

NOT GERMANE

1 Senator Jones of the 10th offered the following amendment:

2 *Amend the Senate Judiciary Committee substitute to SB 23 (LC 29 2689S) by inserting after*
 3 *"States;" on line 4 of page 1 the following: to allow a change of sentence under certain*
 4 *circumstances;*

5 *By inserting after the word "by" on line 14 of page 1 the following:*

6 revising subsection (f) of Code Section 17-10-1 of the Official Code of Georgia Annotated,
 7 relating to fixing and changing of sentence, as follows:

8 "(f)(1) Except as provided in paragraph (2) of this subsection, within ~~Within~~ one year of
 9 the date upon which the sentence is imposed, or within 120 days after receipt by the
 10 sentencing court of the remittitur upon affirmance of the judgment after direct appeal,
 11 whichever is later, the court imposing the sentence has the jurisdiction, power, and
 12 authority to correct or reduce the sentence and to suspend or probate all or any part of the
 13 sentence imposed. Prior to entering any order correcting, reducing, or modifying any
 14 sentence, the court shall afford notice and an opportunity for a hearing to the prosecuting
 15 attorney. Any order modifying a sentence which is entered without notice and an
 16 opportunity for a hearing as provided in this subsection shall be void.

17 (2) If a person was convicted prior to July 1, 2006, of the offense of: (A) Sodomy and
 18 such person and the victim meet the criteria of subsection (d) of Code Section 16-6-2; (B)
 19 Child molestation and such person and the victim meet the criteria of paragraph (2) of
 20 subsection (b) of Code Section 16-6-4; (C) Aggravated child molestation and such person
 21 and the victim meet the criteria of paragraph (2) of subsection (d) of Code Section
 22 16-6-4; or (D) Enticing a child for indecent purposes and such person and the victim meet
 23 the criteria of subsection (c) of Code Section 16-6-5, at any date after which sentence was
 24 imposed, the court imposing the sentence has the jurisdiction, power, and authority to
 25 correct or reduce the sentence and to suspend or probate all or any part of the sentence
 26 imposed. Prior to entering any order correcting, reducing, or modifying any sentence, the
 27 court shall afford notice and an opportunity for a hearing to the prosecuting attorney.
 28 Any order modifying a sentence which is entered without notice and an opportunity for
 29 a hearing as provided in this subsection shall be void.

30 (3) This subsection shall not limit any other jurisdiction granted to the court in this Code
 31 section or as provided for in subsection (g) of Code Section 42-8-34."

SECTION 2.

32 Said article is further amended by
 33