

House Bill 329

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

A BILL TO BE ENTITLED
AN ACT

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

12 "(d) If the violation of probation or suspension alleged and proven by a preponderance of
13 the evidence or the defendant's admission is the commission of a felony offense, the court
14 may revoke no more than the lesser of the balance of probation or the maximum time of
15 the sentence authorized to be imposed for the crime constituting the violation of the
16 probation. For purposes of this subsection, the commission of an offense in another state
17 which is a misdemeanor in that state but would be a felony in this state shall be treated as
18 the commission of a felony offense; and the maximum sentence authorized for the crime
19 shall be considered to be that which could be imposed in this state."

20 **SECTION 2.**

21 This Act shall become effective upon its approval by the Governor or upon its becoming law
22 without such approval.

23 **SECTION 3.**

24 All laws and parts of laws in conflict with this Act are repealed.