

Senate Bill 59

By: Senator Hamrick of the 30th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 42-8-130 of the Official Code of Georgia Annotated, relating to  
2 establishment of county diversion centers, so as to authorize the establishment of county  
3 probation diversion centers for certain offenders; to provide that such centers shall be under  
4 the control of the sheriff of the county or such other county entity, officer, or employee as  
5 the county governing authority shall direct; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 42-8-130 of the Official Code of Georgia Annotated, relating to establishment  
10 of county diversion centers, is amended by striking the Code section and inserting in lieu  
11 thereof a new Code Section 42-8-130 to read as follows:

12 "42-8-130.

13 A county shall be authorized to establish a diversion center under the direction of the  
14 sheriff of the county in which the diversion center is located or such other county entity,  
15 officer, or employee as the county governing authority shall direct and a diversion program  
16 for the confinement of certain persons who have been found in contempt of court for  
17 violation of orders granting temporary or permanent alimony or child support and  
18 sentenced pursuant to subsection (c) of Code Section 15-1-4 and for the confinement of  
19 persons placed on probation for misdemeanor convictions. While in such diversion  
20 program, the respondent shall be authorized to travel to and from his or her place of  
21 employment and to continue his or her occupation. The official in charge of the diversion  
22 program or his or her designee shall prescribe the routes, manner of travel, and periods of  
23 travel to be used by the respondent in attending to his or her occupation. If the  
24 respondent's occupation requires the respondent to travel away from his or her place of  
25 employment, the amount and conditions of such travel shall be approved by the official in  
26 charge of the diversion center or his or her designee. When the respondent is not traveling  
27 to or from his or her place of employment or engaging in his or her occupation, such person

1 shall be confined in the diversion center during the term of the sentence. With the approval  
2 of the ~~sheriff or his or her designee~~ official in charge of the diversion center or his or her  
3 designee, the respondent may participate in educational or counseling programs offered at  
4 the diversion center. While participating in the diversion program, the respondent, in  
5 addition to any fines imposed as a result of such conviction or finding of contempt, shall  
6 be liable for alimony or child support as previously ordered, including arrears, and his or  
7 her income shall be subject to the provisions of Code Sections 19-6-30 through 19-6-33  
8 and Chapter 11 of Title 19. In addition, should any funds remain after payment of child  
9 support or alimony, the respondent may be charged and a fee payable to the county  
10 operating the diversion program to cover the costs of his or her incarceration and the  
11 administration of the diversion program which fee shall be not more than \$30.00 per day  
12 or the actual per diem cost of maintaining the respondent, whichever is less, for the entire  
13 period of time the person is confined to the center and participating in the program. If the  
14 respondent fails to comply with any of the requirements imposed upon him or her in  
15 accordance with this Code section, nothing shall prevent the sentencing judge from  
16 revoking said assignment to a diversion program and providing for alternative methods of  
17 incarceration."

18 **SECTION 2.**

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