

Senate Bill 472

By: Senators Grant of the 25th, Hill of the 4th, Mullis of the 53rd, Hamrick of the 30th,  
Cowsert of the 46th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 42-9-43 of the Official Code of Georgia Annotated, relating to  
2 information to be considered by the State Board of Pardons and Paroles generally, conduct  
3 of investigation and examination, determination as to grant of relief, and notice to victims,  
4 so as to clarify the meaning of 'entirely incapacitated' for purposes of granting medical  
5 reprieves authorized by the Constitution of Georgia; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 42-9-43 of the Official Code of Georgia Annotated, relating to information to  
10 be considered by the State Board of Pardons and Paroles generally, conduct of investigation  
11 and examination, determination as to grant of relief, and notice to victims, is revised by  
12 redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting  
13 a new subsection (c) to read as follows:

14 "(c) For purposes of determining eligibility for a medical reprieve authorized by  
15 Article IV, Section II, Paragraph II of the Constitution of Georgia, the term 'entirely  
16 incapacitated' shall include an offender who:

17 (1) Requires assistance in order to perform at least two necessary daily life functions or  
18 who is completely immobile; and

19 (2) Has such limited physical or mental ability, strength, or capacity that he or she poses  
20 an extremely low risk of physical threat to others.

21 Necessary daily life functions shall include eating, breathing, utilizing a toilet, walking, and  
22 bathing."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.