

The Senate Judiciary Committee offered the following substitute to HB 410:

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 or within 120 days of the remittitur; to
4 provide that the court shall afford notice and an opportunity for a hearing to the prosecuting
5 attorney; to provide that any order modifying a sentence which is entered without notice and
6 an opportunity for a hearing as provided in this Act shall be void; to provide for related
7 matters; to repeal conflicting laws; 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, or within 120 days
13 after receipt by the sentencing court of the remittitur upon affirmance of the judgment after
14 direct appeal, whichever is later, the court imposing the sentence has the jurisdiction,
15 power, and authority to correct or reduce the sentence and to suspend or probate all or any
16 part of the sentence imposed. Prior to entering any order correcting, reducing, or
17 modifying any sentence, the court shall afford notice and an opportunity for a hearing to
18 the prosecuting attorney. Any order modifying a sentence which is entered without notice
19 and an opportunity for a hearing as provided in this subsection shall be void. This
20 subsection shall not limit any other jurisdiction granted to the court in this Code section or
21 as provided for in subsection (g) of Code Section 42-8-34."

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.