

The House Committee on Judiciary Non-civil offers the following substitute to HB 432:

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:

SECTION 1.

7
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 probated confinement,
12 the sentencing judge may make the defendant's participation in a work release program
13 operated by a county a condition of probation, provided that such program is available
14 and the administrator of such program accepts the inmate.

15 (B) Any defendant accepted into a county work release program shall thereby be
16 transferred into the legal custody of the administrator of said program; likewise, any
17 defendant not accepted shall remain in the legal custody of the Department of
18 Corrections.

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

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

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

4 **SECTION 2.**

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

8 **SECTION 3.**

9 All laws and parts of laws in conflict with this Act are repealed.