

## SENATE SUBSTITUTE TO HB 889

**AS PASSED SENATE**

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, except under certain circumstances; to change and provide  
5 for a definition; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**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

12 "(i) As used in this Code section, the term 'bail' shall include the releasing of a person on  
13 such person's own recognizance, except as limited by the provisions of Code Section  
14 17-6-12."

**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

19 "17-6-12.

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

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

23 (2) A felony offense of:

24 (A) Aggravated assault;

25 (B) Aggravated battery;

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

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### SECTION 3.

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