

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 91:

A BILL TO BE ENTITLED
AN ACT

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

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

16 "(h)(1) In sentencing any defendant convicted of a felony listed in this subsection, other
17 than a defendant who is discharged without adjudication of guilt and who is not
18 considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of Title 42,
19 the judge shall inform the defendant that his or her driver's license, permit, or
20 identification card shall be submitted to the Department of Driver Services within 20 days
21 of the date that the court imposed such sentence in order to have a new driver's license,
22 permit, or identification card issued with a demarcation for being a convicted felon and
23 that failure to submit his or her license, permit, or identification card shall result in the
24 suspension, revocation, or cancellation of his or her license, permit, or identification card.
25 In the event that the defendant's driver's license, permit, or identification card is lost or

26 for any other reason surrender is impossible, a sworn affidavit indicating the status of
 27 such license, permit, or identification card shall be submitted to the department.
 28 (2) This subsection shall apply to felony convictions for murder in violation of Code
 29 Section 16-5-1, kidnapping in violation of Code Section 16-5-40, rape in violation of
 30 Code Section 16-6-1, aggravated sodomy in violation of Code Section 16-6-2, aggravated
 31 child molestation in violation of Code Section 16-6-4, aggravated sexual battery in
 32 violation of Code Section 16-6-22.2, and armed robbery in violation of Code Section
 33 16-8-41. The court imposing such sentence shall forward, within three business days
 34 after such conviction, a copy of its order of the disposition of the case to the Department
 35 of Driver Services."

36 SECTION 2.

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

40 "40-5-39.

41 (a) Any person who has been convicted of a felony designated in Code Section 17-10-1
 42 shall be issued a replacement driver's license, permit, or identification card for a fee of
 43 \$25.00 bearing a demarcation of a number or letter, or both, as determined by the
 44 department. Such license, permit, or identification card shall be issued for the remaining
 45 period for which the original license, permit, or identification card was issued, and no
 46 examination or eyesight test shall be required to obtain such replacement license, permit,
 47 or identification card. Renewal licenses, permits, or identification cards for such person
 48 shall bear such demarcation.

49 (b) The demarcation as determined by the department shall remain on the defendant's
 50 driver's license, permit, or identification card for the length of the defendant's sentence. If
 51 the defendant's sentence expires before the expiration of the license, permit, or
 52 identification card, the defendant may apply for a replacement license, permit, or
 53 identification card for a fee of \$25.00 which shall not bear such demarcation for the
 54 remaining period for which the original license, permit, or identification card was issued,
 55 and no examination or eyesight test shall be required to obtain such replacement license,
 56 permit, or identification card.

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

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SECTION 3.

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

64 "40-5-57.4.

65 Any person who is convicted of a felony as provided for in Code Section 17-10-1 who fails
66 to surrender his or her driver's license, permit, or identification card or submit a lost
67 license, permit, or identification card affidavit in accordance with Code Sections 17-10-1
68 and 40-5-38 shall have his or her license, permit, or identification card suspended, revoked,
69 or cancelled for either the balance of his or her sentence or until such surrender of the
70 license, permit, or identification card or submission of such affidavit and a new license,
71 permit, or identification card is issued, whichever is shorter. After the suspension period
72 and after such person pays a restoration fee of \$60.00 or, if processed by mail, \$50.00, the
73 suspension shall terminate, and the department shall return such driver's license, permit,
74 or identification card to such person."

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SECTION 4.

76 This Act shall become effective on July 1, 2011, and shall apply to persons convicted on or
77 after such date.

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SECTION 5.

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