

House Bill 410 (COMMITTEE SUBSTITUTE)

By: Representative Stokes of the 92nd

A BILL TO BE ENTITLED
AN ACT

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

12 "(f) Within one year of the date upon which the sentence is imposed, the judge imposing
13 the sentence has the jurisdiction, power, and authority to correct or reduce the sentence and
14 to suspend or probate all or any part of the sentence imposed. Prior to entering any order
15 correcting, reducing, or modifying any sentence, the court shall afford notice and an
16 opportunity for a hearing to the prosecuting attorney. Any order modifying a sentence
17 which is entered without notice and an opportunity for a hearing as provided in this
18 subsection shall be void. This subsection shall not limit any other jurisdiction granted to
19 the judge in this Code section or as provided for in subsection (g) of Code Section
20 42-8-34."

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.