

The House Committee on Judiciary offers the following substitute to SB 469:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-8-35 of the Official Code of Georgia Annotated, relating to terms
2 and conditions of probation, so as to provide the court with additional punishment tools for
3 the criminal offenses against a victim who is a minor; to provide for fees related to
4 monitoring; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 42-8-35 of the Official Code of Georgia Annotated, relating to terms and
8 conditions of probation, is amended by striking the Code section and inserting in lieu thereof
9 the following:

10 "42-8-35.

11 (a) The court shall determine the terms and conditions of probation and may provide that
12 the probationer shall:

13 (1) Avoid injurious and vicious habits;

14 (2) Avoid persons or places of disreputable or harmful character;

15 (3) Report to the probation supervisor as directed;

16 (4) Permit the supervisor to visit ~~him~~ the probationer at ~~his~~ the probationer's home or
17 elsewhere;

18 (5) Work faithfully at suitable employment insofar as may be possible;

19 (6) Remain within a specified location;

20 (7) Make reparation or restitution to any aggrieved person for the damage or loss caused
21 by ~~his~~ the probationer's offense, in an amount to be determined by the court. Unless
22 otherwise provided by law, no reparation or restitution to any aggrieved person for the
23 damage or loss caused by ~~his~~ the probationer's offense shall be made if the amount is in
24 dispute unless the same has been adjudicated;

25 (8) Make reparation or restitution as reimbursement to a municipality or county for the
26 payment for medical care furnished the person while incarcerated pursuant to the

1 provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local
 2 governmental unit for the provision of medical care shall be made if the amount is in
 3 dispute unless the same has been adjudicated;

4 (9) Repay the costs incurred by any municipality or county for wrongful actions by an
 5 inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section
 6 42-4-71;

7 (10) Support ~~his~~ the probationer's legal dependents to the best of ~~his~~ the probationer's
 8 ability;

9 (11) Violate no local, state, or federal laws and be of general good behavior; and

10 (12) If permitted to move or travel to another state, agree to waive extradition from any
 11 jurisdiction where ~~he~~ the probationer may be found and not contest any effort by any
 12 jurisdiction to return ~~him~~ the probationer to this state.

13 (b) In determining the terms and conditions of probation for a probationer who has been
 14 convicted of a criminal offense against a victim who is a minor as that phrase is defined in
 15 subparagraph (a)(4)(B) of Code Section 42-1-12, the court may provide that the probationer
 16 shall be:

17 (1) Prohibited from entering or remaining present at a victim's school, place of
 18 employment, place of residence, or other specified place at times when a victim is present
 19 or from entering or remaining present in areas where minors congregate, child care
 20 facilities, or schools as those terms are defined in subsection (a) of Code Section 42-1-13;
 21 and

22 (2) Required to wear a device capable of tracking the location of the probationer by
 23 means including electronic surveillance or global positioning systems. Unless the
 24 probationer is indigent, the department shall assess and collect fees from the probationer
 25 for such monitoring at levels set by regulation by the department."

26 SECTION 2.

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