

The Senate State Institutions and Property Committee offered the following substitute to SB 508:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated,
2 relating to conditions of detention, so as to change certain provisions relating to transmittal
3 of information on convicted persons and place of detention; to change the provision that
4 allows convicted persons to remain in local jails under certain circumstances; to provide for
5 related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7 Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to
8 conditions of detention, is amended by revising subsections (b) through (e) of Code Section
9 42-5-50, relating to transmittal of information on convicted persons and places of detention,
10 as follows:

11 ~~"(b) Except as otherwise provided in subsection (c) of this Code section, within~~ Within 15
12 days after the receipt of the information provided for in subsection (a) of this Code section,
13 the commissioner shall assign the convicted person to a correctional institution designated
14 by ~~him~~ the commissioner in accordance with subsection (b) of Code Section 42-5-51. It
15 shall be the financial responsibility of the correctional institution to provide for the picking
16 up and transportation, under guard, of the inmate to ~~his~~ the inmate's assigned place of
17 detention. If the inmate is assigned to a county correctional institution or other county
18 facility, the county shall assume such duty and responsibility.

19 ~~(c) In the event that the attorney for the convicted person shall file a written request with~~
20 ~~the court setting forth that the presence of the convicted person is required within the~~
21 ~~county of the conviction, or incarceration, in order to prepare and prosecute properly the~~
22 ~~appeal of the conviction, the convicted person shall not be transferred to the correctional~~
23 ~~institution as provided in subsection (b) of this Code section. In such event the convicted~~
24 ~~person shall remain in the custody of the local jail or lockup until all appeals of the~~
25

26 conviction shall be disposed of or until the attorney of record for the convicted person shall
27 file with the trial court an affidavit setting forth that the presence of the convicted person
28 is no longer required within the county in which the conviction occurred, or in which the
29 convicted person is incarcerated, whichever event shall first occur.

30 ~~(d)~~ The department shall not be required to assume the custody of those inmates who have
31 been convicted and sentenced prior to January 1, 1983, and because their conviction is
32 under appeal have not been transferred to the custody of the department, until July 1, 1983.

33 The state shall pay for each such inmate not transferred to the custody of the department
34 from a county facility the per diem rate specified by subsection (c) of Code Section 42-5-51
35 for each day the inmate remains in the custody of the county after the department receives
36 the notice provided by subsection (a) of this Code section ~~on or after January 1, 1983.~~

37 ~~(e)~~(d) In the event that the convicted person is free on bond pending the appeal of his or
38 her conviction, the notice provided for in subsection (a) of this Code section shall not be
39 transmitted to the commissioner until all appeals of such conviction have been disposed of
40 or until the bond shall be revoked."

41 **SECTION 2.**

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