

House Bill 64

By: Representatives Ralston of the 7th and Powell of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated,
2 relating to the state-wide probation system, so as to change the sentence lengths for persons
3 sentenced to probation detention and diversion centers; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the
8 state-wide probation system, is amended by striking subsection (a) of Code Section
9 42-8-35.4, relating to confinement in a probation diversion center, and inserting in lieu
10 thereof a new subsection (a) to read as follows:

11 "(a) In addition to any other terms and conditions of probation provided for in this article,
12 the trial judge may require that a defendant convicted of a felony and sentenced to a period
13 of not less than one year on probation or a defendant who has been previously sentenced
14 to probation for a forcible misdemeanor as defined in paragraph (7) of Code Section 16-1-3
15 or a misdemeanor of a high and aggravated nature and has violated probation or other
16 probation alternatives and is subsequently sentenced to a period of not less than one year
17 on probation shall complete satisfactorily, as a condition of that probation, a program of
18 confinement in a probation detention center. Probationers so sentenced will be required to
19 serve a period of confinement ~~as specified in the court order, which confinement period~~
20 ~~shall be computed from the date of initial confinement in the probation detention center of~~
21 120 days which shall be computed from the time of initial confinement in the probation
22 detention center; provided, however, that the department may release the defendant upon
23 service of a minimum of 60 days in recognition of the defendant's program progression;
24 and provided, further, that the defendant's unsatisfactory behavior shall be grounds for the
25 revocation of the defendant's probated sentence as would any other violation of a condition
26 or term of probation."

SECTION 2.

1 Said article is further amended by striking subsection (a) of Code Section 42-8-35.5, relating
2 to confinement in a probation diversion center, and inserting in lieu thereof a new subsection
3 (a) to read as follows:

4 "(a) In addition to any other terms and conditions of probation provided in this article, the
5 trial judge may require that probationers sentenced to a period of not less than one year on
6 probation shall satisfactorily complete, as a condition of that probation, a program in a
7 probation diversion center. Probationers so sentenced will be required to serve a period of
8 confinement ~~as specified in the court order, which confinement period shall be computed~~
9 ~~from the date of initial confinement in the diversion center of 180 days which shall be~~
10 ~~computed from the time of initial confinement in the probation diversion center; provided,~~
11 ~~however, that the department may release the defendant upon service of a minimum of 120~~
12 ~~days in recognition of the defendant's program progression; and provided, further, that the~~
13 ~~defendant's unsatisfactory behavior shall be grounds for the revocation of the defendant's~~
14 ~~probated sentence as would any other violation of a condition or term of probation."~~
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SECTION 3.

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