

The House Committee on Special Judiciary offers the following substitute to HB 410:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 17-10-1 of the Official Code of Georgia Annotated, relating to sentencing, so as to allow the trial judge to have continuing authority to modify a sentence for one year from when the sentence is imposed; to provide that the court shall afford notice and an opportunity for a hearing to the prosecuting attorney; to provide that any order modifying a sentence which is entered without notice and an opportunity for a hearing as provided in this Act shall be void; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 17-10-1 of the Official Code of Georgia Annotated, relating to sentencing, is amended by adding a new subsection (f) at the end thereof to read as follows:

"(f) Within one year of the date upon which the sentence is imposed, the judge imposing the sentence has the jurisdiction, power, and authority to correct or reduce the sentence and to suspend or probate all or any part of the sentence imposed. Prior to entering any order correcting, reducing, or modifying any sentence, the court shall afford notice and an opportunity for a hearing to the prosecuting attorney. Any order modifying a sentence which is entered without notice and an opportunity for a hearing as provided in this subsection shall be void. This subsection shall not limit any other jurisdiction granted to the judge in this Code section or as provided for in subsection (g) of Code Section 42-8-34."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.