

House Bill 1126

By: Representatives Barnard of the 166th, Martin of the 47th, Willard of the 49th, Golick of the 34th, Horne of the 71st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-9-43 of the Official Code of Georgia Annotated, relating to
2 information to be considered by the State Board of Pardons and Paroles generally, conduct
3 of investigation and examination, determination as to grant of relief, and notice to victims,
4 so as to clarify the meaning of 'entirely incapacitated' for purposes of granting medical
5 reprieves authorized by the Constitution of Georgia; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 42-9-43 of the Official Code of Georgia Annotated, relating to information to
10 be considered by the State Board of Pardons and Paroles generally, conduct of investigation
11 and examination, determination as to grant of relief, and notice to victims, is revised by
12 redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting
13 a new subsection (c) to read as follows:

14 "(c) For purposes of determining eligibility for a medical reprieve authorized by
15 Article IV, Section II, Paragraph II of the Constitution of Georgia, the term 'entirely
16 incapacitated' shall include an offender who:

17 (1) Requires assistance in order to perform at least two necessary daily life functions or
18 who is completely immobile; and

19 (2) Has such limited physical or mental ability, strength, or capacity that he or she poses
20 an extremely low risk of physical threat to others.

21 Necessary daily life functions shall include eating, breathing, utilizing a toilet, walking, and
22 bathing."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.