

House Bill 495

By: Representatives Callaway of the 81st, Stuckey of the 67th and Campbell of the 42nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-10-52 of the Official Code of Georgia Annotated, relating to the
2 offense of escape, and Code Section 19-11-101, relating to definitions relative to the Uniform
3 Interstate Family Support Act, so as to change the definition of the offense to include
4 intentional escape from lawful custody or lawful confinement for failure to comply with a
5 child support order; to provide that the offense shall apply to persons who intentionally
6 escape from lawful custody or lawful confinement for failure to violate certain child support
7 orders issued in other states; to provide for an effective date; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Code Section 16-10-52 of the Official Code of Georgia Annotated, relating to the offense of
12 escape, is amended by striking subsection (a) in its entirety and inserting in lieu thereof the
13 following:

14 "(a) A person commits the offense of escape when he or she:

15 (1) Having been convicted of a felony or misdemeanor or of the violation of a municipal
16 ordinance, intentionally escapes from lawful custody or from any place of lawful
17 confinement;

18 (2) Being in lawful custody or lawful confinement prior to conviction, intentionally
19 escapes from such custody or confinement;

20 (3) Having been adjudicated of a delinquent or unruly act or a juvenile traffic offense,
21 intentionally escapes from lawful custody or from any place of lawful confinement;

22 (4) Being in lawful custody or lawful confinement prior to adjudication, intentionally
23 escapes from such custody or confinement; ~~or~~

24 (5) Intentionally fails to return as instructed to lawful custody or lawful confinement or
25 to any residential facility operated by the Georgia Department of Corrections after having
26 been released on the condition that he or she will so return; provided, however, such

1 person shall be allowed a grace period of eight hours from the exact time specified for
2 return if such person can prove he or she did not intentionally fail to return; or
3 (6) Being in lawful custody or lawful confinement for failure to comply with a judicial
4 or administrative order for child support, as defined in Code Section 19-11-101,
5 intentionally escapes from such custody or confinement."

6 **SECTION 2.**

7 Code Section 19-11-101, relating to definitions relative to the Uniform Interstate Family
8 Support Act, is amended by inserting a new paragraph to be designated paragraph (11.1) to
9 read as follows:

10 "(11.1) 'Lawful custody or lawful confinement for failure to comply with a judicial or
11 administrative order for child support,' as used in this article and in Code Section
12 16-10-154, includes but is not limited to custody or confinement imposed by a court in
13 this state for failure to comply with any judicial or administrative order for child support
14 which such court is authorized to enforce by civil or criminal contempt."

15 **SECTION 3.**

16 This Act shall become effective on July 1, 2001.

17 **SECTION 4.**

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