

House Bill 329 (AS PASSED HOUSE AND SENATE)

By: Representatives Golick of the 34th, Knox of the 24th, Hatfield of the 177th, Ramsey of the 72nd, Bearden of the 68th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-8-34.1 of the Official Code of Georgia Annotated, relating to
2 revocation of probated and suspended sentences, so as to provide that the commission of a
3 misdemeanor offense in another state which would be a felony in this state shall be treated
4 the same as the commission of a felony offense in this state for purposes of probation
5 revocation; to provide for a definition; to provide for related matters; to provide an effective
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 42-8-34.1 of the Official Code of Georgia Annotated, relating to revocation of
10 probated and suspended sentences, is amended by revising subsection (d) as follows:

11 "(d) If the violation of probation or suspension alleged and proven by a preponderance of
12 the evidence or the defendant's admission is the commission of a felony offense, the court
13 may revoke no more than the lesser of the balance of probation or the maximum time of
14 the sentence authorized to be imposed for the ~~crime~~ felony offense constituting the
15 violation of the probation. For purposes of this Code section, the term 'felony offense'
16 means:

17 (1) A felony offense;

18 (2) A misdemeanor offense committed in another state on or after July 1, 2010, the
19 elements of which are proven by a preponderance of evidence showing that such offense
20 would constitute a felony if the act had been committed in this state; or

21 (3) A misdemeanor offense committed in another state on or after July 1, 2010, that is
22 admitted to by the defendant who also admits that such offense would be a felony if the
23 act had been committed in this state."

24 **SECTION 2.**

25 This Act shall become effective on July 1, 2010.

26

SECTION 3.

27 All laws and parts of laws in conflict with this Act are repealed.