

The House Committee on Judiciary Non-civil offers the following substitute to SB 57:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to
2 sentence and punishment, so as to provide for matters relating to the death penalty; to provide
3 that a person convicted of the offense of murder who is not sentenced to death and who has
4 previously been convicted of three or more felonies shall be sentenced to life without parole;
5 to protect physicians and medical professionals involved in state ordered executions from
6 challenges to their licensure solely on the basis of their participation in such executions; to
7 provide for related matters; to provide effective dates and applicability; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to sentence and
12 punishment, is amended by striking subsection (c) of Code Section 17-10-7, relating to
13 punishment of repeat offenders, and inserting in lieu thereof new subsections (c) and (c.1)
14 to read as follows:

15 "(c) Except as otherwise provided in subsection (b) and (c.1) of this Code section, any
16 person who, after having been convicted under the laws of this state for three felonies or
17 having been convicted under the laws of any other state or of the United States of three
18 crimes which if committed within this state would be felonies, commits a felony within this
19 state other than a capital felony must, upon conviction for such fourth offense or for
20 subsequent offenses, serve the maximum time provided in the sentence of the judge based
21 upon such conviction and shall not be eligible for parole until the maximum sentence has
22 been served.

23 (c.1) In addition to the provisions of paragraph (2) of subsection (b) of this Code section
24 and Code Section 17-10-30.1, a person convicted of the offense of murder, who is not
25 sentenced to death and who previously has been convicted under the laws of this state of
26 three or more felonies or under the laws of any other state or of the United States of three

1 crimes which if committed within this state would be felonies, shall be sentenced to
2 imprisonment for life without parole without any requirement that the state seek the death
3 penalty or that statutory aggravating circumstances be found under Code Section
4 17-10-30."

5 **SECTION 2.**

6 Said chapter is further amended by adding a new Code section following Code Section
7 17-10-42 to be designated Code Section 17-10-42.1 to read as follows:

8 "17-10-42.1.

9 Participation in any execution carried out under this article may not be the subject of any
10 licensure challenge, suspension, or revocation for any physician or medical professional
11 licensed in the State of Georgia."

12 **SECTION 3.**

13 Section 1 of this Act shall become effective upon its approval by the Governor or upon its
14 becoming law without such approval and shall apply to all murders committed on or after the
15 effective date of this Act and Section 2 of this Act shall become effective on July 1, 2005.

16 **SECTION 4.**

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