

## House Bill 78

By: Representatives Powell of the 29<sup>th</sup>, Bearden of the 68<sup>th</sup>, and Levitas of the 82<sup>nd</sup>

## A BILL TO BE ENTITLED

## AN ACT

1 To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions,  
 2 so as to create the Department of Probation/Parole Community Based Supervision; to provide  
 3 for the responsibilities of the department with respect to supervision of probationers and  
 4 parolees; to transfer responsibility of certain functions of probation and parole supervision  
 5 to the department; to provide for the selection, service, and powers and duties of the director  
 6 and employees of the department; to provide for rules and regulations and forms; to provide  
 7 for administration; to authorize appropriation of funds; to provide for transfer of prior  
 8 appropriations; to provide for transfer of personnel, equipment, and facilities; to amend  
 9 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, to correct  
 10 cross-references; to amend Title 17 of the Official Code of Georgia Annotated, relating to  
 11 criminal procedure, so as to change provisions relating to imposition and service of split  
 12 sentences; to provide for sentencing orders and their terms and effect; to provide that where  
 13 a person is sentenced to a term of imprisonment followed by a period of probation and the  
 14 person is paroled or released prior to service of the full period of imprisonment, the person  
 15 shall be subject to an increased period of probation and probation supervision but shall not  
 16 be subject to supervision by the State Board of Pardons and Paroles; to make corresponding  
 17 changes with respect to the jurisdiction and authority of the State Board of Pardons and  
 18 Paroles; to amend Titles 19, 40, and 45 of the Official Code of Georgia Annotated, relating  
 19 to domestic relations, motor vehicles and traffic, and public officers and employees,  
 20 respectively, so as to provide for certain changes in the administrative organization of the  
 21 Department of Corrections and the State Board of Pardons and Paroles and to provide for  
 22 conforming amendments; to provide for related matters; to provide for an effective date and  
 23 applicability; to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:



57 attached to corrections for administrative purposes only, as provided in Code Section 50-4-3.

58 (b) The director shall receive an annual salary to be set by the Governor which shall be his  
59 or her total compensation for services as director. The director shall be reimbursed for all  
60 actual and necessary expenses incurred by him or her in carrying out his or her official  
61 duties.

62 (c) The duties of the department shall be performed by that department and not by any  
63 other agency of state government, and the department shall not perform the duties of any  
64 other agency of state government. The position of director of the department shall be a  
65 separate and distinct position from any other position in state government. The duties of  
66 the director shall be performed by the director and not by any other officer of state  
67 government, and the director shall not perform the duties of any other officer of state  
68 government.

69 42-14-4.

70 (a) The director shall establish units within the department as he or she deems proper for  
71 its administration and shall designate persons to be assistant directors of each unit and to  
72 exercise authority as he or she may delegate to them in writing.

73 (b) The director shall have the authority to employ as many persons as he or she deems  
74 necessary for the administration of the department and for the discharge of the duties of his  
75 or her office. The director shall issue all necessary directions, instructions, orders, and  
76 rules applicable to employees of the department. The director shall have authority, as the  
77 director deems proper, to employ, assign, compensate, and discharge employees of the  
78 department within the limitations of the department's appropriation and the restrictions set  
79 forth by law.

80 (c) All employees of the department shall be compensated upon a fixed salary basis, and  
81 no person shall be compensated for services to the department on a commission or  
82 contingent fee basis.

83 (d) Neither the director nor any officer or employee of the department shall be given or  
84 receive any fee, compensation, loan, gift, or other thing of value in addition to the  
85 compensation and expense allowance provided by law for any service or pretended service  
86 either rendered or to be rendered as director or as an officer or employee of the department.

87 42-14-5.

88 (a) The director shall have the power to make and publish reasonable rules and regulations  
89 not inconsistent with this title or other laws or with the Constitution of this state or of the  
90 United States for the administration of this chapter or any law which it is his or her duty  
91 to administer.

92 (b) The director may prescribe forms as he or she deems necessary for the administration  
 93 and enforcement of this chapter and Chapters 8 and 9 of this title or any law which it is his  
 94 or her duty to administer.

95 (c) The following rules and regulations shall remain of full force and effect as rules and  
 96 regulations of the department until amended, repealed, or superseded by rules or  
 97 regulations adopted by the director of the department:

98 (1) All rules and regulations previously adopted by the Advisory Council for Probation  
 99 which relate to functions transferred under this chapter from the state-wide probation  
 100 system to the department:

101 (2) All rules and regulations previously adopted by corrections which relate to functions  
 102 transferred under this chapter from corrections to the department; and

103 (3) All rules and regulations previously adopted by the board which relate to functions  
 104 transferred under this chapter from the board to the department.

105 42-14-6.

106 (a) Appropriations to corrections and the board for functions transferred to the department  
 107 pursuant to this chapter may be transferred to the department as provided for in Code  
 108 Section 45-12-90. Personnel, equipment, and facilities previously employed by corrections  
 109 and the board for transferred functions shall likewise be transferred to the department. Any  
 110 disagreement as to any of the transfers shall be resolved by the Governor.

111 (b) The enactment of this chapter and the Act by which it is enacted shall not affect or  
 112 abate the status of a probation revocation or parole revocation which occurred prior to  
 113 July 1, 2009."

## 114 **SECTION 2.**

115 Said title is further amended by revising Code Section 42-1-10, relating to preliminary urine  
 116 screen drug tests, as follows:

117 42-1-10.

118 (a) Any probation/parole supervisor, probation officer, ~~parole officer~~, or other official or  
 119 employee of the Department of Corrections or the Department of Probation/Parole  
 120 Community Based Supervision who supervises any person covered under the provisions  
 121 of paragraphs (1) through (7) of this subsection shall be exempt from the provisions of  
 122 Chapter 22 of Title 31 for the limited purposes of administering a preliminary urine screen  
 123 drug test to any person who is:

124 (1) Incarcerated;

125 (2) Released as a condition of probation for a felony or misdemeanor;

126 (3) Released as a condition of conditional release;

127 (4) Released as a condition of parole;  
 128 (5) Released as a condition of provisional release;  
 129 (6) Released as a condition of pretrial release; or  
 130 (7) Released as a condition of control release.

131 (b) The Department of Corrections, ~~the Department of Probation/Parole Community Based~~  
 132 Supervision, and the State Board of Pardons and Paroles shall develop a procedure for the  
 133 performance of preliminary urine screen drug tests in accordance with the manufacturer's  
 134 standards for certification. Probation officers, ~~parole officers~~ probation/parole supervisors,  
 135 or other officials or employees of the Department of Corrections or the Department of  
 136 Probation/Parole Community Based Supervision who are supervisors of any person  
 137 covered under paragraphs (1) through (7) of subsection (a) of this Code section shall be  
 138 authorized to perform preliminary urine screen drug tests in accordance with such  
 139 procedure. Such procedure shall include instructions as to a confirmatory test by a licensed  
 140 clinical laboratory where necessary."

141 **SECTION 3.**

142 Said title is further amended by revising Code Section 42-8-2, relating to the Advisory  
 143 Council for Probation's duties and responsibilities, as follows:

144 "42-8-2.

145 (a) As used in this Code section, the term:

146 (1) 'Board' means the Board of Corrections.

147 (2) 'Corrections' means the Department of Corrections.

148 (3) 'Department' means the Department of Probation/Parole Community Based  
 149 Supervision.

150 (b) The Advisory Council for Probation shall meet, consult, and advise with the Board of  
 151 Corrections board, the department, and the Department of Corrections corrections on  
 152 questions and matters of mutual concern and interest relative to policy, personnel, and  
 153 budget which pertain to probationary activities, powers, duties, and responsibilities of the  
 154 board, and the department, and corrections. The advisory council shall institute such  
 155 studies and surveys and shall make such recommendations to the board, corrections, and  
 156 the department as the council deems wise and necessary and which, in the opinion of the  
 157 council, will improve the effectiveness and efficiency of probation services rendered  
 158 throughout the state. No change in existing policy of the board, corrections, or the  
 159 department relative to probation, if the magnitude of the change will result in a significant  
 160 impact upon state-wide probationary services, or any such new policy, shall be instituted  
 161 by the board, corrections, or the department without opportunity being afforded to the  
 162 advisory council to advise and consult with the board, corrections, or the department on the

163 proposed changes. However, the recommendations of the advisory council shall be  
 164 advisory only and shall not bind the board, corrections, or the department. The board,  
 165 corrections, the department, and the council shall meet periodically throughout each year  
 166 for the purpose of improving the administration, efficiency, and effectiveness of probation  
 167 services."

168 **SECTION 4.**

169 Said title is further amended by revising Code Section 42-8-21, relating to definitions in the  
 170 "State-wide Probation Act," as follows:

171 "42-8-21.

172 As used in this article, the term:

173 (1) 'Board' means the Board of Corrections.

174 (2) 'Commissioner' means the commissioner of corrections.

175 (3) 'Department' means the Department of ~~Corrections~~ Probation/Parole Community  
 176 Based Supervision.

177 (4) 'Split sentence' means any felony sentence that includes a term of imprisonment  
 178 followed by a term of probation."

179 **SECTION 5.**

180 Said title is further amended by revising Code Section 42-8-22, relating to creation and  
 181 administration of the state-wide probation system, as follows:

182 "42-8-22.

183 There is created a state-wide probation system for felony offenders to be administered by  
 184 the Department of ~~Corrections~~ Probation/Parole Community Based Supervision. The  
 185 probation system shall not be administered as part of the duties and activities of the State  
 186 Board of Pardons and Paroles; but, with respect to a split sentence imposed on or after  
 187 July 1, 2009, the department shall have jurisdiction over any increased period of probation  
 188 resulting from a release of the defendant by the State Board of Pardons and Paroles as  
 189 provided for in Code Section 17-10-1.4. Separate files and records shall be kept with  
 190 relation to the system."

191 **SECTION 6.**

192 Said title is further amended by revising Code Section 42-8-24, relating to the general duties  
 193 of the department and rules and regulations, as follows:

194 "42-8-24.

195 It shall be the duty of the department to supervise and direct the work of the ~~probation~~  
 196 probation/parole supervisors provided for in Code Section 42-8-25 and to keep accurate

197 files and records on all probation cases, split sentence probation cases, parole cases,  
 198 persons released pursuant to Code Section 17-10-1, and persons ~~on probation~~ under  
 199 supervision. It shall be the duty of the board to promulgate rules and regulations necessary  
 200 to effectuate the purposes of this chapter."

#### 201 SECTION 7.

202 Said title is further amended by revising Code Section 42-8-25, relating to the employment  
 203 of probation supervisors and assignment to circuits, as follows:

204 "42-8-25.

205 The department shall employ ~~probation~~ probation/parole supervisors. The department may  
 206 assign one supervisor to each judicial circuit in this state or, for purposes of assignment,  
 207 may consolidate two or more judicial circuits and assign one supervisor thereto. In the  
 208 event the department determines that more than one supervisor is needed for a particular  
 209 circuit, an additional supervisor or additional supervisors may be assigned to the circuit.  
 210 The department is authorized to direct any ~~probation~~ probation/parole supervisor to assist  
 211 any other ~~probation~~ probation/parole supervisor wherever assigned. In the event that more  
 212 than one supervisor is assigned to the same office or to the same division within a  
 213 particular judicial circuit, the department shall designate one of the supervisors to be in  
 214 charge."

#### 215 SECTION 8.

216 Said title is further amended by revising Code Section 42-8-26, relating to the qualifications  
 217 of probation supervisors, compensation, expenses, conflicts of interest, and bond, as follows:

218 "42-8-26.

219 (a) In order for a person to hold the office of ~~probation~~ probation/parole supervisor, he or  
 220 she must be at least 21 years of age at the time of appointment and must have completed  
 221 a standard two-year college course, provided that any person who is employed as a  
 222 probation supervisor on or before July 1, 1972, shall not be required to meet the  
 223 educational requirements specified in this Code section, nor shall he or she be prejudiced  
 224 in any way for not possessing the requirements. The qualifications provided in this Code  
 225 section are the minimum qualifications and the department is authorized to prescribe such  
 226 additional and higher educational qualifications from time to time as it deems desirable, but  
 227 not to exceed a four-year standard college course.

228 (b) The compensation of the ~~probation~~ probation/parole supervisors shall be set by the  
 229 State Personnel Board and the State Merit System of Personnel Administration. ~~Probation~~  
 230 Probation/parole supervisors shall also be allowed travel and other expenses as are other  
 231 state employees.

232 (c)(1) No supervisor shall engage in any other employment, business, or activities which  
 233 interfere or conflict with his or her duties and responsibilities as ~~probation~~  
 234 probation/parole supervisor.

235 (2) No supervisor shall own, operate, have any financial interest in, be an instructor at,  
 236 or be employed by any private entity which provides drug or alcohol education services  
 237 or offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the  
 238 Department of Driver Services.

239 (3) No supervisor shall specify, directly or indirectly, a particular DUI Alcohol or Drug  
 240 Use Risk Reduction Program which a probationer may or shall attend. This paragraph  
 241 shall not prohibit any supervisor from furnishing any probationer, upon request, the  
 242 names of certified DUI Alcohol or Drug Use Risk Reduction Programs. Any supervisor  
 243 violating this paragraph shall be guilty of a misdemeanor.

244 (d) Each ~~probation~~ probation/parole supervisor shall give bond in such amount as may be  
 245 fixed by the department payable to the department for the use of the person or persons  
 246 damaged by his or her misfeasance or malfeasance and conditioned on the faithful  
 247 performance of his or her duties. The cost of the bond shall be paid by the department;  
 248 provided, however, that the bond may be procured, either by the department or by the  
 249 Department of Administrative Services, under a master policy or on a group blanket  
 250 coverage basis, where only the number of positions in each judicial circuit and the amount  
 251 of coverage for each position are listed in a schedule attached to the bond; and in such case  
 252 each individual shall be fully bonded and bound as principal, together with the surety, by  
 253 virtue of his or her holding the position or performing the duties of ~~probation~~  
 254 probation/parole supervisor in the circuit or circuits, and his or her individual signature  
 255 shall not be necessary for such bond to be valid in accordance with all the laws of this state.  
 256 The bond or bonds shall be made payable to the department."

257 **SECTION 9.**

258 Said title is further amended by revising Code Section 42-8-27, relating to the duties of  
 259 probation supervisors, as follows:

260 "42-8-27.

261 The ~~probation~~ probation/parole supervisor shall supervise and counsel probationers in the  
 262 judicial circuit to which he or she is assigned. Each supervisor shall perform the duties  
 263 prescribed in this chapter and ~~such~~ other duties as are prescribed by the department and  
 264 shall keep ~~such~~ any records and files and make such reports as are required of him or her."

265 **SECTION 10.**

266 Said title is further amended by revising Code Section 42-8-28, relating to the assignment  
267 of probation supervisors among the judicial circuits, as follows:

268 "42-8-28.

269 ~~Probation~~ Probation/parole supervisors shall be assigned among the respective judicial  
270 circuits based generally on the relative number of persons on probation and parole in each  
271 circuit."

272 **SECTION 11.**

273 Said title is further amended by revising Code Section 42-8-29, relating to presentence  
274 investigations, supervision of probationers, and record keeping, as follows:

275 "42-8-29.

276 (a) It shall be the duty of the ~~probation~~ probation/parole supervisor to investigate all cases  
277 referred to him or her by the court and to make ~~his~~ findings and report thereon in writing  
278 to the court with ~~his~~ a recommendation. The superior court may require, before imposition  
279 of sentence, a presentence investigation and written report in each felony case in which the  
280 defendant has entered a plea of guilty or nolo contendere or has been convicted.

281 (b) The ~~probation~~ probation/parole supervisor shall cause to be delivered to each person  
282 placed on probation under his or her supervision a certified copy of the terms of probation  
283 and any change or modification thereof and shall cause the person to be instructed  
284 regarding the same. ~~He~~ The probation/parole supervisor shall keep informed concerning  
285 the conduct, habits, associates, employment, recreation, and whereabouts of the probationer  
286 by visits, by requiring reports, or in other ways. ~~He~~ The probation/parole supervisor shall  
287 make such reports in writing or otherwise as the court may require. ~~He~~ The  
288 probation/parole supervisor shall use all practicable and proper methods to aid and  
289 encourage persons on probation and to bring about improvements in their conduct and  
290 condition.

291 (c) ~~He~~ The probation/parole supervisor shall keep records on each probationer or parolee  
292 referred to ~~him~~ the probation/parole supervisor."

293 **SECTION 12.**

294 Said title is further amended by revising Code Section 42-8-29.1, relating to disposition of  
295 a probation supervisor's documents upon committing a defendant to an institution, as follows:

296 "42-8-29.1.

297 (a) When a convicted person is committed to an institution under the jurisdiction of ~~the~~  
298 ~~department~~ corrections, any presentence or post-sentence investigation or psychological  
299 evaluation compiled by a ~~probation~~ probation/parole supervisor or other probation official

300 shall be forwarded to any division or office designated by the commissioner.  
 301 Accompanying this document or evaluation will be the case history form and the criminal  
 302 history sheets from the Federal Bureau of Investigation or the Georgia Crime Information  
 303 Center, if available, unless any ~~such of this~~ information has previously been sent to ~~the~~  
 304 ~~department~~ corrections pursuant to Code Section 42-5-50. A copy of these same  
 305 documents shall be made available for the State Board of Pardons and Paroles. A copy of  
 306 one or more of these documents, based on need, may be forwarded to another institution  
 307 to which the defendant may be committed.

308 (b) The prison or institution receiving these documents shall maintain the confidentiality  
 309 of the documents and the information contained therein and shall not send them or release  
 310 them or reveal them to any other person, institution, or agency without the express consent  
 311 of the ~~probation~~ unit which originated or accumulated the documents."

### 312 **SECTION 13.**

313 Said title is further amended by revising Code Section 42-8-30, relating to supervision of  
 314 juvenile offenders by probation supervisors, as follows:

315 "42-8-30.

316 In the counties where no juvenile probation system exists, juvenile offenders, upon  
 317 direction of the court, shall be supervised by ~~probation~~ probation/parole supervisors. Other  
 318 than in this respect, nothing in this article shall be construed to change or modify any law  
 319 relative to probation as administered by any juvenile court in this state."

### 320 **SECTION 14.**

321 Said title is further amended by revising Code Section 42-8-31, relating to collection and  
 322 disbursement of funds by probation supervisors, record keeping, and bank accounts, as  
 323 follows:

324 "42-8-31.

325 No ~~probation~~ probation/parole supervisor shall collect or disburse any funds whatsoever,  
 326 except by written order of the court; and it shall be the duty of the supervisor to transmit  
 327 a copy of the order to the department not later than 15 days after it has been issued by the  
 328 court. Every supervisor who collects or disburses any funds whatsoever shall faithfully  
 329 keep the records of accounts as are required by the department, which records shall be  
 330 subject to inspection by the department at any time. In every instance where a bank  
 331 account is required, it shall be kept in the name of the 'State Probation Office.'"

332 **SECTION 15.**

333 Said title is further amended by revising Code Section 42-8-32, relating to funds which may  
334 be collected by probation supervisors, as follows:

335 "42-8-32.

336 No ~~probation~~ probation/parole supervisor shall be directed to collect any funds other than  
337 funds directed to be paid as the result of a criminal proceeding."

338 **SECTION 16.**

339 Said title is further amended by revising Code Section 42-8-33, relating to auditing probation  
340 supervisors' accounts and restrictions on refunding overpayments of fines, restitution, or  
341 moneys owed, as follows:

342 "42-8-33.

343 (a) The department shall make periodic audits of each ~~probation~~ probation/parole  
344 supervisor who, by virtue of ~~his~~ the supervisor's duties, has any moneys, fines, court costs,  
345 property, or other funds coming into ~~his~~ the supervisor's control or possession or being  
346 disbursed by ~~him~~ the supervisor. The department shall keep a permanent record of the  
347 audit of each ~~probation~~ probation/parole supervisor's accounts on file. It shall be the duty  
348 of the employee of the department conducting the audit to notify the department in writing  
349 of any discrepancy of an illegal nature that might result in prosecution. The department  
350 shall have the right to interview and make inquiry of certain selected payors or recipients  
351 of funds, as it may choose, without notifying the ~~probation~~ probation/parole supervisor, to  
352 carry out the purposes of the audit. The employee who conducts the audit shall be required  
353 to give bond in such amount as may be set by the department, in the same manner and for  
354 the same purposes as provided under Code Section 42-8-26 for the bonds of ~~probation~~  
355 probation/parole supervisors. The bond shall bind the employee and his surety in the  
356 performance of ~~his~~ the employee's duties.

357 (b) Any overpayment of fines, restitutions, or other moneys owed as a condition of  
358 probation shall not be refunded to the probationer if the amount of ~~such~~ the overpayment  
359 is less than \$5.00."

360 **SECTION 17.**

361 Said title is further amended by revising subsections (b), (c), and (d) of Code  
362 Section 42-8-34, relating to probation hearings, as follows:

363 "(b) Prior to the hearing, the court may refer the case to the ~~probation~~ probation/parole  
364 supervisor of the circuit in which the court is located for investigation and  
365 recommendation. The court, upon such reference, shall direct the supervisor to make an  
366 investigation and to report to the court, in writing at a specified time, upon the

367 circumstances of the offense and the criminal record, social history, and present condition  
368 of the defendant, together with the supervisor's recommendation; and it shall be the duty  
369 of the supervisor to carry out the directive of the court.

370 (c) Subject to the provisions of subsection (a) of Code Section 17-10-1 and subsection (f)  
371 of Code Section 17-10-3, if it appears to the court upon a hearing of the matter that the  
372 defendant is not likely to engage in a criminal course of conduct and that the ends of justice  
373 and the welfare of society do not require that the defendant shall presently suffer the  
374 penalty imposed by law, the court in its discretion shall impose sentence upon the  
375 defendant but may stay and suspend the execution of the sentence or any portion thereof  
376 or may place ~~him~~ the defendant on probation under the supervision and control of the  
377 ~~probation~~ probation/parole supervisor for the duration of ~~such probation~~ the sentence. The  
378 period of probation or suspension shall not exceed the maximum sentence of confinement  
379 which could be imposed on the defendant.

380 (d)(1) In every case that a court of this state or any other state sentences a defendant to  
381 probation or any pretrial release or diversion program under the supervision of ~~the~~  
382 ~~department~~ corrections, in addition to any fine or order of restitution imposed by the  
383 court, there shall be imposed a probation fee as a condition of probation, release, or  
384 diversion in the amount equivalent to \$23.00 per each month under supervision, and in  
385 addition, a one-time fee of \$50.00 where such defendant was convicted of any felony.  
386 The probation fee may be waived or amended after administrative process by ~~the~~  
387 ~~department~~ corrections and approval of the court, or upon determination by the court, as  
388 to the undue hardship, inability to pay, or any other extenuating factors which prohibit  
389 collection of the fee; provided, however, that the imposition of sanctions for failure to pay  
390 fees shall be within the discretion of the court through judicial process or hearings.  
391 Probation fees shall be waived on probationers incarcerated or detained in a ~~departmental~~  
392 corrections or other confinement facility which prohibits employment for wages. All  
393 probation fees collected by the department shall be paid into the general fund of the state  
394 treasury, except as provided in subsection (f) of Code Section 17-15-13, relating to sums  
395 to be paid into the Georgia Crime Victims Emergency Fund. Any fees collected by the  
396 court under this paragraph shall be remitted not later than the last day of the month after  
397 such fee is collected to the Georgia Superior Court Clerks' Cooperative Authority for  
398 deposit into the general fund of the state treasury.

399 (2) In addition to any other provision of law, any person convicted of a violation of Code  
400 Section 40-6-391 or subsection (b) of Code Section 16-13-2 who is sentenced to  
401 probation or a suspended sentence by a municipal, magistrate, probate, recorder's,  
402 mayor's, state, or superior court shall also be required by the court to pay a one-time fee  
403 of \$25.00. The clerk of court, or if there is no clerk the person designated to collect fines,

404 fees, and forfeitures for such court, shall collect such fee and remit the same not later than  
 405 the last day of the month after such fee is collected to the Georgia Superior Court Clerks'  
 406 Cooperative Authority for deposit into the general fund of the state treasury."

407 **SECTION 18.**

408 Said title is further amended by revising subsection (a) of Code Section 42-8-34.2, relating  
 409 to a defendant's delinquent payment of fines, costs, restitution, or reparation and costs of  
 410 garnishment, as follows:

411 "(a) In the event that a defendant is delinquent in the payment of fines, costs, or restitution  
 412 or reparation, as was ordered by the court as a condition of probation, the defendant's  
 413 ~~probation~~ probation/parole officer is authorized, but not required, to execute a sworn  
 414 affidavit wherein the amount of arrearage is set out. In addition, the affidavit shall contain  
 415 a succinct statement as to what efforts the department has made in trying to collect the  
 416 delinquent amount. The affidavit shall then be submitted to the sentencing court for  
 417 approval. Upon signature and approval of the court, said arrearage shall then be collectable  
 418 through issuance of a writ of fieri facias by the clerk of the sentencing court; and the  
 419 department may enforce such collection through any judicial or other process or procedure  
 420 which may be used by the holder of a writ of execution arising from a civil action."

421 **SECTION 19.**

422 Said title is further amended by revising Code Section 42-8-35, relating to terms and  
 423 conditions of probation, as follows:

424 "42-8-35.

425 (a) The court shall determine the terms and conditions of probation and may provide that  
 426 the probationer shall:

- 427 (1) Avoid injurious and vicious habits;  
 428 (2) Avoid persons or places of disreputable or harmful character;  
 429 (3) Report to the ~~probation~~ probation/parole supervisor as directed;  
 430 (4) Permit the supervisor to visit the probationer at the probationer's home or elsewhere;  
 431 (5) Work faithfully at suitable employment insofar as may be possible;  
 432 (6) Remain within a specified location; provided, however, that the court shall not banish  
 433 a probationer to any area within the state:

434 (A) That does not consist of at least one entire judicial circuit as described by Code  
 435 Section 15-6-1; or

436 (B) In which any service or program in which the probationer must participate as a  
 437 condition of probation is not available;

- 438 (7) Make reparation or restitution to any aggrieved person for the damage or loss caused  
439 by the probationer's offense, in an amount to be determined by the court. Unless  
440 otherwise provided by law, no reparation or restitution to any aggrieved person for the  
441 damage or loss caused by the probationer's offense shall be made if the amount is in  
442 dispute unless the same has been adjudicated;
- 443 (8) Make reparation or restitution as reimbursement to a municipality or county for the  
444 payment for medical care furnished the person while incarcerated pursuant to the  
445 provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local  
446 governmental unit for the provision of medical care shall be made if the amount is in  
447 dispute unless the same has been adjudicated;
- 448 (9) Repay the costs incurred by any municipality or county for wrongful actions by an  
449 inmate covered under the provisions of paragraph (1) of subsection (a) of Code  
450 Section 42-4-71;
- 451 (10) Support the probationer's legal dependents to the best of the probationer's ability;
- 452 (11) Violate no local, state, or federal laws and be of general good behavior;
- 453 (12) If permitted to move or travel to another state, agree to waive extradition from any  
454 jurisdiction where the probationer may be found and not contest any effort by any  
455 jurisdiction to return the probationer to this state; and
- 456 (13) Submit to evaluations and testing relating to rehabilitation and participate in and  
457 successfully complete rehabilitative programming as directed by the department.
- 458 (b) In determining the terms and conditions of probation for a probationer who has been  
459 convicted of a criminal offense against a victim who is a minor or dangerous sexual offense  
460 as those terms are defined in Code Section 42-1-12, the court may provide that the  
461 probationer shall be:
- 462 (1) Prohibited from entering or remaining present at a victim's school, place of  
463 employment, place of residence, or other specified place at times when a victim is present  
464 or from loitering in areas where minors congregate, child care facilities, churches, or  
465 schools as those terms are defined in Code Section 42-1-12;
- 466 (2) Required to wear a device capable of tracking the location of the probationer by  
467 means including electronic surveillance or global positioning systems. The department  
468 shall assess and collect fees from the probationer for such monitoring at levels set by  
469 regulation by the department;
- 470 (3) Required, either in person or through remote monitoring, to allow viewing and  
471 recording of the probationer's incoming and outgoing e-mail, history of websites visited  
472 and content accessed, and other Internet based communication;
- 473 (4) Required to have periodic unannounced inspections of the contents of the  
474 probationer's computer or any other device with Internet access including the retrieval

475 and copying of all data from the computer or device and any internal or external storage  
 476 or portable media and the removal of such information, computer, device, or medium;  
 477 and

478 (5) Prohibited from seeking election to a local board of education.

479 (c) The supervision provided for under subsection (b) of this Code section shall be  
 480 conducted by a ~~probation officer~~ probation/parole supervisor, law enforcement officer, or  
 481 computer information technology specialist working under the supervision of a ~~probation~~  
 482 ~~officer~~ probation/parole supervisor or law enforcement agency."

483 **SECTION 20.**

484 Said title is further amended by revising Code Section 42-8-35.1, relating to special  
 485 alternative incarceration, as follows:

486 "42-8-35.1.

487 (a) In addition to any other terms or conditions of probation provided for under this  
 488 chapter, the trial judge may provide that probationers sentenced for felony offenses  
 489 committed on or after July 1, 1993, to a period of time of not less than one year on  
 490 probation as a condition of probation must satisfactorily complete a program of  
 491 confinement in a 'special alternative incarceration—probation boot camp' unit of ~~the~~  
 492 ~~department~~ corrections for a period of 120 days computed from the time of initial  
 493 confinement in the unit; provided, however, ~~the department~~ that corrections may release  
 494 the defendant upon service of 90 days in recognition of excellent behavior.

495 (b) Before a court can place this condition upon the sentence, an initial investigation ~~will~~  
 496 shall be completed by the ~~probation officer~~ probation/parole supervisor which ~~will indicate~~  
 497 indicates that the probationer is qualified for such treatment in that the individual does not  
 498 appear to be physically or mentally disabled in a way that would prevent him or her from  
 499 strenuous physical activity, that the individual has no obvious contagious diseases, that the  
 500 individual is not less than 17 years of age nor more than 30 years of age at the time of  
 501 sentencing, and that ~~the department~~ corrections has granted provisional approval of the  
 502 placement of the individual in the 'special alternative incarceration—probation boot camp'  
 503 unit.

504 (c) In every case where an individual is sentenced under the terms of this Code section, the  
 505 sentencing court shall, within its probation order, direct ~~the department~~ corrections to  
 506 arrange with the sheriff's office in the county of incarceration to have the individual  
 507 delivered to a designated unit of ~~the department~~ corrections within a specific date not more  
 508 than 15 days after the issuance of such probation order by the court.

509 (d) At any time during the individual's confinement in the unit, but at least five days prior  
 510 to his or her expected date of release, ~~the department~~ corrections will certify to the trial  
 511 court as to whether the individual has satisfactorily completed this condition of probation.

512 (e) Upon the receipt of a satisfactory report of performance in the program from ~~the~~  
 513 ~~department~~ corrections, the trial court shall release the individual from confinement in the  
 514 'special alternative incarceration—probation boot camp' unit. However, the receipt of an  
 515 unsatisfactory report will be grounds for revocation of the probated sentence as would any  
 516 other violation of a condition or term of probation.

517 (f) The satisfactory report of performance in the program from ~~the department~~ corrections  
 518 shall, in addition to the other requirements specified in this Code section, require  
 519 participation of the individual confined in the unit in such adult education courses  
 520 necessary to attain the equivalency of a grade five competency level as established by the  
 521 State Board of Education for elementary schools. Those individuals who are mentally  
 522 disabled as determined by initial testing are exempt from mandatory participation. After  
 523 the individual is released from the unit, it shall be a special condition of probation that the  
 524 individual participate in an education program in the community until grade five level  
 525 competency is achieved or active probation supervision terminates. It shall be the duty of  
 526 ~~the department~~ corrections to certify to the trial court that such individual has satisfactorily  
 527 completed this condition of probation while on active probation supervision. The receipt  
 528 of an unsatisfactory report may be grounds for revocation of the probated sentence as  
 529 would any other violation of a condition or term of probation. Under certain  
 530 circumstances, the probationer may be exempt from this requirement if it is determined by  
 531 the ~~probation officer~~ probation/parole supervisor that community education resources are  
 532 inaccessible to the probationer."

533 **SECTION 21.**

534 Said title is further amended by revising subsection (c) of Code Section 42-8-35.4, relating  
 535 to confinement in probation detention centers, as follows:

536 "(c) During the period of confinement, ~~the department~~ corrections may transfer the  
 537 probationer to other facilities in order to provide needed physical and mental health care  
 538 or for other reasons essential to the care and supervision of the probationer or as necessary  
 539 for the effective administration and management of its facilities."

540 **SECTION 22.**

541 Said title is further amended by revising subsection (c) of Code Section 42-8-35.5, relating  
 542 to confinement in probation diversion centers, as follows:

543 "(c) ~~The department~~ Corrections may assess and collect room and board fees from  
 544 diversion center program participants at a level set by ~~the department~~ corrections."

545 **SECTION 23.**

546 Said title is further amended by revising subsection (a) of Code Section 42-8-36, relating to  
 547 a probationer's duties, as follows:

548 "(a)(1) Any other provision of this article to the contrary notwithstanding, it shall be the  
 549 duty of a probationer, as a condition of probation, to keep his ~~probation~~ or her  
 550 probation/parole supervisor informed as to his or her residence. Upon the  
 551 recommendation of the ~~probation~~ probation/parole supervisor, the court may also require,  
 552 as a condition of probation and under ~~such~~ any terms as the court deems advisable, that  
 553 the probationer keep the ~~probation~~ probation/parole supervisor informed as to ~~his~~ the  
 554 probationer's whereabouts. The failure of a probationer to report to his ~~probation~~ or her  
 555 probation/parole supervisor as directed or a return of non est inventus or other return to  
 556 a warrant, for the violation of the terms and conditions of probation, that the probationer  
 557 cannot be found in the county that appears from the records of the ~~probation~~  
 558 probation/parole supervisor to be the probationer's county of residence shall automatically  
 559 suspend the running of the probated sentence until the probationer shall personally report  
 560 to the ~~probation~~ probation/parole supervisor, is taken into custody in this state, or is  
 561 otherwise available to the court; and such period of time shall not be included in  
 562 computing creditable time served on probation or as any part of the time that the  
 563 probationer was sentenced to serve. The effective date of the tolling of the sentence shall  
 564 be the date that the ~~officer~~ probation/parole supervisor returns the warrant showing non  
 565 est inventus. Any officer authorized by law to issue or serve warrants may return the  
 566 warrant for the absconded probationer showing non est inventus.

567 (2) In addition to the provisions of paragraph (1) of this subsection, if the ~~probation~~  
 568 probation/parole supervisor submits an affidavit to the court stating that a probationer has  
 569 absconded and cannot be found, the running of the probated sentence shall be suspended  
 570 effective on the date such affidavit is submitted to the court and continuing until the  
 571 probationer shall personally report to the ~~probation~~ probation/parole supervisor, is taken  
 572 into custody in this state, or is otherwise available to the court."

573 **SECTION 24.**

574 Said title is further amended by revising subsection (b) of Code Section 42-8-37, relating to  
 575 terminating and reviewing probation cases, as follows:

576 "(b) Upon the request of the chief judge of the court from which said person was  
 577 sentenced, the case of each person receiving a probated sentence of more than two years

578 shall be reviewed by the ~~probation~~ probation/parole supervisor responsible for that case  
 579 after service of two years on probation, and a written report of the probationer's progress  
 580 shall be submitted to the sentencing court along with the supervisor's recommendation as  
 581 to early termination. Upon the request of the chief judge of the court from which said  
 582 person was sentenced, each such case shall be reviewed and a written report submitted  
 583 annually thereafter, or more often if required, until the termination, expiration, or other  
 584 disposition of the case."

585 **SECTION 25.**

586 Said title is further amended by revising subsections (a) and (d) of Code Section 42-8-38,  
 587 relating to the procedures in probation revocation matters, as follows:

588 "(a) Whenever, within the period of probation, a ~~probation~~ probation/parole supervisor  
 589 believes that a probationer under his or her supervision has violated ~~his~~ the terms of  
 590 probation in a material respect, ~~he~~ the probation/parole supervisor may arrest the  
 591 probationer without warrant, wherever found, and return ~~him~~ the probationer to the court  
 592 granting the probation or, if under supervision in a county or judicial circuit other than that  
 593 of conviction, to a court of equivalent original criminal jurisdiction within the county  
 594 wherein the probationer resides for purposes of supervision. Any officer authorized by law  
 595 to issue warrants may issue a warrant for the arrest of the probationer upon the affidavit of  
 596 one having knowledge of the alleged violation, returnable forthwith before the court in  
 597 which revocation proceedings are being brought."

598 "(d) In cases where the probation is revoked in a county other than the county of original  
 599 conviction, the clerk of court in the county revoking probation may record the order of  
 600 revocation in the judge's minute docket, which recordation shall constitute sufficient  
 601 permanent record of the proceedings in that court. The clerk shall send one copy of the  
 602 order revoking probation to ~~the department~~ corrections to serve as a temporary  
 603 commitment and shall send the original order revoking probation and all other papers  
 604 pertaining thereto to the county of original conviction to be filed with the original records.  
 605 The clerk of court of the county of original conviction shall then issue a formal  
 606 commitment to ~~the department~~ corrections."

607 **SECTION 26.**

608 Said title is further amended by revising Code Section 42-8-42, relating to the provision of  
 609 office space and clerical help by the Department of Corrections and counties, as follows:

610 "42-8-42.  
 611 ~~The department~~ Corrections may provide office space and clerical help wherever needed.  
 612 The counties of this state shall cooperate in this respect and, wherever possible, shall  
 613 furnish office space if needed."

614 **SECTION 27.**

615 Said title is further amended by revising subsections (b) and (c) of Code Section 42-8-72,  
 616 relating to community service as a condition of probation, as follows:

617 "(b) The judge may confer with the prosecutor, defense attorney, ~~probation~~  
 618 probation/parole supervisor, community service officer, or other interested persons to  
 619 determine if the community service program is appropriate for an offender. If community  
 620 service is ordered as a condition of probation, the court shall order:

621 (1) Not less than 20 hours nor more than 250 hours in cases involving traffic or  
 622 ordinance violations or misdemeanors, said service to be completed within one year; or  
 623 (2) Not less than 20 hours nor more than 500 hours in felony cases, said service to be  
 624 completed within three years.

625 (c)(1) Any agency may recommend to the court that certain disabled persons are in need  
 626 of a live-in attendant. The judge shall confer with the prosecutor, defense attorney,  
 627 ~~probation~~ probation/parole supervisor, community service officer, or other interested  
 628 persons to determine if a community service program involving a disabled person is  
 629 appropriate for an offender. If community service as a live-in attendant for a disabled  
 630 person is deemed appropriate and if both the offender and the disabled person consent to  
 631 such service, the court may order such live-in community service as a condition of  
 632 probation but for no longer than two years.

633 (2) The agency shall be responsible for coordinating the provisions of the cost of food  
 634 or other necessities for the offender which the disabled person is not able to provide. The  
 635 agency, with the approval of the court, shall determine a schedule which will provide the  
 636 offender with certain free hours each week.

637 (3) Such live-in arrangement shall be terminated by the court upon the request of the  
 638 offender or the disabled person. Upon termination of such an arrangement, the court shall  
 639 determine if the offender has met the conditions of probation.

640 (4) The appropriate agency shall make personal contact with the disabled person on a  
 641 frequent basis to ensure the safety and welfare of the disabled person."

642 **SECTION 28.**

643 Said title is further amended by revising Code Section 42-8-80, relating to the establishment,  
 644 operation, rules, and regulations of the Department of Corrections pretrial release and  
 645 diversion programs, as follows:

646 "42-8-80.

647 The Department of Corrections shall be authorized to establish and operate pretrial release  
 648 and diversion programs as rehabilitative measures for persons charged with felonies for  
 649 which bond is permissible under the law in the courts of this state prior to conviction;  
 650 provided, however, that no such program shall be established in a county without the  
 651 unanimous approval of the superior court judges, the district attorney, and the sheriff of  
 652 such county. The Board of Corrections shall promulgate rules and regulations governing  
 653 any pretrial release and diversion programs established and operated by the ~~department~~  
 654 Department of Corrections and shall grant authorization for the establishment of such  
 655 programs based on the availability of sufficient staff and resources."

656 **SECTION 29.**

657 Said title is further amended by revising Code Section 42-8-82, relating to Department of  
 658 Corrections contracts with counties for services and facilities, as follows:

659 "42-8-82.

660 The Department of Corrections may contract with the various counties of this state for the  
 661 services and facilities necessary to operate pretrial release and diversion programs  
 662 established under this article and both the ~~department~~ Department of Corrections and the  
 663 counties are authorized to enter into such contracts as are appropriate to carry out the  
 664 purpose of this article."

665 **SECTION 30.**

666 Said title is further amended by revising subsection (b) of Code Section 42-8-111, relating  
 667 to court ordered installation of ignition interlock devices, as follows:

668 "(b) Any resident of this state who is ordered to use an ignition interlock device, as a  
 669 condition of probation, shall complete the DUI Alcohol or Drug Use Risk Reduction  
 670 Program and submit to the court or ~~probation~~ department a certificate of completion of the  
 671 DUI Alcohol or Drug Use Risk Reduction Program and certification of installation of a  
 672 certified ignition interlock device to the extent required by subsection (a) of this Code  
 673 section."

674 **SECTION 31.**

675 Said title is further amended by revising subsection (a) of Code Section 42-8-114, relating  
 676 to specifying providers for ignition interlock devices, as follows:

677 "(a) No judicial officer, ~~probation officer~~ probation/parole supervisor, law enforcement  
 678 officer, or other officer or employee of a court; person who owns, operates, or is employed  
 679 by a private company which has contracted to provide private probation services for  
 680 misdemeanor cases; or professional bondsman or agent or employee thereof shall specify,  
 681 directly or indirectly, a particular provider center which the person may or shall utilize  
 682 when use of an ignition interlock device is required. This subsection shall not prohibit any  
 683 judicial officer, ~~probation officer~~ probation/parole supervisor, law enforcement officer, or  
 684 other officer or employee of a court; owner, operator, or employee of a private company  
 685 which has contracted to provide probation services for misdemeanor cases; or professional  
 686 bondsman or agent or employee thereof from furnishing any person, upon request, the  
 687 names of certified provider centers."

688 **SECTION 32.**

689 Said title is further amended by revising Code Section 42-8-116, relating to warning labels  
 690 for ignition interlock devices, as follows:

691 "42-8-116.

692 The providers certified by the Department of Driver Services shall design and adopt  
 693 pursuant to regulations of the ~~department~~ Department of Driver Services a warning label  
 694 which shall be affixed to each ignition interlock device upon installation. The label shall  
 695 contain a warning that any person tampering, circumventing, or otherwise misusing the  
 696 device is guilty of a misdemeanor and may be subject to civil liability."

697 **SECTION 33.**

698 Said title is further amended by revising Code Section 42-9-3, relating to definitions related  
 699 to the State Board of Pardons and Paroles, as follows:

700 "42-9-3.

701 As used in this chapter, the term:

702 (1) ~~'board'~~ 'Board' means the State Board of Pardons and Paroles.

703 (2) 'Department' means the Department of Probation/Parole Community Based  
 704 Supervision.

705 (3) 'Split sentence' means any felony sentence that includes a term of imprisonment  
 706 followed by a term of probation."

707 **SECTION 34.**

708 Said title is further amended by revising Code Section 42-9-20, relating to general powers  
 709 and duties of the State Board of Pardons and Paroles, as follows:

710 42-9-20.

711 (a) In all cases in which the chairman of the board or any other member designated by the  
 712 board has suspended the execution of a death sentence to enable the full board to consider  
 713 and pass on same, it shall be mandatory that the board act within a period not exceeding  
 714 90 days from the date of the suspension order. In the cases which the board has power to  
 715 consider, the board shall be charged with the duty of determining which inmates serving  
 716 sentences imposed by a court of this state may be released on pardon or parole and fixing  
 717 the time and conditions thereof. The board shall also be charged with the duty of  
 718 supervising all persons placed on parole, of determining violations thereof and of taking  
 719 action with reference thereto, of making ~~such~~ investigations as may be necessary, and of  
 720 aiding parolees or probationers in securing employment. It shall be the duty of the board  
 721 personally to study the cases of those inmates whom the board has power to consider so as  
 722 to determine their ultimate fitness for such relief as the board has power to grant. The  
 723 board by an affirmative vote of a majority of its members shall have the power to commute  
 724 a sentence of death to one of life imprisonment.

725 (b) With respect to inmates sentenced under split sentences entered on or after  
 726 July 1, 2009, and all persons paroled or otherwise released by the board prior to completion  
 727 of his or her sentence on or after July 1, 2009, the board shall have no duty to supervise  
 728 inmates who have been paroled or otherwise released prior to completion of their sentence  
 729 of confinement. Supervision of inmates paroled, released, or released from split sentence  
 730 confinement shall be through an increase in their period of probation, as provided in Code  
 731 Section 17-10-1.4. Any reference elsewhere in this chapter to duties of the board with  
 732 respect to supervision of parolees and other persons released from confinement shall not  
 733 include inmates released from confinement on or after July 1, 2009."

734 **SECTION 35.**

735 Said title is further amended by revising Code Section 42-9-21, relating to supervision of  
 736 persons placed on parole or other conditional release, as follows:

737 "42-9-21.

738 (a) The board shall have the function and responsibility of supervising all persons placed  
 739 on parole or other conditional release by the board prior to July 1, 2009. On and after  
 740 July 1, 2009, the department shall have the function and responsibility of supervising all  
 741 persons placed on parole or other conditional release by the board.

- 742 (b) The board ~~is~~ and the department are authorized to maintain and operate or to enter into  
 743 memoranda of agreement or other written documents evidencing contracts with other state  
 744 agencies, persons, or any other entities for transitional or intermediate or other services or  
 745 for programs deemed by the board or department to be necessary for parolees or others  
 746 conditionally released from imprisonment by order of the board and to require as a  
 747 condition of relief that the offender pay directly to the provider a reasonable fee for said  
 748 services or programs.
- 749 (c) In all cases where restitution is applicable, the board or department shall collect during  
 750 the parole period those sums determined to be owed to the victim."

751 **SECTION 36.**

752 Said title is further amended by revising subsection (d) of Code Section 42-9-42, relating to  
 753 procedure for granting relief from sentence, conditions, and violations of parole, as follows:

754 "(d)(1) Any person who is paroled shall be released on ~~such~~ the terms and conditions as  
 755 the board shall prescribe. The board shall diligently see that no peonage is allowed in the  
 756 guise of parole relationship ~~or supervision~~. The parolee shall remain in the legal custody  
 757 of the board until the expiration of the maximum term specified in ~~his~~ the parolee's  
 758 sentence or until ~~he~~ the parolee is pardoned by the board and shall be supervised during  
 759 this period of time by the department.

760 (2) The board may require the payment of a parole supervision fee of at least \$10.00 per  
 761 month as a condition of parole or other conditional release. The monthly amount shall  
 762 be set by rule of the board and shall be uniform state wide. The board may require or the  
 763 parolee or person under conditional release may request that up to 24 months of the  
 764 supervision fee be paid in advance of the time to be spent on parole or conditional  
 765 release. In such cases, any advance payments are nonreimbursable in the event of parole  
 766 or conditional release revocation or if parole or conditional release is otherwise  
 767 terminated prior to the expiration of the sentence being served on parole or conditional  
 768 release. ~~Such~~ The fees shall be collected by ~~the board to~~ a probation/parole supervisor  
 769 and shall be paid into the general fund of the state treasury."

770 **SECTION 37.**

771 Said title is further amended by revising Code Section 42-9-44, relating to terms and  
 772 conditions of parole and violation of parole, as follows:

773 "42-9-44.

774 (a) The board, upon placing a person on parole, shall specify in writing the terms and  
 775 conditions thereof. A certified copy of the conditions shall be given to the parolee.  
 776 Thereafter, a copy shall be sent to the clerk of the court in which the person was convicted.

777 The board shall adopt general rules concerning the terms and conditions of parole and  
 778 concerning what shall constitute a violation thereof and shall make special rules to govern  
 779 particular cases. The rules, both general and special, may include, among other things, a  
 780 requirement that the parolee shall not leave this state or any definite area in this state  
 781 without the consent of the board; that the parolee shall contribute to the support of his or  
 782 her dependents to the best of the parolee's ability; that the parolee shall make reparation or  
 783 restitution for his or her crime; that the parolee shall abandon evil associates and ways; and  
 784 that the parolee shall carry out the instructions of his or her ~~parole~~ probation/parole  
 785 supervisor, and, in general, so comport himself or herself as the ~~parolee's~~ supervisor shall  
 786 determine. A violation of the terms of parole may render the parolee liable to arrest and  
 787 a return to a penal institution to serve out the term for which the parolee was sentenced.

788 (b) Each parolee who does not have a high school diploma or a general educational  
 789 development equivalency diploma (GED) shall be required as a condition of parole to  
 790 obtain a high school diploma or general educational development equivalency diploma  
 791 (GED) or to pursue a trade at a vocational or technical school. Any such parolee who  
 792 demonstrates to the satisfaction of the board an existing ability or skill which does in fact  
 793 actually furnish the parolee a reliable, regular, and sufficient income shall not be subject  
 794 to this provision. Any parolee who is determined by the ~~Department of Corrections~~  
 795 department or the board to be incapable of completing such requirements shall only be  
 796 required to attempt to improve ~~their~~ his or her basic educational skills. Failure of any  
 797 parolee subject to this requirement to attend the necessary schools or courses or to make  
 798 reasonable progress toward fulfillment of such requirement shall be grounds for revocation  
 799 of parole. The board shall establish regulations regarding reasonable progress as required  
 800 by this subsection. This subsection shall apply to paroles granted on or after July 1, 1995."

801

**SECTION 38.**

802 Said title is further amended by revising subsection (d) of Code Section 42-9-48, relating to  
 803 arrest of parolee or conditional release violator, as follows:

804 "(d) Any ~~parole~~ probation/parole supervisor, when he or she has reasonable ground to  
 805 believe that a parolee or conditional releasee has violated the terms or conditions of his or  
 806 her parole or conditional release in a material respect, shall notify the board or some  
 807 member thereof; and proceedings shall thereupon be had as provided in this Code section."

808

**SECTION 39.**

809 Said title is further amended by revising Code Section 42-9-57, relating to the effect of parole  
 810 on probation and the board's cooperation with local agencies, as follows:

811 "42-9-57.  
 812 Nothing contained in this chapter shall be construed as repealing any power given to any  
 813 court of this state to place offenders on probation or to supervise the same nor any power  
 814 of any probation agency set up in any county of the state in conjunction with the courts.  
 815 The board shall be authorized to cooperate with any such agencies, ~~except that it and~~  
 816 specifically with the Department of Probation/Parole Community Based Supervision for  
 817 purposes of supervising parolees and persons released pursuant to conditional release. The  
 818 board shall not assume or pay any financial obligations ~~thereof. The board shall also be~~  
 819 ~~authorized to cooperate with the courts for the probation of offenders in those counties in~~  
 820 ~~which there is no existing probation agency, when a court so requests of other agencies but~~  
 821 shall share appropriately in the financial obligation of the Department of Probation/Parole  
 822 Community Based Supervision for purposes of supervision needs of the board."

823 **SECTION 40.**

824 Said title is further amended by revising subsection (b) of Code Section 42-9-90, relating to  
 825 application fee required for parolee transfer consideration, as follows:

826 "(b) The Department of ~~Corrections~~ Probation/Parole Community Based Supervision and  
 827 the State Board of Pardons and Paroles are authorized to require any nonindigent adult  
 828 offender to pay a \$25.00 application fee when applying to transfer his or her supervision  
 829 from Georgia to any other state or territory pursuant to the provisions of Articles 3 and 4  
 830 of this chapter."

831 **SECTION 41.**

832 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
 833 amended by revising subsection (b) of Code Section 16-6-5.1, relating to sexual assaults  
 834 against persons in custody, detained, in hospitals, or involved in psychotherapy, as follows:

835 "(b) A ~~probation or parole~~ probation/parole supervisor or probation officer or other  
 836 custodian or supervisor of another person referred to in this Code section commits sexual  
 837 assault when he or she engages in sexual contact with another person who is a probationer  
 838 or parolee under the supervision of said ~~probation or parole~~ probation/parole or probation  
 839 officer or who is in the custody of law or who is enrolled in a school or who is detained in  
 840 or is a patient in a hospital or other institution and such actor has supervisory or  
 841 disciplinary authority over such other person. A person convicted of sexual assault shall  
 842 be punished by imprisonment for not less than ten nor more than 30 years; provided,  
 843 however, that any person convicted of the offense of sexual assault under this subsection  
 844 of a child under the age of 14 years shall be punished by imprisonment for not less than 25  
 845 nor more than 50 years. Any person convicted under this subsection of the offense of

846 sexual assault shall, in addition, be subject to the sentencing and punishment provisions of  
847 Code Section 17-10-6.2."

848 **SECTION 42.**

849 Said title is further amended by revising subsection (b) of Code Section 16-10-24, relating  
850 to obstructing or hindering law enforcement officers, as follows:

851 "(b) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement  
852 officer, prison guard, correctional officer, ~~probation supervisor, parole supervisor,~~  
853 probation/parole supervisor, or conservation ranger in the lawful discharge of his or her  
854 official duties by offering or doing violence to the person of such officer or legally  
855 authorized person is guilty of a felony and shall, upon conviction thereof, be punished by  
856 imprisonment for not less than one nor more than five years."

857 **SECTION 43.**

858 Said title is further amended by revising subsection (a) of Code Section 16-10-33, relating  
859 to removal or attempted removal of a weapon from a public official and punishment therefor,  
860 as follows:

861 "(a) It shall be unlawful for any person knowingly to remove or attempt to remove a  
862 firearm, chemical spray, or baton from the possession of another person if:

863 (1) The other person is lawfully acting within the course and scope of employment; and

864 (2) The person has knowledge or reason to know that the other person is employed as:

865 (A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;

866 (B) A ~~probation officer~~ probation/parole supervisor, or other employee with the power  
867 of arrest, by the Department of ~~Corrections~~ Probation/Parole Community Based  
868 Supervision;

869 ~~(C) A parole supervisor, or other employee with the power of arrest, by the State Board~~  
870 ~~of Pardons and Paroles;~~

871 ~~(D)~~ (C) A jail officer or guard by a county or municipality and has the responsibility  
872 of supervising inmates who are confined in a county or municipal jail or other detention  
873 facility; or

874 ~~(E)~~ (D) A juvenile correctional officer by the Department of Juvenile Justice and has  
875 the primary responsibility for the supervision and control of youth confined in such  
876 department's programs and facilities."

877 **SECTION 44.**

878 Said title is further amended by revising subsection (d) of Code Section 16-11-37, relating  
879 to terroristic threats and acts and penalties therefor, as follows:

880 "(d) A person who commits or attempts to commit a terroristic threat or act with the intent  
881 to retaliate against any person for:

882 (1) Attending a judicial or administrative proceeding as a witness, attorney, judge, or  
883 party or producing any record, document, or other object in a judicial or official  
884 proceeding; or

885 (2) Providing to a law enforcement officer, adult probation/parole supervisor or juvenile  
886 probation officer, prosecuting attorney, or judge any information relating to the  
887 commission or possible commission of an offense under the laws of this state or of the  
888 United States or a violation of conditions of bail, pretrial release, probation, or parole  
889 shall be guilty of the offense of a terroristic threat or act and, upon conviction thereof, shall  
890 be punished, for a terroristic threat, by imprisonment for not less than five nor more than  
891 ten years or by a fine of not less than \$50,000.00, or both, and, for a terroristic act, by  
892 imprisonment for not less than five nor more than 20 years or by a fine of not less than  
893 \$100,000.00, or both."

894 **SECTION 45.**

895 Said title is further amended by revising paragraph (1) of Code Section 16-11-124, relating  
896 to exemptions from application of the "Georgia Firearms and Weapons Act," as follows:

897 "(1) A peace officer of any duly authorized police agency of this state or of any political  
898 subdivision thereof, or a law enforcement officer of any department or agency of the  
899 United States who is regularly employed and paid by the United States, this state, or any  
900 such political subdivision, or an employee of the Department of Corrections of this state  
901 who is authorized in writing by the commissioner of corrections to transfer or possess  
902 such firearms while in the official performance of his or her duties, or an employee of the  
903 Department of Probation/Parole Community Based Supervision of this state who is  
904 authorized in writing by the director of the Department of Probation/Parole Community  
905 Based Supervision to transfer or possess such firearms while in the official performance  
906 of his or her duties;".

907 **SECTION 46.**

908 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is  
909 amended by revising subsection (a) of Code Section 17-10-1, relating to fixing and  
910 modification of sentences, as follows:

911 "(a)(1) Except in cases in which life imprisonment, life without parole, or the death  
912 penalty may be imposed, upon a verdict or plea of guilty in any case involving a  
913 misdemeanor or felony, and after a presentence hearing, the judge fixing the sentence  
914 shall prescribe a determinate sentence for a specific number of months or years which

915 shall be within the minimum and maximum sentences prescribed by law as the  
 916 punishment for the crime. The judge imposing the sentence is granted power and  
 917 authority to suspend or probate all or any part of the entire sentence under such rules and  
 918 regulations as the judge deems proper, including service of a probated sentence in the  
 919 sentencing options system, as provided by Article 9 of Chapter 8 of Title 42, and  
 920 including the authority to revoke the suspension or probation when the defendant has  
 921 violated any of the rules and regulations prescribed by the court, even before the  
 922 probationary period has begun, subject to the conditions set out in this subsection;  
 923 provided, however, that such action shall be subject to the provisions of Code Sections  
 924 17-10-6.1 and 17-10-6.2.

925 (2) Probation supervision shall terminate in all cases no later than two years from the  
 926 commencement of probation supervision unless specially extended or reinstated by the  
 927 sentencing court upon notice and hearing and for good cause shown; provided, however,  
 928 that, in those cases involving the collection of fines, restitution, or other funds, the period  
 929 of supervision shall remain in effect for so long as any such obligation is outstanding, or  
 930 until termination of the sentence, whichever first occurs; and provided, further, that,  
 931 where a period of post-incarceration probation is increased as a result of parole or other  
 932 release as provided in Code Section 17-10-1.4, the otherwise applicable two-year  
 933 maximum shall be increased by the amount of time for which the period of  
 934 post-incarceration probation is increased. Probation supervision shall not be required for  
 935 defendants sentenced to probation while the defendant is in the legal custody of the  
 936 Department of Corrections ~~or the State Board of Pardons and Paroles.~~

937 (3)(A) Any part of a sentence of probation revoked for a violation other than a  
 938 subsequent commission of any felony, a violation of a special condition, or a  
 939 misdemeanor offense involving physical violence resulting in bodily injury to an  
 940 innocent victim which in the opinion of the trial court constitutes a danger to the  
 941 community or a serious infraction occurring while the defendant is assigned to an  
 942 alternative probation confinement facility shall be served in a probation detention  
 943 center, probation boot camp, diversion center, weekend lock up, or confinement in a  
 944 local jail or detention facility, or other community correctional alternatives available  
 945 to the court or provided by the Department of Corrections.

946 (B) A parolee or probationer charged with a misdemeanor involving physical injury  
 947 or an attempt to commit physical injury or terroristic threats or with a new felony shall  
 948 not be entitled to bond pending a hearing on the revocation of his or her parole or  
 949 probation, except by order of a judge of the superior, state, or magistrate court wherein  
 950 the alleged new offense occurred after a hearing and upon determination of the  
 951 superior, state, or magistrate court that the parolee or probationer does not constitute

952 a threat to the community; provided, however, that this subparagraph does not authorize  
 953 state or magistrate court judges to grant bail for a person charged with any offense  
 954 listed in subsection (a) of Code Section 17-6-1.

955 (4) In cases of imprisonment followed by probation, the sentence shall specifically  
 956 provide that the period of probation shall not begin until the defendant has completed  
 957 service of the confinement portion of the sentence or been released from confinement by  
 958 the State Board of Pardons and Paroles as provided in Code Section 17-10-1.4. ~~No~~ With  
 959 respect to a sentence entered prior to July 1, 2009, no revocation of any part of a probated  
 960 sentence shall be effective while a defendant is in the legal custody of the State Board of  
 961 Pardons and Paroles.

962 (5)(A) Where a defendant has been sentenced to probation, the court shall retain  
 963 jurisdiction throughout the period of the probated sentence as provided for in subsection  
 964 (g) of Code Section 42-8-34. Without limiting the generality of the foregoing, the court  
 965 may shorten the period of probation on motion of the defendant or on its own motion,  
 966 if the court determines that probation is no longer necessary or appropriate for the ends  
 967 of justice, the protection of society, and the rehabilitation of the defendant. Prior to  
 968 entering any order for shortening a period of probation, the court shall afford notice to  
 969 the victim or victims of all sex related offenses or violent offenses resulting in serious  
 970 bodily injury or death, and, upon request of the victim or victims so notified, shall  
 971 afford notice and an opportunity for hearing to the defendant and the prosecuting  
 972 attorney.

973 (B) The Department of ~~Corrections~~ Probation/Parole Community Based Supervision  
 974 shall establish a form document which shall include the elements set forth in this Code  
 975 section concerning notification of victims and shall make copies of such form available  
 976 to prosecuting attorneys in the state. When requested by the victim, the form document  
 977 shall be provided to the victim by the prosecuting attorney. The form shall include the  
 978 address of the ~~probation~~ probation/parole community based supervision office having  
 979 jurisdiction over the case and contain a statement that the victim must maintain a copy  
 980 of his or her address with the ~~probation~~ probation/parole community based supervision  
 981 office and must notify the office of any change of address in order to maintain  
 982 eligibility for notification by the Department of ~~Corrections~~ Probation/Parole  
 983 Community Based Supervision as required in this Code section.

984 (6)(A) Except as otherwise authorized by law, no court shall modify, suspend, probate,  
 985 or alter a previously imposed sentence so as to reduce or eliminate a period of  
 986 incarceration or probation and impose a financial payment which:

987 (i) Exceeds the statutorily specified maximum fine, plus all penalties, fees,  
 988 surcharges, and restitution permitted or authorized by law; or

989 (ii) Is to be made to an entity which is not authorized by law to receive fines,  
990 penalties, fees, surcharges, or restitution.

991 (B) The prohibitions contained in this paragraph shall apply regardless of whether a  
992 defendant consents to the modification, suspension, probation, or alteration of such  
993 defendant's sentence and the imposition of such payment.

994 (C) Nothing in this paragraph shall prohibit or prevent a court from requiring, as a  
995 condition of suspension, modification, or probation of a sentence in a criminal case  
996 involving child abandonment, that the defendant pay all or a portion of child support  
997 which is owed to the custodial parent of a child which is the subject of such case.

998 **SECTION 47.**

999 Said title is further amended by adding a new Code section to read as follows:

1000 "17-10-1.4.

1001 (a) As used in this Code section, the term 'split sentence' means any felony sentence that  
1002 includes a term of imprisonment followed by a term of probation.

1003 (b) In any case where a judge on or after July 1, 2009, sentences a defendant to a split  
1004 sentence, post-incarceration supervision of the defendant shall be conducted exclusively  
1005 by the Department of Probation/Parole Community Based Supervision and not by the State  
1006 Board of Pardons and Paroles, regardless of whether the defendant has served the full  
1007 period of incarceration ordered in the sentence or has been released prior to the full period  
1008 of incarceration by parole, conditional release, or other action of the State Board of Pardons  
1009 and Paroles.

1010 (c) Any split sentence order entered on or after July 1, 2009, shall provide that the  
1011 post-incarceration period of probation ordered in the sentence shall be increased by an  
1012 amount of time equal to any amount of time by which the period of incarceration is  
1013 decreased by the State Board of Pardons and Paroles. Such increased portion of the period  
1014 of probation shall run concurrently with the period of time by which the period of  
1015 incarceration was decreased and shall commence upon the defendant's release from  
1016 incarceration. Any split sentence order entered on or after July 1, 2009, which by its terms  
1017 fails to so provide for the increased period of probation shall be deemed to so provide by  
1018 operation of law.

1019 (d) In any case where a judge on or after July 1, 2009, sentences a defendant for a felony  
1020 offense to straight probation or to an alternative probation confinement facility, supervision  
1021 of the defendant shall be conducted exclusively by the Department of Probation/Parole  
1022 Community Based Supervision and not by the state-wide probation system.

1023 (e) Nothing in this Code section shall apply to or affect any case in which a pardon is  
1024 granted by the State Board of Pardons and Paroles."

**SECTION 48.**

1025

1026 Said title is further amended by revising subsections (c) and (d) of Code Section 17-10-9.1,  
 1027 relating to voluntary surrender to county jail or correctional institution and release of  
 1028 defendant, as follows:

1029 "(c) When a defendant submits a request to the sentencing judge to be allowed to surrender  
 1030 voluntarily to a county jail or a correctional facility, the judge may consider the request and  
 1031 if, taking into the consideration the crime for which the defendant is being sentenced, the  
 1032 history of the defendant, and any other factors which may aid in the decision, the judge  
 1033 determines that the granting of the request will pose no threat to society, the defendant shall  
 1034 be remanded to the supervision of a ~~probation officer~~ probation/parole supervisor by the  
 1035 judge and ordered to surrender voluntarily to a county jail designated by the court or to a  
 1036 correctional institution as thereafter designated by the Department of Corrections. The  
 1037 surrender date shall be a date thereafter specified as provided in subsection (d) of this Code  
 1038 section. The sentence of any defendant who is released pursuant to this Code section shall  
 1039 not begin to run until such person surrenders to the facility designated by the court or by  
 1040 the department, provided that such person will receive credit toward his or her sentence for  
 1041 time spent in confinement awaiting trial as provided in Code Section 17-10-11.

1042 (d) In the event the defendant is ordered to surrender voluntarily to a county jail, the court  
 1043 shall designate the date on which the defendant shall surrender, which date shall not be  
 1044 more than 120 days after the date of conviction. When the sentencing judge issues an order  
 1045 requiring a defendant to surrender voluntarily to a correctional institution, the Department  
 1046 of Corrections shall authorize the commitment and designate the correctional institution  
 1047 to which the defendant shall report and the date on which the defendant is to report, which  
 1048 date shall not be more than 120 days after the date of conviction. Upon such designation,  
 1049 the department shall notify the ~~supervising probation officer~~ defendant's probation/parole  
 1050 supervisor who shall notify the defendant accordingly. Subsistence and transportation  
 1051 expenses en route to the correctional institution shall be borne by the defendant.

**SECTION 49.**

1052

1053 Said title is further amended by revising paragraph (5) of Code Section 17-17-3, relating to  
 1054 definitions in the "Crime Victims' Bill of Rights," as follows:

1055 "(5) 'Custodial authority' means a warden, sheriff, jailer, deputy sheriff, police officer,  
 1056 correctional officer, officer or employee of the Department of Corrections, Department  
 1057 of Probation/Parole Community Based Supervision, or the Department of Juvenile  
 1058 Justice, or any other law enforcement officer having actual custody of the accused."

1059 **SECTION 50.**

1060 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
1061 amended by revising subsection (a) of Code Section 19-7-52, relating to whom child support  
1062 payments are made, as follows:

1063 "(a) The court may order that support payments be made to the mother or other interested  
1064 party, the child support receiver, the prosecuting attorney, the probation officer,  
1065 probation/parole supervisor, or the clerk of court, provided that, in those cases where the  
1066 action has been brought by the Department of Human Resources on behalf of a child, the  
1067 support payment shall be made to the Department of Human Resources for distribution or  
1068 to the child support receiver if the Department of Human Resources so requests."

1069 **SECTION 51.**

1070 Said title is further amended by revising Code Section 19-11-21, relating to payment of  
1071 support to the Department of Human Resources, as follows:

1072 "19-11-21.

1073 Payment of support pursuant to an administrative determination or a voluntary agreement  
1074 shall be made to the department. In non-TANF cases, where the department deems it  
1075 appropriate, it may authorize distribution of the actual payment by other individuals,  
1076 agencies, or entities and utilize certification schedules reflecting such payments or  
1077 distributions which the department requires, in accordance with the federal Social Security  
1078 Act, as amended. Child support which is ordered by a court pursuant to a divorce decree  
1079 or in any other proceeding in which the responsible parent is required to pay support for  
1080 his or her child or children, whether the proceeding is civil or criminal, shall be paid by the  
1081 responsible parent, the clerk of court, the probation officer, the probation/parole supervisor,  
1082 the child support receiver, or a similar official who is collecting support to the department  
1083 upon the department's certification that the child is a recipient of public assistance or upon  
1084 the department's certification that an application has been filed with the department for  
1085 enforcement of support in accordance with the provisions of the federal Social Security  
1086 Act."

1087 **SECTION 52.**

1088 Said title is further amended by revising paragraph (4) of Code Section 19-13-51, relating  
1089 to definitions in the "Family Violence and Stalking Protective Order Registry Act," as  
1090 follows:

1091 "(4) 'Law enforcement officer' means any agent or officer of this state, or a political  
1092 subdivision or municipality thereof, who, as a full-time or part-time employee, is vested  
1093 either expressly by law or by virtue of public employment or service with authority to

1094 enforce the criminal or traffic laws and whose duties include the preservation of public  
 1095 order, the protection of life and property, or the prevention, detection, or investigation of  
 1096 crime. Such term also includes the following: state or local officer, sheriff, deputy  
 1097 sheriff, dispatcher, 9-1-1 operator, police officer, prosecuting attorney, member of the  
 1098 State Board of Pardons and Paroles, and a hearing officer and ~~parole officer of the State~~  
 1099 ~~Board of Pardons and Paroles, and a probation officer of the Department of Corrections~~  
 1100 probation/parole supervisor of the Department of Probation/Parole Community Based  
 1101 Supervision."

1102 **SECTION 53.**

1103 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
 1104 amended by revising subsection (b) of Code Section 40-5-81, relating to attendance at driver  
 1105 improvement programs, as follows:

1106 "(b) Whenever any person is authorized or required to attend a driver improvement clinic  
 1107 or DUI Alcohol or Drug Use Risk Reduction Program as a condition of any sentence  
 1108 imposed under this title or any ordinance enacted pursuant to this title or as a condition of  
 1109 the retention or restoration of the person's driving privilege, such person, in complying with  
 1110 such condition, shall be authorized to attend any driver improvement clinic or DUI Alcohol  
 1111 or Drug Use Risk Reduction Program certified under this article; and no judicial officer,  
 1112 probation officer, probation/parole supervisor, law enforcement officer, or other officer or  
 1113 employee of a court or person who owns, operates, or is employed by a private company  
 1114 which has contracted to provide private probation services for misdemeanor cases shall  
 1115 specify, directly or indirectly, a particular driver improvement clinic or DUI Alcohol or  
 1116 Drug Use Risk Reduction Program which the person may or shall attend. This Code  
 1117 section shall not prohibit any judicial officer, probation officer, probation/parole  
 1118 supervisor, law enforcement officer, or other officer or employee of a court or owner,  
 1119 operator, or employee of a private company which has contracted to provide probation  
 1120 services for misdemeanor offenders from furnishing any person, upon request, the names  
 1121 of certified driver improvement clinics or DUI Alcohol or Drug Use Risk Reduction  
 1122 Programs."

1123 **SECTION 54.**

1124 Said title is further amended by revising subsection (d) of Code Section 40-5-83, relating to  
 1125 establishment and approval of driving clinics and programs and restrictions, as follows:

1126 "(d) Notwithstanding the provisions of any law or rule or regulation which prohibits any  
 1127 individual who is a probation officer or other official or employee of the probation division  
 1128 of the Department of Corrections or a spouse of such individual from owning, operating,

1129 instructing at, or being employed by a driver improvement clinic, any individual who is a  
 1130 probation officer or other official or employee of the probation division of the Department  
 1131 of Corrections or a spouse of such individual who owns, operates, instructs at, or is  
 1132 employed by a driver improvement clinic on June 1, 1985, and who in all respects is and  
 1133 remains qualified to own, operate, instruct at, or be employed by a driver improvement  
 1134 clinic is expressly authorized to continue on and after June 1, 1985, to engage in such  
 1135 activities. Any individual who is a probation/parole supervisor or other official or  
 1136 employee of the Department of Probation/Parole Community Based Supervision or a  
 1137 spouse of such individual who owns, operates, instructs at, or is employed by a driver  
 1138 improvement clinic on June 1, 2009, and who in all respects is and remains qualified to  
 1139 own, operate, instruct at, or be employed by a driver improvement clinic is expressly  
 1140 authorized to continue on and after June 1, 2009, to engage in such activities. No person  
 1141 who owns, operates, or is employed by a private company which has contracted to provide  
 1142 probation services for misdemeanor cases shall be authorized to own, operate, be an  
 1143 instructor at, or be employed by a driver improvement clinic or a DUI Alcohol or Drug Use  
 1144 Risk Reduction Program."

1145 **SECTION 55.**

1146 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
 1147 is amended by revising subsection (e) of Code Section 45-7-9, relating to compensation for  
 1148 line-of-duty injuries to full-time state employees and exceptions, as follows:

1149 "(e) Any employee of the Department of Corrections, employee of the State Board of  
 1150 Pardons and Paroles, employee of the Department of Probation/Parole Community Based  
 1151 Supervision, employee of the Department of Natural Resources, employee of the  
 1152 Department of Revenue, or law enforcement officer who qualifies for disability allowances  
 1153 pursuant to Code Section 47-2-221 shall not be entitled to any benefits provided in this  
 1154 Code section.

1155 **SECTION 56.**

1156 Said title is further amended by revising paragraph (10) of Code Section 45-9-81, relating  
 1157 to definitions concerning the Georgia State Indemnification Fund, as follows:

1158 "(10) 'Prison guard' means any person employed by the state or any political subdivision  
 1159 thereof whose principal duties relate to the supervision and incarceration of persons  
 1160 accused or convicted of the violation of the criminal laws of this state or any political  
 1161 subdivision thereof. Such term shall also mean any ~~probation~~ probation/parole supervisor  
 1162 or parole officer who is required to be certified under Chapter 8 of Title 35, the 'Georgia  
 1163 Peace Officer Standards and Training Act,' and whose principal duties directly relate to

1164 the supervision of adult probationers or adult parolees. Such term also means any person  
1165 employed by the state or any political subdivision thereof whose principal duties include  
1166 the supervision of youth who are charged with or adjudicated for an act which if  
1167 committed by adults would be considered a crime."

1168 **SECTION 57.**

1169 This Act shall become effective July 1, 2009, and shall apply with respect to sentences  
1170 entered on or after that date.

1171 **SECTION 58.**

1172 All laws and parts of laws in conflict with this Act are repealed.