

House Bill 692 (AS PASSED HOUSE AND SENATE)

By: Representatives Black of the 174<sup>th</sup>, Hatfield of the 177<sup>th</sup>, Greene of the 149<sup>th</sup>, Sims of the 169<sup>th</sup>, Shaw of the 176<sup>th</sup>, and others

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 certain provisions relating to  
3 terms and conditions of probation; to change the repeal date of the "Probation Management  
4 Act of 2004"; to provide an effective date; to provide for applicability; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the  
9 state-wide probation system, is amended by striking subsection (a) of Code Section 42-8-35,  
10 relating to terms and conditions of probation, and inserting in lieu thereof the following:

11 "(a) The court shall determine the terms and conditions of probation and may provide that  
12 the probationer shall:

- 13 (1) Avoid injurious and vicious habits;
- 14 (2) Avoid persons or places of disreputable or harmful character;
- 15 (3) Report to the probation supervisor as directed;
- 16 (4) Permit the supervisor to visit the probationer at the probationer's home or elsewhere;
- 17 (5) Work faithfully at suitable employment insofar as may be possible;
- 18 (6) Remain within a specified location; provided, however, that the court shall not banish  
19 a probationer to any area within the state:
- 20 (A) That does not consist of at least one entire judicial circuit as described by Code  
21 Section 15-6-1; or
- 22 (B) In which any service or program in which the probationer must participate as a  
23 condition of probation is not available;
- 24 (7) Make reparation or restitution to any aggrieved person for the damage or loss caused  
25 by the probationer's offense, in an amount to be determined by the court. Unless  
26 otherwise provided by law, no reparation or restitution to any aggrieved person for the

1 damage or loss caused by the probationer's offense shall be made if the amount is in  
2 dispute unless the same has been adjudicated;

3 (8) Make reparation or restitution as reimbursement to a municipality or county for the  
4 payment for medical care furnished the person while incarcerated pursuant to the  
5 provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local  
6 governmental unit for the provision of medical care shall be made if the amount is in  
7 dispute unless the same has been adjudicated;

8 (9) Repay the costs incurred by any municipality or county for wrongful actions by an  
9 inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section  
10 42-4-71;

11 (10) Support the probationer's legal dependents to the best of the probationer's ability;

12 (11) Violate no local, state, or federal laws and be of general good behavior;

13 (12) If permitted to move or travel to another state, agree to waive extradition from any  
14 jurisdiction where the probationer may be found and not contest any effort by any  
15 jurisdiction to return the probationer to this state; and

16 (13) Submit to evaluations and testing relating to rehabilitation and participate in and  
17 successfully complete rehabilitative programming as directed by the department."

## 18 SECTION 2.

19 Article 9 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to  
20 probation management, is amended by striking Code Section 42-8-160, relating to the  
21 repealer, and inserting in lieu thereof the following:

22 "42-8-160.

23 This article shall be repealed in its entirety on ~~July 1, 2006~~ June 30, 2008."

## 24 SECTION 3.

25 (a) Section 1 of this Act shall become effective upon its approval by the Governor or upon  
26 its becoming law without such approval and shall apply to terms and conditions of probation  
27 imposed on or after such date.

28 (b) Section 2 of this Act shall become effective on June 15, 2006.

## 29 SECTION 4.

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