

A BILL TO BE ENTITLED
AN ACT

1 To provide a short title; to amend Article 1 of Chapter 6 of Title 17 of the Official Code of
2 Georgia Annotated, relating to general provisions regarding bail and recognizances, so as to
3 revise the requirements for releasing a person on his or her own recognizance; to provide for
4 related matters; to provide an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Trooper First Class Chadwick LeCroy
9 Act."

10 **SECTION 2.**

11 Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to
12 general provisions regarding bail and recognizances, is amended by revising Code
13 Section 17-6-12, relating to discretion of court to release person charged with crime on
14 person's own recognizance only, as follows:

15 "17-6-12.

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

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

19 (2) A felony offense of:

20 (A) Aggravated assault;

21 (B) Aggravated battery;

22 (C) Hijacking a motor vehicle;

23 (D) Aggravated stalking;

24 (E) Child molestation;

25 (F) Enticing a child for indecent purposes;

- 26 (G) Pimping;
 - 27 (H) Robbery;
 - 28 (I) Bail jumping;
 - 29 (J) Escape;
 - 30 (K) Possession of a firearm or knife during the commission of or attempt to commit
 - 31 certain crimes;
 - 32 (L) Possession of firearms by convicted felons and first offender probationers;
 - 33 (M) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine; or
 - 34 (N) Participating in criminal street gang activity;
 - 35 ~~(O) Habitual violator; or~~
 - 36 ~~(P) Driving under the influence of alcohol, drugs, or other intoxicating substances.~~
- 37 (b) A person charged with a bail restricted offense shall not be released on bail on his or
- 38 her own recognizance ~~for the purpose of entering a pretrial release program, a pretrial~~
- 39 ~~release and diversion program, or a pretrial intervention and diversion program as provided~~
- 40 ~~for in Article 4 of Chapter 18 of Title 15, or Article 5 of Chapter 8 of Title 42, or pursuant~~
- 41 ~~to Uniform Superior Court Rule 27, unless an elected magistrate, elected state or superior~~
- 42 ~~court judge enters a written order to the contrary specifying the reasons why such person~~
- 43 ~~should be released upon his or her own recognizance.~~
- 44 (c) Except as provided in subsection (b) of this Code section and in addition to other laws
- 45 regarding the release of an accused person, the judge of any court having jurisdiction over
- 46 a person charged with committing an offense against the criminal laws of this state shall
- 47 have authority, in his or her sound discretion and in appropriate cases, to authorize the
- 48 release of the person upon his or her own recognizance only.
- 49 (d) Upon the failure of a person released on his or her own recognizance only to appear
- 50 for trial, if the release is not otherwise conditioned by the court, the court may summarily
- 51 issue an order for his or her arrest which shall be enforced as in cases of forfeited bonds."

52 **SECTION 3.**

53 This Act shall become effective upon its approval by the Governor or upon its becoming law

54 without such approval.

55 **SECTION 4.**

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