

LOST

Senators Jones of the 10th, Weber of the 40th, Thompson of the 33rd and Reed of the 35th offered the following amendment to the substitute to HB 197:

1 *Amend the substitute to HB 197 by adding after the semicolon on line 4 on page 1 the*
 2 *following:*

3 to allow a change of sentence under certain circumstances;

4 *By adding a new section after line 25 on page 1 as follows:*

SECTION 1.1.

Said title is further amended in Code Section 17-10-1, relating to fixing and changing of sentence, suspension or probation of sentence, eligibility for parole, and prohibited modifications and exceptions, by revising subsection (f) as follows:

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

18 (2) If a person was convicted in a jury trial on or after July 1, 2001, but prior to July 1,
 19 2006, of the offense of aggravated child molestation, not involving physical injury, and
 20 such person and the victim meet the criteria of paragraph (2) of subsection (d) of Code
 21 Section 16-6-4, at any date after which sentence was imposed, the court imposing the
 22 sentence has the jurisdiction, power, and authority to correct or reduce the sentence and
 23 to suspend or probate all or any part of the sentence imposed. Prior to entering any order
 24 correcting, reducing, or modifying any sentence, the court shall afford notice and an
 25 opportunity for a hearing to the prosecuting attorney. Any order modifying a sentence
 26 which is entered without notice and an opportunity for a hearing as provided in this
 27 subsection shall be void.

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

1 *By replacing lines 33 and 34 on page 4 as follows:*

2 Except for Section 1.1, this Act shall become effective on July 1, 2007, and shall apply to all
3 trials which occur on or after July 1, 2007. Section 1.1 shall become effective upon this
4 Act's approval by the Governor or upon this Act becoming law without such approval.