

Senate Bill 189

By: Senators Hamrick of the 30th and Unterman of the 45th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 17 of Title 17 of the Official Code of Georgia Annotated, relating to the
2 "Crime Victims' Bill of Rights," so as to provide special notification procedures for certain
3 crime victims; to change certain provisions relating to notification to victim of accused's
4 arrest, release from custody, and any judicial proceedings at which such release is
5 considered; to change certain provisions relating to notification to victim of accused's arrest
6 and any proceedings where accused's release is considered; to change certain provisions
7 relating to notification to victim of impending parole or clemency proceedings; to change
8 provisions relating to a victim being required to provide an address and phone number to
9 notifying parties; to provide for related matters; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Chapter 17 of Title 17 of the Official Code of Georgia Annotated, relating to the "Crime
14 Victims' Bill of Rights," is amended by striking in its entirety Code Section 17-17-5, relating
15 to notification to victim of accused's arrest, release from custody, and any judicial
16 proceedings at which such release is considered, and inserting in lieu thereof the following:
17 "17-17-5.

18 (a) Except as provided in Code Section 17-17-17, all ~~At~~ victims, wherever practicable,
19 shall be entitled to notification as defined by paragraph (7) of Code Section 17-17-3 of the
20 accused's arrest, of the accused's release from custody, and of any judicial proceeding at
21 which the release of the accused will be considered. No such notification shall be required
22 unless the victim provides a landline telephone number other than a pocket pager or
23 electronic communication device number to which such notice can be directed.

24 (b) Except as provided in Code Section 17-17-17, the ~~The~~ investigating law enforcement
25 agency, prosecuting attorney, or custodial authority who is required to provide notification
26 pursuant to this chapter shall advise the victim of his or her right to notification and of the

1 requirement of the victim's providing a landline telephone number other than a pocket
 2 pager or electronic communication device number to which the notification shall be
 3 directed. Such victim shall transmit the telephone number described in this subsection to
 4 the appropriate investigating law enforcement agency, prosecuting attorney, or custodial
 5 authority as provided for in this chapter."

6 **SECTION 2.**

7 Said chapter is further amended by striking subsection (e) of Code Section 17-17-7, relating
 8 to notification to victim of accused's arrest and any proceedings where accused's release is
 9 considered, and inserting in lieu thereof the following:

10 "(e) Except as provided in Code Section 17-17-17, whenever ~~Whenever~~ possible, the
 11 custodial authority shall give prompt notification to a victim of the release of the accused.

12 (1) Prompt notification of release from a county or municipal jail is effected by placing
 13 a telephone call to the telephone number provided by the victim and giving notice to the
 14 victim or any person answering the telephone who appears to be sui juris or by leaving
 15 an appropriate message on a telephone answering machine.

16 (2) Notification of release from the custody of the state or any county correctional
 17 facility shall be in the manner provided by law."

18 **SECTION 3.**

19 Said chapter is further amended by striking in its entirety Code Section 17-17-13, relating
 20 to notification to victim of impending parole or clemency proceedings, and inserting in lieu
 21 thereof the following:

22 "17-17-13.

23 Except as provided in Code Section 17-17-17, the ~~The~~ State Board of Pardons and Paroles
 24 shall give 20 days' advance notification to a victim whenever it considers making a final
 25 decision to grant parole or any other manner of executive clemency action to release a
 26 defendant for a period exceeding 60 days; and the board shall provide the victim with an
 27 opportunity to file a written objection to such action. No notification need be given unless
 28 the victim has expressed objection to release or has expressed a desire for such notification
 29 and has provided the State Board of Pardons and Paroles with a current address and
 30 telephone number."

31 **SECTION 4.**

32 Said chapter is further amended by striking subsection (a) of Code Section 17-17-14, relating
 33 to a victim being required to provide address and phone number to notifying parties, and
 34 inserting in lieu thereof the following:

1 "(a) Except as provided in Code Section 17-17-17, it is the right and responsibility of the
 2 victim who desires notification under this chapter or under any other notification statute
 3 to keep the following informed of the victim's current address and phone number:

- 4 (1) The investigating law enforcement agency;
- 5 (2) The prosecuting attorney, until final disposition or completion of the appellate and
 6 post-conviction process, whichever occurs later; and
- 7 (3) As directed by the prosecuting attorney, the sheriff if the accused is in the sheriff's
 8 custody for pretrial, trial, or post-conviction proceedings; the Department of Corrections
 9 if the accused is in the custody of the state; or any county correctional facility if the
 10 defendant is sentenced to serve time in a facility which is not a state facility; and
- 11 (4) The State Board of Pardons and Paroles."

12 **SECTION 5.**

13 Said chapter is further amended by adding a new Code section to the end of the chapter to
 14 read as follows:

15 "17-17-17.

16 (a) As used in this Code section, the term 'victim' means a victim as defined by this chapter
 17 who is also a person whose assailant is or may be required to register pursuant to Code
 18 Section 42-1-12.

19 (b) In every circumstance where a victim is required to be informed of an accused's
 20 release or potential release from custody by a custodial authority, investigating law
 21 enforcement agency, prosecuting attorney, or the State Board of Pardons and Paroles as
 22 provided by this chapter, the victim shall not have any obligation to inform the custodial
 23 authority, investigating law enforcement agency, prosecuting attorney, or the State Board
 24 of Pardons and Paroles of his or her current address or telephone number or any change in
 25 address or telephone number. It shall be the obligation of the custodial authority,
 26 investigating law enforcement agency, prosecuting attorney, or the State Board of Pardons
 27 and Paroles to locate such victim and inform him or her of an accused's release or potential
 28 release."

29 **SECTION 6.**

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