

Senate Bill 231

By: Senators Tippins of the 37th and Williams of the 19th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-8-60 of the Official Code of Georgia Annotated, relating to
2 probation prior to adjudication of guilt, violation of probation, and review of criminal record
3 by a judge, so as to provide additional offenses for which first offender status shall not be
4 granted; to provide for an effective date and applicability; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Code Section 42-8-60 of the Official Code of Georgia Annotated, relating to probation prior
9 to adjudication of guilt, violation of probation, and review of criminal record by a judge, is
10 amended by revising subsection (d) as follows:

11 "(d)(1) As used in this subsection, the term 'law enforcement officer' means any peace
12 officer who is employed by this state or any political subdivision thereof and who is
13 required by the terms of his or her employment, whether by election or appointment, to
14 give his full time to the preservation of public order or the protection of life and property
15 or the prevention of crime. Such term shall include, without limitation, a peace officer
16 as defined in paragraph (8) of Code Section 35-8-2, a prison guard, a correctional officer,
17 a probation supervisor, a parole supervisor, and a conservation ranger.

18 (2) The court shall not sentence a defendant under the provisions of this article who has
19 been found guilty of or entered a plea of guilty or a plea of nolo contendere for:

- 20 (1)(A) A serious violent felony as such term is defined in Code Section 17-10-6.1;
- 21 (2)(B) A sexual offense as such term is defined in Code Section 17-10-6.2;
- 22 (3)(C) Sexual exploitation of a minor as defined in Code Section 16-12-100;
- 23 (4)(D) Electronically furnishing obscene material to a minor as defined in Code
24 Section 16-12-100.1; or
- 25 (5)(E) Computer pornography and child exploitation, as defined in Code Section
26 16-12-100.2; or

27 (F) Any of the following offenses when committed against any law enforcement officer
28 as a result of the performance of his or her official duties or while such law
29 enforcement officer is engaged in the performance of his or her official duties:
30 (i) Aggravated assault as defined in Code Section 16-5-21;
31 (ii) Aggravated battery as defined in Code Section 16-5-24; or
32 (iii) Obstructing or hindering a law enforcement officer, as such offense is expressed
33 in Code Section 16-10-24, when such action results in physical harm or injury to such
34 law enforcement officer."

35 **SECTION 2.**

36 This Act shall become effective upon its approval by the Governor or upon its becoming law
37 without such approval and shall apply to all criminal acts committed on or after such date.

38 **SECTION 3.**

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