

House Bill 969

By: Representative West of the 101<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated,  
2 relating to grants of pardons, paroles, and other relief, so as to define the term "serious  
3 felony"; to provide that for a conviction of a serious felony in which the defendant has been  
4 sentenced to life imprisonment, that defendant shall not be eligible for any form of pardon,  
5 parole, or early release administered by the State Board of Pardons and Paroles until such  
6 person has served a minimum of 14 years in prison; to provide certain exceptions; to provide  
7 that such minimum term of imprisonment required for a life sentence shall not be reduced  
8 by any earned time, early release, work release, leave, or other sentence-reducing measures  
9 under programs administered by the Department of Corrections; to provide that any sentence  
10 imposed for the conviction of any serious felony other than a sentence of life imprisonment  
11 or life without parole shall be served in its entirety as imposed by the sentencing court and  
12 shall not be reduced by any form of parole or early release administered by the State Board  
13 of Pardons and Paroles or by any earned time, early release, work release, leave, or other  
14 sentence-reducing measures under programs administered by the Department of Corrections,  
15 the effect of which would be to reduce the period of incarceration ordered by the sentencing  
16 court; to provide for applicability; to provide a conditional effective date and for automatic  
17 repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

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

19 **SECTION 1.**

20 Article 2 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to  
21 grants of pardons, paroles, and other relief, is amended by adding between Code Sections  
22 42-9-39 and 42-9-40 a new Code Section 42-9-39.1 to read as follows:

23 "42-9-39.1.

24 (a) As used in this Code section, the term 'serious felony' means any felony which  
25 constitutes:

- 1 (1) Criminal attempt to commit murder, as defined in Code Sections 16-4-1, 16-4-6,
- 2 and 16-5-1;
- 3 (2) Voluntary manslaughter, as defined in Code Section 16-5-2;
- 4 (3) Felony involuntary manslaughter, as defined in subsection (a) of Code Section
- 5 16-5-3;
- 6 (4) Aggravated assault, as defined in paragraph (2) of subsection (a) of Code Section
- 7 16-5-21;
- 8 (5) Aggravated assault against a peace officer, as defined in subsection (c) of Code
- 9 Section 16-5-21;
- 10 (6) Aggravated battery, as defined in subsection (a) of Code Section 16-5-24;
- 11 (7) Aggravated battery against a peace officer, as defined in Code Section 16-5-24;
- 12 (8) Hijacking a motor vehicle, as defined in Code Section 16-5-44.1;
- 13 (9) Cruelty to children in the first degree, as defined in Code Section 16-5-70;
- 14 (10) Feticide, as defined in Code Section 16-5-80;
- 15 (11) Aggravated stalking, as defined in Code Section 16-5-91;
- 16 (12) Attempted rape, as defined in Code Sections 16-4-1 and 16-6-1;
- 17 (13) Statutory rape, as defined in Code Section 16-6-3;
- 18 (14) Child molestation, as defined in subsection (a) of Code Section 16-6-4;
- 19 (15) Enticing a child for indecent purposes, as defined in Code Section 16-6-5;
- 20 (16) Incest, as defined in Code Section 16-6-22;
- 21 (17) Robbery, as defined in Code Section 16-8-40;
- 22 (18) Bus hijacking, as defined in Code Section 16-12-123; or
- 23 (19) Vehicular homicide in the first degree, as defined in subsection (a) of Code
- 24 Section 40-6-393, committed through a violation of Code Section 40-6-391 or by a
- 25 habitual violator, as defined in subsection (c) of Code Section 40-6-393.
- 26 (b) Except as otherwise provided in subsection (c) of Code Section 42-9-39, for a
- 27 conviction of a serious felony in which the defendant has been sentenced to life
- 28 imprisonment, that defendant shall not be eligible for any form of pardon, parole, or early
- 29 release administered by the State Board of Pardons and Paroles until such person has
- 30 served a minimum of 14 years in prison; provided, however, that the provisions of Article
- 31 IV, Section II, Paragraph II(e) of the Constitution shall be applicable. The minimum term
- 32 of imprisonment provided for in this subsection shall not be reduced by any earned time,
- 33 early release, work release, leave, or other sentence-reducing measures under programs
- 34 administered by the Department of Corrections.
- 35 (c) Any sentence imposed for the conviction of any serious felony other than a sentence
- 36 of life imprisonment or life without parole shall be served in its entirety as imposed by the
- 37 sentencing court and shall not be reduced by any form of parole or early release

1 administered by the State Board of Pardons and Paroles or by any earned time, early  
2 release, work release, leave, or other sentence-reducing measures under programs  
3 administered by the Department of Corrections, the effect of which would be to reduce  
4 the period of incarceration ordered by the sentencing court.

5 (d) The provisions of this Code section shall apply to sentences imposed on or after  
6 January 1, 2003."

## 7 **SECTION 2.**

8 This Act shall become effective upon ratification by the voters of this state at the November,  
9 2002, general election of the proposed amendment to Article IV, Section II, Paragraph II of  
10 the Constitution entitled "Proposing an amendment to the Constitution so as to provide that  
11 the General Assembly may by general law approved by two-thirds of the members thereof  
12 provide for sentences which are required to be served in their entirety for persons convicted  
13 of attempted rape, voluntary manslaughter, felony involuntary manslaughter, aggravated  
14 battery, homicide by vehicle in the first degree involving either driving under the influence  
15 or a habitual violator, hijacking a motor vehicle, criminal attempt to commit murder,  
16 aggravated assault, enticing a child for indecent purposes, cruelty to children, child  
17 molestation, feticide, incest, statutory rape, hijacking a bus or rail vehicle, robbery, or  
18 aggravated stalking, and, when so provided by such Act, the State Board of Pardons and  
19 Paroles shall not have the authority to consider such persons for pardon, parole, or  
20 commutation during that portion of the sentence; to provide exceptions; to provide for the  
21 submission of this amendment for ratification or rejection; and for other purposes.";   
22 provided, however, that if such amendment is not so ratified, this Act shall be null and void  
23 and shall stand repealed in its entirety.

## 24 **SECTION 3.**

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