Call Special Rules Committee Representatives Belton, Ch., 404 656-3947; Holmes, V-Ch., 656-5132; Dunahoo, Sec., 656-0152; Beverly, 656-0220; Blackmon, 463-7853; Carter, 656-0220; Gordon, 656-0287; Kirby, 656-0177; LaRiccia, 651-7737; Metze, 656-6372; Paris, 656-0109; Prince, 656-0116; Rhodes, 656-5099; Scott, 656-0314; Smith, 656-0265; Tanner, 656-9210; Turner, 656-0152; Watson, 463-2246; Cooke, 656-0188; Greene, 656-5105; Clark, 656-0213; Hopson, 656-0387; McLaurin, 656-0202; Robichaux, 656-0202.

**S.B. 298 Raise Smoking and Vaping Age**, introduced by Senator Renee Unterman, January 16<sup>th</sup> raises to 21 the minimum age for those who sell/barter/transfer products to smoke or vape. Violations would include labeling or packaging products to attract minors or mimic trademarks or food primarily marketed to minors – candies, cookies, juice boxes, or soft drinks. In May 2019, many Georgia businesses were selling CBD lattes, alcoholic drinks and sparkling waters despite regulations. Reports of violations were encouraged.

**ACTION – Support.** Call Regulated Industries & Utilities Com. Senators Cowser, Ch., 463-1366; Brass, V-Ch., 463-1376; Kennedy, Sec., 656-0045; Albers, 463-8055; Ginn, 656-4700; Gooch, 656-9221; Harbison, 656-0074; Henson, 656-0085; Hill, 656-5038; Lucas, 656-0150; Martin, 463-6598; Miller, 656-6578; Mullis, 656-0057; Tippins, 657-0406.

**S.B. 104 Non-Resuscitation of Minor Requires Parental Consent** passed the Senate 46 – 0 March 5<sup>th</sup>, *requires* parental consent before a not-to-resuscitate order is issued for a minor or adult child. *Current law allows* parental consent before non-resuscitation is ordered. Parent is defined as a “biological parent, legal guardian, custodian or other person with legal authority to act on behalf of either a minor or an adult without decision-making capacity.”

**ACTION – Support.** Call House Judiciary Committee Representatives Fleming, Ch., 404 656-5125; Jones, T., V-Ch., 656-0213; Kelley, Sec., 656-5024; Nix, Ex Officio, 656-5146; Efstration, 656-5105; Powell, J., 656-5141; Reeves, 651-7737; Rich, 655-0254; Rutledge, 656-0254; Scoggins, 656-0325; Silcox, 656-3949; and Welch, 656-5912.

**S.R. 237 Article V Constitutional Convention (Con Con)** passed the Senate 31-20 in March 2019 and is alive for action in the House this session. It asks Congress to convene an unlimited, self-governing constitutional convention that could re-write/discard the Constitution. Since the year 1788, constitutional experts have warned that a con con could rewrite the constitution.

**ACTION – Oppose.** Call House Rules Committee Representatives Richard Smith, Ch., 404 656-5141; Hatchett, V-Ch., 656-5025; Burns, 656-5052; Kelley, 656-5024; Ballinger, 656-7153; Benton, 656-5126; Blackmon, 463-7853; Carson, 656-0287; Cooper, 656-5069; Dempsey, 463-2248; Efstration, 656-5105; Fleming, 656-5125; Greene, 656-5105; Harrell, 656-5103; Hawkins, 656-7855; Jan Jones, 656-5072; Knight 463-2248; Lumsden, 656-5087; Martin, 656-5364; Morris, 656-5115; Parrish, 463-2246; Alan Powell, 463-3793; Rogers, 656-0254; Setzler, 656-7857; Smith, 656-7149; Stephens, 656-5115; Tankersley, 656-7855; Tanner, 656-9210; Taylor, 656-0109; Williamson, 656-5024.

### **Want to “shop” for best healthcare prices?**

**S.B. 303 “Georgia Right to Shop Act”** introduced January 27<sup>th</sup> by Senator Ben Watson would provide for greater transparency of prices for nonemergency health care services. Disclosure of certain pricing information through insurer websites would allow consumers to compare prices for routine medical care. Consumers insured by a health benefit insurance policy could participate. Insurance providers would make available on publicly accessible websites an interactive mechanism and toll-free number for consumer response and/or questions.

**ACTION – Support.** Call Special Committee on Access to Quality Health Care Representatives Newton, Ch., 404 656-0254; Cooper, V-Ch., 656-5069; Bentley, 656-0287; Corbett, 656-0213; Frye, 656-0265; Hatchett, 656-5025; Houston, 463-2248; Jones, T., 656-0213; Knight, 463-2248; Nix, 656-5146; Parrish, 463-2246; Pirkle, 656-0188; Prince, 656-0116; Smith, R., 656-6831; and Smyre, 656-0109.

### **Unacceptable Senate Action on March 12<sup>th</sup>**

*S.R. 818 died because 19 senators do not object to giving non-citizens the right to vote.*

Six<sup>1</sup> Republicans introduced this bill to clarify that only U.S. citizens have a right to vote in Georgia elections. However, as a proposed constitutional amendment, it requires two-thirds votes in both House and Senate. The 19<sup>2</sup> senators who would allow voting rights to non-U.S. citizens should be replaced in their next elections.

*S.R. 854 remains alive because 27 senators voted to reconsider – keep it alive – for the session.* However, it could have been defeated on March 12<sup>th</sup> if five<sup>3</sup> Republicans had not “excused” themselves from the reconsideration vote. Of deep concern is the fact that six<sup>4</sup> Republicans introduced such a dangerous bill and only two Republicans Senators – Brass and Kirkpatrick – saw its danger and voted against reconsideration. Evidently, Democrats understand the damage a constitutional convention can do. Why don’t/won’t Republicans see that danger, too?

<sup>1</sup> Senators Dolezal, Brass, Robertson, Miller, Gooch and Harper

<sup>2</sup> Senators Tonya Anderson, Butler, Davenport, Harbison, Henson, Jackson, James, Harold Jones, Emanuel Jones, Karinshak, Lucas, Orrock, Parent, Rahman, Rhett, Seay, Sims, Tate, and Williams

<sup>3</sup> Five Republican senators “excused:” Martin, Strickland, Unterman, Walker, Watson; one Democrat: Senator James

<sup>4</sup> Senators Cowsert, Dolezal, Tippins, Payne, Dugan and Albers

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