

The House Committee on Judiciary Non-civil offers the following substitute to HB 329:

A BILL TO BE ENTITLED  
AN ACT

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

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

17 (1) A felony offense;

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

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

24 **SECTION 2.**

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

27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.