

Federal Bills Give Alternate Lifestyles "Victim-Class" Status

S.909, Hate Crimes Prevention Act of 2009, provides legal protection for 547 paraphilias, defined by APA as "preference for or obsession with unusual sexual practices."

The two hate crimes bills now before Congress provide *unequal* protection under the law. That's unconstitutional! Both require greater penalties for crimes against victims whose sexual preference puts them in a *victim-class*. They give *touch-me-not* and *speak-no-ill-of-me-or-my-orientation* legal cover for individuals of variant "gender identity" or "sexual orientation".

The irony of this is stunning. These hate crimes bills restrict the free exercise of religion and speech, but protect pedophiles as a victim-class. The House Judiciary Committee showed favoritism toward illegal aliens who commit crimes in the U.S. when they rejected victim-class status for American nationals. By rejecting amendments, the Committee revealed numerous rights others will lose if homosexuals get victim-class protection. Most telling is their refusal to define "gender identity" and "sexual orientation". So, supporters get the broadest interpretation. The Committee rejected wording to protect *all* victims, insisting on extra protection for anyone with variant sexual preferences. The bill makes preaching/teaching/discussing religious doctrine on marriage and sex "hate speech", if it criticizes gender identity or sexual orientation.

State hate crimes laws provide penalties by the state and prosecution within the state. If victims have no special victim-class identity, perpetrators get a standard sentence. If an identical crime is committed against someone *claiming* victim-class identity, the offender is given a harsher sentence that may add years and bigger fines to the standard penalty. That means the fundamental premise of hate crimes laws is unconstitutional. They value special classes of victims more than non-special classes. State laws *have always* provided for adjudication of harsher/lighter sentences, based on circumstances, rendering hate crimes laws unnecessary.

Federal hate crimes bill H.R. 1913 passed the House and S.909 is in the Senate Judiciary Committee. Both make hate crimes *federal crimes* to be prosecuted under Title 18 of the U.S. Criminal Code. All homosexual and transgender individuals would become *federally protected classes of victims*. Not only would *actions* against these classes be more harshly prosecuted, all verbal criticism of their lifestyles could be prosecuted as "hate speech" under Title 18.

Sex crime laws will be rendered ineffective if H.R. 1913 or S.909 passes, since both provide more protection for sexual offenders than their victims. Victim-class protection would be given pedophilia (adult/child sex), lewd exhibitionism (exposed genitals), statutory rape (sex with child under 14), prostitution (sex for pay), incest (sex with relative) voyeurism (peeping Tom), necrophilia (sex with corpse), and bestiality (sex with animal). All these and many others are prosecutable in Georgia.

ACTION - Ask Georgia's two U.S. Senators to oppose, vote NO and, if necessary, filibuster S.909. You may call the U.S. Senate toll-free at 1 877 851-6437 and ask for each office or call directly as follows:
Senator Saxby Chambliss, 202 224-3521 in D.C. or 770 763-9090 in Georgia
Senator Johnny Isakson, 202 224-3643 in D.C. or 770 661-0999 in Georgia

Georgia Legislation

Passed: S.B. 86, Requires Proof of U.S. Citizenship for Voter Registration

Georgia was part of a November 2008 investigation that identified 100,000 voters who appeared to have voted in more than one state and 42,000 voters that were registered in Florida as well as in Georgia.

S.B. 86 passed the Senate March 3rd and the House the last day of the session, but in a different version. The Senate promptly agreed with the House and passed the bill two months after it was introduced by Senators Staton, Butterworth, Rogers, Johnson, Shafer, Chance *et al.*

The governor signed it May 5th. So, beginning January 1, 2010 proof of U.S. citizenship must accompany all applications for voter registration. Individuals without documentation will have 30 days to prove to the registrar that they are U.S. citizens by presenting a Georgia driver's license, government ID with photograph, birth certificate, U.S. passport, naturalization papers or tribal document. Otherwise, the application will be rejected. Proof of having registered to vote in another state will *not* be accepted in Georgia as proof of U.S. citizenship. Those registering by mail must supply current and valid identification before voting.

Passed: S.B. 246, Notification of Victim Prior to Release of Detained Juvenile

S.B. 246 introduced by Senators Balfour, Hawkins, Unterman and Johnson on March 5th passed the Senate 54 – 0 on March 12th and the House passed it by committee substitute 167 – 0 on April 1st. The change required Senate approval, which was given April 3rd by a vote of 47 – 0. When the governor signed it earlier this month, it immediately became law.

S.B. 246 gives new consideration to victims if a *child has committed*, attempted to commit, or has conspired or solicited another to commit a violent act, defined as a serious violent felony, a designated felony, stalking or aggravated stalking. The child's victims may decide whether to be notified before the child is released from detention. It would work this way. If victims desire prior notification, (a) the juvenile court intake officer will provide notice 24 hours before an *accused child* is released from detention. However, (b) victims may receive notice 48 hours before the release of a *child found guilty* of a violent delinquent act. In either case, victims will be informed that they are entitled to such notice, if they choose to take advantage of it.

Passed: H.B. 217, Provides Protocol for Easy Access to Flu Shots

“This legislation makes it easier for Georgians to receive flu shots and allows the state to respond quickly and effectively to any flu outbreak.”

H.B. 217 introduced by Representatives Pruett, Channell, Carter, Cooper, Stephens and Ramsey took effect when the governor signed it April 28th. Now, doctors and nurses, pharmacists and interns may enter into a vaccine protocol agreement to give flu shots without prescriptions. This legislation was necessary to counteract last fall's decision by Medical Examiners that the flu vaccine is a “dangerous drug” and requires an individual prescription from a physician.

Therefore, H.B. 217 returns Georgia to its previous tradition of providing flu shots at locations such as grocery stores and drug stores *without* personal prescriptions, but only to consenting recipients. The program will be enacted with limited two-year protocol agreements between doctors/nurses and pharmacists/interns who will be especially registered and certified to do so.

H.B. 217, also, extends gubernatorial emergency power to declare a “pandemic influenza” state of emergency in conjunction with recommendations from World Health Organization or CDC.

Georgia Legislation

Did Not Pass: S.B. 67, Drivers' Tests in English Only

"We have room for but one flag, the American flag..."

We have room but for one language here and that is the English language... and we have room for but one sole loyalty and that is a loyalty to the American people." – President Theodore Roosevelt, 1907

The designation of English as Georgia's official language has been rejected again, but a little more subtly than in the past. This time, legislators who voted YES on S.B. 67 proved (a) they want the state to stop providing driver's license tests in over a dozen foreign languages and (b) they are FOR using only English for printed and oral driver's license tests. Conversely, those that voted NO on S.B. 67 can magnanimously boast of a desire to continue testing in foreign languages. Both positions are useful election fodder for legislators on either side of the issue.

Though S.B. 67 *did not finally pass*, it worked through the process for two full months and passed both House and Senate. The problem was that the House changed the version the Senate passed and the Senate would not agree to the changes. So, the Senate nailed the S.B. 67 coffin shut with a 22 – 22 tie vote for/against the House version. The presiding official did not break the tie and the bill died. Was its demise an unexpected impasse or the planned outcome?

So, Georgia's left with the status quo – continue expending unnecessarily large sums of dollars in taxes, multiplied many times over for paper, printing, personnel, office space, equipment – to accommodate foreigners who, whether here legally or illegally, refuse to assimilate into U.S. culture and insist on tests in their native tongue. Folks that can't read English, but drive on public roads and highways anyway, subject other motorists to unnecessary danger and expense.

S.B. 67 introduced by Senators Murphy, Mullis, Rogers, Heath, Pearson and Douglas was a good bill that showed compassion for foreigners. It required English for the majority of drivers' tests, but those seeking a temporary license could be accommodated in a foreign language, for an *accumulated total of six years*. Then, their future tests would be in English.

Did Not Pass: S.B. 136 Identify and Deport Illegal Alien Prisoners

Are illegal aliens convicted of crimes, currently, paroled into U.S. communities after serving their sentences?

S.B. 136 states: "It is the intent of the General Assembly to ensure that aliens subject to deportation are not released from prison into the Georgia community."

S.B. 136 was introduced by Senators Douglas, Rogers, Chance, Staton, Hawkins, Shafer, *et al* to require the Georgia Department of Corrections to establish and implement a federal deportation program with federal, state and local agencies. Such a plan is the Immigration and Customs Enforcement Rapid Removal of Eligible Parolees Accepted for Transfer (REPAT).

If this had passed, every county jail in Georgia would use the intake process to screen for illegal aliens and report them to the proper authorities. If that were done illegal alien prisoners that come up for *parole* would be held and no release date set, until a final deportation order could take effect. Then at that time, illegal alien prisoners would be allowed to choose to be deported and obey the deportation order, in addition to all U.S. immigration laws, or they could choose to complete their sentence. What happens, currently, when illegal aliens complete their sentence and are released? That question is not answered in the bill. Do they return to our communities?

Georgia Legislation

Passed & Signed by the Governor: H.B. 261, Housing Tax Credit Bill

H.B. 261 was signed by Governor Perdue May 11th and took effect immediately. It allows an income tax credit in the lesser of two amounts – \$ 1,800 or 1.2 percent of the purchase price – for anyone purchasing a single-family residence during the next six months. However, the income tax credit must be stretched over three years – a third to be claimed each year.

The state offers this tax credit to *everyone* who purchases a single-resident home during the next six months. However, *first-time buyers of homes* are eligible for double credit – one from this state law and another from a federal law. The federal tax credit, authorized by the American Recovery and Reinvestment Act, allows first-time homebuyers a credit equal to the lesser of 10 percent of the purchase price of the home or \$8,000.

Vetoed by the Governor: H.B. 481, The JOBS Act

H.B. 481, the Jobs, Opportunity, and Business Success Act introduced by Representative Graves passed both House and Senate with a total of only eleven votes against it. It's a great bill and such a departure from the national norm that the *Wall Street Journal* reported it March 17, 2009. The article said, "States are facing their deepest spending crises in decades, and more than two dozen are looking at raising taxes or fees to balance their budgets. But at least one state, Georgia, is bucking the trend and cutting taxes."

H.B. 481 allowed several tax breaks for businesses, such as a one-year waiver of new business filing fees, a \$500 tax credit for a new-hire taken off unemployment benefits and a \$2,400 income tax credit for each eligible new-hire. Also, the state would refund \$186 million in state-held sales tax deposits and phase out business income taxes for Georgia-based corporations.

The governor gave several reasons for vetoing H.B. 481, such as the downturn in state revenue collections that would not allow the loss of taxes the state would suffer if this bill became law. He, also, estimated that the revenue impact to the state could be a loss of \$1.5 billion over three years, including the \$145 million negative impact looming for Fiscal Year 2010, which begins July 1, 2009.

Maybe Next Year, Suggests the Governor's Veto Statement

"Should the General Assembly choose to enact a budget next session that incorporates the estimated revenue reductions caused by large tax cuts, I would entertain such cuts at that time.

"The additional revenue reduction of over \$145 million in Fiscal Year 2010 with even larger reductions projected in the years to follow, more drastic cuts would be necessary in needed services and other expenditures.

"Such cuts are not supported by the current budget act and the policy decisions expressed therein. In short, while this legislation may be supportable in different economic times, given our constitutional and fiscal constraints, I do not believe this legislation, although well meaning in intent, can be afforded at this time. Therefore, I VETO H.B. 481."

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