

House Bill 741

By: Representative Sims of the 130<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions,  
2 so as to provide for procedures in connection with requests to the Board of Corrections and  
3 the Department of Corrections for inmate transfers; to provide special limitations with  
4 respect to requests by members of the General Assembly and other public officials; to  
5 provide procedures for public officials communicating with the State Board of Pardons and  
6 Paroles relative to the grant of relief from sentences; to provide that it shall be unlawful for  
7 a member of the General Assembly to accept compensation in connection with any such  
8 request and prescribe punishment; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
12 by inserting at the end thereof the following:

13 "CHAPTER 14  
14 ARTICLE 1

15 42-14-1.

16 (a) Any request to the Board of Corrections or the Department of Corrections for the  
17 transfer of any inmate must be in writing and neither the board nor the department shall  
18 consider any such request which is not presented in writing. For purposes of this article,  
19 an inquiry strictly limited to requesting the status of an inmate shall not be considered a  
20 request for a transfer.

21 (b) Any person so requesting the transfer of an inmate must have and attach to the written  
22 request a written statement and a written power of attorney from the inmate stating the  
23 exact nature of the requested transfer, including the location to which a transfer is  
24 requested.

1 (c) No transfer requested by a member of the General Assembly shall lower the security  
2 level status of any inmate. The department shall make the final determination as to any  
3 inmate's security level status or transfer.

4 (d) No inmate with history of escape, discipline problems, or other history deemed  
5 undesirable by the department shall be transferred upon the request of a member of the  
6 General Assembly.

7 (e) All transfer requests received by the board or department shall be public records and  
8 shall be kept available for public review.

9 (f) It shall be unlawful for members of the General Assembly or any other state elected or  
10 appointed official to accept any compensation for seeking a decision from the board or the  
11 department on behalf of any inmate. Violation of this Code section shall constitute a  
12 violation of the General Assembly member's or official's oath of office, shall be a  
13 misdemeanor of a high and aggravated nature, and upon conviction shall be punishable by  
14 a civil penalty not to exceed \$5,000.00 or imprisonment for not more than one year or both.

## 15 ARTICLE 2

16 42-14-20.

17 Any inquiry or recommendation made by an elected or appointed public official to the  
18 State Board of Pardons and Paroles relating to a grant of clemency, pardon, parole, or other  
19 relief from sentence of any inmate must be in writing and the board shall not respond to or  
20 consider any such communication which is not presented in writing.

21  
22 42-14-21.

23 It shall be unlawful for members of the General Assembly or any other state elected or  
24 appointed official to accept any compensation for making a recommendation to the State  
25 Board of Pardons and Paroles or otherwise seeking to influence the board in any matter  
26 relating to a grant of clemency, pardon, parole, or other relief from sentence on behalf of  
27 any person. Violation of this article shall constitute a violation of the General Assembly  
28 member's or official's oath of office, shall be a misdemeanor of a high and aggravated  
29 nature, and upon conviction shall be punishable by a civil penalty not to exceed \$5,000.00  
30 or imprisonment for not more than one year or both."

## 31 SECTION 2.

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