

The House Committee on State Institutions & Property offers the following substitute to HB 1030:

A BILL TO BE ENTITLED
AN ACT

1 To amend various titles of the Official Code of Georgia Annotated, so as to establish a state
2 supervision division of the Department of Corrections which will be responsible for
3 supervising probationers, parolees, and persons conditionally released; to provide for a
4 director of the division; to reassign various functions from the State Board of Pardons and
5 Paroles to the new division; to provide for transition to the new division; to reorganize
6 probation officers and parole officers into state supervision officers; to provide for
7 definitions; to enlarge the Board of Corrections to include the chairman of the State Board
8 of Pardons and Paroles; to change provisions in the "State-wide Probation Act" and
9 provisions regarding the State Board of Pardons and Paroles; to provide for conformity; to
10 amend the Official Code of Georgia Annotated for purposes of conformity and to correct
11 cross-references; to provide for related matters; to provide for an effective date; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **PART I**
15 **STATE SUPERVISION**
16 **SECTION 1-1.**

17 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
18 by adding a new chapter to read as follows:

19 "CHAPTER 9A
20 ARTICLE 1

21 42-9A-1.

22 As used in this chapter, the term:

23 (1) 'Board' means the State Board of Pardons and Paroles.

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

25 (3) 'Director' means the director of state supervision.

26 (4) 'Division' means the Division of State Supervision of the department.

27 (5) 'State supervision officer' or 'officer' means an individual who supervises persons
28 serving probated sentences under the department or persons released on parole or
29 conditional release by the board or who provides both types of supervision.

30 42-9A-2.

31 (a) There is created the position of director of state supervision. The director shall be
32 nominated and removed by the Governor, provided that such nomination and removal are
33 ratified by the Board of Corrections. The director shall be a deputy commissioner in the
34 department and shall report to the commissioner.

35 (b) The director shall be the chief administrative officer of the division and, subject to
36 policies set by the department, shall supervise, direct, account for, organize, plan,
37 administer, and execute the duties vested with the division in this chapter and Chapters 8
38 and 9 of this title.

39 (c) It shall be the duty of the Board of Corrections to promulgate rules and regulations
40 necessary to effectuate the purposes of this chapter.

41 42-9A-3.

42 (a) It shall be the duty of the director to supervise and direct the work of state supervision
43 officers. The department shall keep accurate files and records on all probation, parole, and
44 conditional release cases and persons on probation, parole, and conditional release.

45 (b) All reports, files, records, and papers of whatever kind relative to the state-wide
46 probation system and persons released on parole or conditional release are declared to be
47 confidential.

48 (c) Probation records shall be available only to probation system officials and to the judge
49 handling a probation case and shall not be available to any other person, institution, or
50 agency without the express written consent of the probation or parole unit which originated
51 or accumulated such documents. Such records shall not be subject to process of subpoena.
52 However, the commissioner of the department may by written order declassify any such
53 records.

54 (d) Parole supervision records shall be available only to the officials handling a parole case
55 and shall not be available to any other person, institution, or agency without the express
56 written consent of the board. Such records shall not be subject to process of subpoena.
57 However, the board may by written order declassify any such records. The board's

58 clemency records shall be subject to Code Section 42-9-53 and shall not be governed by
59 the provisions of this Code section.

60 42-9A-4.

61 (a) The department shall employ state supervision officers and their compensation shall
62 be set by the State Personnel Board and the State Personnel Administration. State
63 supervision officers shall be allowed travel and other expenses as are other state
64 employees.

65 (b)(1) Except as provided in subsections (c) and (d) of this Code section, no state
66 supervision officer, during his or her employment as such, shall engage in any other
67 business or profession or hold any other public office which business, profession, or
68 office conflicts with his or her official duties as a state supervision officer; nor shall he
69 or she serve as a representative of any political party or any executive committee or other
70 governing body thereof or as an executive officer or employee of any political committee,
71 organization, or association; nor shall he or she be engaged on the behalf of any candidate
72 for public office in the solicitation of votes or otherwise become a candidate for public
73 office, without resigning from the division or from employment by the division.

74 (2) No state supervision officer shall own, operate, have any financial interest in, be an
75 instructor at, or be employed by any private entity which provides drug or alcohol
76 education services or offers a DUI Alcohol or Drug Use Risk Reduction Program
77 certified by the Department of Driver Services.

78 (3) No state supervision officer shall specify, directly or indirectly, a particular DUI
79 Alcohol or Drug Use Risk Reduction Program which a probationer may or shall attend.
80 This paragraph shall not prohibit any state supervision officer from furnishing any
81 probationer, upon request, the names of certified DUI Alcohol or Drug Use Risk
82 Reduction Programs. Any state supervision officer violating this paragraph shall be
83 guilty of a misdemeanor.

84 (c) Except as provided by subsection (d) of this Code section, a state supervision officer
85 shall not be required to resign from employment by the division if he or she becomes a
86 candidate for a public office of a county, school district, or municipality which does not
87 require full-time service or accepts appointment to such an office.

88 (d) A state supervision officer shall be required to resign from employment by the division
89 if he or she becomes a candidate for the General Assembly or becomes a candidate for or
90 accepts appointment to a public office which requires full-time service.

91 42-9A-5.

92 (a) In order for a person to be a state supervision officer, he or she shall be at least 21 years
93 of age at the time of appointment and have completed a standard two-year college course.
94 The qualifications provided in this Code section shall be the minimum qualifications and
95 the department is authorized to prescribe such additional and higher educational
96 qualifications from time to time as it deems desirable, but not to exceed a four-year
97 standard college course.

98 (b) Each state supervision officer shall give bond in such amount as may be fixed by the
99 department payable to the department for the use of the person or persons damaged by his
100 or her misfeasance or malfeasance and conditioned on the faithful performance of his or
101 her duties. The cost of the bond shall be paid by the department; provided, however, that
102 the bond may be procured, either by the department or by the Department of
103 Administrative Services, under a master policy or on a group blanket coverage basis, where
104 only the number of positions in each judicial circuit and the amount of coverage for each
105 position are listed in a schedule attached to the bond; and in such case each individual shall
106 be fully bonded and bound as principal, together with the surety, by virtue of his or her
107 holding the position or performing the duties of state supervision officer in the circuit or
108 circuits, and his or her individual signature shall not be necessary for such bond to be valid
109 in accordance with all the laws of this state. The bond or bonds shall be made payable to
110 the department.

111 42-9A-6.

112 (a) A state supervision officer leaving the service of the division under honorable
113 conditions who has accumulated 20 or more years of service with the division or its
114 predecessor department or agency, as applicable, as a state supervision officer shall be
115 entitled as part of such employee's compensation to retain his or her division issued badge.
116 A state supervision officer employed with the division who is killed in the line of duty shall
117 be entitled to have his or her division issued badge given to a surviving family member.
118 Where a state supervision officer leaves the service of the division due to a disability that
119 arose in the line of duty and such disability prevents the state supervision officer from
120 further serving as a peace officer, then such disabled state supervision officer shall be
121 entitled to retain his or her division issued badge regardless of the state supervision officer's
122 number of years of service with the division or its predecessor department or agency, as
123 applicable. The department shall be authorized to promulgate rules and regulations for the
124 implementation of this Code section.

125 (b) Any certified parole officer who was entitled to keep his or her badge under the former
126 provisions of subsection (b) of Code Section 42-9-9 shall be entitled to keep his or her

127 badge if he or she meets the requirements of such former Code section and was employed
128 by the board on June 30, 2010.

129 42-9A-7.

130 (a) No state supervision officer shall collect or disburse any funds whatsoever, except by
131 written order of the court or the board. It shall be the duty of such state supervision officer
132 to transmit a copy of such order to the department not later than 15 days after it has been
133 issued by the court or the board. No state supervision officer shall be directed to collect
134 any funds other than funds directed to be paid as the result of a criminal proceeding or as
135 ordered by the board. Every state supervision officer who collects or disburses any funds
136 whatsoever shall faithfully keep the records of accounts as are required by the department,
137 which records shall be subject to inspection by the department or the board at any time.
138 In every instance where a bank account is required, it shall be kept in the name of the 'State
139 Probation Office' or 'State Parole Office,' as applicable.

140 (b) State supervision officers shall aid parolees and probationers in securing employment.

141 42-9A-8.

142 (a) The department shall make periodic audits of each state supervision officer who, by
143 virtue of his or her duties, has any moneys, fines, court costs, property, or other funds
144 coming into his or her control or possession or being disbursed by him or her. The
145 department shall keep a permanent record of the audit of each state supervision officer's
146 accounts on file. It shall be the duty of the employee of the department conducting the
147 audit to notify the department and the board in writing of any discrepancy of an illegal
148 nature that might result in prosecution. The department shall have the right to interview
149 and make inquiry of certain selected payors or recipients of funds, as it may choose,
150 without notifying the state supervision officer, to carry out the purposes of the audit. The
151 employee who conducts the audit shall be required to give bond in such amount as may be
152 set by the department, in the same manner and for the same purposes as provided under
153 Code Section 42-9A-5 for the bonds of state supervision officers. The bond shall bind the
154 employee and his or her surety in the performance of the employee's duties.

155 (b) Any overpayment of fines, restitutions, or other moneys owed as a condition of
156 probation or parole shall not be refunded to the payor if the amount of such overpayment
157 is less than \$5.00.

158

159 42-9A-9.

160 (a) On July 1, 2010, the department shall receive custody of the state owned real property
161 in the custody of the board on June 30, 2010, which pertains to the functions transferred
162 to the department relative to parole supervision.

163 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,
164 agreements, and other transactions entered into before July 1, 2010, by the board which
165 relate to the supervisory functions transferred to the department shall continue to exist; and
166 none of these rights, privileges, entitlements, and duties is impaired or diminished by
167 reason of the transfer of the functions to the department. In all such instances, the
168 department shall be substituted for the board, and the department shall succeed to the rights
169 and duties under such contracts, leases, agreements, and other transactions.

170 (c) All persons employed by the board in capacities which relate to the supervisory
171 functions transferred to the department on June 30, 2010, shall, on July 1, 2010, become
172 employees of the department in similar capacities, as determined by the commissioner of
173 the department. Such employees shall be subject to the employment practices and policies
174 of the department on and after July 1, 2010, but the compensation and benefits of such
175 transferred employees shall not be reduced solely as a result of such transfer. Employees
176 who are subject to the rules of the State Personnel Board and thereby under the State
177 Personnel Administration and who are transferred to the department shall retain all existing
178 rights under the State Personnel Administration. Accrued leave possessed by such
179 employees on June 30, 2010, shall be retained by such employees as employees of the
180 department.

181 42-9A-10.

182 (a) Any provisions of law to the contrary notwithstanding, any person employed by the
183 department as a probation officer on June 30, 2010, shall continue in such position but shall
184 be administratively assigned to the division to serve as a state supervision officer; provided,
185 however, that on July 1, 2012, such person shall become permanently employed by the
186 division as a state supervision officer.

187 (b) Any provisions of law to the contrary notwithstanding, any person employed by the
188 State Board of Pardons and Paroles as a parole officer on June 30, 2010, shall continue in
189 such position but shall be administratively assigned to the division to serve as a state
190 supervision officer; provided, however, that on July 1, 2012, such person shall become
191 permanently employed by the division as a state supervision officer.

192 (c) This Code section shall be automatically repealed on July 1, 2010, if an Act becomes
193 law on such date amending Title 47 so as to preserve the specific retirement benefits
194 allowed for probation officers and parole officers.

ARTICLE 242-9A-20.

For purposes of probation supervision, the department may assign one state supervision officer to each judicial circuit in this state or, for purposes of assignment, may consolidate two or more judicial circuits and assign one state supervision officer thereto. In the event the department determines that more than one state supervision officer is needed for a particular circuit, additional state supervision officers may be assigned to the circuit. The department shall be authorized to direct any state supervision officer to assist any other state supervision officer wherever assigned. In the event that more than one state supervision officer is assigned to the same office or to the same court division within a particular judicial circuit, the department shall designate one of the state supervision officers to be the chief state supervision officer. State supervision officers shall be assigned among the respective judicial circuits based generally on the relative number of persons on probation in each circuit. State supervision officers shall supervise and counsel probationers in the judicial circuit to which they are assigned. Each state supervision officer shall perform the duties prescribed in this chapter and such duties as are prescribed by the department and shall keep such records and files and make such reports as are required of him or her.

42-9A-21.

With respect to probation cases, it shall be the duty of a state supervision officer to investigate all cases referred to him or her by the court and to make findings and report thereon in writing to the court with his or her recommendation. The superior court may require, before imposition of sentence, a presentence investigation and written report in each felony case in which the accused has entered a plea of guilty or nolo contendere or has been convicted. The state supervision officer shall cause to be delivered to each probationer under his or her supervision a certified copy of the terms of probation and any change or modification thereof and shall cause such probationer to be instructed regarding the same. The state supervision officer shall keep informed concerning the conduct, habits, associates, employment, recreation, and whereabouts of the probationer by visits, by requiring reports, or in other ways. The state supervision officer shall make such reports in writing or otherwise as the court may require. The state supervision officer shall use all practicable and proper methods to aid and encourage probationers and to bring about improvements in their conduct and condition. The state supervision officer shall keep records on each probationer referred to him or her.

229 42-9A-22.

230 (a) When a convicted person is committed to an institution under the jurisdiction of the
231 department, any presentence investigation or psychological evaluation compiled by a state
232 supervision officer shall be forwarded to any office designated by the commissioner.
233 Accompanying this document or evaluation will be the case history form and the criminal
234 history sheets from the Federal Bureau of Investigation or the Georgia Crime Information
235 Center, if available, unless any such information has previously been sent to the department
236 pursuant to Code Section 42-5-50. A copy of these same documents shall be made
237 available to the board. A copy of one or more of these documents, based on need, may be
238 forwarded to another institution to which the convicted person may be committed.

239 (b) The prison or institution receiving the documents referenced in subsection (a) of this
240 Code section shall maintain the confidentiality of the documents and the information
241 contained therein and shall not send them or release them or reveal them to any other
242 person, institution, or agency without the express consent of the probation unit which
243 originated or accumulated the documents.

244 42-9A-23.

245 In any county where the chief judge of the superior court, state court, municipal court,
246 probate court, or magistrate court has provided for probation services for such court
247 through agreement with a private corporation, enterprise, or agency or has established a
248 county or municipal probation system for such court pursuant to Code Section 42-8-100,
249 the provisions of this chapter relating to probation supervision services shall not apply to
250 defendants sentenced in any such court.

251 42-9A-24.

252 The department may provide office space and clerical help for the division wherever
253 needed. The counties of this state shall cooperate in this respect and, wherever possible,
254 shall furnish office space if needed.

255 ARTICLE 3

256 42-9A-30.

257 (a) For purposes of parole supervision, state supervision officers shall have the function
258 and responsibility of supervising all parolees or conditional releasees by the board. State
259 supervision officers shall have the responsibility of notifying the board of any alleged
260 violation of the conditions of parole or conditional release and making such investigations
261 as may be necessary with reference to such violations. Any state supervision officer, when

262 he or she has reasonable ground to believe that a parolee or conditional releasee has
 263 violated the terms or conditions of his or her parole or conditional release in a material
 264 respect, shall notify the board or some member thereof; and proceedings shall thereupon
 265 be had as provided in Code Sections 42-9-48, 42-9-50, and 42-9-51.

266 (b) State supervision officers shall be assigned among the respective judicial circuits based
 267 generally on the relative number of persons on parole in each circuit.

268 (c) The amount of the monthly parole supervision fee that the board may require the
 269 payment of as a condition of parole or conditional release shall be set by rule of the board
 270 and shall be uniform state wide. Such fees shall be collected by the state supervision
 271 officers to be paid into the general fund of the state treasury.

272 42-9A-31.

273 The department shall be authorized to maintain and operate or to enter into memoranda of
 274 agreement or other written documents evidencing contracts with other state agencies,
 275 persons, or any other entities for transitional or intermediate or other services or for
 276 programs deemed by the board to be necessary for parolees or conditional releasees from
 277 imprisonment by order of the board."

278 **PART II**

279 **BOARD OF CORRECTIONS**

280 **SECTION 2-1.**

281 Said Title 42 is further amended by revising subsection (a) of Code Section 42-2-2, relating
 282 to members of the Board of Corrections, as follows:

283 ~~"(a) On and after July 1, 1983, the~~ The board shall consist of one member from each
 284 congressional district in the state, the chairman of the State Board of Pardons and Paroles,
 285 and five additional members from the state at large. All members, except the chairman of
 286 the State Board of Pardons and Paroles, shall be appointed by the Governor, subject to
 287 confirmation by the Senate. ~~The initial terms of members shall be as follows: two~~
 288 ~~members representative of congressional districts and one at-large member shall be~~
 289 ~~appointed for a term ending July 1, 1984; two members representative of congressional~~
 290 ~~districts and one at-large member shall be appointed for a term ending July 1, 1985; two~~
 291 ~~members representative of congressional districts and one at-large member shall be~~
 292 ~~appointed for a term ending July 1, 1986; two members representative of congressional~~
 293 ~~districts and one at-large member shall be appointed for a term ending July 1, 1987; and~~
 294 ~~two members representative of congressional districts and one at-large member shall be~~
 295 ~~appointed for a term ending July 1, 1988. Thereafter, all~~ All members appointed to the

296 board by the Governor shall be appointed for terms of five years and until their successors
 297 are appointed and qualified. In the event of a vacancy during the term of any member by
 298 reason of death, resignation, or otherwise, the appointment of a successor by the Governor
 299 shall be for the remainder of the unexpired term of such member. The chairman of the
 300 State Board of Pardons and Paroles shall serve on the board during his or her year as
 301 chairman of the State Board of Pardons and such post on the board shall rotate as the
 302 chairman rotates serving as chairman, but such post shall always be actively filled by the
 303 chairman of the State Board of Pardons and Paroles."

304 **PART III**

305 "STATE-WIDE PROBATION ACT"

306 **SECTION 3-1.**

307 Said Title 42 is further amended by revising Article 2 of Chapter 8, relating to creating the
 308 state-wide probation system, as follows:

309 "ARTICLE 2

310 42-8-20.

311 This article shall be known and may be cited as the 'State-wide Probation Act.'

312 42-8-21.

313 As used in this article, the term:

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

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

316 (3) 'Department' means the Department of Corrections.

317 42-8-22.

318 There is created a state-wide probation system for felony offenders to be administered by
 319 the Division of State Supervision of the Department of Corrections. The probation system
 320 shall not be administered as part of the duties and activities of the State Board of Pardons
 321 and Paroles. Separate files and records shall be kept with relation to the state-wide
 322 probation system.

323 42-8-23.

324 The Division of State Supervision of the department shall administer the supervision of
 325 felony probationers. Nothing in this Code section shall alter the relationship between
 326 judges and ~~probation supervisors~~ state supervision officers prescribed in this article.

327 42-8-24.

328 ~~It shall be the duty of the department to supervise and direct the work of the probation~~
 329 ~~supervisors provided for in Code Section 42-8-25 and to keep accurate files and records on~~
 330 ~~all probation cases and persons on probation. It shall be the duty of the board to~~
 331 ~~promulgate rules and regulations necessary to effectuate the purposes of this chapter~~
 332 Reserved.

333 42-8-25.

334 ~~The department shall employ probation supervisors. The department may assign one~~
 335 ~~supervisor to each judicial circuit in this state or, for purposes of assignment, may~~
 336 ~~consolidate two or more judicial circuits and assign one supervisor thereto. In the event~~
 337 ~~the department determines that more than one supervisor is needed for a particular circuit,~~
 338 ~~an additional supervisor or additional supervisors may be assigned to the circuit. The~~
 339 ~~department is authorized to direct any probation supervisor to assist any other probation~~
 340 ~~supervisor wherever assigned. In the event that more than one supervisor is assigned to the~~
 341 ~~same office or to the same division within a particular judicial circuit, the department shall~~
 342 ~~designate one of the supervisors to be in charge~~ Reserved.

343 42-8-26.

344 (a) ~~In order for a person to hold the office of probation supervisor, he must be at least 21~~
 345 ~~years of age at the time of appointment and must have completed a standard two-year~~
 346 ~~college course, provided that any person who is employed as a probation supervisor on or~~
 347 ~~before July 1, 1972, shall not be required to meet the educational requirements specified~~
 348 ~~in this Code section, nor shall he be prejudiced in any way for not possessing the~~
 349 ~~requirements. The qualifications provided in this Code section are the minimum~~
 350 ~~qualifications and the department is authorized to prescribe such additional and higher~~
 351 ~~educational qualifications from time to time as it deems desirable, but not to exceed a~~
 352 ~~four-year standard college course.~~

353 (b) ~~The compensation of the probation supervisors shall be set by the State Personnel~~
 354 ~~Board and the State Personnel Administration. Probation supervisors shall also be allowed~~
 355 ~~travel and other expenses as are other state employees.~~

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

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

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

367 ~~(d) Each probation supervisor shall give bond in such amount as may be fixed by the~~
 368 ~~department payable to the department for the use of the person or persons damaged by his~~
 369 ~~misfeasance or malfeasance and conditioned on the faithful performance of his duties. The~~
 370 ~~cost of the bond shall be paid by the department; provided, however, that the bond may be~~
 371 ~~procured, either by the department or by the Department of Administrative Services, under~~
 372 ~~a master policy or on a group blanket coverage basis, where only the number of positions~~
 373 ~~in each judicial circuit and the amount of coverage for each position are listed in a schedule~~
 374 ~~attached to the bond; and in such case each individual shall be fully bonded and bound as~~
 375 ~~principal, together with the surety, by virtue of his holding the position or performing the~~
 376 ~~duties of probation supervisor in the circuit or circuits, and his individual signature shall~~
 377 ~~not be necessary for such bond to be valid in accordance with all the laws of this state. The~~
 378 ~~bond or bonds shall be made payable to the department Reserved.~~

379 42-8-27.

380 ~~The probation supervisor shall supervise and counsel probationers in the judicial circuit to~~
 381 ~~which he is assigned. Each supervisor shall perform the duties prescribed in this chapter~~
 382 ~~and such duties as are prescribed by the department and shall keep such records and files~~
 383 ~~and make such reports as are required of him Reserved.~~

384 42-8-28.

385 ~~Probation supervisors shall be assigned among the respective judicial circuits based~~
 386 ~~generally on the relative number of persons on probation in each circuit Reserved.~~

387 42-8-29.

388 ~~It shall be the duty of the probation supervisor to investigate all cases referred to him by~~
 389 ~~the court and to make his findings and report thereon in writing to the court with his~~

390 ~~recommendation. The superior court may require, before imposition of sentence, a~~
 391 ~~presentence investigation and written report in each felony case in which the defendant has~~
 392 ~~entered a plea of guilty or nolo contendere or has been convicted. The probation supervisor~~
 393 ~~shall cause to be delivered to each person placed on probation under his supervision a~~
 394 ~~certified copy of the terms of probation and any change or modification thereof and shall~~
 395 ~~cause the person to be instructed regarding the same. He shall keep informed concerning~~
 396 ~~the conduct, habits, associates, employment, recreation, and whereabouts of the probationer~~
 397 ~~by visits, by requiring reports, or in other ways. He shall make such reports in writing or~~
 398 ~~otherwise as the court may require. He shall use all practicable and proper methods to aid~~
 399 ~~and encourage persons on probation and to bring about improvements in their conduct and~~
 400 ~~condition. He shall keep records on each probationer referred to him Reserved.~~

401 ~~42-8-29.1.~~

402 ~~(a) When a convicted person is committed to an institution under the jurisdiction of the~~
 403 ~~department, any presentence or post-sentence investigation or psychological evaluation~~
 404 ~~compiled by a probation supervisor or other probation official shall be forwarded to any~~
 405 ~~division or office designated by the commissioner. Accompanying this document or~~
 406 ~~evaluation will be the case history form and the criminal history sheets from the Federal~~
 407 ~~Bureau of Investigation or the Georgia Crime Information Center, if available, unless any~~
 408 ~~such information has previously been sent to the department pursuant to Code Section~~
 409 ~~42-5-50. A copy of these same documents shall be made available for the State Board of~~
 410 ~~Pardons and Paroles. A copy of one or more of these documents, based on need, may be~~
 411 ~~forwarded to another institution to which the defendant may be committed.~~

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

416 ~~42-8-30.~~

417 ~~In the counties where no juvenile probation system exists, juvenile offenders, upon~~
 418 ~~direction of the court, shall be supervised by probation supervisors. Other than in this~~
 419 ~~respect, nothing in this article shall be construed to change or modify any law relative to~~
 420 ~~probation as administered by any juvenile court in this state Reserved.~~

421 ~~42-8-30.1.~~

422 ~~In any county where the chief judge of the superior court, state court, municipal court,~~
 423 ~~probate court, or magistrate court has provided for probation services for such court~~

424 ~~through agreement with a private corporation, enterprise, or agency or has established a~~
425 ~~county or municipal probation system for such court pursuant to Code Section 42-8-100,~~
426 ~~the provisions of this article relating to probation supervision services shall not apply to~~
427 ~~defendants sentenced in any such court.~~

428 42-8-31.

429 ~~No probation supervisor shall collect or disburse any funds whatsoever, except by written~~
430 ~~order of the court; and it shall be the duty of the supervisor to transmit a copy of the order~~
431 ~~to the department not later than 15 days after it has been issued by the court. Every~~
432 ~~supervisor who collects or disburses any funds whatsoever shall faithfully keep the records~~
433 ~~of accounts as are required by the department, which records shall be subject to inspection~~
434 ~~by the department at any time. In every instance where a bank account is required, it shall~~
435 ~~be kept in the name of the 'State Probation Office.' Reserved.~~

436 42-8-32.

437 ~~No probation supervisor shall be directed to collect any funds other than funds directed to~~
438 ~~be paid as the result of a criminal proceeding Reserved.~~

439 42-8-33.

440 ~~(a) The department shall make periodic audits of each probation supervisor who, by virtue~~
441 ~~of his duties, has any moneys, fines, court costs, property, or other funds coming into his~~
442 ~~control or possession or being disbursed by him. The department shall keep a permanent~~
443 ~~record of the audit of each probation supervisor's accounts on file. It shall be the duty of~~
444 ~~the employee of the department conducting the audit to notify the department in writing of~~
445 ~~any discrepancy of an illegal nature that might result in prosecution. The department shall~~
446 ~~have the right to interview and make inquiry of certain selected payors or recipients of~~
447 ~~funds, as it may choose, without notifying the probation supervisor, to carry out the~~
448 ~~purposes of the audit. The employee who conducts the audit shall be required to give bond~~
449 ~~in such amount as may be set by the department, in the same manner and for the same~~
450 ~~purposes as provided under Code Section 42-8-26 for the bonds of probation supervisors.~~
451 ~~The bond shall bind the employee and his surety in the performance of his duties.~~

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

455 42-8-34.

456 (a) Any court of this state which has original jurisdiction of criminal actions, except
457 juvenile courts, municipal courts, and probate courts, in which the defendant in a criminal
458 case has been found guilty upon verdict or plea or has been sentenced upon a plea of nolo
459 contendere, except for an offense punishable by death or life imprisonment, may, at a time
460 to be determined by the court, hear and determine the question of the probation of such
461 defendant.

462 (b) Prior to the hearing, the court may refer the case to the ~~probation supervisor~~ state
463 supervision officer of the circuit in which the court is located for investigation and
464 recommendation. The court, upon such reference, shall direct the ~~supervisor~~ state
465 supervision officer to make an investigation and to report to the court, in writing at a
466 specified time, upon the circumstances of the offense and the criminal record, social
467 history, and present condition of the defendant, together with the ~~supervisor's~~ state
468 supervision officer's recommendation; and it shall be the duty of the ~~supervisor~~ state
469 supervision officer to carry out the directive of the court.

470 (c) Subject to the provisions of subsection (a) of Code Section 17-10-1 and subsection (f)
471 of Code Section 17-10-3, if it appears to the court upon a hearing of the matter that the
472 defendant is not likely to engage in a criminal course of conduct and that the ends of justice
473 and the welfare of society do not require that the defendant shall presently suffer the
474 penalty imposed by law, the court in its discretion shall impose sentence upon the
475 defendant but may stay and suspend the execution of the sentence or any portion thereof
476 or may place him or her on probation under the supervision and control of the ~~probation~~
477 ~~supervisor~~ state supervision officer for the duration of such probation. The period of
478 probation or suspension shall not exceed the maximum sentence of confinement which
479 could be imposed on the defendant.

480 (d)(1) In every case that a court of this state or any other state sentences a defendant to
481 probation or any pretrial release or diversion program under the supervision of the
482 department, in addition to any fine or order of restitution imposed by the court, there shall
483 be imposed a probation fee as a condition of probation, release, or diversion in the
484 amount equivalent to \$23.00 per each month under supervision, and in addition, a
485 one-time fee of \$50.00 where such defendant was convicted of any felony. The probation
486 fee may be waived or amended after administrative process by the department and
487 approval of the court, or upon determination by the court, as to the undue hardship,
488 inability to pay, or any other extenuating factors which prohibit collection of the fee;
489 provided, however, that the imposition of sanctions for failure to pay fees shall be within
490 the discretion of the court through judicial process or hearings. Probation fees shall be
491 waived on probationers incarcerated or detained in a departmental or other confinement

492 facility which prohibits employment for wages. All probation fees collected by the
493 department shall be paid into the general fund of the state treasury, except as provided in
494 subsection (f) of Code Section 17-15-13, relating to sums to be paid into the Georgia
495 Crime Victims Emergency Fund. Any fees collected by the court under this paragraph
496 shall be remitted not later than the last day of the month after such fee is collected to the
497 Georgia Superior Court Clerks' Cooperative Authority for deposit into the general fund
498 of the state treasury.

499 (2) In addition to any other provision of law, any person convicted of a violation of Code
500 Section 40-6-391 or subsection (b) of Code Section 16-13-2 who is sentenced to
501 probation or a suspended sentence by a municipal, magistrate, probate, recorder's,
502 mayor's, state, or superior court shall also be required by the court to pay a one-time fee
503 of \$25.00. The clerk of court, or if there is no clerk the person designated to collect fines,
504 fees, and forfeitures for such court, shall collect such fee and remit the same not later than
505 the last day of the month after such fee is collected to the Georgia Superior Court Clerks'
506 Cooperative Authority for deposit into the general fund of the state treasury.

507 (3) In addition to any fine, fee, restitution, or other amount ordered, the sentencing court
508 may also impose as a condition of probation for felony criminal defendants sentenced to
509 a day reporting center an additional charge, not to exceed \$10.00 per day for each day
510 such defendant is required to report to a day reporting center; provided, however, that no
511 fee shall be imposed or collected if the defendant is unemployed or has been found
512 indigent by the sentencing court. The charges required by this paragraph shall be paid
513 by the probationer directly to the department. Funds collected by the department
514 pursuant to this ~~subsection~~ paragraph shall only be used by the department in the
515 maintenance and operation of the day reporting center program.

516 (e) The court may, in its discretion, require the payment of a fine or costs, or both, as a
517 condition precedent to probation.

518 (f) During the interval between the conviction or plea and the hearing to determine the
519 question of probation, the court may, in its discretion, either order the confinement of the
520 defendant without bond or may permit ~~his~~ the defendant's release on bond, which bond
521 shall be conditioned on ~~his~~ the defendant's appearance at the hearing and shall be subject
522 to the same rules as govern appearance bonds. Any time served in confinement shall be
523 considered a part of the sentence of the defendant.

524 (g) The sentencing judge shall not lose jurisdiction over any person placed on probation
525 during the term of the person's probated sentence. The judge is empowered to revoke any
526 or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed
527 advisable by the judge, modify or change the probated sentence, including ordering the

528 probationer into the sentencing options system, as provided in Article 9 of this chapter, at
529 any time during the period of time prescribed for the probated sentence to run.

530 (h) Notwithstanding any provision of this Code or any rule or regulation to the contrary,
531 if a defendant is placed on probation in a county of a judicial circuit other than the one in
532 which he or she resides for committing any misdemeanor offense, such ~~defendant~~
533 probationer may, when specifically ordered by the court, have his or her probation
534 supervision transferred to the judicial circuit of the county in which ~~he~~ the probationer
535 resides.

536 42-8-34.1.

537 (a) For the purposes of this Code section, the term 'special condition of probation or
538 suspension of the sentence' means a condition of a probated or suspended sentence which:

539 (1) Is expressly imposed as part of the sentence in addition to general conditions of
540 probation and court ordered fines and fees; and

541 (2) Is identified in writing in the sentence as a condition the violation of which authorizes
542 the court to revoke the probation or suspension and require the defendant to serve up to
543 the balance of the sentence in confinement.

544 (b) A court may not revoke any part of any probated or suspended sentence unless the
545 defendant admits the violation as alleged or unless the evidence produced at the revocation
546 hearing establishes by a preponderance of the evidence the violation or violations alleged.

547 (c) At any revocation hearing, upon proof that the defendant has violated any general
548 provision of probation or suspension other than by commission of a new felony offense,
549 the court shall consider the use of alternatives to include community service, intensive
550 probation, diversion centers, probation detention centers, special alternative incarceration,
551 or any other alternative to confinement deemed appropriate by the court or as provided by
552 the state or county. In the event the court determines that the defendant does not meet the
553 criteria for said alternatives, the court may revoke the balance of probation or not more
554 than two years in confinement, whichever is less.

555 (d) If the violation of probation or suspension alleged and proven by a preponderance of
556 the evidence or the defendant's admission is the commission of a felony offense, the court
557 may revoke no more than the lesser of the balance of probation or the maximum time of
558 the sentence authorized to be imposed for the crime constituting the violation of the
559 probation.

560 (e) If the violation of probation or suspension alleged and proven by a preponderance of
561 the evidence or the defendant's admission is the violation of a special condition of
562 probation or suspension of the sentence, the court may revoke the probation or suspension

563 of the sentence and require the defendant to serve the balance or portion of the balance of
564 the original sentence in confinement.

565 (f) The payment of restitution or reparation, costs, or fines ordered by the court may be
566 payable in one lump sum or in periodic payments, as determined by the court after
567 consideration of all the facts and circumstances of the case and of the defendant's ability
568 to pay. Such payments shall, in the discretion of the sentencing judge, be made either to
569 the clerk of the sentencing court or, if the sentencing court is a probate court, state court,
570 or superior court, to the ~~probation~~ state supervision office serving said court.

571 (g) In no event shall ~~an offender~~ a probationer be supervised on probation for more than
572 a total of two years for any one offense or series of offenses arising out of the same
573 transaction, whether before or after confinement, except as provided by paragraph (2) of
574 subsection (a) of Code Section 17-10-1.

575 42-8-34.2.

576 (a) In the event that a ~~defendant~~ probationer is delinquent in the payment of fines, costs,
577 or restitution or reparation, as was ordered by the court as a condition of probation, the
578 ~~defendant's probation~~ probationer's state supervision officer ~~is~~ shall be authorized, but shall
579 not be required, to execute a sworn affidavit wherein the amount of arrearage is set out.
580 In addition, the affidavit shall contain a succinct statement as to what efforts the department
581 has made in trying to collect the delinquent amount. The affidavit shall then be submitted
582 to the sentencing court for approval. Upon signature and approval of the court, said
583 arrearage shall then be collectable through issuance of a writ of fieri facias by the clerk of
584 the sentencing court; and the department may enforce such collection through any judicial
585 or other process or procedure which may be used by the holder of a writ of execution
586 arising from a civil action.

587 (b) This Code section provides the state with remedies in addition to all other remedies
588 provided for by law; and nothing in this Code section shall preclude the use of any other
589 or additional remedy in any case.

590 (c) No clerk of any court shall be authorized to require any deposit of cost or any other
591 filing or service fee as a condition to the filing of a garnishment action or other action or
592 proceeding authorized under this Code section. In any such action or proceeding, however,
593 the clerk of the court in which the action is filed shall deduct and retain all proper court
594 costs from any funds paid into the treasury of the court, prior to any other disbursement of
595 such funds so paid into court.

596 42-8-35.

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

599 (1) Avoid injurious and vicious habits;

600 (2) Avoid persons or places of disreputable or harmful character;

601 (3) Report to the ~~probation supervisor~~ state supervision officer as directed;

602 (4) Permit the ~~supervisor~~ state supervision officer to visit the probationer at the
603 probationer's home or elsewhere;

604 (5) Work faithfully at suitable employment insofar as may be possible;

605 (6) Remain within a specified location; provided, however, that the court shall not banish
606 a probationer to any area within the state:

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

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

611 (7) Make reparation or restitution to any aggrieved person for the damage or loss caused
612 by the probationer's offense, in an amount to be determined by the court. Unless
613 otherwise provided by law, no reparation or restitution to any aggrieved person for the
614 damage or loss caused by the probationer's offense shall be made if the amount is in
615 dispute unless the same has been adjudicated;

616 (8) Make reparation or restitution as reimbursement to a municipality or county for the
617 payment for medical care furnished the person while incarcerated pursuant to the
618 provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local
619 governmental unit for the provision of medical care shall be made if the amount is in
620 dispute unless the same has been adjudicated;

621 (9) Repay the costs incurred by any municipality or county for wrongful actions by an
622 inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section
623 42-4-71;

624 (10) Support the probationer's legal dependents to the best of the probationer's ability;

625 (11) Violate no local, state, or federal laws and be of general good behavior;

626 (12) If permitted to move or travel to another state, agree to waive extradition from any
627 jurisdiction where the probationer may be found and not contest any effort by any
628 jurisdiction to return the probationer to this state; and

629 (13) Submit to evaluations and testing relating to rehabilitation and participate in and
630 successfully complete rehabilitative programming as directed by the department.

631 (b) In determining the terms and conditions of probation for a probationer who has been
632 convicted of a criminal offense against a victim who is a minor or dangerous sexual offense

633 as those terms are defined in Code Section 42-1-12, the court may provide that the
634 probationer shall be:

635 (1) Prohibited from entering or remaining present at a victim's school, place of
636 employment, place of residence, or other specified place at times when a victim is present
637 or from loitering in areas where minors congregate, child care facilities, churches, or
638 schools as those terms are defined in Code Section 42-1-12;

639 (2) Required to wear a device capable of tracking the location of the probationer by
640 means including electronic surveillance or global positioning systems. The department
641 shall assess and collect fees from the probationer for such monitoring at levels set by
642 regulation by the department;

643 (3) Required, either in person or through remote monitoring, to allow viewing and
644 recording of the probationer's incoming and outgoing e-mail, history of websites visited
645 and content accessed, and other Internet based communication;

646 (4) Required to have periodic unannounced inspections of the contents of the
647 probationer's computer or any other device with Internet access including the retrieval
648 and copying of all data from the computer or device and any internal or external storage
649 or portable media and the removal of such information, computer, device, or medium;
650 and

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

652 (c) The supervision provided for under subsection (b) of this Code section shall be
653 conducted by a ~~probation~~ state supervision officer, law enforcement officer, or computer
654 information technology specialist working under the supervision of a ~~probation~~ state
655 supervision officer or law enforcement agency.

656 42-8-35.1.

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

665 (b) Before a court can place this condition upon the sentence, an initial investigation ~~will~~
666 shall be completed by the ~~probation officer~~ state supervision officer which will indicate that
667 the probationer is qualified for such treatment in that the ~~individual~~ probationer does not
668 appear to be physically or mentally disabled in a way that would prevent him or her from

669 strenuous physical activity, that the ~~individual~~ probationer has no obvious contagious
670 diseases, that the ~~individual~~ probationer is not less than 17 years of age nor more than 30
671 years of age at the time of sentencing, and that the department has granted provisional
672 approval of the placement of the ~~individual~~ probationer in the 'special alternative
673 incarceration—probation boot camp' unit.

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

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

683 (e) Upon the receipt of a satisfactory report of performance in the program from the
684 department, the trial court shall release the ~~individual~~ probationer from confinement in the
685 'special alternative incarceration—probation boot camp' unit. ~~However; provided,~~
686 however, that the receipt of an unsatisfactory report will be grounds for revocation of the
687 probated sentence as would any other violation of a condition or term of probation.

688 (f) The satisfactory report of performance in the program from the department shall, in
689 addition to the other requirements specified in this Code section, require participation of
690 the ~~individual~~ probationer confined in the unit in such adult education courses necessary
691 to attain the equivalency of a grade five competency level as established by the State Board
692 of Education for elementary schools. Those individuals who are mentally disabled as
693 determined by initial testing ~~are~~ shall be exempt from mandatory participation. After the
694 ~~individual~~ probationer is released from the unit, it shall be a special condition of probation
695 that the ~~individual~~ probationer participate in an education program in the community until
696 grade five level competency is achieved or active probation supervision terminates. It shall
697 be the duty of the department to certify to the trial court that such ~~individual~~ probationer
698 has satisfactorily completed this condition of probation while on active probation
699 supervision. The receipt of an unsatisfactory report may be grounds for revocation of the
700 probated sentence as would any other violation of a condition or term of probation. Under
701 certain circumstances, the probationer may be exempt from this requirement if it is
702 determined by the ~~probation~~ state supervision officer that community education resources
703 are inaccessible to the probationer.

704 42-8-35.2.

705 (a) Notwithstanding any other provisions of law, the court, when imposing a sentence of
 706 imprisonment after a conviction of a violation of subsection (b) or (d) of Code Section
 707 16-13-30 or after a conviction of a violation of Code Section 16-13-31, shall impose a
 708 special term of probation of three years in addition to such term of imprisonment; provided,
 709 however, upon a second or subsequent conviction of a violation of the provisions of such
 710 Code sections as stated in this subsection, the special term of probation shall be six years
 711 in addition to any term of imprisonment.

712 (b) A special term of probation imposed under this Code section may be revoked if the
 713 terms and conditions of probation are violated. In such circumstances the original term of
 714 imprisonment shall be increased by the period of the special term of probation and the
 715 resulting new term of imprisonment shall not be diminished by the time which was spent
 716 on special probation. A person whose special term of probation has been revoked may be
 717 required to serve all or part of the remainder of the new term of imprisonment. A special
 718 term of probation provided for in this Code section shall be in addition to, and not in lieu
 719 of, any other probation provided for by law and shall be supervised in the same manner as
 720 other probations as provided in this chapter.

721 (c) Upon written application by the probationer to the trial court, the court may, in its
 722 discretion, suspend the balance of any special term of probation, provided that at least
 723 one-half of said special term of probation has been completed and all fines associated with
 724 the original sentence have been paid and all other terms of the original sentence and the
 725 terms of the special probation have been met by the probationer.

726 42-8-35.3.

727 Notwithstanding any other terms or conditions of probation which may be imposed, a court
 728 sentencing a defendant to probation for a violation of Code Section 16-5-90 or 16-5-91
 729 may impose one or more of the following conditions on such probation:

730 (1) Prohibit the ~~defendant~~ probationer from engaging in conduct in violation of Code
 731 Section 16-5-90 or 16-5-91;

732 (2) Require the ~~defendant~~ probationer to undergo a mental health evaluation and, if it is
 733 determined by the court from the results of such evaluation that the ~~defendant~~ probationer
 734 is in need of treatment or counseling, require the ~~defendant~~ probationer to undergo mental
 735 health treatment or counseling by a court approved mental health professional, mental
 736 health facility, or facility of the Department of Behavioral Health and Developmental
 737 Disabilities. Unless the ~~defendant~~ probationer is indigent, the cost of any such treatment
 738 shall be borne by the ~~defendant~~ probationer; or

739 (3) Prohibit the ~~defendant~~ probationer from entering or remaining present at the victim's
740 school, place of employment, or other specified places at times when the victim is
741 present.

742 42-8-35.4.

743 (a) In addition to any other terms and conditions of probation provided for in this article,
744 the trial judge may require that a defendant convicted of a felony and sentenced to a period
745 of not less than one year on probation or a defendant who has been previously sentenced
746 to probation for a forcible misdemeanor as defined in paragraph (7) of Code Section 16-1-3
747 or a misdemeanor of a high and aggravated nature and has violated probation or other
748 probation alternatives and is subsequently sentenced to a period of not less than one year
749 on probation shall complete satisfactorily, as a condition of that probation, a program of
750 confinement in a probation detention center. Probationers so sentenced ~~will~~ shall be
751 required to serve the period of confinement specified in the court order.

752 (b) The court shall determine that the defendant is at least 17 years of age at the time of
753 sentencing.

754 (c) During the period of confinement, the department may transfer the probationer to other
755 facilities in order to provide needed physical and mental health care or for other reasons
756 essential to the care and supervision of the probationer or as necessary for the effective
757 administration and management of its facilities.

758 42-8-35.5.

759 (a) In addition to any other terms and conditions of probation provided in this article, the
760 trial judge may require that probationers sentenced to a period of not less than one year on
761 probation shall satisfactorily complete, as a condition of that probation, a program in a
762 probation diversion center. Probationers so sentenced ~~will~~ shall be required to serve a
763 period of confinement as specified in the court order, which confinement period shall be
764 computed from the date of initial confinement in the diversion center.

765 (b) The court shall determine that the defendant is at least 17 years of age at the time of
766 sentencing, is capable both physically and mentally of maintaining paid employment in the
767 community, and does not unnecessarily jeopardize the safety of the community.

768 (c) The department may assess and collect room and board fees from diversion center
769 program participants at a level set by the department.

770 42-8-35.6.

771 (a) Notwithstanding any other terms or conditions of probation which may be imposed,
772 a court sentencing a defendant to probation for an offense involving family violence as

773 such term is defined in Code Section 19-13-10 shall require as a condition of probation that
 774 the ~~defendant~~ probationer participate in a family violence intervention program certified
 775 pursuant to Article 1A of Chapter 13 of Title 19, unless the court determines and states on
 776 the record why participation in such a program is not appropriate.

777 (b) A court, in addition to imposing any penalty provided by law, when revoking a
 778 ~~defendant's~~ probationer's probation for an offense involving family violence as defined by
 779 Code Section 19-13-10, or when imposing a protective order against family violence, shall
 780 order the ~~defendant~~ probationer to participate in a family violence intervention program
 781 certified pursuant to Article 1A of Chapter 13 of Title 19, unless the court determines and
 782 states on the record why participation in such program is not appropriate.

783 (c) The State Board of Pardons and Paroles, for a violation of parole for an offense
 784 involving family violence as defined by Code Section 19-13-10, shall require the
 785 ~~conditional releasee~~ parolee to participate in a family violence intervention program
 786 certified pursuant to Article 1A of Chapter 13 of Title 19, unless the State Board of Pardons
 787 and Paroles determines why participation in such a program is not appropriate.

788 (d) Unless the ~~defendant~~ probationer is indigent, the cost of the family violence
 789 intervention program as provided by this Code section shall be borne by the ~~defendant~~
 790 probationer. If the ~~defendant~~ probationer is indigent, then the cost of the program shall be
 791 determined by a sliding scale based upon the ~~defendant's~~ probationer's ability to pay.

792 42-8-35.7.

793 Unless the court has ordered more frequent such screenings, it shall be the duty of each
 794 ~~probation supervisor~~ state supervision officer to administer or have administered a drug and
 795 alcohol screening not less than once every 60 days to any person who is placed on
 796 probation and who, as a condition of such probation, is required to undergo regular, random
 797 drug and alcohol screenings, provided that the drug and alcohol screenings required by this
 798 Code section shall be performed only to the extent that necessary funds therefor are
 799 appropriated in the state budget.

800 42-8-36.

801 (a)(1) Any other provision of this article to the contrary notwithstanding, it shall be the
 802 duty of a probationer, as a condition of probation, to keep his or her state supervision
 803 officer ~~probation supervisor~~ informed as to his or her residence. Upon the
 804 recommendation of the ~~probation supervisor~~ state supervision officer, the court may also
 805 require, as a condition of probation and under such terms as the court deems advisable,
 806 that the probationer keep the ~~probation supervisor~~ state supervision officer informed as
 807 to his or her whereabouts. The failure of a probationer to report to his ~~probation~~

808 ~~supervisor or her~~ state supervision officer as directed or a return of non est inventus or
 809 other return to a warrant, for the violation of the terms and conditions of probation, that
 810 the probationer cannot be found in the county that appears from the records of the
 811 ~~probation supervisor~~ state supervision officer to be the probationer's county of residence
 812 shall automatically suspend the running of the probated sentence until the probationer
 813 shall personally report to the ~~probation supervisor~~ state supervision officer, is taken into
 814 custody in this state, or is otherwise available to the court; and such period of time shall
 815 not be included in computing creditable time served on probation or as any part of the
 816 time that the probationer was sentenced to serve. The effective date of the tolling of the
 817 sentence shall be the date that the state supervision officer returns the warrant showing
 818 non est inventus. Any officer authorized by law to issue or serve warrants may return the
 819 warrant for the absconded probationer showing non est inventus.

820 (2) In addition to the provisions of paragraph (1) of this subsection, if the ~~probation~~
 821 ~~supervisor~~ state supervision officer submits an affidavit to the court stating that a
 822 probationer has absconded and cannot be found, the running of the probated sentence
 823 shall be suspended effective on the date such affidavit is submitted to the court and
 824 continuing until the probationer shall personally report to the ~~probation supervisor~~ state
 825 supervision officer, is taken into custody in this state, or is otherwise available to the
 826 court.

827 (b) Any unpaid fines, restitution, or any other moneys owed as a condition of probation
 828 shall be due when the probationer is arrested; but, if the entire balance of his or her
 829 probation is revoked, all the conditions of probation, including moneys owed, shall be
 830 negated by his or her imprisonment. If only part of the balance of the probation is revoked,
 831 the probationer shall still be responsible for the full amount of the unpaid fines, restitution,
 832 and other moneys upon his or her return to probation after release from imprisonment.

833 42-8-37.

834 (a) Upon the termination of the period of probation, the probationer shall be released from
 835 probation and shall not be liable to sentence for the crime for which probation was allowed;
 836 provided, however, the foregoing shall not be construed to prohibit the conviction and
 837 sentencing of the probationer for the subsequent commission of the same or a similar
 838 offense or for the subsequent continuation of the offense for which he or she was
 839 previously sentenced. The court may at any time cause the probationer to appear before
 840 it to be admonished or commended and, when satisfied that its action would be for the best
 841 interests of justice and the welfare of society, may discharge the probationer from further
 842 supervision.

843 (b) Upon the request of the chief judge of the court from which ~~said person~~ a probationer
844 was sentenced, the case of each ~~person~~ probationer receiving a probated sentence of more
845 than two years shall be reviewed by the ~~probation supervisor~~ state supervision officer
846 responsible for that case after service of two years on probation, and a written report of the
847 probationer's progress shall be submitted to the sentencing court along with the ~~supervisor's~~
848 state supervision officer's recommendation as to early termination. Upon the request of the
849 chief judge of the court from which ~~said person~~ such probationer was sentenced, each such
850 case shall be reviewed and a written report submitted annually thereafter, or more often if
851 required, until the termination, expiration, or other disposition of the case.

852 42-8-38.

853 (a) Whenever, within the period of probation, a ~~probation supervisor~~ state supervision
854 officer believes that a probationer under his or her supervision has violated his or her
855 probation in a material respect, ~~he~~ such officer may arrest the probationer without warrant,
856 wherever found, and return ~~him~~ the probationer to the court granting the probation or, if
857 under supervision in a county or judicial circuit other than that of conviction, to a court of
858 equivalent original criminal jurisdiction within the county wherein the probationer resides
859 for purposes of supervision. Any officer authorized by law to issue warrants may issue a
860 warrant for the arrest of the probationer upon the affidavit of one having knowledge of the
861 alleged violation, returnable forthwith before the court in which revocation proceedings are
862 being brought.

863 (b) The court, upon the probationer being brought before it, may commit ~~him~~ the
864 probationer or release ~~him~~ the probationer with or without bail to await further hearing or
865 it may dismiss the charge. If the charge is not dismissed at this time, the court shall give
866 the probationer an opportunity to be heard fully at the earliest possible date on his or her
867 own behalf, in person or by counsel, provided that, if the revocation proceeding is in a
868 court other than the court of the original criminal conviction, the sentencing court shall be
869 given ten days' written notice prior to a hearing on the merits.

870 (c) After the hearing, the court may revoke, modify, or continue the probation. If the
871 probation is revoked, the court may order the execution of the sentence originally imposed
872 or of any portion thereof. In such event, the time that the defendant has served under
873 probation shall be considered as time served and shall be deducted from and considered a
874 part of the time ~~he~~ the probationer was originally sentenced to serve.

875 (d) In cases where the probation is revoked in a county other than the county of original
876 conviction, the clerk of court in the county revoking probation may record the order of
877 revocation in the judge's minute docket, which recordation shall constitute sufficient
878 permanent record of the proceedings in that court. The clerk shall send one copy of the

879 order revoking probation to the department to serve as a temporary commitment and shall
 880 send the original order revoking probation and all other papers pertaining thereto to the
 881 county of original conviction to be filed with the original records. The clerk of court of the
 882 county of original conviction shall then issue a formal commitment to the department.

883 42-8-39.

884 In all criminal cases in which the defendant is found guilty or in which a plea of guilty or
 885 of nolo contendere is entered and in which the trial judge after imposing sentence further
 886 provides that the execution of the sentence shall be suspended, such provision shall not
 887 have the effect of placing the defendant on probation as provided in this article.

888 42-8-40.

889 ~~All reports, files, records, and papers of whatever kind relative to the state-wide probation~~
 890 ~~system are declared to be confidential and shall be available only to the probation system~~
 891 ~~officials and to the judge handling a particular case. They shall not be subject to process~~
 892 ~~of subpoena. However, the commissioner may by written order declassify any such records~~
 893 Reserved.

894 42-8-41.

895 All state and local departments, agencies, boards, bureaus, commissions, and committees
 896 shall cooperate with the ~~probation officials~~ state supervision officers.

897 42-8-42.

898 ~~The department may provide office space and clerical help wherever needed. The counties~~
 899 ~~of this state shall cooperate in this respect and, wherever possible, shall furnish office space~~
 900 ~~if needed~~ Reserved.

901 42-8-43.

902 Except as otherwise provided by law, any county probation system in existence on
 903 February 8, 1956, shall not be affected by the passage of this article, regardless of whether
 904 the law under which the system exists is specifically repealed by this article. The personnel
 905 of the system shall continue to be appointed and employed under the same procedure as
 906 used prior to February 8, 1956, and the system shall be financed under the same method
 907 as it was financed prior to February 8, 1956. However, the substantive provisions of this
 908 article and Chapter 9A of this title relative to probation shall be followed, and to this end
 909 any probation officer of such system shall be deemed to be the same as a ~~probation~~
 910 ~~supervisor~~ state supervision officer, with the ~~probation supervisor~~ state supervision officer

911 assigned by the department serving in a liaison capacity between the county probation
912 system and the department.

913 ~~42-8-43.1.~~

914 ~~(a) This Code section shall apply to county probation systems of all counties of this state~~
915 ~~having a population of 400,000 or more according to the United States decennial census~~
916 ~~of 1980 or any future such census, any provision of Code Section 42-8-43 to the contrary~~
917 ~~notwithstanding. The department shall participate in the cost of the county probation~~
918 ~~systems subject to this Code section for fiscal years 1982-83 and 1983-84. The department~~
919 ~~shall compute the state cost per probationer on a state-wide basis for each of the aforesaid~~
920 ~~fiscal years pursuant to the formula used by the Office of Planning and Budget to determine~~
921 ~~the state cost for probation for budgetary purposes. For each of the aforesaid fiscal years,~~
922 ~~the department shall pay to the governing authority of each county maintaining a county~~
923 ~~probation system subject to this Code section the percentage shown below of the state-wide~~
924 ~~cost per probationer for each probationer being supervised under the respective county~~
925 ~~probation system as of the first day of each of said fiscal years:~~

926 ~~(1) For fiscal year 1982-83, 10 percent; and~~

927 ~~(2) For fiscal year 1983-84, 10-100 percent.~~

928 ~~(b) The funds necessary to participate in the cost of county probation systems under~~
929 ~~subsection (a) of this Code section shall come from funds appropriated to the department~~
930 ~~for the purposes of providing state participation in the cost of county probation systems.~~
931 ~~The payments to counties provided for in subsection (a) of this Code section shall be made~~
932 ~~by, or pursuant to the order of, the department in single lump sum payment for each fiscal~~
933 ~~year, with the payment for fiscal year 1982-83 being made by May 1, 1983, and the one for~~
934 ~~fiscal year 1983-84 by May 1, 1984. As a condition necessary for a county to qualify for~~
935 ~~department participation in the cost of the county's probation system, the employees of~~
936 ~~such county probation systems shall be subject to the supervision, control, and direction~~
937 ~~of the department.~~

938 ~~(c) Each county probation system subject to the provisions of this Code section shall~~
939 ~~become a part of the state-wide probation system provided for by this article effective on~~
940 ~~July 1, 1984, and shall be fully funded from state funds as a part of the state-wide probation~~
941 ~~system beginning with fiscal year 1984-85. The employees of said county probation~~
942 ~~systems, at their option, shall become employees of the department on the date said county~~
943 ~~systems become a part of the state-wide probation system and, on or after said date, said~~
944 ~~employees shall be subject to the salary schedules and other personnel policies of the~~
945 ~~department, except that the salaries of such employees shall not be reduced as a result of~~
946 ~~becoming employees of the department.~~

947 ~~(d) When an employee of a county probation system of any county of this state having a~~
 948 ~~population of 550,000 or more according to the United States decennial census of 1980 or~~
 949 ~~any future such census becomes an employee of the department pursuant to subsection (c)~~
 950 ~~of this Code section at the same or a greater salary, the change in employment shall not~~
 951 ~~constitute involuntary separation from service or termination of employment within the~~
 952 ~~meaning of any local retirement or pension system of which the employee was a member~~
 953 ~~at the time of such change in employment, and the change in employment shall not entitle~~
 954 ~~the employee to begin receiving any retirement or pension benefit whatsoever under any~~
 955 ~~such local retirement or pension system.~~

956 ~~42-8-43.2.~~

957 ~~(a) This Code section shall apply to county probation systems, including state court adult~~
 958 ~~probation systems, of each county having a population of more than 100,000 in any~~
 959 ~~metropolitan statistical area having a population of not less than 200,000 nor more than~~
 960 ~~230,000 according to the United States decennial census of 1980 or any future such census,~~
 961 ~~any provision of Code Section 42-8-43 to the contrary notwithstanding. The department~~
 962 ~~shall participate in the cost of the county probation systems subject to this Code section for~~
 963 ~~fiscal year 1987-88. The department shall compute the state cost per probationer on a~~
 964 ~~state-wide basis for such fiscal year pursuant to the formula used by the Office of Planning~~
 965 ~~and Budget to determine the state cost for probation for budgetary purposes. For said fiscal~~
 966 ~~year, the department shall pay to the governing authority of each county maintaining a~~
 967 ~~county probation system subject to this Code section 10 percent of the state-wide cost per~~
 968 ~~probationer for each probationer being supervised under the respective county probation~~
 969 ~~system as of the first day of said fiscal year. The funds necessary to participate in the cost~~
 970 ~~of county probation systems under this subsection shall come from funds appropriated to~~
 971 ~~the department for the purposes of providing state participation in the cost of county~~
 972 ~~probation systems. The payments to counties provided for in this subsection shall be made~~
 973 ~~by, or pursuant to the order of, the department in single lump sum payment for fiscal year~~
 974 ~~1987-88, with the payment being made by May 1, 1988. As a condition necessary for a~~
 975 ~~county to qualify for department participation in the cost of the county's probation system,~~
 976 ~~the county shall cause to be made an independent audit of the financial affairs and~~
 977 ~~transactions of all funds and activities of the county probation system and agree to be~~
 978 ~~responsible for any discrepancies, obligations, debts, or liabilities of such county probation~~
 979 ~~system which may exist prior to the department's participation in the cost of the county's~~
 980 ~~probation system. As a further condition necessary for a county to qualify for department~~
 981 ~~participation in the cost of the county's probation system, the employees of such county~~

982 ~~probation systems shall be subject to the supervision, control, and direction of the~~
 983 ~~department.~~

984 ~~(b) The county probation system of any such county shall become a part of the state-wide~~
 985 ~~probation system provided for by this article effective July 1, 1988, and shall be fully~~
 986 ~~funded from state funds as part of the state-wide probation system beginning with fiscal~~
 987 ~~year 1988-89. The employees of such county probation system, at their option, shall~~
 988 ~~become employees of the department on the date said county system becomes a part of the~~
 989 ~~state-wide probation system and, on or after said date, said employees shall be subject to~~
 990 ~~the salary schedules and other personnel policies of the department, except that the salaries~~
 991 ~~of such employees shall not be reduced as a result of becoming employees of the~~
 992 ~~department.~~

993 ~~(c) When an employee of a county probation system becomes an employee of the~~
 994 ~~department pursuant to subsection (b) of this Code section at the same or a greater salary,~~
 995 ~~the change in employment shall not constitute involuntary separation from service or~~
 996 ~~termination of employment within the meaning of any local retirement or pension system~~
 997 ~~of which the employee was a member at the time of such change in employment, and the~~
 998 ~~change in employment shall not entitle the employee to begin receiving any retirement or~~
 999 ~~pension benefit whatsoever under any such local retirement or pension system.~~

1000 ~~(d) No leave time accrued by an employee of a county probation system shall be~~
 1001 ~~transferred when the employee becomes a state employee. Any leave time accrued by an~~
 1002 ~~employee of such county probation system shall be satisfied as a debt owed to the~~
 1003 ~~employee by the county.~~

1004 ~~42-8-43.3.~~

1005 ~~(a) This Code section shall apply to county probation systems, including state court adult~~
 1006 ~~probation systems, of each county having a population of 250,000 or more according to the~~
 1007 ~~United States decennial census of 1980 or any future such census, any provision of Code~~
 1008 ~~Section 42-8-43 to the contrary notwithstanding. The department shall participate in the~~
 1009 ~~cost of the county probation systems subject to this Code section for fiscal year 1988-89.~~
 1010 ~~For said fiscal year, the department shall pay to the governing authority of each county~~
 1011 ~~maintaining a county probation system subject to this Code section 10 percent of the annual~~
 1012 ~~county probation system budget as of the first day of said fiscal year. The funds necessary~~
 1013 ~~to participate in the cost of county probation systems under this subsection shall come from~~
 1014 ~~funds appropriated to the department for the purposes of providing state participation in the~~
 1015 ~~cost of county probation systems. The payments to counties provided for in this subsection~~
 1016 ~~shall be made by, or pursuant to the order of, the department in single lump sum payment~~
 1017 ~~for fiscal year 1988-89, with the payment being made by May 1, 1989. As a condition~~

1018 ~~necessary for a county to qualify for department participation in the cost of the county's~~
1019 ~~probation system, the county shall cause to be made an independent audit of the financial~~
1020 ~~affairs and transactions of all funds and activities of the county probation system and agree~~
1021 ~~to be responsible for any discrepancies, obligations, debts, or liabilities of such county~~
1022 ~~probation system which may exist prior to the department's participation in the cost of the~~
1023 ~~county's probation system. As a further condition necessary for a county to qualify for~~
1024 ~~department participation in the cost of the county's probation system, the employees of~~
1025 ~~such county probation systems shall be subject to the supervision, control, and direction~~
1026 ~~of the department.~~

1027 ~~(b) The county probation system of any such county shall become a part of the state-wide~~
1028 ~~probation system provided for by this article effective July 1, 1989, and shall be fully~~
1029 ~~funded from state funds as part of the state-wide probation system beginning with fiscal~~
1030 ~~year 1989-90. The employees of such county probation system, at their option, shall~~
1031 ~~become employees of the department on the date said county system becomes a part of the~~
1032 ~~state-wide probation system and, on or after said date, said employees shall be subject to~~
1033 ~~the salary schedules and other personnel policies of the department, except that the salaries~~
1034 ~~of such employees shall not be reduced as a result of becoming employees of the~~
1035 ~~department.~~

1036 ~~(c) When an employee of a county probation system becomes an employee of the~~
1037 ~~department pursuant to subsection (b) of this Code section at the same or a greater salary,~~
1038 ~~the change in employment shall not constitute involuntary separation from service or~~
1039 ~~termination of employment within the meaning of any local retirement or pension system~~
1040 ~~of which the employee was a member at the time of such change in employment, and the~~
1041 ~~change in employment shall not entitle the employee to begin receiving any retirement or~~
1042 ~~pension benefit whatsoever under any such local retirement or pension system.~~

1043 ~~(d) No leave time accrued by an employee of a county probation system shall be~~
1044 ~~transferred when the employee becomes a state employee. Any leave time accrued by an~~
1045 ~~employee of such county probation system shall be satisfied as a debt owed to the~~
1046 ~~employee by the county.~~

1047 42-8-44.

1048 This article shall be liberally construed so that its purposes may be achieved."

1049
1050
1051

PART IV
PARDONS AND PAROLES
SECTION 4-1.

1052 Said Title 42 is further amended by revising Code Section 42-9-9, relating to board
1053 employees, as follows:

1054 "42-9-9.

1055 (a) The board may appoint such clerical, stenographic, supervisory, investigatory, and
1056 expert assistants and may establish such qualifications for its employees as it deems
1057 necessary. In its discretion, the board may discharge such employees.

1058 ~~(b) A certified parole officer leaving the service of the board under honorable conditions~~
1059 ~~who has accumulated 20 or more years of service with the board as a certified parole~~
1060 ~~officer shall be entitled as part of such employee's compensation to retain his or her board~~
1061 ~~issued badge. A certified parole officer employed with the board who is killed in the line~~
1062 ~~of duty shall be entitled to have his or her board issued badge given to a surviving family~~
1063 ~~member. Where a certified parole officer leaves the service of the board due to a disability~~
1064 ~~that arose in the line of duty and such disability prevents the parole officer from further~~
1065 ~~servicing as a peace officer, then such disabled parole officer shall be entitled to retain his~~
1066 ~~or her board issued badge regardless of the officer's number of years of service with the~~
1067 ~~board. The board is authorized to promulgate rules and regulations for the implementation~~
1068 ~~of this subsection."~~

1069

SECTION 4-2.

1070 Said title is further amended by revising Code Section 42-9-20, relating to general duties of
1071 the board, as follows:

1072 "42-9-20.

1073 In all cases in which the chairman of the board or any other member designated by the
1074 board has suspended the execution of a death sentence to enable the full board to consider
1075 and pass on same, it shall be mandatory that the board act within a period not exceeding
1076 90 days from the date of the suspension order. In the cases which the board has power to
1077 consider, the board shall be charged with the duty of determining which inmates serving
1078 sentences imposed by a court of this state may be released on pardon or parole and fixing
1079 the time and conditions thereof. The board shall ~~also~~ be charged with the duty of
1080 ~~supervising all persons placed on parole, of determining violations thereof~~ of parole and
1081 of taking action with reference thereto; and of making ~~such~~ investigations as may be
1082 necessary; ~~and of aiding parolees or probationers in securing employment.~~ It shall be the
1083 duty of the board personally to study the cases of those inmates whom the board has power

1084 to consider so as to determine their ultimate fitness for such relief as the board has power
 1085 to grant. The board by an affirmative vote of a majority of its members shall have the
 1086 power to commute a sentence of death to one of life imprisonment."

1087 **SECTION 4-3.**

1088 Said title is further amended by revising Code Section 42-9-21, relating to supervision of
 1089 persons placed on parole or other conditional release, as follows:

1090 "42-9-21.

1091 (a) The board shall ~~have the function and responsibility of supervising all persons placed~~
 1092 ~~on parole or other conditional release by the board.~~

1093 ~~(b) The board is authorized to maintain and operate or to enter into memoranda of~~
 1094 ~~agreement or other written documents evidencing contracts with other state agencies,~~
 1095 ~~persons, or any other entities for transitional or intermediate or other services or for~~
 1096 ~~programs deemed by the board to be necessary for parolees or others conditionally released~~
 1097 ~~from imprisonment by order of the board and to be authorized to require as a condition of~~
 1098 relief that the ~~offender~~ parolee pay directly to the any provider and the board a reasonable
 1099 fee for ~~said services or programs~~ transitional or intermediate or other services or for
 1100 programs deemed by the board to be necessary for parolees or conditional releasees.

1101 ~~(c)~~(b) In all cases where restitution is applicable, the board shall collect during the parole
 1102 period those sums determined to be owed to the victim."

1103 **SECTION 4-4.**

1104 Said title is further amended by repealing Code Section 42-9-22, relating to construction of
 1105 the chapter, which reads as follows:

1106 "42-9-22.

1107 This chapter shall be liberally construed so that its purpose may be achieved."

1108 **SECTION 4-5.**

1109 Said title is further amended by revising Code Section 42-9-41, relating to duty of the board
 1110 to obtain and place in records information respecting persons subject to relief or placed on
 1111 probation, as follows:

1112 "42-9-41.

1113 (a) It shall be the duty of the board to obtain and place in its permanent records
 1114 information as complete as may be practicable on every person who may become subject
 1115 to any relief which may be within the power of the board to grant. The information shall
 1116 be obtained as soon as possible after imposition of the sentence and shall include:

- 1117 (1) A complete statement of the crime for which the person is sentenced, the
 1118 circumstances of the crime, and the nature of the person's sentence;
- 1119 (2) The court in which the person was sentenced;
- 1120 (3) The term of his or her sentence;
- 1121 (4) The name of the presiding judge, the prosecuting officers, the investigating officers,
 1122 and the attorney for the person convicted;
- 1123 (5) A copy of presentence investigation and any previous court record;
- 1124 (6) A fingerprint record;
- 1125 (7) A copy of all probation reports which may have been made; and
- 1126 (8) Any social, physical, mental, or criminal record of the person.
- 1127 (b) The board in its discretion may also obtain and place in its permanent records similar
 1128 information on each person who may be placed on probation. The board shall immediately
 1129 examine such records and any other records obtained and make such other investigation
 1130 as it may deem necessary. It shall be the duty of the court and of all ~~probation officers~~ state
 1131 supervision officers and other appropriate officers to furnish to the board, upon its request,
 1132 such information as may be in their possession or under their control. The Department of
 1133 Behavioral Health and Developmental Disabilities and all other state, county, and city
 1134 agencies, all sheriffs and their deputies, and all peace officers shall cooperate with the
 1135 board and shall aid and assist it in the performance of its duties. The board may make such
 1136 rules as to the privacy or privilege of such information and as to its use by persons other
 1137 than the board and its staff as may be deemed expedient in the performance of its duties."

1138 **SECTION 4-6.**

1139 Said title is further amended by revising subsection (d) of Code Section 42-9-42, relating to
 1140 procedure for granting relief from sentence, as follows:

1141 ~~"(d)(1)~~ Any person who is paroled shall be released on such terms and conditions as the
 1142 board shall prescribe. The board shall diligently see that no peonage is allowed in the
 1143 guise of parole relationship or supervision. The parolee shall remain in the legal custody
 1144 of the board until the expiration of the maximum term specified in his or her sentence or
 1145 until he or she is pardoned by the board.

1146 ~~(2) The board may require the payment of a parole supervision fee of at least \$10.00 per~~
 1147 ~~month as a condition of parole or other conditional release. The monthly amount shall~~
 1148 ~~be set by rule of the board and shall be uniform state wide. The board may require or the~~
 1149 ~~parolee or person under conditional release may request that up to 24 months of the~~
 1150 ~~supervision fee be paid in advance of the time to be spent on parole or conditional~~
 1151 ~~release. In such cases, any advance payments are nonreimbursable in the event of parole~~
 1152 ~~or conditional release revocation or if parole or conditional release is otherwise~~

1153 ~~terminated prior to the expiration of the sentence being served on parole or conditional~~
 1154 ~~release. Such fees shall be collected by the board to be paid into the general fund of the~~
 1155 ~~state treasury."~~

1156 **SECTION 4-7.**

1157 Said title is further amended by revising subsection (a) of Code Section 42-9-44, relating to
 1158 specification of terms and conditions of parole, as follows:

1159 "(a) The board, upon placing a person on parole, shall specify in writing the terms and
 1160 conditions thereof. A certified copy of the conditions shall be given to the parolee and the
 1161 Department of Corrections. Thereafter, a copy shall be sent to the clerk of the court in
 1162 which the person was convicted. The board shall adopt general rules concerning the terms
 1163 and conditions of parole and concerning what shall constitute a violation thereof and shall
 1164 make special rules to govern particular cases. The rules, both general and special, may
 1165 include, among other things, a requirement that the parolee shall not leave this state or any
 1166 definite area in this state without the consent of the board; that the parolee shall contribute
 1167 to the support of his or her dependents to the best of the parolee's ability; that the parolee
 1168 shall make reparation or restitution for his or her crime; that the parolee shall abandon evil
 1169 associates and ways; and that the parolee shall carry out the instructions of his or her ~~parole~~
 1170 ~~supervisor~~ state supervision officer, and, in general, so comport himself or herself as the
 1171 parolee's ~~supervisor~~ state supervision officer shall determine. A violation of the terms of
 1172 parole may render the parolee liable to arrest and a return to a penal institution to serve out
 1173 the term for which the parolee was sentenced."

1174 **SECTION 4-8.**

1175 Said title is further amended by repealing subsection (d) of Code Section 42-9-48, relating
 1176 to arrest of parolee or conditional release violator, which reads as follows:

1177 "(d) Any parole supervisor, when he has reasonable ground to believe that a parolee or
 1178 conditional releasee has violated the terms or conditions of his parole or conditional release
 1179 in a material respect, shall notify the board or some member thereof; and proceedings shall
 1180 thereupon be had as provided in this Code section."

1181 **SECTION 4-9.**

1182 Said title is further amended by revising Code Section 42-9-57, relating to effect of chapter
 1183 on probation power of courts, as follows:

1184 "42-9-57.

1185 Nothing contained in this chapter shall be construed as repealing any power given to any
 1186 court of this state to place offenders on probation or to supervise the same nor any power

1187 of any probation agency set up in any county of the state in conjunction with the courts.
 1188 The board shall be authorized to cooperate with any such agencies, except that it shall not
 1189 assume or pay any financial obligations thereof. ~~The board shall also be authorized to~~
 1190 ~~cooperate with the courts for the probation of offenders in those counties in which there is~~
 1191 ~~no existing probation agency, when a court so requests."~~

1192 **SECTION 4-10.**

1193 Said title is further amended by revising subsection (b) of Code Section 42-9-90, relating to
 1194 application fee required for transfer, as follows:

1195 "(b) The Department of Corrections and the State Board of Pardons and Paroles are
 1196 authorized to require any nonindigent adult offender to pay a \$25.00 application fee when
 1197 applying to transfer his or her supervision from Georgia to any other state or territory
 1198 pursuant to the provisions of ~~Articles 3 and~~ Article 4 of this chapter."

1199 **PART V**

1200 **CROSS-REFERENCES**

1201 **SECTION 5-1.**

1202 Code Section 15-11-84 of the Official Code of Georgia Annotated, relating to sharing of
 1203 confidential information, is amended by revising subsection (b) as follows:

1204 "(b) Governmental entities, state, county, consolidate governments, or municipal
 1205 government departments, boards, or agencies shall exchange with each other all
 1206 information not held as confidential pursuant to federal law and relating to a child which
 1207 may aid a governmental entity in the assessment, treatment, intervention, or rehabilitation
 1208 of a child, notwithstanding Code Section 15-1-15, 15-11-9.1, subsection (d) of Code
 1209 Section 15-11-10, Code Section 15-11-66.1, 15-11-75, 15-11-81, 15-11-82, 15-11-174,
 1210 20-2-751.2, 20-14-40, 24-9-40.1, 24-9-41, 24-9-42, 26-4-5, 26-4-80, 26-5-17, 31-5-5,
 1211 31-33-6, 37-1-53, 37-2-9.1, 42-5-36, ~~42-8-40~~, 42-8-106, 42-9A-3, 49-5-40, 49-5-41,
 1212 49-5-41.1, 49-5-44, 49-5-45, 49-5-183, 49-5-184, 49-5-185, or 49-5-186, in order to serve
 1213 the best interest of the child. Information which is shared pursuant to this subsection shall
 1214 not be utilized to assist in the prosecution of the child in juvenile court or superior court or
 1215 utilized to the detriment of the child."

1216 **SECTION 5-2.**

1217 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 1218 amended by revising subsection (b) of Code Section 16-6-5.1, relating to sexual assault
 1219 against persons in custody, as follows:

1220 "(b) A ~~probation or parole~~ state supervision officer or other custodian or supervisor of
 1221 another person referred to in this Code section commits sexual assault when he or she
 1222 engages in sexual contact with another person who is a probationer or parolee under the
 1223 supervision of ~~said probation or parole~~ such state supervision officer or who is in the
 1224 custody of law or who is enrolled in a school or who is detained in or is a patient in a
 1225 hospital or other institution and such actor has supervisory or disciplinary authority over
 1226 such other person. A person convicted of sexual assault shall be punished by imprisonment
 1227 for not less than ten nor more than 30 years; provided, however, that any person convicted
 1228 of the offense of sexual assault under this subsection of a child under the age of 14 years
 1229 shall be punished by imprisonment for not less than 25 nor more than 50 years. Any
 1230 person convicted under this subsection of the offense of sexual assault shall, in addition,
 1231 be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

1232 SECTION 5-3.

1233 Said title is further amended by revising subsection (b) of Code Section 16-10-24, relating
 1234 to obstructing or hindering law enforcement officers, as follows:

1235 "(b) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement
 1236 officer, prison guard, correctional officer, ~~probation supervisor, parole supervisor~~ state
 1237 supervision officer, or conservation ranger in the lawful discharge of his or her official
 1238 duties by offering or doing violence to the person of such officer or legally authorized
 1239 person is shall be guilty of a felony and shall, upon conviction thereof, be punished by
 1240 imprisonment for not less than one nor more than five years."

1241 SECTION 5-4.

1242 Said title is further amended by revising subsection (d) of Code Section 16-11-37, relating
 1243 to terroristic threats or acts, as follows:

1244 "(d) A person who commits or attempts to commit a terroristic threat or act with the intent
 1245 to retaliate against any person for:

1246 (1) Attending a judicial or administrative proceeding as a witness, attorney, judge, or
 1247 party or producing any record, document, or other object in a judicial or official
 1248 proceeding; or

1249 (2) Providing to a law enforcement officer, ~~adult or juvenile~~ probation officer, state
 1250 supervision officer, prosecuting attorney, or judge any information relating to the
 1251 commission or possible commission of an offense under the laws of this state or of the
 1252 United States or a violation of conditions of bail, pretrial release, probation, or parole
 1253 shall be guilty of the offense of a terroristic threat or act and, upon conviction thereof, shall
 1254 be punished, for a terroristic threat, by imprisonment for not less than five nor more than

1255 ten years or by a fine of not less than \$50,000.00, or both, and, for a terroristic act, by
 1256 imprisonment for not less than five nor more than 20 years or by a fine of not less than
 1257 \$100,000.00, or both."

1258 **SECTION 5-5.**

1259 Said title is further amended by revising paragraph (12) of subsection (c) of Code Section
 1260 16-11-127.1, relating to carrying weapons within school safety zones, at school functions,
 1261 or on school property, as follows:

1262 "(12) ~~Probation supervisors~~ State supervision officers employed by ~~and under the~~
 1263 ~~authority of the Department of Corrections pursuant to Article 2 of Chapter 8 of Title 42,~~
 1264 ~~known as the 'State-wide Probation Act,'~~ when specifically designated and authorized in
 1265 writing by the director of the ~~Division of Probation~~ Division of State Supervision;"

1266 **SECTION 5-6.**

1267 Said title is further amended by revising paragraph (9) of subsection (a) and subsection (b)
 1268 of Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through
 1269 16-11-128, as follows:

1270 "(9) ~~Chief probation officers, probation officers, intensive probation officers, and~~
 1271 ~~surveillance officers~~ State supervision officers employed by ~~and under the authority of~~
 1272 the Department of Corrections ~~pursuant to Article 2 of Chapter 8 of Title 42, known as~~
 1273 ~~the 'State-wide Probation Act,'~~ when specifically designated and authorized in writing by
 1274 the director of ~~Division of Probation~~ the Division of State Supervision;"

1275 "(b) Code Sections 16-11-126 through 16-11-128 shall not apply to or affect persons who
 1276 at the time of their retirement from service with the Department of Corrections were ~~chief~~
 1277 ~~probation officers, probation officers, intensive probation officers, or surveillance~~ state
 1278 supervision officers, when specifically designated and authorized in writing by the director
 1279 of ~~Division of Probation~~ the Division of State Supervision."

1280 **SECTION 5-7.**

1281 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
 1282 amended by revising subsection (d) of Code Section 17-6-1.1, relating to electronic pretrial
 1283 release and monitoring program for defendants, as follows:

1284 "(d) A defendant may not be released to, or remain in, an electronic pretrial release and
 1285 monitoring program who has any other outstanding warrants, accusations, indictments,
 1286 holds, or incarceration orders from any other court, law enforcement agency, or ~~probation~~
 1287 ~~or parole~~ state supervision officer that require the posting of bond or further adjudication."

SECTION 5-8.

1288

1289 Said title is further amended by revising Code Section 17-14-8, relating to apportionment of
 1290 payments for fines and restitution, as follows:

1291 "17-14-8.

1292 (a) In any case in which a court sentences an offender to pay restitution and a fine, if the
 1293 court permits the offender to pay such restitution and fine in other than a lump sum, the
 1294 clerk of any superior court of this state, ~~probation officer or parole~~ state supervision officer,
 1295 or other official who receives such partial payments shall apply not less than one-half of
 1296 each payment to the restitution before paying any portion of such fine or any forfeitures,
 1297 costs, fees, or surcharges provided for by law to any agency, department, commission,
 1298 committee, authority, board, or bureau of state or local government.

1299 (b) The clerk of any court of this state, ~~probation officer or parole~~ state supervision officer,
 1300 or other official who receives partial payments for restitution shall pay the restitution
 1301 amount to the victim as provided in the restitution order not later than the last day of each
 1302 month, provided that the amount exceeds \$100.00. If the amount does not exceed \$100.00,
 1303 the clerk of any court of this state, ~~probation officer or parole~~ state supervision officer, or
 1304 other official may allow the amount of restitution to accumulate until such time as it
 1305 exceeds \$100.00 or until the end of the next calendar quarter, whichever occurs first."

SECTION 5-9.

1306

1307 Said title is further amended by revising subsection (c) of Code Section 17-14-14, relating
 1308 to restitution payments, as follows:

1309 "(c) Until such time as the restitution has been paid or the sentence has been completed,
 1310 the clerk of court or the ~~probation or parole~~ state supervision officer assigned to the case,
 1311 whoever is responsible for collecting restitution, shall review the case not less frequently
 1312 than twice yearly to ensure that restitution is being paid as ordered. If the restitution was
 1313 ordered to be made within a specific period of time, the case shall be reviewed at the end
 1314 of the specific period of time to determine if the restitution has been paid in full. The final
 1315 review shall be conducted before the sentence or probationary or parole period expires. If
 1316 it is determined at any review that restitution is not being paid as ordered, a written report
 1317 of the violation shall be filed with the court on a form prescribed by the Council of
 1318 Superior Court Clerks of Georgia."

SECTION 5-10.

1319

1320 Code Section 19-13-51 of the Official Code of Georgia Annotated, relating to definitions for
 1321 the "Family Violence and Stalking Protective Order Registry Act," is amended by revising
 1322 paragraph (4) as follows:

1323 "(4) 'Law enforcement officer' means any agent or officer of this state, or a political
 1324 subdivision or municipality thereof, who, as a full-time or part-time employee, is vested
 1325 either expressly by law or by virtue of public employment or service with authority to
 1326 enforce the criminal or traffic laws and whose duties include the preservation of public
 1327 order, the protection of life and property, or the prevention, detection, or investigation of
 1328 crime. Such term also includes the following: state or local officer, sheriff, deputy
 1329 sheriff, dispatcher, 9-1-1 operator, police officer, prosecuting attorney, member of the
 1330 State Board of Pardons and Paroles, a hearing officer ~~and parole officer~~ of the State
 1331 Board of Pardons and Paroles, and a ~~probation~~ state supervision officer of the Department
 1332 of Corrections."

1333 SECTION 5-11.

1334 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
 1335 agencies, is amended by revising subsections (b) and (g) of Code Section 35-3-36, relating
 1336 to duties of state criminal justice agencies as to submission of fingerprints, photographs, and
 1337 other identifying data to Georgia Crime Information Center, as follows:

1338 "(b) It shall be the duty of all chiefs of police, sheriffs, prosecuting attorneys, courts,
 1339 judges, ~~parole and probation~~ state supervision officers, wardens, or other persons in charge
 1340 of penal and correctional institutions in this state to furnish the center with any other data
 1341 deemed necessary by the center to carry out its responsibilities under this article."

1342 "(g) All persons in charge of law enforcement agencies, all clerks of court, all municipal
 1343 judges where they have no clerks, all magistrates, and all persons in charge of ~~state and~~
 1344 ~~county probation and parole~~ state supervision offices shall supply the center with the
 1345 information described in Code Section 35-3-33 on the basis of the forms and instructions
 1346 to be supplied by the center."

1347 SECTION 5-12.

1348 Code Section 40-5-83 of the Official Code of Georgia Annotated, relating to establishment
 1349 and approval of driver improvement clinics and programs, is amended by revising subsection
 1350 (d) as follows:

1351 "(d) Notwithstanding the provisions of any law or rule or regulation which prohibits any
 1352 individual who is a ~~probation~~ state supervision officer or other official or employee of the
 1353 ~~probation~~ state supervision division of the Department of Corrections or a spouse of such
 1354 individual from owning, operating, instructing at, or being employed by a driver
 1355 improvement clinic, any individual who is a ~~probation~~ state supervision officer or other
 1356 official or employee of the ~~probation~~ state supervision division of the Department of
 1357 Corrections or a spouse of such individual who owns, operates, instructs at, or is employed

1358 by a driver improvement clinic on June 1, 1985, and who in all respects is and remains
 1359 qualified to own, operate, instruct at, or be employed by a driver improvement clinic is
 1360 expressly authorized to continue on and after June 1, 1985, to engage in such activities.
 1361 No person who owns, operates, or is employed by a private company which has contracted
 1362 to provide probation services for misdemeanor cases shall be authorized to own, operate,
 1363 be an instructor at, or be employed by a driver improvement clinic or a DUI Alcohol or
 1364 Drug Use Risk Reduction Program."

1365 SECTION 5-13.

1366 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
 1367 by revising Code Section 42-1-10, relating to preliminary urine screen drug tests, as follows:
 1368 "42-1-10.

1369 (a) Any ~~probation state supervision~~ officer, ~~parole private probation~~ officer as such term
 1370 is defined in Code Section 42-8-100, or ~~other~~ an official or employee of the Department
 1371 of Corrections who supervises any person covered under the provisions of paragraphs (1)
 1372 through (7) of this subsection shall be exempt from the provisions of Chapter 22 of Title
 1373 31 for the limited purposes of administering a preliminary urine screen drug test to any
 1374 person who is:

- 1375 (1) Incarcerated;
- 1376 (2) Released as a condition of probation for a felony or misdemeanor;
- 1377 (3) Released as a condition of conditional release;
- 1378 (4) Released as a condition of parole;
- 1379 (5) Released as a condition of provisional release;
- 1380 (6) Released as a condition of pretrial release; or
- 1381 (7) Released as a condition of control release.

1382 (b) The Department of Corrections and the State Board of Pardons and Paroles shall
 1383 develop a procedure for the performance of preliminary urine screen drug tests in
 1384 accordance with the manufacturer's standards for certification. ~~Probation officers, parole~~
 1385 State supervision officers, private probation officers as such term is defined in Code
 1386 Section 42-8-100, or ~~other~~ officials or employees of the Department of Corrections who
 1387 are supervisors of any person covered under paragraphs (1) through (7) of subsection (a)
 1388 of this Code section shall be authorized to perform preliminary urine screen drug tests in
 1389 accordance with such procedure. Such procedure shall include instructions as to a
 1390 confirmatory test by a licensed clinical laboratory where necessary."

1391 **SECTION 5-14.**

1392 Said title is further amended by revising subparagraph (a)(2)(A) of Code Section 42-1-12,
1393 relating to the State Sexual Offender Registry, as follows:

1394 "(A) With respect to a sexual offender who is sentenced to probation without any
1395 sentence of incarceration in the state prison system or who is sentenced pursuant to
1396 Article 3 of Chapter 8 of this title, relating to first offenders, the Division of ~~Probation~~
1397 State Supervision of the Department of Corrections;"

1398 **SECTION 5-15.**

1399 Said title is further amended by revising paragraphs (4) and (5) of subsection (e) of Code
1400 Section 42-8-101, relating to the County and Municipal Probation Advisory Council, as
1401 follows:

1402 "(4) To promulgate rules and regulations establishing a 40 hour initial orientation for
1403 newly hired private probation officers and for 20 hours per annum of continuing
1404 education for private probation officers, provided that the 40 hour initial orientation shall
1405 not be required of any person who has successfully completed a ~~probation or parole~~ state
1406 supervision officer basic course of training certified by the Georgia Peace Officer
1407 Standards and Training Council or any private probation officer who has been employed
1408 by a private probation corporation, enterprise, or agency for at least six months as of July
1409 1, 1996;

1410 (5) To promulgate rules and regulations establishing a 40 hour initial orientation for
1411 probation officers employed by a county, municipality, or consolidated government that
1412 has established probation services and for 20 hours per annum of continuing education
1413 for such probation officers, provided that the 40 hour initial orientation shall not be
1414 required of any person who has successfully completed a ~~probation or parole~~ state
1415 supervision officer basic course of training certified by the Georgia Peace Officer
1416 Standards and Training Council or any probation officer who has been employed by a
1417 county, municipality, or consolidated government as of March 1, 2006;"

1418 **SECTION 5-16.**

1419 Said title is further amended by revising subsection (a) of Code Section 42-8-102, relating
1420 to uniform professional standards and uniform contract standards, as follows:

1421 "(a) The uniform professional standards contained in this subsection shall be met by any
1422 person employed as and using the title of a private probation officer or probation officer.
1423 Any such person shall be at least 21 years of age at the time of appointment to the position
1424 of private probation officer or probation officer and must have completed a standard
1425 two-year college course or have four years of law enforcement experience; provided,

1426 however, that any person employed as a private probation officer as of July 1, 1996, and
 1427 who had at least six months of experience as a private probation officer or any person
 1428 employed as a probation officer by a county, municipality, or consolidated government as
 1429 of March 1, 2006, shall be exempt from such college requirements. Every private
 1430 probation officer shall receive an initial 40 hours of orientation upon employment and shall
 1431 receive 20 hours of continuing education per annum as approved by the council, provided
 1432 that the 40 hour initial orientation shall not be required of any person who has successfully
 1433 completed a ~~probation or parole~~ state supervision officer basic course of training certified
 1434 by the Peace Officer Standards and Training Council or any private probation officer who
 1435 has been employed by a private probation corporation, enterprise, or agency for at least six
 1436 months as of July 1, 1996, or any person employed as a probation officer by a county,
 1437 municipality, or consolidated government as of March 1, 2006. In no event shall any
 1438 person convicted of a felony be employed as a probation officer or utilize the title of
 1439 probation officer."

1440 SECTION 5-17.

1441 Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions for
 1442 the Georgia State Indemnification Fund, is amended by revising paragraph (10) as follows:
 1443 "(10) 'Prison guard' means any person employed by the state or any political subdivision
 1444 thereof whose principal duties relate to the supervision and incarceration of persons
 1445 accused or convicted of the violation of the criminal laws of this state or any political
 1446 subdivision thereof. Such term shall also mean any ~~probation supervisor or parole~~ state
 1447 supervision officer who is required to be certified under Chapter 8 of Title 35, the
 1448 'Georgia Peace Officer Standards and Training Act,' and whose principal duties directly
 1449 relate to the supervision of adult probationers or adult parolees. Such term also means
 1450 any person employed by the state or any political subdivision thereof whose principal
 1451 duties include the supervision of youth who are charged with or adjudicated for an act
 1452 which if committed by adults would be considered a crime."

1453 SECTION 5-18.

1454 Code Section 49-4A-8 of the Official Code of Georgia Annotated, relating to commitment
 1455 of delinquent or unruly children, is amended by revising paragraph (1) of subsection (i) as
 1456 follows:
 1457 "(i)(1) A child who has been committed to the department as a delinquent or unruly child
 1458 for detention in a youth development center or who has been otherwise taken into custody
 1459 and who has escaped therefrom or who has been placed under supervision and broken the
 1460 conditions thereof may be taken into custody without a warrant by a sheriff, deputy

1461 sheriff, constable, police officer, ~~probation officer, parole~~ state supervision officer, or any
 1462 other officer of this state authorized to serve criminal process, upon a written request
 1463 made by an employee of the department having knowledge of the escape or of the
 1464 violation of conditions of supervision. Before a child may be taken into custody for
 1465 violation of the conditions of supervision, the written request mentioned above must be
 1466 reviewed by the commissioner or his or her designee. If the commissioner or his or her
 1467 designee finds that probable cause exists to believe that the child has violated his or her
 1468 conditions of supervision, ~~he~~ the commissioner or his or her designee may issue an order
 1469 directing that the child be picked up and returned to custody."

1470 **SECTION 5-19.**

1471 Code Section 15-1-15, relating to drug court divisions, is amended by replacing "probation
 1472 officers" with "state supervision officers" wherever such term occurs.

1473 **SECTION 5-20.**

1474 The Official Code of Georgia Annotated is amended by replacing "probation officer" with
 1475 "state supervision officer" wherever such term occurs in:

- 1476 (1) Code Section 16-10-33, relating to removal or attempted removal of weapon from
 1477 public official;
- 1478 (2) Code Section 17-10-9.1, relating to voluntary surrender to county jail or correctional
 1479 institution;
- 1480 (3) Code Section 19-7-52, relating to whom child support payments are made;
- 1481 (4) Code Section 19-11-21, relating to payment of support to the Department of Human
 1482 Services;
- 1483 (5) Code Section 40-5-81, relating to driver improvement programs optional;
- 1484 (6) Code Section 42-8-112, relating to proof of compliance required for reinstatement
 1485 of certain drivers' licenses and for obtaining probationary license;
- 1486 (7) Code Section 42-8-114, relating to specifying provider for ignition interlock device;
- 1487 (8) Code Section 42-8-151, relating to definitions in the "Probation Management Act";
- 1488 (9) Code Section 43-12A-5, relating to ignition interlock device provider not to operate
 1489 under any name deceptively similar to another business; and
- 1490 (10) Code Section 49-3-6, relating to functions of county department of family and
 1491 children services.

1492 **SECTION 5-21.**

1493 The Official Code of Georgia Annotated is amended by replacing "chief probation officer"
 1494 with "chief state supervision officer" wherever such term occurs in:

- 1495 (1) Code Section 42-8-151, relating to definitions in the "Probation Management Act";
1496 and
1497 (2) Code Section 42-8-155, relating to penalty for probation violation.

1498 **SECTION 5-22.**

1499 Code Section 42-8-72 of the Official Code of Georgia Annotated, relating to community
1500 service as a condition of probation, is amended by replacing "probation supervisor" with
1501 "state supervision officer" wherever such term occurs.

1502 **SECTION 5-23.**

1503 Code Section 16-10-33 of the Official Code of Georgia Annotated, relating to removal or
1504 attempted removal of weapon from public official, is amended by replacing "parole
1505 supervisor" with "state supervision officer" wherever such term occurs.

1506 **PART VI**

1507 SAVINGS CLAUSE, EFFECTIVE DATE,

1508 AND REPEALER

1509 **SECTION 6-1.**

1510 This Act shall not be construed to apply to any offense committed before July 1, 2010. Any
1511 such offense shall be prosecuted as provided by the statute in effect at the time the offense
1512 was committed.

1513 **SECTION 6-2.**

1514 This Act shall become effective on July 1, 2010.

1515 **SECTION 6-3.**

1516 All laws and parts of laws in conflict with this Act are repealed.