

House Bill 37

By: Representative Parham of the 141<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to jails,  
2 so as to provide that persons confined in jail who are under the care and supervision of the  
3 Department of Human Resources for mental health reasons are transferred from the jail to  
4 a mental health facility until trial; to provide for related matters; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to jails, is amended  
9 by adding a new Code section to read as follows:

10 "42-4-6.1.

11 (a) When any person in the custody or under the care and supervision for mental health  
12 reasons of the Department of Human Resources or one of its mental health facilities is  
13 confined in the common jail awaiting trial for any offense against the penal laws of this  
14 state, the Department of Human Resources shall provide for the person's delivery to an  
15 institution or mental health facility as may be approved and supported by the Department  
16 of Human Resources within 15 days of confinement in the common jail. He or she shall  
17 be delivered and received in such institution or facility until a competency determination  
18 is made pursuant to Part 2 of Article 6 of Chapter 7 of Title 17 or until a trial, as applicable.

19 (b) The period of time a person is confined in a hospital or institution pursuant to  
20 subsection (a) of this Code section shall be credited upon any jail sentence being served by  
21 him or her, in the same manner as though he or she had remained in jail. Any person  
22 committed for any civil or criminal contempt shall remain for all purposes under the orders,  
23 jurisdiction, and authority of the court committing him or her for contempt while in the  
24 hospital or institution, in the same manner as though he or she had remained in the common  
25 jail."

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**SECTION 2.**

2 All laws and parts of laws in conflict with this Act are repealed.