

Senate Bill 312

By: Senators Squires of the 5th, Butler of the 55th, Unterman of the 45th, Balfour of the 9th,
Thomas of the 54th and Jackson of the 50th

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 authorize counties and municipalities to establish programs for compensation to
3 owners and operators of property which is damaged by graffiti; to provide that such
4 compensation may be in the form of cash compensation or services or materials or a
5 combination thereof; to provide for the establishment of such programs by ordinance; to
6 authorize the Department of Community Affairs to provide assistance and to authorize the
7 funding of grants; to authorize the requirement of restitution in criminal sentences; to provide
8 for related matters; to provide an effective date; 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 adding a new Chapter 15A to read as follows:

14 "CHAPTER 15A

15 17-15A-1.

16 This chapter is enacted pursuant to the authority of Article III, Section VI, Paragraph VI(f)
17 of the Constitution which authorizes the General Assembly to provide by law for
18 compensating innocent victims of crimes.

19 17-15A-2.

20 The governing authority of any county or municipality is authorized, but not required, to
21 establish a program for compensation of the owners and operators of real property who are
22 innocent victims of the offense of criminal damage to property or any other similar

1 criminal offense where the criminal conduct consists of unauthorized damage to property
2 by painting or marking graffiti or other similar matter thereon.

3 17-15A-3.

4 The compensation provided by a county or municipality under a program provided for in
5 this chapter may consist of:

6 (1) Cash compensation to the property owner to reimburse wholly or partially the costs
7 of removing or covering over the graffiti or other matter;

8 (2) Services or materials or both provided by the city or county to assist the property
9 owner or operator in removing or covering over the graffiti or other matter; or

10 (3) A combination of such cash compensation and service or materials or both.

11 17-15A-4.

12 A program of compensation as authorized by this chapter shall be established by ordinance
13 of the county or municipality. Such ordinance shall include a provision that no entitlement
14 or right of action is created thereby and that such program shall be revocable or amendable
15 at any time by future ordinance. Such ordinance may provide for:

16 (1) The conditions under which compensation will be provided, the type of compensation
17 to be provided, and the manner in which such compensation shall be requested;

18 (2) Limitations on the total amount of compensation which will be provided to any
19 particular person or under any particular circumstances;

20 (3) Provisions for the pro rata reduction of compensation provided in the event that the
21 total amount of claims during a period of time exceed the total amount of compensation
22 made available for such period of time by the county or city; and

23 (4) Other matters deemed necessary or appropriate by the governing authority.

24 17-15A-5.

25 The Department of Community Affairs shall be authorized, but not required, to provide
26 technical assistance and other appropriate assistance to counties and municipalities
27 establishing programs under this Code chapter. The General Assembly is authorized, but
28 not required, to appropriate to the department funds for the administration of this chapter
29 and for grants to be administered by the department for purposes of this chapter.

30 17-15A-6.

31 Any court sentencing a defendant for a crime covered under this chapter may include in the
32 sentence appropriate provisions for restitution to a county or municipality operating a
33 program under this chapter."

1 **SECTION 2.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 3.**

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