

The House Committee on Judiciary Non-civil offers the following substitute to HB 265:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 28 of the Official Code of Georgia Annotated, relating to the Georgia  
2 General Assembly, so as to create the 2011 Special Council on Criminal Justice Reform for  
3 Georgians and the Special Joint Committee on Georgia Criminal Justice Reform; to provide  
4 for related matters; to provide for legislative intent; to provide for an automatic repeal; to  
5 provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is  
9 amended by adding a new chapter to read as follows:

10 "CHAPTER 13

11 28-13-1.

12 The General Assembly finds and determines that:

13 (1) It has been many years since there has been a systematic study of the State of  
14 Georgia's correctional system and criminal justice structure and there exists a need for  
15 such study today;

16 (2) A study of Georgia's criminal justice and correctional system is necessary to enhance  
17 public safety, reduce victimization, hold offenders more accountable, enhance probation  
18 and parole supervision, and better manage a growing prison population through  
19 increasing public safety, improving rehabilitation, and lowering state expense;

20 (3) Such a study and the formulation of recommendations for criminal justice structural  
21 changes can best be carried out through an established council; and

22 (4) Enactment of council recommendations, if deemed appropriate at the 2012 session  
23 of the General Assembly, is best carried out through a deliberative and specific legislative  
24 process.

25 28-13-2.

26 (a) There is created the 2011 Special Council on Criminal Justice Reform for Georgians  
27 (hereinafter 'council') which shall consist of 11 members as follows:

28 (1) The Governor or his or her designee;

29 (2) One member appointed by the Governor;

30 (3) Three members appointed by the Speaker of the House of Representatives, one of  
31 whom shall be a member of the minority party;

32 (4) Three members appointed by the Lieutenant Governor, one of whom shall be a  
33 member of the minority party;

34 (5) The Chief Justice of the Supreme Court of Georgia or his or her designee; and

35 (6) Two members of the judicial branch, to be appointed by the Chief Justice of the  
36 Supreme Court of Georgia.

37 (b) A chairperson shall be selected by a majority vote of the members of the council. A  
38 quorum of the council shall consist of seven members. Any member of the council unable  
39 to serve shall be replaced in the same manner in which the original appointment was made.

40 (c) All departments and agencies of the state, including the Department of Corrections and  
41 State Board of Pardons and Paroles, shall, upon request of the council or the Governor,  
42 provide requested services, information, and technical support, notwithstanding any other  
43 law to the contrary.

44 (d) Members of the council shall receive no compensation for their services, except that  
45 any member may be reimbursed for actual expenses incurred in the performance of their  
46 duties by the agency or department in which they serve as an official or employee.

47 (e) The council shall conduct a thorough study of the state's current criminal justice  
48 structure and make a report of its findings and recommendations for legislation to the  
49 Governor, Lieutenant Governor, Speaker of the House of Representatives, and Chief  
50 Justice of the Supreme Court no later than November 1, 2011.

51 28-13-3.

52 (a) There is created the Special Joint Committee on Georgia Criminal Justice Reform  
53 (hereinafter 'joint committee') which shall consist of 17 members as follows:

54 (1) The President Pro Tempore of the Senate and Speaker Pro Tempore of the House of  
55 Representatives;

56 (2) The majority leader of the Senate and the majority leader of the House of  
57 Representatives;

58 (3) The minority leader of the Senate and the minority leader of the House of  
59 Representatives;

60 (4) The chairpersons of the Senate Judiciary Committee, the House Committee on  
 61 Judiciary, and the House Committee on Judiciary, Non-civil;

62 (5) The chairpersons of the Senate State Institutions and Property Committee and the  
 63 House Committee on State Institutions and Property;

64 (6) Three members of the Senate to be appointed by the Lieutenant Governor, one of  
 65 whom shall be a member of the minority party; and

66 (7) Three members of the House of Representatives to be appointed by the Speaker of  
 67 the House of Representatives, one of whom shall be a member of the minority party.

68 (b)(1) The chairpersons of the Senate Judiciary Committee and the House Committee on  
 69 Judiciary, Non-civil shall serve as cochairpersons of the joint committee. A quorum of  
 70 the joint committee shall consist of nine members.

71 (2) During the 2012 session of the General Assembly, the chairperson of the joint  
 72 committee who is a member of the House of Representatives shall cause to be introduced  
 73 in the House of Representatives one or more bills or resolutions incorporating the  
 74 recommendations of the council, and such legislation shall, after its introduction, be  
 75 referred by the Speaker of the House of Representatives only to the joint committee and  
 76 no other committee of the House of Representatives.

77 (3) If one or more bills or resolutions referred by the joint committee are passed by the  
 78 House of Representatives, the measure or measures shall then be in order for  
 79 consideration by the Senate at any time fixed by the President of the Senate, and such  
 80 legislation shall, after its introduction, be referred by the President of the Senate only to  
 81 the joint committee and no other committee of the Senate.

82 (4) The rules of the Senate and the House of Representatives for the 2012 legislative  
 83 session may contain provisions necessary or appropriate to comply with the legislative  
 84 process specified by this Code section.

85 28-13-4.

86 This chapter shall stand repealed by operation of law on July 1, 2012."

87 **SECTION 2.**

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

90 **SECTION 3.**

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