

House Bill 144

By: Representatives Marin of the 66th, Floyd of the 69th, Post 2, Thompson of the 69th, Post 1, Coan of the 67th, Post 1, Casas of the 68th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure,
2 so as to provide for use of inmate labor to remove certain graffiti from private property as
3 a form of compensation to innocent victims of criminal trespass or criminal damage to
4 property in the second degree; to amend Title 42 of the Official Code of Georgia Annotated,
5 relating to penal institutions, so as to change certain provisions relating to use of inmates for
6 private gain; to change certain provisions relating to hiring out of inmates, sales of products
7 produced by inmates, disposition of proceeds, and payments to inmates for services; to
8 provide legislative findings and declarations; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
13 amended by inserting a new chapter to read as follows:

14 "CHAPTER 15A

15 17-15A-1.

16 The provisions of this chapter are enacted pursuant Article III, Section VI, Paragraph VI(f)
17 of the Constitution and are in addition to those provisions for compensation of innocent
18 victims of other crimes under Chapter 15 of this title.

19 17-15A-2.

20 The General Assembly finds and declares that:

21 (1) Criminal street gang activity is a serious and continuing public safety concern;

1 (2) Criminal trespass and criminal damage to property in the second degree caused by
 2 graffiti being placed unlawfully upon private property are crimes frequently associated
 3 with criminal street gang activity; and

4 (3) It is in the public interest, not only in the pursuit of justice but also as a means of
 5 combating such criminal street gang activity and of contributing to the general public
 6 welfare by improving the esthetics of public views, to compensate as provided in this
 7 chapter those private property owners who are the innocent victims of such criminal
 8 trespass or criminal damage to property in the second degree by using inmate labor to
 9 remove graffiti unlawfully placed on private properties when such graffiti is visible from
 10 public roads or other public property.

11 17-15A-3.

12 In order to provide a form of compensation by the state to innocent victims of criminal
 13 trespass in violation of Code Section 16-7-21 or criminal damage to property in the second
 14 degree in violation of Code Section 16-7-23, either of which crime involved the unlawful
 15 placement of graffiti upon such property by a person who was not the owner of such
 16 property, the Board of Corrections or any political subdivision of this state may authorize
 17 the use of labor by inmates from any penal institution or jail under its authority to remove
 18 such unlawfully placed graffiti from private property when such graffiti is visible from any
 19 public road or other public property. The Board of Corrections shall provide rules and
 20 regulations governing such use of labor by inmates from institutions under its jurisdiction."

21 **SECTION 2.**

22 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
 23 by striking subsection (d) of Code Section 42-1-5, relating to use of inmates for private gain,
 24 and inserting in lieu thereof the following:

25 "(d) This Code section shall not apply to:

26 (1) Work on private property because of natural disasters;

27 (1.1) Work on private property as a form of victim compensation in accordance with
 28 Chapter 15A of Title 17;

29 (2) Work or other programs or releases which have the prior approval of the board or
 30 commissioner of corrections;

31 (3) Community service work programs; or

32 (4) Work-release programs."

SECTION 3.

Said title is further amended by striking subsection (e) of Code Section 42-5-60, relating to hiring out of inmates, sales of products produced by inmates, disposition of proceeds, and payments to inmates for services, and inserting in lieu thereof the following:

"(e) The department or any state correctional institution or county correctional institution operating under jurisdiction of the board shall be authorized to require inmates coming into its custody to labor on the public roads or public works or in such other manner as the board may deem advisable, including without limitation any labor authorized under Chapter 15A of Title 17. The department may also contract with municipalities, cities, counties, the Department of Transportation, or any other political subdivision, public authority, public corporation, or agency of state or local government created by law, which entities are authorized by this Code section to contract with the department, for the construction, repair, or maintenance of roads, bridges, public buildings, and any other public works by use of penal labor."

SECTION 4.

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