

House Bill 432

By: Representatives Buckner of the 76<sup>th</sup>, Barnes of the 78<sup>th</sup>, Lunsford of the 110<sup>th</sup>, Stanley-Turner of the 53<sup>rd</sup>, England of the 108<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 17-10-1 of the Official Code of Georgia Annotated, relating to  
2 fixing of sentence in criminal cases, so as to provide for provisions relating to work release  
3 programs in felony sentences; to provide for revocation of work release status; to provide for  
4 other related matters; to provide for an effective date and applicability; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 17-10-1 of the Official Code of Georgia Annotated, relating to fixing of  
9 sentence in criminal cases, is amended by adding at its end a new subsection (g) to read as  
10 follows:

11 "(g)(1)(A) In sentencing a defendant convicted of a felony to confinement in the  
12 custody of the Department of Corrections, the sentencing judge may authorize that the  
13 person so sentenced shall be eligible to participate in a work release program operated  
14 by a county. When an inmate has been so sentenced, the commissioner of corrections  
15 is authorized to permit participation of the inmate in a work release program operated  
16 by a county in the same general manner provided for in Code Section 42-5-59, provided  
17 that such program is available and the administrator of such program accepts the  
18 inmate.

19 (B) In sentencing a defendant convicted of a felony to probated confinement, the  
20 sentencing judge may make the defendant's participation in a work release program  
21 operated by a county a condition of probation, provided that such program is available  
22 and the administrator of such program accepts the inmate.

23 (C) Any defendant accepted into a county work release program shall thereby be  
24 transferred into the legal custody of the administrator of said program; likewise, any  
25 defendant not accepted shall remain in the legal custody of the Department of  
26 Corrections.

1 (2) Work release status granted by the court may be revoked for cause by the sentencing  
2 court in its discretion or may be revoked by the state or local authority operating the work  
3 release program for any reason for which work release status would otherwise be  
4 revoked.

5 (3) The provisions of this subsection shall not limit the authority of the commissioner to  
6 authorize work release status pursuant to Code Section 42-5-59 or apply to or affect the  
7 authority to authorize work release of county prisoners, which shall be as provided for  
8 in Code Sections 42-1-4 and 42-1-9 or as otherwise provided by law.

9 (4) This subsection shall not apply with respect to any offense for which the work release  
10 status is specifically prohibited by law, including but not limited to serious violent  
11 felonies as specified in Code Section 17-10-6.1."

12 **SECTION 2.**

13 This Act shall become effective upon its approval by the Governor or upon its becoming law  
14 without such approval and may be applied by the sentencing court with respect to any  
15 sentence entered on or after that effective date.

16 **SECTION 3.**

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