

Senate Bill 389

By: Senators Jackson of the 50th, Smith of the 25th, Butler of the 55th, Marable of the 52nd and Tate of the 38th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions,  
2 so as to enable the State of Georgia to transfer and exchange inmates with foreign countries  
3 that have entered into treaties with the United States for that purpose; to provide for an  
4 effective date; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
8 by inserting at the end thereof a new Chapter 13 to read as follows:

9 "CHAPTER 13

10 42-13-1.

11 This chapter shall be known and may be cited as the 'International Transfer of Prisoners  
12 Act.'

13 42-13-2.

14 When a treaty is in effect between the United States and a foreign country providing for the  
15 transfer of convicted criminal offenders to those foreign countries of which such offenders  
16 are citizens or nationals, the Governor or the Governor's designee is authorized, subject to  
17 the terms of the treaty, to act on behalf of the State of Georgia and to consent to the transfer  
18 of such convicted criminal offenders. The Governor or his or her designee is authorized  
19 to develop policies, procedures, and processes to implement the provisions of this Code  
20 section."

21 **SECTION 2.**

22 This Act shall become effective on July 1, 2002.

1 **SECTION 3.**

2 No legislator may contact the Department to request a transfer of a prisoner.

3 **SECTION 4.**

4 All laws and parts of laws in conflict with this Act are repealed.