

SENATE SUBSTITUTE TO HB 1335:

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 clarify bond conditions for family violence offenses; to require certain notifications
3 of victims of applications for sentence review; to permit victims to provide written arguments
4 to the superior court sentence review panel; to provide that the superior court sentence review
5 panel shall be required to provide an opinion or memorandum when a sentence is reduced;
6 to provide that persons convicted of crimes involving physical or emotional injury to their
7 victims shall pay the medical costs of their victims including psychological counseling; to
8 provide for hearings; to provide for certain exceptions; to change certain provisions relating
9 to the crime victims' bill of rights concerning certain notifications; to provide for related
10 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
11 other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

13 Code Section 17-6-1 of the Official Code of Georgia Annotated, relating to where offenses
14 are bailable, procedure, schedule of bails, and appeal bonds, is amended by striking
15 subparagraph (b)(2)(B) of said Code section and inserting in lieu thereof the following:
16

17 “(B) When an arrest is made by a law enforcement officer ~~without a warrant upon~~ for
18 an act of family violence as defined in Code Section 19-13-1 ~~pursuant to Code Section~~
19 ~~17-4-20~~, the person charged with the offense shall not be eligible for bail prior to the
20 arresting officer or some other law enforcement officer taking the arrested person
21 before a judicial officer pursuant to Code Section 17-4-21. The judicial officer shall
22 consider imposing specific conditions of bail as set forth in paragraph (1.2) of
23 subsection (f) of this Code section.”

1 defendant, and in light of the defendant's past history, the panel shall have the authority to
 2 issue an order reducing the sentence originally imposed by the trial judge. If the panel
 3 reduces a sentence imposed by the trial judge, the panel shall issue an opinion or
 4 memorandum stating the specific facts and reasoning that form the basis for the reduction
 5 of the sentence. The panel shall not have the authority, however, to reduce any sentence
 6 to probation or to suspend any sentence. ~~The panel shall not be required to file written~~
 7 ~~opinions but shall file a copy of any order or remittitur reducing a sentence with the~~
 8 ~~superior court which originally imposed the sentence~~ The order of the panel, together with
 9 the opinion or memorandum of decision and the remittitur, shall be certified by the panel
 10 to the trial court under the seal of the panel and shall become effective upon being filed
 11 with the trial court.

12 (d) The reduction of a sentence or the refusal to reduce a sentence by the panel shall not
 13 be reviewable. The provisions for review of sentences provided by this Code section shall
 14 not be deemed to affect the right to appeal or any practices, procedures, or time limitations
 15 relative to appeals to appellate courts. A defendant shall not have the right to file more than
 16 one application for a review of a sentence, and any order issued by the panel reducing or
 17 refusing to reduce any sentence covered by an application shall be binding on the defendant
 18 and the superior court which imposed the sentence."

19 "(f) This Code section shall not apply to sentences imposed in misdemeanor cases or cases
 20 in which a sentence of life sentence or life without parole is imposed for murder."

21 SECTION 5.

22 Said title is further amended by adding a new Code Section 17-14-10.1 to read as follows:

23 "7-14-10.1.

24 A person convicted of a crime which resulted in physical or emotional injury to the victim
 25 shall be ordered to pay restitution to the victim for all reasonable and necessary medical
 26 expenses incurred by the victim and which reasonably will be incurred by the victim for
 27 treatment of the physical and emotional injuries caused by the person in perpetrating the
 28 crime against the victim, including expenses related to psychological counseling and
 29 treatment by a provider licensed pursuant to Title 43. The court shall hold a hearing to
 30 determine the amount of such expenses as required by law. This Code section shall not
 31 apply to misdemeanor traffic offenses, except those serious traffic offenses in Article 15
 32 of Chapter 6 of Title 40. With regard to convictions for such misdemeanor traffic offenses,
 33 except those serious traffic offenses in Article 15 of Chapter 6 of Title 40, the sentencing
 34 court may, in its discretion, consider restitution under this Code section as a part of any
 35 sentence imposed, but shall not be required to do so."

SECTION 6.

Said title is further amended by striking subsection (a) of Code Section 17-17-5, relating to notification to victims under the "Crime Victims' Bill of Rights," and inserting in lieu thereof the following:

"(a) All victims, wherever practicable, shall be entitled to notification as defined by paragraph (7) of Code Section 17-17-3 of the accused's arrest, of the accused's release from custody, and of any judicial proceeding at which the release of the accused will be considered. All victims, wherever practicable, shall also be entitled to notification as defined by paragraph (7) of Code Section 17-17-3 of the defendant's application for sentence review. The prosecuting attorney shall not be required to notify the victim of the defendant's application for sentence review unless the victim has expressed a desire for such notification. No such notification shall be required unless the victim provides a landline telephone number other than a pocket pager or electronic communication device number to which such notice can be directed."

SECTION 7.

This Act shall become effective on July 1, 2004, and Sections 1 and 3 shall apply to all applications for sentence review filed on and after July 1, 2004.

SECTION 8.

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