

The Senate Judiciary Committee offered 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:

SECTION 1.

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

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

16 (1) A felony offense;

17 (2) A misdemeanor offense committed in another state on or after July 1, 2009, the
18 elements of which are proven by a preponderance of evidence showing that such offense
19 would constitute a felony if the act had been committed in this state; or

20 (3) A misdemeanor offense committed in another state on or after July 1, 2009, that is
21 admitted to by the defendant who also admits that such offense would be a felony if the
22 act had been committed in this state."
23

SECTION 2.

24 This Act shall become effective on July 1, 2009.
25

26 **SECTION 3.**
27 All laws and parts of laws in conflict with this Act are repealed.