

House Bill 889

By: Representatives Walker of the 107th, Bearden of the 68th, Coan of the 101st, and Levitas of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated,
2 relating to general provisions for bonds and recognizances, so as to limit recognizance bonds
3 for persons charged with certain crimes; to change and provide for a definition; to provide
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to
8 general provisions for bonds and recognizances, is amended by revising subsection (i) of
9 Code Section 17-6-1, relating to where offenses areailable and the procedure, as follows:
10 "(i) As used in this Code section, the term 'bail' shall include the releasing of a person on
11 such person's own recognizance, except as limited by the provisions of Code Section
12 17-6-12."

13 **SECTION 2.**

14 Said article is further amended by revising Code Section 17-6-12, relating to the discretion
15 of the court to release persons charged with a crime on the person's own recognizance only,
16 as follows:

17 "17-6-12.

18 (a) As used in this Code section, the term 'bail restricted offense' means the person is
19 charged with:

20 (1) A serious violent felony as such term is defined in Code Section 17-10-6.1; or

21 (2) A felony offense of:

22 (A) Aggravated assault;

23 (B) Aggravated battery;

24 (C) Hijacking a motor vehicle

25 (D) Aggravated stalking;

- 26 (E) Child molestation;
 27 (F) Enticing a child for indecent purposes;
 28 (G) Pimping;
 29 (H) Robbery;
 30 (I) Bail jumping;
 31 (J) Escape;
 32 (K) Possession of a firearm or knife during the commission of or attempt to commit
 33 certain crimes;
 34 (L) Possession of firearms by convicted felons and first offender probationers;
 35 (M) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine;
 36 (N) Participating in criminal street gang activity;
 37 (O) Habitual violator; or
 38 (P) Driving under the influence of alcohol, drugs, or other intoxicating substances.
 39 (b) A person charged with a bail restricted offense shall not be released on bail on his or
 40 her own recognizance.
 41 (c) Except as provided in subsection (b) of this Code section and in addition to other
 42 laws regarding the release of an accused person, the judge of any court having jurisdiction
 43 over a person charged with committing an offense against the criminal laws of this state
 44 shall have authority, in his or her sound discretion and in appropriate cases, to authorize
 45 the release of the person upon his or her own recognizance only.
 46 ~~(b)~~(d) Upon the failure of a person released on his or her own recognizance only to appear
 47 for trial, if the release is not otherwise conditioned by the court, the court may summarily
 48 issue an order for his or her arrest which shall be enforced as in cases of forfeited bonds."

49 **SECTION 3.**

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