

House Bill 91

By: Representatives Bearden of the 68th, Ramsey of the 72nd, Powell of the 171st, and Cooke of the 18th

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 10 of Title 17 and Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition of punishment and the issuance, expiration, and renewal of drivers' licenses, respectively, so as to provide that any person convicted of a felony offense shall have such conviction demarcated on his or her driver's license for the length of his or her sentence; to provide for procedure; to amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of licenses, so as to provide for license suspension under certain circumstances; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition of punishment, is amended in Code Section 17-10-1, relating to the fixing of sentence, by adding a new subsection to read as follows:

"(h) In sentencing any defendant convicted of a felony, other than a defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of Title 42, the judge shall inform the defendant that his or her driver's license shall be submitted to the Department of Driver Services within 20 days of the date that the court imposed such sentence in order to have a new driver's license issued with a demarcation for being a convicted felon and that failure to submit his or her license shall result in a license suspension. In the event that the defendant's driver's license is lost or for any other reason surrender is impossible, a sworn affidavit indicating the status of such license shall be submitted to the department. The court imposing such sentence shall forward, within three business days after such conviction, a copy of its order of the disposition of the case to the Department of Driver Services."

SECTION 2.

Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, is amended by adding a new Code section to read as follows:

"40-5-39.

(a) Any person who has been convicted of a felony shall be issued a replacement driver's license for a fee of \$25.00 bearing a demarcation of 'convicted felon,' and such license shall be issued for the remaining period for which the original license was issued, and no examination or eyesight test shall be required to obtain such replacement license. Renewal licenses for such person shall bear such demarcation.

(b) The 'convicted felon' demarcation shall remain on the defendant's driver's license for the length of the defendant's sentence. If the defendant's sentence expires before the expiration of the license, the defendant may apply for a replacement license for a fee of \$25.00 which shall not bear such demarcation for the remaining period for which the original license was issued, and no examination or eyesight test shall be required to obtain such replacement license.

(c) The defendant shall submit his or her driver's license to the department as provided by subsection (h) of Code Section 17-10-1 and pursuant to the department's rules and regulations governing such licenses."

SECTION 3.

Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of licenses, is amended by adding a new Code section to read as follows:

"40-5-57.4.

Any person who is convicted of a felony who fails to surrender his or her driver's license or submit a lost license affidavit in accordance with subsection (h) of Code Section 17-10-1 and Code Section 40-5-38 shall have his or her license suspended for the balance of his or her sentence. After the suspension period and after such person pays a restoration fee of \$60.00 or, if processed by mail, \$50.00, the suspension shall terminate, and the department shall return such driver's license to such person."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

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SECTION 5.

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