

House Bill 889 (COMMITTEE SUBSTITUTE)

By: Representatives Walker of the 107th, Bearden of the 68th, Coan of the 101st, and Levitas of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated,
2 relating to general provisions for bonds and recognizances, so as to limit recognizance bonds
3 for persons charged with certain crimes and entering pretrial release, pretrial intervention,
4 or pretrial diversion programs; to change and provide for a definition; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to
9 general provisions for bonds and recognizances, is amended by revising subsection (i) of
10 Code Section 17-6-1, relating to where offenses are bailable and the procedure, as follows:

11 "(i) As used in this Code section, the term 'bail' shall include the releasing of a person on
12 such person's own recognizance, except as limited by the provisions of Code Section
13 17-6-12."

14 **SECTION 2.**

15 Said article is further amended by revising Code Section 17-6-12, relating to the discretion
16 of the court to release persons charged with a crime on the person's own recognizance only,
17 as follows:

18 "17-6-12.

19 (a) As used in this Code section, the term 'bail restricted offense' means the person is
20 charged with:

21 (1) A serious violent felony as such term is defined in Code Section 17-10-6.1; or

22 (2) A felony offense of:

23 (A) Aggravated assault;

24 (B) Aggravated battery;

25 (C) Hijacking a motor vehicle

- 26 (D) Aggravated stalking;
 27 (E) Child molestation;
 28 (F) Enticing a child for indecent purposes;
 29 (G) Pimping;
 30 (H) Robbery;
 31 (I) Bail jumping;
 32 (J) Escape;
 33 (K) Possession of a firearm or knife during the commission of or attempt to commit
 34 certain crimes;
 35 (L) Possession of firearms by convicted felons and first offender probationers;
 36 (M) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine;
 37 (N) Participating in criminal street gang activity;
 38 (O) Habitual violator; or
 39 (P) Driving under the influence of alcohol, drugs, or other intoxicating substances.
 40 (b) A person charged with a bail restricted offense shall not be released on bail on his or
 41 her own recognizance for the purpose of entering a pretrial release program, a pretrial
 42 release and diversion program, or a pretrial intervention and diversion program as provided
 43 for in Article 4 of Chapter 18 of Title 15, or Article 5 of Chapter 8 of Title 42, or pursuant
 44 to Uniform Superior Court Rule 27.
 45 (c) Except as provided in subsection (b) of this Code section and in addition to other
 46 laws regarding the release of an accused person, the judge of any court having jurisdiction
 47 over a person charged with committing an offense against the criminal laws of this state
 48 shall have authority, in his or her sound discretion and in appropriate cases, to authorize
 49 the release of the person upon his or her own recognizance only.
 50 ~~(b)~~(d) Upon the failure of a person released on his or her own recognizance only to appear
 51 for trial, if the release is not otherwise conditioned by the court, the court may summarily
 52 issue an order for his or her arrest which shall be enforced as in cases of forfeited bonds."

53 **SECTION 3.**

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