

House Bill 1450

By: Representatives Wix of the 33rd, Morris of the 155th and Golick of the 30th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-5-50 of the Official Code of Georgia Annotated, relating to
2 transmittal of information on convicted persons and place of detention, so as to provide that
3 after a convicted person has remained in custody of the local jail for a period of 90 days after
4 a request for local custody has been filed on behalf of such person, the commissioner of
5 corrections, if requested by the sheriff, shall transfer such person to a correctional institution;
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 42-5-50 of the Official Code of Georgia Annotated, relating to transmittal of
10 information on convicted persons and place of detention, is amended by striking subsection
11 (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

12 "(c)(1) In the event that the attorney for the convicted person shall file a written request
13 with the court setting forth that the presence of the convicted person is required within
14 the county of the conviction, or incarceration, in order to prepare and prosecute properly
15 the appeal of the conviction, the convicted person shall not be transferred to the
16 correctional institution as provided in subsection (b) of this Code section. ~~In such event~~
17 ~~the convicted person shall remain in the custody of the local jail or lockup until all~~
18 ~~appeals of the conviction shall be disposed of or until the attorney of record for the~~
19 ~~convicted person shall file with the trial court an affidavit setting forth that the presence~~
20 ~~of the convicted person is no longer required within the county in which the conviction~~
21 ~~occurred, or in which the convicted person is incarcerated, whichever event shall first~~
22 ~~occur.~~

23 (2) After a convicted person has remained in custody of the local jail or lockup for a
24 period of 90 days after a request for local custody has been filed with the court on behalf
25 of such person as provided in paragraph (1) of this subsection, the commissioner, if

1 requested by the sheriff, shall process, assign, and transfer the convicted person to a
2 correctional institution as provided for in subsections (a) and (b) of this Code section."

3 **SECTION 2.**

4 All laws and parts of laws in conflict with this Act are repealed.