

House Bill 1166

By: Representatives Forster of the 3rd, Post 1, Hill of the 81st, Greene-Johnson of the 60th, Post 3, Mangham of the 62nd, Sims of the 130th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 17-6-1 of the Official Code of Georgia Annotated, relating to
2 procedure for bail for offenses, so as to provide that a person arrested for driving under the
3 influence of alcohol or drugs shall not be released from custody on bail or recognizance until
4 such time as the arresting agency or court of inquiry is satisfied that the person is no longer
5 under the influence of alcohol or drugs; to provide for related matters; to provide an effective
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 17-6-1 of the Official Code of Georgia Annotated, relating to procedure for
10 bail for offenses, is amended by striking subparagraph (A) of paragraph (2) of subsection (b)
11 and inserting in lieu thereof a new subparagraph (A) to read as follows:

12 "(A) A person charged with violating Code Section 40-6-391 ~~whose alcohol~~
13 ~~concentration at the time of arrest, as determined by any method authorized by law,~~
14 ~~violates that provided in paragraph (5) of subsection (a) of Code Section 40-6-391~~ may
15 be detained for a period of time up to six hours after booking and prior to being released
16 on bail or on recognizance and until such time that the arresting agency or court of
17 inquiry is reasonably assured that such person is no longer under the influence of
18 alcohol or drugs; and".

19 **SECTION 2.**

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

22 **SECTION 3.**

23 All laws and parts of laws in conflict with this Act are repealed.