

Senate Bill 313

By: Senators Squires of the 5th, Butler of the 55th, Unterman of the 45th, Balfour of the 9th, Shafer of the 48th 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 authorize counties and municipalities to establish programs for compensation to
3 owners of property which is damaged by graffiti; to provide the manner of compensation; to
4 authorize the requirement of restitution in criminal sentences; to provide for use of inmate
5 labor to remove certain graffiti from private property as a form of compensation to innocent
6 victims of criminal trespass or criminal damage to property in the second degree; to amend
7 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, so as to
8 change certain provisions relating to use of inmates for private gain; to change certain
9 provisions relating to hiring out of inmates, sales of products produced by inmates,
10 disposition of proceeds, and payments to inmates for services; to provide for related matters;
11 to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
15 amended by adding a new Chapter 15A to read as follows:

16 style="text-align:center">"CHAPTER 15A

17 17-15A-1.

18 The provisions of this chapter are enacted pursuant to the authority of Article III, Section
19 VI, Paragraph VI(f) of the Constitution which authorizes the General Assembly to provide
20 by law for compensating innocent victims of crimes.

21 17-15A-2.

22 The governing authority of any county or municipality is authorized, but not required, to
23 establish a program for compensation of the owners of real property who are innocent

1 victims of the offense of criminal trespass in violation of Code Section 16-7-21 or criminal
2 damage to property in the second degree in violation of Code Section 16-7-23, either of
3 which crimes involved the unlawful placement of graffiti upon property by a person who
4 does not own the property.

5 17-15A-3.

6 (a) The compensation provided by a county or municipality under a program provided for
7 in this chapter may consist of:

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

10 (2) Services or materials or both provided by the municipality or county to assist the
11 property owner in removing or covering over the graffiti;

12 (3) The use of municipal or county agents or employees to remove the graffiti; or

13 (4) Any combination of paragraphs (1) through (3) of this subsection.

14 (b) A municipality or county or its officers, agents, and employees that remove graffiti
15 from private property in accordance with the provisions of this chapter shall not be liable
16 for damage caused by removing the graffiti.

17 17-15A-4.

18 Any court sentencing a defendant for a crime covered under this chapter may include in the
19 sentence appropriate provisions for restitution to a county or municipality operating a
20 program under this chapter.

21 17-15A-5.

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

SECTION 2.

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

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

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

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

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

(3) Community service work programs; or

(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,~~ or any county or municipal correctional institution 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.