

House Bill 620

By: Representatives Powell of the 29th, Powell of the 171st, Bearden of the 68th, Burns of the 157th, Greene of the 149th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions,
2 so as to create the Department of Probation/Parole Community Based Supervision; to provide
3 for the responsibilities of the department with respect to supervision of probationers and
4 parolees; to transfer responsibility of certain functions of probation and parole supervision
5 to the department; to provide for the selection, service, and powers and duties of the director
6 and employees of the department; to provide for rules and regulations and forms; to provide
7 for administration; to provide for the division of reentry services; to authorize appropriation
8 of funds; to provide for transfer of prior appropriations; to provide for transfer of personnel,
9 equipment, and facilities; to amend Title 16 of the Official Code of Georgia Annotated,
10 relating to crimes and offenses, to correct cross-references; to amend Title 17 of the Official
11 Code of Georgia Annotated, relating to criminal procedure, so as to change provisions
12 relating to imposition and service of split sentences; to provide for sentencing orders and
13 their terms and effect; to provide that where a person is sentenced to a term of imprisonment
14 followed by a period of probation and such person is paroled or released prior to service of
15 the full period of imprisonment, such person shall be subject to an increased period of
16 probation and probation supervision but shall not be subject to supervision by the State Board
17 of Pardons and Paroles; to make corresponding changes with respect to the jurisdiction and
18 authority of the State Board of Pardons and Paroles; to amend Titles 19, 35, 40, 43, 45, and
19 49 of the Official Code of Georgia Annotated, relating to domestic relations, law
20 enforcement officers and agencies, motor vehicles and traffic, professions and businesses,
21 public officers and employees, and social services, respectively, so as to provide for certain
22 changes in the administrative organization of the Department of Corrections and the State
23 Board of Pardons and Paroles and to provide for conforming amendments; to provide for
24 related matters; to provide for an effective date and applicability; to repeal conflicting laws;
25 and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27 **SECTION 1.**

28 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
29 by adding a new chapter to read as follows:

30 "CHAPTER 1431 42-14-1.

32 As used in this chapter, the term:

33 (1) 'Board' means the State Board of Pardons and Paroles.

34 (2) 'Corrections' means the Department of Corrections.

35 (3) 'Department' means the Department of Probation/Parole Community Based
36 Supervision.

37 (4) 'Officer' means a person who acts as a supervisor for a probationer or parolee.

38 (5) 'Split sentence' means any felony sentence that includes a term of imprisonment
39 followed by a term of probation.

40 42-14-2.

41 There is created the Department of Probation/Parole Community Based Supervision. The
42 department shall be the agency primarily responsible for:

43 (1) Supervision of all defendants who receive a felony sentence of straight probation;

44 (2) Supervision of all defendants who receive a felony sentence that includes
45 confinement in a probation detention or probation diversion center;

46 (3) Supervision of all defendants who receive a felony split sentence;

47 (4) Supervision of all defendants placed on parole or other conditional release from
48 imprisonment by the board;

49 (5) Supervision of juvenile offenders pursuant to Code Section 42-8-30;

50 (6) Administration of the laws and regulations relating to probation and parole
51 supervision, as provided for in Chapters 8 and 9 of this title;

52 (7) Enforcement of laws and regulations relating to probation and parole supervision, as
53 provided for in Chapters 8 and 9 of this title; and

54 (8) Administration of laws as provided in this chapter.

55 42-14-3.

56 (a) There shall be a director of the department who shall be both appointed by and serve
57 at the pleasure of the Governor. Subject to the policies, rules, and regulations established
58 by the board and corrections, the director shall supervise, direct, account for, organize,
59 plan, administer, and execute the functions of the department. The department shall be

60 attached to corrections for administrative purposes only, as provided in Code
61 Section 50-4-3.

62 (b) The director shall receive an annual salary to be set by the Governor which shall be his
63 or her total compensation for services as director. The director shall be reimbursed for all
64 actual and necessary expenses incurred by him or her in carrying out his or her official
65 duties.

66 (c) The duties of the department shall be performed by that department and not by any
67 other agency of state government, and the department shall not perform the duties of any
68 other agency of state government. The position of director of the department shall be a
69 separate and distinct position from any other position in state government. The duties of
70 the director shall be performed by the director and not by any other officer of state
71 government, and the director shall not perform the duties of any other officer of state
72 government.

73 42-14-4.

74 (a) The director may establish units within the department as he or she deems proper for
75 its administration and shall designate persons to be assistant directors of each unit and to
76 exercise authority as he or she may delegate to them in writing. The director shall establish
77 a reentry services unit.

78 (b) The director shall have the authority to employ as many persons as he or she deems
79 necessary for the administration of the department and for the discharge of the duties of his
80 or her office. The director shall issue all necessary directions, instructions, orders, and
81 rules applicable to employees of the department. The director shall have authority, as the
82 director deems proper, to employ, assign, compensate, and discharge employees of the
83 department within the limitations of the department's appropriation and the restrictions set
84 forth by law.

85 (c) All employees of the department shall be compensated upon a fixed salary basis, and
86 no person shall be compensated for services to the department on a commission or
87 contingent fee basis.

88 (d) Neither the director nor any officer or employee of the department shall be given or
89 receive any fee, compensation, loan, gift, or other thing of value in addition to the
90 compensation and expense allowance provided by law for any service or pretended service
91 either rendered or to be rendered as director or as an officer or employee of the department.

92 42-14-5.

93 (a) The director shall have the power to make and publish reasonable rules and regulations
94 not inconsistent with this title or other laws or with the Constitution of this state or of the

95 United States for the administration of this chapter or any law which it is his or her duty
 96 to administer.

97 (b) The director may prescribe forms as he or she deems necessary for the administration
 98 and enforcement of this chapter and Chapters 8 and 9 of this title or any law which it is his
 99 or her duty to administer.

100 (c) The following rules and regulations shall remain of full force and effect as rules and
 101 regulations of the department until amended, repealed, or superseded by rules or
 102 regulations adopted by the director of the department:

103 (1) All rules and regulations previously adopted by the Advisory Council for Probation
 104 which relate to functions transferred under this chapter from the state-wide probation
 105 system to the department;

106 (2) All rules and regulations previously adopted by corrections which relate to functions
 107 transferred under this chapter from corrections to the department; and

108 (3) All rules and regulations previously adopted by the board which relate to functions
 109 transferred under this chapter from the board to the department.

110 42-14-6.

111 (a) Appropriations to corrections and the board for functions transferred to the department
 112 pursuant to this chapter may be transferred to the department as provided for in Code
 113 Section 45-12-90. Personnel, equipment, and facilities previously employed by corrections
 114 and the board for transferred functions shall likewise be transferred to the department. Any
 115 disagreement as to any of the transfers shall be resolved by the Governor.

116 (b) The enactment of this chapter and the Act by which it is enacted shall not affect or
 117 abate the status of a probation revocation or parole revocation which occurred prior to
 118 July 1, 2012.

119 42-14-7.

120 (a) The reentry services unit shall be responsible for providing programs and services to
 121 offenders:

122 (1) Preparing for or placed on parole;

123 (2) Serving a felony sentence of probation; or

124 (3) Who will be released from prison without probation or parole after the expiration of
 125 a felony sentence.

126 (b) The reentry services unit's goals are to reduce recidivism, reduce the crime rate, and
 127 enhance public safety.

128 (c) The reentry services unit program shall begin at sentencing with assessment, case
 129 planning, and evidence based program placement and shall continue with community

130 handoff as appropriate. The unit shall strive to provide effective opportunities for
131 offenders, to achieve positive change, and to make offenders be more pro-social
132 contributors to society and replace offenders' antisocial networks of people, places, and
133 things with pro-social alternatives and structured services and activities.

134 (d) The reentry services unit programs shall focus on making an offender's transition from
135 prison to the community a successful journey. Programs may include, but shall not be
136 limited to, housing, employment, case management, education, family reunification,
137 mentoring, and substance abuse, disability, and mental health treatment services. Programs
138 in use by corrections and the board for reentry services shall be utilized by the reentry
139 services unit.

140 (e) Components of the reentry services unit may include, but shall not be limited to,
141 community supervision and collaboration with:

142 (1) Community based organizations;

143 (2) Faith based organizations;

144 (3) Superior court judges;

145 (4) Drug and other specialty courts;

146 (5) Community volunteers;

147 (6) Local law enforcement agencies and sheriffs;

148 (7) The Department of Community Health;

149 (8) The Department of Human Services, including the child support division within the
150 department;

151 (9) The Department of Community Affairs;

152 (10) The Department of Driver Services;

153 (11) The Department of Education;

154 (12) The Department of Technical and Adult Education;

155 (13) The Department of Juvenile Justice;

156 (14) The Department of Labor;

157 (15) The Georgia Workforce Investment Board;

158 (16) The State Office of Vital Records;

159 (17) The Criminal Justice Coordinating Council;

160 (18) The Social Security Administration;

161 (19) The Veterans' Administration;

162 (20) The United States Department of Justice;

163 (21) The National Reentry Resource Center;

164 (22) Morehouse School of Medicine;

165 (23) Emory University School of Public Health;

166 (24) Georgia State University; and

202 **SECTION 3.**

203 Said title is further amended by revising paragraphs (3) and (4) of Code Section 42-2-15,
 204 relating to the employee benefit fund, as follows:

205 "(3) 'Executive director of the facility' means the warden, superintendent, ~~chief probation~~
 206 ~~official~~, or such other head of a facility.

207 (4) 'Facility' means a prison, institution, detention center, diversion center, ~~probation~~
 208 ~~office~~, or such other similar property under the jurisdiction or operation of the department
 209 or a facility under the jurisdiction of the Department of Probation/Parole Community
 210 Based Supervision."

211 **SECTION 4.**

212 Said title is further amended by revising Code Section 42-8-2, relating to the Advisory
 213 Council for Probation's duties and responsibilities, as follows:

214 "42-8-2.

215 (a) As used in this Code section, the term:

216 (1) 'Board' means the Board of Corrections.

217 (2) 'Corrections' means the Department of Corrections.

218 (3) 'Department' means the Department of Probation/Parole Community Based
 219 Supervision.

220 (b) The Advisory Council for Probation shall meet, consult, and advise with the Board of
 221 Corrections board, the department, and the Department of Corrections corrections on
 222 questions and matters of mutual concern and interest relative to policy, personnel, and
 223 budget which pertain to probationary activities, powers, duties, and responsibilities of the
 224 board, ~~and the department, and corrections.~~ The advisory council shall institute such
 225 studies and surveys and shall make such recommendations to the board, corrections, and
 226 the department as the council deems wise and necessary and which, in the opinion of the
 227 council, will improve the effectiveness and efficiency of probation services rendered
 228 throughout ~~the~~ this state. No change in existing policy of the board, corrections, or the
 229 department relative to probation, if the magnitude of the change will result in a significant
 230 impact upon state-wide probationary services, or any such new policy, shall be instituted
 231 by the board, corrections, or the department without opportunity being afforded to the
 232 advisory council to advise and consult with the board, corrections, or the department on the
 233 proposed changes. However, the recommendations of the advisory council shall be
 234 advisory only and shall not bind the board, corrections, or the department. The board,
 235 corrections, the department, and the council shall meet periodically throughout each year
 236 for the purpose of improving the administration, efficiency, and effectiveness of probation
 237 services."

238 **SECTION 5.**

239 Said title is further amended by revising Code Section 42-8-21, relating to definitions in the
240 "State-wide Probation Act," as follows:

241 "42-8-21.

242 As used in this article, the term:

243 (1) 'Board' means the Board of Corrections.

244 (2) 'Commissioner' means the commissioner of corrections.

245 (3) 'Department' means the Department of ~~Corrections~~ Probation/Parole Community
246 Based Supervision.

247 (4) 'Split sentence' means any felony sentence that includes a term of imprisonment
248 followed by a term of probation."

249 **SECTION 6.**

250 Said title is further amended by revising Code Section 42-8-22, relating to creation and
251 administration of the state-wide probation system, as follows:

252 "42-8-22.

253 There is created a state-wide probation system for felony offenders to be administered by
254 the ~~Department of Corrections~~ department. The probation system shall not be administered
255 as part of the duties and activities of the State Board of Pardons and Paroles; but, with
256 respect to a split sentence imposed on or after July 1, 2012, the department shall have
257 jurisdiction over any increased period of probation resulting from a release of the defendant
258 by the State Board of Pardons and Paroles as provided for in Code Section 17-10-1.4.

259 Separate files and records shall be kept with relation to the system."

260 **SECTION 7.**

261 Said title is further amended by revising Code Section 42-8-23, relating to the administration
262 of felony probationers by the Department of Corrections, as follows:

263 "42-8-23.

264 The department shall administer the supervision of felony probationers. Nothing in this
265 Code section shall alter the relationship between judges and ~~probation~~ probation/parole
266 supervisors prescribed in this article."

267 **SECTION 8.**

268 Said title is further amended by revising Code Section 42-8-24, relating to the general duties
269 of the department and rules and regulations, as follows:

270 "42-8-24.

271 It shall be the duty of the department to supervise and direct the work of the ~~probation~~
 272 probation/parole supervisors provided for in Code Section 42-8-25 and to keep accurate
 273 files and records on all probation cases, split sentence probation cases, parole cases,
 274 persons released pursuant to Code Section 17-10-1, and persons ~~on probation under~~
 275 supervision. It shall be the duty of the board to promulgate rules and regulations necessary
 276 to effectuate the purposes of this chapter."

277 **SECTION 9.**

278 Said title is further amended by revising Code Section 42-8-25, relating to the employment
 279 of probation supervisors and assignment to circuits, as follows:

280 "42-8-25.

281 The department shall employ ~~probation~~ probation/parole supervisors. The department may
 282 assign one supervisor to each judicial circuit in this state or, for purposes of assignment,
 283 may consolidate two or more judicial circuits and assign one supervisor thereto. In the
 284 event the department determines that more than one supervisor is needed for a particular
 285 circuit, an additional supervisor or additional supervisors may be assigned to the circuit.
 286 The department is authorized to direct any ~~probation~~ probation/parole supervisor to assist
 287 any other ~~probation~~ probation/parole supervisor wherever assigned. In the event that more
 288 than one supervisor is assigned to the same office or to the same division within a
 289 particular judicial circuit, the department shall designate one of the supervisors to be in
 290 charge."

291 **SECTION 10.**

292 Said title is further amended by revising Code Section 42-8-26, relating to the qualifications
 293 of probation supervisors, compensation, expenses, conflicts of interest, and bond, as follows:

294 "42-8-26.

295 (a) In order for a person to hold the office of ~~probation~~ probation/parole supervisor, he or
 296 she must shall be at least 21 years of age at the time of appointment and ~~must shall~~
 297 completed a standard two-year college course, provided that any person who is employed
 298 as a probation supervisor on or before July 1, 1972, shall not be required to meet the
 299 educational requirements specified in this Code section, nor shall he or she be prejudiced
 300 in any way for not possessing the requirements. The qualifications provided in this Code
 301 section are the minimum qualifications, and the department ~~is~~ shall be authorized to
 302 prescribe such additional and higher educational qualifications from time to time as it
 303 deems desirable, but not to exceed a four-year standard college course.

304 (b) The compensation of the ~~probation~~ probation/parole supervisors shall be set by the
 305 State Personnel Board and the State Personnel Administration. ~~Probation~~ Probation/parole
 306 supervisors shall also be allowed travel and other expenses as are other state employees.

307 (c)(1) No supervisor shall engage in any other employment, business, or activities which
 308 interfere or conflict with his or her duties and responsibilities as ~~probation~~
 309 probation/parole supervisor.

310 (2) No supervisor shall own, operate, have any financial interest in, be an instructor at,
 311 or be employed by any private entity which provides drug or alcohol education services
 312 or offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the
 313 Department of Driver Services.

314 (3) No supervisor shall specify, directly or indirectly, a particular DUI Alcohol or Drug
 315 Use Risk Reduction Program which a probationer may or shall attend. This paragraph
 316 shall not prohibit any supervisor from furnishing any probationer, upon request, the
 317 names of certified DUI Alcohol or Drug Use Risk Reduction Programs. Any supervisor
 318 violating this paragraph shall be guilty of a misdemeanor.

319 (d) Each ~~probation~~ probation/parole supervisor shall give bond in such amount as may be
 320 fixed by the department payable to the department for the use of the person or persons
 321 damaged by his or her misfeasance or malfeasance and conditioned on the faithful
 322 performance of his or her duties. The cost of the bond shall be paid by the department;
 323 provided, however, that the bond may be procured, either by the department or by the
 324 Department of Administrative Services, under a master policy or on a group blanket
 325 coverage basis, where only the number of positions in each judicial circuit and the amount
 326 of coverage for each position are listed in a schedule attached to the bond; and in such case,
 327 each individual shall be fully bonded and bound as principal, together with the surety, by
 328 virtue of his or her holding the position or performing the duties of ~~probation~~
 329 probation/parole supervisor in the circuit or circuits, and his or her individual signature
 330 shall not be necessary for such bond to be valid in accordance with all the laws of this state.
 331 The bond or bonds shall be made payable to the department."

332 SECTION 11.

333 Said title is further amended by revising Code Section 42-8-27, relating to the duties of
 334 probation supervisors, as follows:

335 "42-8-27.

336 The ~~probation~~ probation/parole supervisor shall supervise and counsel probationers in the
 337 judicial circuit to which he or she is assigned. Each supervisor shall perform the duties
 338 prescribed in this chapter and ~~such~~ other duties as are prescribed by the department and
 339 shall keep ~~such~~ any records and files and make such reports as are required of him or her."

340 **SECTION 12.**

341 Said title is further amended by revising Code Section 42-8-28, relating to the assignment
342 of probation supervisors among the judicial circuits, as follows:

343 "42-8-28.

344 ~~Probation~~ Probation/parole supervisors shall be assigned among the respective judicial
345 circuits based generally on the relative number of persons on probation and parole in each
346 circuit."

347 **SECTION 13.**

348 Said title is further amended by revising Code Section 42-8-29, relating to presentence
349 investigations, supervision of probationers, and record keeping, as follows:

350 "42-8-29.

351 (a) It shall be the duty of the ~~probation~~ probation/parole supervisor to investigate all cases
352 referred to him or her by the court and to make ~~his~~ findings and report thereon in writing
353 to the court with ~~his~~ a recommendation. The superior court may require, before imposition
354 of sentence, a presentence investigation and written report in each felony case in which the
355 defendant has entered a plea of guilty or nolo contendere or has been convicted.

356 (b) The ~~probation~~ probation/parole supervisor shall cause to be delivered to each person
357 placed on probation under his or her supervision a certified copy of the terms of probation
358 and any change or modification thereof and shall cause the person to be instructed
359 regarding the same. ~~He~~ The probation/parole supervisor shall keep informed concerning
360 the conduct, habits, associates, employment, recreation, and whereabouts of the probationer
361 by visits, by requiring reports, or in other ways. ~~He~~ The probation/parole supervisor shall
362 make such reports in writing or otherwise as the court may require. ~~He~~ The
363 probation/parole supervisor shall use all practicable and proper methods to aid and
364 encourage persons on probation and to bring about improvements in their conduct and
365 condition.

366 (c) The probation/parole supervisor ~~He~~ shall keep records on each probationer or parolee
367 referred to ~~him~~ the probation/parole supervisor."

368 **SECTION 14.**

369 Said title is further amended by revising Code Section 42-8-29.1, relating to disposition of
370 a probation supervisor's documents upon committing a defendant to an institution, as follows:

371 "42-8-29.1.

372 (a) When a convicted person is committed to an institution under the jurisdiction of ~~the~~
373 ~~department~~ corrections, any presentence or post-sentence investigation or psychological
374 evaluation compiled by a ~~probation~~ probation/parole supervisor or other probation official

375 shall be forwarded to any division or office designated by the commissioner.
 376 Accompanying this document or evaluation ~~will~~ shall be the case history form and the
 377 criminal history sheets from the Federal Bureau of Investigation or the Georgia Crime
 378 Information Center, if available, unless any ~~such of this~~ information has previously been
 379 sent to ~~the department~~ corrections pursuant to Code Section 42-5-50. A copy of these same
 380 documents shall be made available for the State Board of Pardons and Paroles. A copy of
 381 one or more of these documents, based on need, may be forwarded to another institution
 382 to which the defendant may be committed.

383 (b) The prison or institution receiving these documents shall maintain the confidentiality
 384 of the documents and the information contained therein and shall not send them or release
 385 them or reveal them to any other person, institution, or agency without the express consent
 386 of the ~~probation~~ unit which originated or accumulated the documents."

387 **SECTION 15.**

388 Said title is further amended by revising Code Section 42-8-30, relating to supervision of
 389 juvenile offenders by probation supervisors, as follows:

390 "42-8-30.

391 In the counties where no juvenile probation system exists, juvenile offenders, upon
 392 direction of the court, shall be supervised by ~~probation~~ probation/parole supervisors. Other
 393 than in this respect, nothing in this article shall be construed to change or modify any law
 394 relative to probation as administered by any juvenile court in this state."

395 **SECTION 16.**

396 Said title is further amended by revising Code Section 42-8-30.1, relating to the applicability
 397 to counties establishing probation systems pursuant to Code Section 42-8-100, as follows:

398 "42-8-30.1.

399 In any county where the chief judge of the superior court, state court, municipal court,
 400 probate court, or magistrate court has provided for probation services for such court
 401 through agreement with a private corporation, enterprise, or agency or has established a
 402 county or municipal probation system for such court pursuant to Code Section 42-8-100,
 403 the provisions of this article relating to ~~probation~~ probation/parole supervision services
 404 shall not apply to defendants sentenced in any such court."

405 **SECTION 17.**

406 Said title is further amended by revising Code Section 42-8-31, relating to collection and
 407 disbursement of funds by probation supervisors, record keeping, and bank accounts, as
 408 follows:

409 "42-8-31.
 410 No ~~probation~~ probation/parole supervisor shall collect or disburse any funds whatsoever,
 411 except by written order of the court; and it shall be the duty of the supervisor to transmit
 412 a copy of the order to the department not later than 15 days after it has been issued by the
 413 court. Every supervisor who collects or disburses any funds whatsoever shall faithfully
 414 keep the records of accounts as are required by the department, which records shall be
 415 subject to inspection by the department at any time. In every instance where a bank
 416 account is required, it shall be kept in the name of the 'State Probation Office.'"

417 **SECTION 18.**

418 Said title is further amended by revising Code Section 42-8-32, relating to funds which may
 419 be collected by probation supervisors, as follows:

420 "42-8-32.

421 No ~~probation~~ probation/parole supervisor shall be directed to collect any funds other than
 422 funds directed to be paid as the result of a criminal proceeding."

423 **SECTION 19.**

424 Said title is further amended by revising Code Section 42-8-33, relating to auditing probation
 425 supervisors' accounts and restrictions on refunding overpayments of fines, restitution, or
 426 moneys owed, as follows:

427 "42-8-33.

428 (a) The department shall make periodic audits of each ~~probation~~ probation/parole
 429 supervisor who, by virtue of ~~his~~ the supervisor's duties, has any moneys, fines, court costs,
 430 property, or other funds coming into ~~his~~ the supervisor's control or possession or being
 431 disbursed by ~~him~~ the supervisor. The department shall keep a permanent record of the
 432 audit of each ~~probation~~ probation/parole supervisor's accounts on file. It shall be the duty
 433 of the employee of the department conducting the audit to notify the department in writing
 434 of any discrepancy of an illegal nature that might result in prosecution. The department
 435 shall have the right to interview and make inquiry of certain selected payors or recipients
 436 of funds, as it may choose, without notifying the ~~probation~~ probation/parole supervisor, to
 437 carry out the purposes of the audit. The employee who conducts the audit shall be required
 438 to give bond in such amount as may be set by the department, in the same manner and for
 439 the same purposes as provided under Code Section 42-8-26 for the bonds of ~~probation~~
 440 probation/parole supervisors. The bond shall bind the employee and ~~his~~ the employee's
 441 surety in the performance of ~~his~~ the employee's duties.

442 (b) Any overpayment of fines, restitutions, or other moneys owed as a condition of
 443 probation shall not be refunded to the probationer if the amount of ~~such~~ the overpayment
 444 is less than \$5.00."

445 **SECTION 20.**

446 Said title is further amended by revising subsections (b), (c), and (d) of Code
 447 Section 42-8-34, relating to probation hearings, as follows:

448 "(b) Prior to the hearing, the court may refer the case to the ~~probation~~ probation/parole
 449 supervisor of the circuit in which the court is located for investigation and
 450 recommendation. The court, upon such reference, shall direct the supervisor to make an
 451 investigation and to report to the court, in writing at a specified time, upon the
 452 circumstances of the offense and the criminal record, social history, and present condition
 453 of the defendant, together with the supervisor's recommendation; and it shall be the duty
 454 of the supervisor to carry out the directive of the court.

455 (c) Subject to the provisions of subsection (a) of Code Section 17-10-1 and subsection (f)
 456 of Code Section 17-10-3, if it appears to the court upon a hearing of the matter that the
 457 defendant is not likely to engage in a criminal course of conduct and that the ends of justice
 458 and the welfare of society do not require that the defendant shall presently suffer the
 459 penalty imposed by law, the court in its discretion shall impose sentence upon the
 460 defendant but may stay and suspend the execution of the sentence or any portion thereof
 461 or may place ~~him~~ the defendant on probation under the supervision and control of the
 462 ~~probation~~ probation/parole supervisor for the duration of ~~such probation~~ the sentence. The
 463 period of probation or suspension shall not exceed the maximum sentence of confinement
 464 which could be imposed on the defendant.

465 (d)(1) In every case that a court of this state or any other state sentences a defendant to
 466 probation or any pretrial release or diversion program under the supervision of ~~the~~
 467 ~~department~~ corrections, in addition to any fine or order of restitution imposed by the
 468 court, there shall be imposed a probation fee as a condition of probation, release, or
 469 diversion in the amount equivalent to \$23.00 per each month under supervision, and in
 470 addition, a one-time fee of \$50.00 where such defendant was convicted of any felony.
 471 The probation fee may be waived or amended after administrative process by ~~the~~
 472 ~~department~~ corrections and approval of the court, or upon determination by the court, as
 473 to the undue hardship, inability to pay, or any other extenuating factors which prohibit
 474 collection of the fee; provided, however, that the imposition of sanctions for failure to pay
 475 fees shall be within the discretion of the court through judicial process or hearings.
 476 Probation fees shall be waived on probationers incarcerated or detained in a ~~departmental~~
 477 corrections or other confinement facility which prohibits employment for wages. All

478 probation fees collected by the department shall be paid into the general fund of the state
 479 treasury, except as provided in subsection (f) of Code Section 17-15-13, relating to sums
 480 to be paid into the Georgia Crime Victims Emergency Fund. Any fees collected by the
 481 court under this paragraph shall be remitted not later than the last day of the month after
 482 such fee is collected to the Georgia Superior Court Clerks' Cooperative Authority for
 483 deposit into the general fund of the state treasury.

484 (2) In addition to any other provision of law, any person convicted of a violation of Code
 485 Section 40-6-391 or subsection (b) of Code Section 16-13-2 who is sentenced to
 486 probation or a suspended sentence by a municipal, magistrate, probate, recorder's,
 487 mayor's, state, or superior court shall also be required by the court to pay a one-time fee
 488 of \$25.00. The clerk of court, or if there is no clerk the person designated to collect fines,
 489 fees, and forfeitures for such court, shall collect such fee and remit the same not later than
 490 the last day of the month after such fee is collected to the Georgia Superior Court Clerks'
 491 Cooperative Authority for deposit into the general fund of the state treasury.

492 (3) In addition to any fine, fee, restitution, or other amount ordered, the sentencing court
 493 may also impose as a condition of probation for felony criminal defendants sentenced to
 494 a day reporting center an additional charge, not to exceed \$10.00 per day for each day
 495 such defendant is required to report to a day reporting center; provided, however, that no
 496 fee shall be imposed or collected if the defendant is unemployed or has been found
 497 indigent by the sentencing court. The charges required by this paragraph shall be paid
 498 by the probationer directly to ~~the department~~ corrections. Funds collected by ~~the~~
 499 ~~department~~ corrections pursuant to this subsection shall only be used by ~~the department~~
 500 corrections in the maintenance and operation of the day reporting center program."

501 SECTION 21.

502 Said title is further amended by revising subsection (f) of Code Section 42-8-34.1, relating
 503 to requirements for revocation of probated or suspended sentences, as follows:

504 "(f) The payment of restitution or reparation, costs, or fines ordered by the court may be
 505 payable in one lump sum or in periodic payments, as determined by the court after
 506 consideration of all the facts and circumstances of the case and of the defendant's ability
 507 to pay. Such payments shall, in the discretion of the sentencing judge, be made either to the
 508 clerk of the sentencing court or, if the sentencing court is a probate court, state court, or
 509 superior court, to the ~~probation~~ probation/parole office serving said court."

510 **SECTION 22.**

511 Said title is further amended by revising subsection (a) of Code Section 42-8-34.2, relating
 512 to a defendant's delinquent payment of fines, costs, restitution, or reparation and costs of
 513 garnishment, as follows:

514 "(a) In the event that a defendant is delinquent in the payment of fines, costs, or restitution
 515 or reparation; as was ordered by the court as a condition of probation, the defendant's
 516 ~~probation officer is~~ probation/parole supervisor shall be authorized, but shall not be
 517 required, to execute a sworn affidavit wherein the amount of arrearage is set out. In
 518 addition, the affidavit shall contain a succinct statement as to what efforts the department
 519 has made in trying to collect the delinquent amount. The affidavit shall then be submitted
 520 to the sentencing court for approval. Upon signature and approval of the court, said
 521 arrearage shall then be collectable through issuance of a writ of fieri facias by the clerk of
 522 the sentencing court; and the department may enforce such collection through any judicial
 523 or other process or procedure which may be used by the holder of a writ of execution
 524 arising from a civil action."

525 **SECTION 23.**

526 Said title is further amended by revising Code Section 42-8-35, relating to terms and
 527 conditions of probation, as follows:

528 "42-8-35.

529 (a) The court shall determine the terms and conditions of probation and may provide that
 530 the probationer shall:

- 531 (1) Avoid injurious and vicious habits;
- 532 (2) Avoid persons or places of disreputable or harmful character;
- 533 (3) Report to the ~~probation~~ probation/parole supervisor as directed;
- 534 (4) Permit the supervisor to visit the probationer at the probationer's home or elsewhere;
- 535 (5) Work faithfully at suitable employment insofar as may be possible;
- 536 (6) Remain within a specified location; provided, however, that the court shall not banish
 537 a probationer to any area within ~~the~~ this state:
- 538 (A) That does not consist of at least one entire judicial circuit as described by Code
 539 Section 15-6-1; or
- 540 (B) In which any service or program in which the probationer must participate as a
 541 condition of probation is not available;
- 542 (7) Make reparation or restitution to any aggrieved person for the damage or loss caused
 543 by the probationer's offense, in an amount to be determined by the court. Unless
 544 otherwise provided by law, no reparation or restitution to any aggrieved person for the

545 damage or loss caused by the probationer's offense shall be made if the amount is in
546 dispute unless the same has been adjudicated;

547 (8) Make reparation or restitution as reimbursement to a municipality or county for the
548 payment for medical care furnished the person while incarcerated pursuant to the
549 provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local
550 governmental unit for the provision of medical care shall be made if the amount is in
551 dispute unless the same has been adjudicated;

552 (9) Repay the costs incurred by any municipality or county for wrongful actions by an
553 inmate covered under the provisions of paragraph (1) of subsection (a) of Code
554 Section 42-4-71;

555 (10) Support the probationer's legal dependents to the best of the probationer's ability;

556 (11) Violate no local, state, or federal laws and be of general good behavior;

557 (12) If permitted to move or travel to another state, agree to waive extradition from any
558 jurisdiction where the probationer may be found and not contest any effort by any
559 jurisdiction to return the probationer to this state; and

560 (13) Submit to evaluations and testing relating to rehabilitation and participate in and
561 successfully complete rehabilitative programming as directed by the department.

562 (b) In determining the terms and conditions of probation for a probationer who has been
563 convicted of a criminal offense against a victim who is a minor or of a dangerous sexual
564 offense as those terms are defined in Code Section 42-1-12, the court may provide that the
565 probationer shall be:

566 (1) Prohibited from entering or remaining present at a victim's school, place of
567 employment, place of residence, or other specified place at times when a victim is present
568 or from loitering in areas where minors congregate, child care facilities, churches, or
569 schools as those terms are defined in Code Section 42-1-12;

570 (2) Required to wear a device capable of tracking the location of the probationer by
571 means including electronic surveillance or global positioning systems. The department
572 shall assess and collect fees from the probationer for such monitoring at levels set by
573 regulation by the department;

574 (3) Required, either in person or through remote monitoring, to allow viewing and
575 recording of the probationer's incoming and outgoing e-mail, history of websites visited
576 and content accessed, and other Internet based communication;

577 (4) Required to have periodic unannounced inspections of the contents of the
578 probationer's computer or any other device with Internet access, including the retrieval
579 and copying of all data from the computer or device and any internal or external storage
580 or portable media and the removal of such information, computer, device, or medium;
581 and

582 (5) Prohibited from seeking election to a local board of education.
 583 (c) The supervision provided for under subsection (b) of this Code section shall be
 584 conducted by a ~~probation officer~~ probation/parole supervisor, law enforcement officer, or
 585 computer information technology specialist working under the supervision of a ~~probation~~
 586 ~~officer~~ probation/parole supervisor or law enforcement agency."

587 **SECTION 24.**

588 Said title is further amended by revising Code Section 42-8-35.1, relating to special
 589 alternative incarceration, as follows:

590 "42-8-35.1.

591 (a) In addition to any other terms or conditions of probation provided for under this
 592 chapter, the trial judge may provide that probationers sentenced for felony offenses
 593 committed on or after July 1, 1993, to a period of time of not less than one year on
 594 probation as a condition of probation must satisfactorily complete a program of
 595 confinement in a 'special alternative incarceration—probation boot camp' unit of ~~the~~
 596 ~~department~~ corrections for a period of 120 days computed from the time of initial
 597 confinement in the unit; provided, however, ~~the department~~ that corrections may release
 598 the defendant upon service of 90 days in recognition of excellent behavior.

599 (b) Before a court ~~can~~ may place this condition upon the sentence, an initial investigation
 600 ~~will~~ shall be completed by the ~~probation officer~~ probation/parole supervisor which ~~will~~
 601 ~~indicate~~ indicates that the probationer is qualified for such treatment in that the individual
 602 does not appear to be physically or mentally disabled in a way that would prevent him or
 603 her from strenuous physical activity, that the individual has no obvious contagious
 604 diseases, that the individual is not less than 17 years of age nor more than 30 years of age
 605 at the time of sentencing, and that ~~the department~~ corrections has granted provisional
 606 approval of the placement of the individual in the 'special alternative
 607 incarceration—probation boot camp' unit.

608 (c) In every case where an individual is sentenced under the terms of this Code section, the
 609 sentencing court shall, within its probation order, direct ~~the department~~ corrections to
 610 arrange with the sheriff's office in the county of incarceration to have the individual
 611 delivered to a designated unit of ~~the department~~ corrections within a specific date not more
 612 than 15 days after the issuance of such probation order by the court.

613 (d) At any time during the individual's confinement in the unit, but at least five days prior
 614 to his or her expected date of release, ~~the department~~ corrections will certify to the trial
 615 court as to whether the individual has satisfactorily completed this condition of probation.

616 (e) Upon the receipt of a satisfactory report of performance in the program from ~~the~~
 617 ~~department~~ corrections, the trial court shall release the individual from confinement in the

618 'special alternative incarceration—probation boot camp' unit. However, the receipt of an
 619 unsatisfactory report ~~will~~ shall be grounds for revocation of the probated sentence as would
 620 any other violation of a condition or term of probation.

621 (f) The satisfactory report of performance in the program from ~~the department~~ corrections
 622 shall, in addition to the other requirements specified in this Code section, require
 623 participation of the individual confined in the unit in such adult education courses
 624 necessary to attain the equivalency of a grade five competency level as established by the
 625 State Board of Education for elementary schools. Those individuals who are mentally
 626 disabled as determined by initial testing ~~are~~ shall be exempt from mandatory participation.
 627 After the individual is released from the unit, it shall be a special condition of probation
 628 that the individual participate in an education program in the community until grade five
 629 level competency is achieved or active probation supervision terminates. It shall be the
 630 duty of ~~the department~~ corrections to certify to the trial court that such individual has
 631 satisfactorily completed this condition of probation while on active probation supervision.
 632 The receipt of an unsatisfactory report may be grounds for revocation of the probated
 633 sentence as would any other violation of a condition or term of probation. Under certain
 634 circumstances, the probationer may be exempt from this requirement if it is determined by
 635 the ~~probation officer~~ probation/parole supervisor that community education resources are
 636 inaccessible to the probationer."

637 **SECTION 25.**

638 Said title is further amended by revising subsection (c) of Code Section 42-8-35.4, relating
 639 to confinement in probation detention centers, as follows:

640 "(c) During the period of confinement, ~~the department~~ corrections may transfer the
 641 probationer to other facilities in order to provide needed physical and mental health care
 642 or for other reasons essential to the care and supervision of the probationer or as necessary
 643 for the effective administration and management of its facilities."

644 **SECTION 26.**

645 Said title is further amended by revising subsection (c) of Code Section 42-8-35.5, relating
 646 to confinement in probation diversion centers, as follows:

647 "(c) ~~The department~~ Corrections may assess and collect room and board fees from
 648 diversion center program participants at a level set by ~~the department~~ corrections."

649 **SECTION 27.**

650 Said title is further amended by revising Code Section 42-8-35.7, relating to drug and alcohol
 651 screening of probationers, as follows:

652 "42-8-35.7.
 653 Unless the court has ordered more frequent such screenings, it shall be the duty of each
 654 ~~probation~~ probation/parole supervisor to administer or have administered a drug and
 655 alcohol screening not less than once every 60 days to any person who is placed on
 656 probation and who, as a condition of such probation, is required to undergo regular, random
 657 drug and alcohol screenings, provided that the drug and alcohol screenings required by this
 658 Code section shall be performed only to the extent that necessary funds therefor are
 659 appropriated in the state budget."

660 **SECTION 28.**

661 Said title is further amended by revising subsection (a) of Code Section 42-8-36, relating to
 662 a probationer's duties, as follows:

663 "(a)(1) It shall be the duty of a probationer, as a condition of probation, to keep his or her
 664 ~~probation~~ probation/parole supervisor informed as to his or her residence. Upon the
 665 recommendation of the ~~probation~~ probation/parole supervisor, the court may also require,
 666 as a condition of probation and under such terms as the court deems advisable, that the
 667 probationer keep the ~~probation~~ probation/parole supervisor informed as to his or her
 668 whereabouts.

669 (2) The running of a probated sentence shall be tolled upon:

670 (A) The failure of a probationer to report to his or her ~~probation~~ probation/parole
 671 supervisor as directed or failure to appear in court for a probation revocation hearing;
 672 either of such failures may be evidenced by an affidavit from the ~~probation~~
 673 probation/parole supervisor setting forth such failure; or

674 (B) The filing of a return of non est inventus or other return to a warrant, for the
 675 violation of the terms and conditions of probation, that the probationer cannot be found
 676 in the county that appears from the records of the ~~probation~~ probation/parole supervisor
 677 to be the probationer's county of residence. Any officer authorized by law to issue or
 678 serve warrants may return the warrant for the absconded probationer showing non est
 679 inventus.

680 (3) The effective date of the tolling of the sentence shall be the date the court enters a
 681 tolling order and shall continue until the probationer shall personally report to the
 682 ~~probation~~ probation/parole supervisor, is taken into custody in this state, or is otherwise
 683 available to the court.

684 (4) Any tolled period of time shall not be included in computing creditable time served
 685 on probation or as any part of the time that the probationer was sentenced to serve."

686

SECTION 29.

687 Said title is further amended by revising subsection (b) of Code Section 42-8-37, relating to
688 terminating and reviewing probation cases, as follows:

689 "(b) Upon the request of the chief judge of the court from which said person was
690 sentenced, the case of each person receiving a probated sentence of more than two years
691 shall be reviewed by the ~~probation~~ probation/parole supervisor responsible for that case
692 after service of two years on probation, and a written report of the probationer's progress
693 shall be submitted to the sentencing court along with the supervisor's recommendation as
694 to early termination. Upon the request of the chief judge of the court from which said
695 person was sentenced, each such case shall be reviewed and a written report submitted
696 annually thereafter, or more often if required, until the termination, expiration, or other
697 disposition of the case."

698

SECTION 30.

699 Said title is further amended by revising subsections (a) and (d) of Code Section 42-8-38,
700 relating to the procedures in probation revocation matters, as follows:

701 "(a) Whenever, within the period of probation, a ~~probation~~ probation/parole supervisor
702 believes that a probationer under his or her supervision has violated ~~his~~ the terms of
703 probation in a material respect, ~~he~~ the probation/parole supervisor may arrest the
704 probationer without warrant, wherever found, and return ~~him~~ the probationer to the court
705 granting the probation or, if under supervision in a county or judicial circuit other than that
706 of conviction, to a court of equivalent original criminal jurisdiction within the county
707 wherein the probationer resides for purposes of supervision. Any officer authorized by law
708 to issue warrants may issue a warrant for the arrest of the probationer upon the affidavit of
709 one having knowledge of the alleged violation, returnable forthwith before the court in
710 which revocation proceedings are being brought."

711 "(d) In cases where the probation is revoked in a county other than the county of original
712 conviction, the clerk of court in the county revoking probation may record the order of
713 revocation in the judge's minute docket, which recordation shall constitute sufficient
714 permanent record of the proceedings in that court. The clerk shall send one copy of the
715 order revoking probation to ~~the department~~ corrections to serve as a temporary
716 commitment and shall send the original order revoking probation and all other papers
717 pertaining thereto to the county of original conviction to be filed with the original records.
718 The clerk of court of the county of original conviction shall then issue a formal
719 commitment to ~~the department~~ corrections."

720 **SECTION 31.**

721 Said title is further amended by revising Code Section 42-8-41, relating to cooperation of
 722 state and local entities with probation officials, as follows:

723 "42-8-41.

724 All state and local departments, agencies, boards, bureaus, commissions, and committees
 725 shall cooperate with the ~~probation~~ probation/parole officials."

726 **SECTION 32.**

727 Said title is further amended by revising Code Section 42-8-42, relating to the provision of
 728 office space and clerical help by the Department of Corrections and counties, as follows:

729 "42-8-42.

730 Corrections ~~The department~~ may provide office space and clerical help wherever needed.

731 The counties of this state shall cooperate in this respect and, wherever possible, shall
 732 furnish office space if needed."

733 **SECTION 33.**

734 Said title is further amended by revising Code Section 42-8-43, relating to the effect of the
 735 article on existing probation systems, as follows:

736 "42-8-43.

737 Except as otherwise provided by law, any county probation system in existence on
 738 February 8, 1956, shall not be affected by the passage of this article, regardless of whether
 739 the law under which the system exists is specifically repealed by this article. The personnel
 740 of the system shall continue to be appointed and employed under the same procedure as
 741 used prior to February 8, 1956, and the system shall be financed under the same method
 742 as it was financed prior to February 8, 1956. However, the substantive provisions of this
 743 article relative to probation shall be followed, and to this end, any probation officer of such
 744 system shall be deemed to be the same as a ~~probation~~ probation/parole supervisor, with the
 745 ~~probation~~ probation/parole supervisor assigned by ~~the department~~ corrections serving in
 746 a liaison capacity between the county probation system and ~~the department~~ corrections."

747 **SECTION 34.**

748 Said title is further amended by revising Code Section 42-8-43.1, relating to participation in
 749 cost of county probation systems, as follows:

750 "42-8-43.1.

751 (a) This Code section shall apply to county probation systems of all counties of this state
 752 having a population of 400,000 or more according to the United States decennial census
 753 of 1980 or any future such census, any provision of Code Section 42-8-43 to the contrary

754 notwithstanding. ~~The department shall participate in the cost of the county probation~~
 755 ~~systems subject to this Code section for fiscal years 1982-83 and 1983-84. The department~~
 756 ~~shall compute the state cost per probationer on a state-wide basis for each of the aforesaid~~
 757 ~~fiscal years pursuant to the formula used by the Office of Planning and Budget to determine~~
 758 ~~the state cost for probation for budgetary purposes. For each of the aforesaid fiscal years,~~
 759 ~~the department shall pay to the governing authority of each county maintaining a county~~
 760 ~~probation system subject to this Code section the percentage shown below of the state-wide~~
 761 ~~cost per probationer for each probationer being supervised under the respective county~~
 762 ~~probation system as of the first day of each of said fiscal years:~~

763 (1) ~~For fiscal year 1982-83, 10 percent; and~~

764 (2) ~~For fiscal year 1983-84, 10-100 percent.~~

765 (b) ~~The funds necessary to participate in the cost of county probation systems under~~
 766 ~~subsection (a) of this Code section shall come from funds appropriated to the department~~
 767 ~~for the purposes of providing state participation in the cost of county probation systems.~~
 768 ~~The payments to counties provided for in subsection (a) of this Code section shall be made~~
 769 ~~by, or pursuant to the order of, the department in single lump sum payment for each fiscal~~
 770 ~~year, with the payment for fiscal year 1982-83 being made by May 1, 1983, and the one for~~
 771 ~~fiscal year 1983-84 by May 1, 1984. As a condition necessary for a county to qualify for~~
 772 ~~department participation in the cost of the county's probation system, the employees of~~
 773 ~~such county probation systems shall be subject to the supervision, control, and direction~~
 774 ~~of the department.~~

775 (e) Each county probation system subject to the provisions of this Code section shall
 776 become a part of the state-wide probation system provided for by this article effective on
 777 July 1, 1984, and shall be fully funded from state funds as a part of the state-wide probation
 778 system beginning with fiscal year 1984-85. The employees of said county probation
 779 systems, at their option, shall become employees of the department corrections on the date
 780 said county systems become a part of the state-wide probation system and, on or after said
 781 date, said employees shall be subject to the salary schedules and other personnel policies
 782 of the department corrections, except that the salaries of such employees shall not be
 783 reduced as a result of becoming employees of the department corrections.

784 ~~(d)~~(c) When an employee of a county probation system of any county of this state having
 785 a population of 550,000 or more according to the United States decennial census of 1980
 786 or any future such census becomes an employee of the department corrections pursuant to
 787 subsection ~~(e)~~ (b) of this Code section at the same or a greater salary, the change in
 788 employment shall not constitute involuntary separation from service or termination of
 789 employment within the meaning of any local retirement or pension system of which the
 790 employee was a member at the time of such change in employment, and the change in

791 employment shall not entitle the employee to begin receiving any retirement or pension
792 benefit whatsoever under any such local retirement or pension system."

793 **SECTION 35.**

794 Said title is further amended by revising Code Section 42-8-43.2, relating to payments by
795 state to county probation systems, as follows:

796 "42-8-43.2.

797 (a) This Code section shall apply to county probation systems, including state court adult
798 probation systems, of each county having a population of more than 100,000 in any
799 metropolitan statistical area having a population of not less than 200,000 nor more than
800 230,000 according to the United States decennial census of 1980 or any future such census,
801 any provision of Code Section 42-8-43 to the contrary notwithstanding. ~~The department~~
802 ~~shall participate in the cost of the county probation systems subject to this Code section for~~
803 ~~fiscal year 1987-88. The department shall compute the state cost per probationer on a~~
804 ~~state-wide basis for such fiscal year pursuant to the formula used by the Office of Planning~~
805 ~~and Budget to determine the state cost for probation for budgetary purposes. For said fiscal~~
806 ~~year, the department shall pay to the governing authority of each county maintaining a~~
807 ~~county probation system subject to this Code section 10 percent of the state-wide cost per~~
808 ~~probationer for each probationer being supervised under the respective county probation~~
809 ~~system as of the first day of said fiscal year. The funds necessary to participate in the cost~~
810 ~~of county probation systems under this subsection shall come from funds appropriated to~~
811 ~~the department for the purposes of providing state participation in the cost of county~~
812 ~~probation systems. The payments to counties provided for in this subsection shall be made~~
813 ~~by, or pursuant to the order of, the department in single lump sum payment for fiscal year~~
814 ~~1987-88, with the payment being made by May 1, 1988. As a condition necessary for a~~
815 ~~county to qualify for department participation in the cost of the county's probation system,~~
816 ~~the county shall cause to be made an independent audit of the financial affairs and~~
817 ~~transactions of all funds and activities of the county probation system and agree to be~~
818 ~~responsible for any discrepancies, obligations, debts, or liabilities of such county probation~~
819 ~~system which may exist prior to the department's participation in the cost of the county's~~
820 ~~probation system. As a further condition necessary for a county to qualify for department~~
821 ~~participation in the cost of the county's probation system, the employees of such county~~
822 ~~probation systems shall be subject to the supervision, control, and direction of the~~
823 ~~department.~~

824 (b) The county probation system of any such county shall become a part of the state-wide
825 probation system provided for by this article effective July 1, 1988, and shall be fully
826 funded from state funds as part of the state-wide probation system beginning with fiscal

827 year 1988-89. The employees of such county probation system, at their option, shall
 828 become employees of ~~the department~~ corrections on the date said county system becomes
 829 a part of the state-wide probation system and, on or after said date, said employees shall
 830 be subject to the salary schedules and other personnel policies of ~~the department~~
 831 corrections, except that the salaries of such employees shall not be reduced as a result of
 832 becoming employees of ~~the department~~ corrections.

833 (c) When an employee of a county probation system becomes an employee of ~~the~~
 834 ~~department~~ corrections pursuant to subsection (b) of this Code section at the same or a
 835 greater salary, the change in employment shall not constitute involuntary separation from
 836 service or termination of employment within the meaning of any local retirement or
 837 pension system of which the employee was a member at the time of such change in
 838 employment, and the change in employment shall not entitle the employee to begin
 839 receiving any retirement or pension benefit whatsoever under any such local retirement or
 840 pension system.

841 (d) No leave time accrued by an employee of a county probation system shall be
 842 transferred when the employee becomes a state employee. Any leave time accrued by an
 843 employee of such county probation system shall be satisfied as a debt owed to the
 844 employee by the county."

845 **SECTION 36.**

846 Said title is further amended by revising Code Section 42-8-43.3, relating to participation in
 847 cost of county probation systems in counties with populations of 250,000 or more, as
 848 follows:

849 "42-8-43.3.

850 (a) This Code section shall apply to county probation systems, including state court adult
 851 probation systems, of each county having a population of 250,000 or more according to the
 852 United States decennial census of 1980 or any future such census, any provision of Code
 853 Section 42-8-43 to the contrary notwithstanding. ~~The department shall participate in the~~
 854 ~~cost of the county probation systems subject to this Code section for fiscal year 1988-89.~~
 855 ~~For said fiscal year, the department shall pay to the governing authority of each county~~
 856 ~~maintaining a county probation system subject to this Code section 10 percent of the annual~~
 857 ~~county probation system budget as of the first day of said fiscal year. The funds necessary~~
 858 ~~to participate in the cost of county probation systems under this subsection shall come from~~
 859 ~~funds appropriated to the department for the purposes of providing state participation in the~~
 860 ~~cost of county probation systems. The payments to counties provided for in this subsection~~
 861 ~~shall be made by, or pursuant to the order of, the department in single lump sum payment~~
 862 ~~for fiscal year 1988-89, with the payment being made by May 1, 1989. As a condition~~

863 ~~necessary for a county to qualify for department participation in the cost of the county's~~
 864 ~~probation system, the county shall cause to be made an independent audit of the financial~~
 865 ~~affairs and transactions of all funds and activities of the county probation system and agree~~
 866 ~~to be responsible for any discrepancies, obligations, debts, or liabilities of such county~~
 867 ~~probation system which may exist prior to the department's participation in the cost of the~~
 868 ~~county's probation system. As a further condition necessary for a county to qualify for~~
 869 ~~department participation in the cost of the county's probation system, the employees of~~
 870 ~~such county probation systems shall be subject to the supervision, control, and direction~~
 871 ~~of the department.~~

872 (b) The county probation system of any such county shall become a part of the state-wide
 873 probation system provided for by this article effective July 1, 1989, and shall be fully
 874 funded from state funds as part of the state-wide probation system beginning with fiscal
 875 year 1989-90. The employees of such county probation system, at their option, shall
 876 become employees of ~~the department~~ corrections on the date said county system becomes
 877 a part of the state-wide probation system and, on or after said date, said employees shall
 878 be subject to the salary schedules and other personnel policies of ~~the department~~
 879 corrections, except that the salaries of such employees shall not be reduced as a result of
 880 becoming employees of ~~the department~~ corrections.

881 (c) When an employee of a county probation system becomes an employee of ~~the~~
 882 ~~department~~ corrections pursuant to subsection (b) of this Code section at the same or a
 883 greater salary, the change in employment shall not constitute involuntary separation from
 884 service or termination of employment within the meaning of any local retirement or
 885 pension system of which the employee was a member at the time of such change in
 886 employment, and the change in employment shall not entitle the employee to begin
 887 receiving any retirement or pension benefit whatsoever under any such local retirement or
 888 pension system.

889 (d) No leave time accrued by an employee of a county probation system shall be
 890 transferred when the employee becomes a state employee. Any leave time accrued by an
 891 employee of such county probation system shall be satisfied as a debt owed to the
 892 employee by the county."

893 **SECTION 37.**

894 Said title is further amended by revising subsections (b) and (c) of Code Section 42-8-72,
 895 relating to community service as a condition of probation, as follows:

896 "(b) The judge may confer with the prosecutor, defense attorney, ~~probation~~
 897 probation/parole supervisor, community service officer, or other interested persons to

898 determine if the community service program is appropriate for an offender. If community
899 service is ordered as a condition of probation, the court shall order:

900 (1) Not less than 20 hours nor more than 250 hours in cases involving traffic or
901 ordinance violations or misdemeanors, said service to be completed within one year; or

902 (2) Not less than 20 hours nor more than 500 hours in felony cases, said service to be
903 completed within three years.

904 (c)(1) Any agency may recommend to the court that certain disabled persons are in need
905 of a live-in attendant. The judge shall confer with the prosecutor, defense attorney,
906 ~~probation~~ probation/parole supervisor, community service officer, or other interested
907 persons to determine if a community service program involving a disabled person is
908 appropriate for an offender. If community service as a live-in attendant for a disabled
909 person is deemed appropriate and if both the offender and the disabled person consent to
910 such service, the court may order such live-in community service as a condition of
911 probation but for no longer than two years.

912 (2) The agency shall be responsible for coordinating the provisions of the cost of food
913 or other necessities for the offender which the disabled person is not able to provide. The
914 agency, with the approval of the court, shall determine a schedule which will provide the
915 offender with certain free hours each week.

916 (3) Such live-in arrangement shall be terminated by the court upon the request of the
917 offender or the disabled person. Upon termination of such an arrangement, the court shall
918 determine if the offender has met the conditions of probation.

919 (4) The appropriate agency shall make personal contact with the disabled person on a
920 frequent basis to ensure the safety and welfare of the disabled person."

921 **SECTION 38.**

922 Said title is further amended by revising Code Section 42-8-80, relating to the establishment,
923 operation, rules, and regulations of the Department of Corrections pretrial release and
924 diversion programs, as follows:

925 "42-8-80.

926 The Department of Corrections shall be authorized to establish and operate pretrial release
927 and diversion programs as rehabilitative measures for persons charged with felonies for
928 which bond is permissible under the law in the courts of this state prior to conviction;
929 provided, however, that no such program shall be established in a county without the
930 unanimous approval of the superior court judges, the district attorney, and the sheriff of
931 such county. The Board of Corrections shall promulgate rules and regulations governing
932 any pretrial release and diversion programs established and operated by the ~~department~~

933 Department of Corrections and shall grant authorization for the establishment of such
 934 programs based on the availability of sufficient staff and resources."

935 **SECTION 39.**

936 Said title is further amended by revising Code Section 42-8-82, relating to Department of
 937 Corrections contracts with counties for services and facilities, as follows:

938 "42-8-82.

939 The Department of Corrections may contract with the various counties of this state for the
 940 services and facilities necessary to operate pretrial release and diversion programs
 941 established under this article, and both the ~~department~~ Department of Corrections and the
 942 counties are authorized to enter into such contracts as are appropriate to carry out the
 943 purpose of this article."

944 **SECTION 40.**

945 Said title is further amended by revising subsection (b) of Code Section 42-8-111, relating
 946 to court ordered installation of ignition interlock devices, as follows:

947 "(b) Any resident of this state who is ordered to use an ignition interlock device, as a
 948 condition of probation, shall complete the DUI Alcohol or Drug Use Risk Reduction
 949 Program and submit to the court or ~~probation department~~ Department of Driver Services
 950 a certificate of completion of the DUI Alcohol or Drug Use Risk Reduction Program and
 951 certification of installation of a certified ignition interlock device to the extent required by
 952 subsection (a) of this Code section."

953 **SECTION 41.**

954 Said title is further amended by revising Code Section 42-8-112, relating to proof of
 955 compliance required for reinstatement of certain drivers' licenses and for obtaining
 956 probationary license, as follows:

957 "42-8-112.

958 (a) In any case where the court imposes the use of an ignition interlock device as a
 959 condition of probation on a resident of this state whose driving privilege is not suspended
 960 or revoked, the court shall require the person to surrender his or her driver's license to the
 961 court immediately and provide proof of compliance with such order to the court or the
 962 ~~probation officer~~ probation/parol supervisor and obtain an ignition interlock device
 963 restricted driving license within 30 days. Upon expiration of the period of time for which
 964 such person is required to use an ignition interlock device, the person may apply for and
 965 receive a regular driver's license upon payment of the fee provided for in Code Section
 966 40-5-25. If such person fails to provide proof of installation to the extent required by

967 subsection (a) of Code Section 42-8-111 and receipt of the restricted driving license within
968 such period, absent a finding by the court of good cause for that failure, which finding is
969 entered in the court's record, the court shall revoke or terminate the probation.

970 (b)(1) In any case where the court imposes the use of an ignition interlock device as a
971 condition of probation on a resident of this state whose driving privilege is suspended or
972 revoked, the court shall require the person to provide proof of compliance with such order
973 to the court or the ~~probation officer~~ probation/parole supervisor and the Department of
974 Driver Services not later than ten days after the date on which such person first becomes
975 eligible to apply for an ignition interlock device limited driving permit in accordance with
976 paragraph (2) of this subsection or a habitual violator's probationary license in accordance
977 with paragraph (3) of this subsection, whichever is applicable. If such person fails to
978 provide proof of installation to the extent required by subsection (a) of Code Section
979 42-8-111 within the period required by this subsection, absent a finding by the court of
980 good cause for that failure, which finding is entered on the court's record, the court shall
981 revoke or terminate the probation if such is still applicable.

982 (2) If the person subject to court ordered use of an ignition interlock device as a
983 condition of probation is authorized under Code Section 40-5-63 or 40-5-67.2 to apply
984 for reinstatement of his or her driver's license during the period of suspension, such
985 person shall, prior to applying for reinstatement of the license, have an ignition interlock
986 device installed and shall maintain such ignition interlock device in a motor vehicle or
987 vehicles to the extent required by subsection (a) of Code Section 42-8-111 for a period
988 of six months running concurrently with that of an ignition interlock device limited
989 driving permit, which permit shall not be issued until such person submits to the
990 ~~department~~ Department of Driver Services proof of completion of a DUI Alcohol or Drug
991 Use Risk Reduction Program, proof of having undergone any clinical evaluation and of
992 having enrolled in any substance abuse treatment program required by Code Section
993 40-5-63.1, and proof of installation of an ignition interlock device on a vehicle or vehicles
994 to the extent required by subsection (a) of Code Section 42-8-111. Such a person may
995 apply for and be issued an ignition interlock device limited driving permit at the end of
996 12 months after the suspension of the driver's license. At the expiration of such six-month
997 ignition interlock device limited driving permit, the driver may, if otherwise qualified,
998 apply for reinstatement of a regular driver's license upon payment of the fee provided in
999 Code Section 40-5-25.

1000 (3) If the person subject to court ordered use of an ignition interlock device as a
1001 condition of probation is authorized under Code Section 40-5-58 or under Code Section
1002 40-5-67.2 to obtain a habitual violator's probationary license, such person shall, if such
1003 person is a habitual violator as a result of two or more convictions for driving under the

1004 influence of alcohol or drugs, have an ignition interlock device installed and maintained
1005 in a motor vehicle or vehicles to the extent required by subsection (a) of Code Section
1006 42-8-111 for a period of six months following issuance of the probationary license, and
1007 such person shall not during such six-month period drive any motor vehicle that is not so
1008 equipped, all as conditions of such probationary license. Following expiration of such
1009 six-month period with no violation of the conditions of the probationary license, the
1010 person may apply for a habitual violator probationary license without such ignition
1011 interlock device condition.

1012 (4) In any case where installation of an ignition interlock device is required, failure to
1013 show proof of such device shall be grounds for refusal of reinstatement of such license
1014 or issuance of such habitual violator's probationary license or the immediate suspension
1015 or revocation of such license.

1016 (c) Each resident of this state who is required to have an ignition interlock device installed
1017 pursuant to this article shall report to the provider center every 30 days for the purpose of
1018 monitoring the operation of each required ignition interlock device. If at any time it is
1019 determined that a person has tampered with the device, the Department of Driver Services
1020 shall be given written notice within five days by the ~~probation officer~~ probation/parole
1021 supervisor, the court ordering the use of such device, or the interlock provider. If an
1022 ignition interlock device is found to be malfunctioning, it shall be replaced or repaired, as
1023 ordered by the court or the Department of Driver Services, at the expense of the provider.

1024 (d)(1) If a person required to report to an ignition interlock provider as required by
1025 subsection (c) of this Code section fails to report to the provider as required or receives
1026 an unsatisfactory report from the provider at any time during the six-month period, the
1027 Department of Driver Services shall revoke such person's ignition interlock device
1028 limited driving permit immediately upon notification from the provider of the failure to
1029 report or failure to receive a satisfactory report. Except as provided in paragraph (2) of
1030 this subsection, within 30 days after such revocation, the person may make a written
1031 request for a hearing and remit to the department a payment of \$250.00 for the cost of the
1032 hearing. Within 30 days after receiving a written request for a hearing and a payment of
1033 \$250.00, the Department of Driver Services shall hold a hearing as provided in Chapter
1034 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing shall be recorded.

1035 (2) Any person whose ignition interlock device limited driving permit was revoked on
1036 or before July 1, 2004, for failure to report or failure to receive a satisfactory report may
1037 make a written request for a hearing and remit to the ~~department~~ Department of Driver
1038 Services a payment of \$250.00 for the cost of the hearing. Within 30 days after receiving
1039 a written request for a hearing and a payment of \$250.00, the Department of Driver

1040 Services shall hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia
 1041 Administrative Procedure Act.' The hearing shall be recorded.

1042 (3) If the hearing officer determines that the person failed to report to the ignition
 1043 interlock provider for any of the reasons specified below, the Department of Driver
 1044 Services shall issue a new ignition interlock device limited driving permit that shall be
 1045 valid for a period of six months to such person. Such reasons shall be for providential
 1046 cause and include, but not be limited to, the following:

1047 (A) Medical necessity, as evidenced by a written statement from a medical doctor;
 1048 (B) The person was incarcerated;
 1049 (C) The person was required to be on the job at his or her place of employment, with
 1050 proof that the person would be terminated if he or she was not at work; or
 1051 (D) The vehicle with the installed interlock device was rendered inoperable by reason
 1052 of collision, fire, or a major mechanical failure.

1053 (4) If the hearing officer determines that the person failed to report to the ignition
 1054 interlock provider for any reason other than those specified in paragraph (3) of this
 1055 subsection, or if the person received an unsatisfactory report from the provider, after the
 1056 expiration of 120 days the person may apply to the ~~department~~ Department of Driver
 1057 Services and the ~~department~~ Department of Driver Services shall issue a new ignition
 1058 interlock device limited driving permit to such person.

1059 (5) This subsection shall not apply to any person convicted of violating Code Section
 1060 42-8-118."

1061 SECTION 42.

1062 Sais title is further amended by revising subsection (a) of Code Section 42-8-114, relating
 1063 to specifying providers for ignition interlock devices, as follows:

1064 "(a) No judicial officer, ~~probation officer~~ probation/parole supervisor, law enforcement
 1065 officer, or other officer or employee of a court; person who owns, operates, or is employed
 1066 by a private company which has contracted to provide private probation services for
 1067 misdemeanor cases; or professional bondsman or agent or employee thereof shall specify,
 1068 directly or indirectly, a particular provider center which the person may or shall utilize
 1069 when use of an ignition interlock device is required. This subsection shall not prohibit any
 1070 judicial officer, ~~probation officer~~ probation/parole supervisor, law enforcement officer, or
 1071 other officer or employee of a court; owner, operator, or employee of a private company
 1072 which has contracted to provide probation services for misdemeanor cases; or professional
 1073 bondsman or agent or employee thereof from furnishing any person, upon request, the
 1074 names of certified provider centers."

1075 **SECTION 43.**

1076 Said title is further amended by revising Code Section 42-8-116, relating to warning labels
1077 for ignition interlock devices, as follows:

1078 "42-8-116.

1079 The providers certified by the Department of Driver Services shall design and adopt
1080 pursuant to regulations of the ~~department~~ Department of Driver Services a warning label
1081 which shall be affixed to each ignition interlock device upon installation. The label shall
1082 contain a warning that any person tampering, circumventing, or otherwise misusing the
1083 device is guilty of a misdemeanor and may be subject to civil liability."

1084 **SECTION 44.**

1085 Said title is further amended by revising paragraph (1) of Code Section 42-8-151, relating
1086 to definitions for the 'Probation Management Act,' as follows:

1087 "(1) 'Chief ~~probation officer~~ probation/parole supervisor' means the highest ranking field
1088 ~~probation officer~~ probation/parole supervisor in each judicial circuit."

1089 **SECTION 45.**

1090 Said title is further amended by revising subsections (b) and (d) of Code Section 42-8-155,
1091 relating to penalties for probation violation, as follows:

1092 "(b) Upon issuance of a petition outlining the alleged probation violations, the chief
1093 ~~probation officer~~ probation/parole supervisor, or his or her designee, may conduct a hearing
1094 to determine whether an options system probationer has violated a condition of probation.
1095 If the chief ~~probation officer~~ probation/parole supervisor determines that the probationer
1096 has violated a condition of probation, the chief ~~probation officer~~ is probation/parole
1097 supervisor shall be authorized to impose sanctions consistent with paragraphs (4) through
1098 (7) of subsection (c) of Code Section 42-8-153. The failure of an options system
1099 probationer to comply with a sanction imposed by the chief ~~probation officer~~
1100 probation/parole supervisor shall constitute a violation of probation."

1101 "(d) The failure of a probationer to comply with the sanction or sanctions imposed by the
1102 chief ~~probation officer~~ probation/parole supervisor or hearing officer shall constitute a
1103 violation of probation."

1104 **SECTION 46.**

1105 Said title is further amended by revising Code Section 42-9-3, relating to definitions related
1106 to the State Board of Pardons and Paroles, as follows:

1107 "42-9-3.

1108 As used in this chapter, the term:

- 1109 (1) 'Board' ~~'board'~~ means the State Board of Pardons and Paroles.
- 1110 (2) 'Department' means the Department of Probation/Parole Community Based
- 1111 Supervision.
- 1112 (3) 'Split sentence' means any felony sentence that includes a term of imprisonment
- 1113 followed by a term of probation."

1114 **SECTION 47.**

1115 Said title is further amended by revising subsection (b) of Code Section 42-9-9, relating to

1116 board employees, as follows:

1117 "(b) A certified parole officer probation/parole supervisor leaving the service of the board

1118 under honorable conditions who has accumulated 20 or more years of service with the

1119 board as a certified parole officer probation/parole supervisor shall be entitled as part of

1120 such employee's compensation to retain his or her board issued badge. A certified parole

1121 officer probation/parole supervisor employed with the board who is killed in the line of

1122 duty shall be entitled to have his or her board issued badge given to a surviving family

1123 member. Where a certified parole officer probation/parole supervisor leaves the service

1124 of the board due to a disability that arose in the line of duty and such disability prevents the

1125 parole officer probation/parole supervisor from further serving as a peace officer, then such

1126 disabled parole officer probation/parole supervisor shall be entitled to retain his or her

1127 board issued badge regardless of the officer's number of years of service with the board.

1128 The board is shall be authorized to promulgate rules and regulations for the implementation

1129 of this subsection."

1130 **SECTION 48.**

1131 Said title is further amended by revising Code Section 42-9-20, relating to general powers

1132 and duties of the State Board of Pardons and Paroles, as follows:

1133 "42-9-20.

1134 (a) In all cases in which the chairman chairperson of the board or any other member

1135 designated by the board has suspended the execution of a death sentence to enable the full

1136 board to consider and pass on same, it shall be mandatory that the board act within a period

1137 not exceeding 90 days from the date of the suspension order. In the cases which the board

1138 has power to consider, the board shall be charged with the duty of determining which

1139 inmates serving sentences imposed by a court of this state may be released on pardon or

1140 parole and fixing the time and conditions thereof. The board shall also be charged with the

1141 duty of supervising all persons placed on parole, of determining violations thereof and of

1142 taking action with reference thereto, of making ~~such~~ investigations as may be necessary,

1143 and of aiding parolees or probationers in securing employment. It shall be the duty of the

1144 board personally to study the cases of those inmates whom the board has power to consider
 1145 so as to determine their ultimate fitness for such relief as the board has power to grant. The
 1146 board by an affirmative vote of a majority of its members shall have the power to commute
 1147 a sentence of death to one of life imprisonment.

1148 (b) With respect to inmates sentenced under split sentences entered on or after
 1149 July 1, 2012, and all persons paroled or otherwise released by the board prior to completion
 1150 of their sentences on or after July 1, 2012, the board shall have no duty to supervise
 1151 inmates who have been paroled or otherwise released prior to completion of their sentences
 1152 of confinement. Supervision of inmates paroled, released, or released from split sentence
 1153 confinement shall be through an increase in their period of probation, as provided in Code
 1154 Section 17-10-1.4. Any reference elsewhere in this chapter to duties of the board with
 1155 respect to supervision of parolees and other persons released from confinement shall not
 1156 include inmates released from confinement on or after July 1, 2012."

1157

SECTION 49.

1158 Said title is further amended by revising Code Section 42-9-21, relating to supervision of
 1159 persons placed on parole or other conditional release, as follows:

1160 "42-9-21.

1161 (a) The board shall have the function and responsibility of supervising all persons placed
 1162 on parole or other conditional release by the board prior to July 1, 2012. On and after
 1163 July 1, 2012, the department shall have the function and responsibility of supervising all
 1164 persons placed on parole or other conditional release by the board.

1165 (b) The board ~~is~~ and the department shall be authorized to maintain and operate or to enter
 1166 into memoranda of agreement or other written documents evidencing contracts with other
 1167 state agencies, persons, or any other entities for transitional or intermediate or other
 1168 services or for programs deemed by the board or department to be necessary for parolees
 1169 or others conditionally released from imprisonment by order of the board and to require as
 1170 a condition of relief that the offender pay directly to the provider a reasonable fee for said
 1171 services or programs.

1172 (c) In all cases where restitution is applicable, the board or department shall collect during
 1173 the parole period those sums determined to be owed to the victim."

1174

SECTION 50.

1175 Said title is further amended by revising subsection (b) of Code Section 42-9-41, relating to
 1176 duty of the board to obtain and place in records information respecting persons subject to
 1177 relief or placed on probation, as follows:

1178 "(b) The board in its discretion may also obtain and place in its permanent records similar
 1179 information on each person who may be placed on probation. The board shall immediately
 1180 examine such records and any other records obtained and make such other investigation
 1181 as it may deem necessary. It shall be the duty of the court and of all ~~probation officers~~
 1182 probation/parole supervisors and other appropriate officers to furnish to the board, upon
 1183 its request, such information as may be in their possession or under their control. The
 1184 Department of Behavioral Health and Developmental Disabilities and all other state,
 1185 county, and city agencies, all sheriffs and their deputies, and all peace officers shall
 1186 cooperate with the board and shall aid and assist it in the performance of its duties. The
 1187 board may make such rules as to the privacy or privilege of such information and as to its
 1188 use by persons other than the board and its staff as may be deemed expedient in the
 1189 performance of its duties."

1190 SECTION 51.

1191 Said title is further amended by revising subsection (d) of Code Section 42-9-42, relating to
 1192 procedure for granting relief from sentence, conditions, and violations of parole, as follows:

1193 "(d)(1) Any person who is paroled shall be released on ~~such~~ the terms and conditions as
 1194 the board shall prescribe. The board shall diligently see that no peonage is allowed in the
 1195 guise of parole relationship ~~or supervision~~. The parolee shall remain in the legal custody
 1196 of the board until the expiration of the maximum term specified in ~~his~~ the parolee's
 1197 sentence or until ~~he~~ the parolee is pardoned by the board and shall be supervised during
 1198 this period of time by the department.

1199 (2) The board may require the payment of a parole supervision fee of at least \$10.00 per
 1200 month as a condition of parole or other conditional release. The monthly amount shall
 1201 be set by rule of the board and shall be uniform state wide. The board may require or the
 1202 parolee or person under conditional release may request that up to 24 months of the
 1203 supervision fee be paid in advance of the time to be spent on parole or conditional
 1204 release. In such cases, any advance payments ~~are~~ shall be nonreimbursable in the event
 1205 of parole or conditional release revocation or if parole or conditional release is otherwise
 1206 terminated prior to the expiration of the sentence being served on parole or conditional
 1207 release. ~~The Such~~ fees shall be collected by ~~the board to~~ a probation/parole supervisor
 1208 and shall be paid into the general fund of the state treasury."

1209 SECTION 52.

1210 Said title is further amended by revising Code Section 42-9-44, relating to terms and
 1211 conditions of parole and violation of parole, as follows:

1212 "42-9-44.

1213 (a) The board, upon placing a person on parole, shall specify in writing the terms and
 1214 conditions thereof. A certified copy of the conditions shall be given to the parolee.
 1215 Thereafter, a copy shall be sent to the clerk of the court in which the person was convicted.
 1216 The board shall adopt general rules concerning the terms and conditions of parole and
 1217 concerning what shall constitute a violation thereof and shall make special rules to govern
 1218 particular cases. The rules, both general and special, may include, among other things, a
 1219 requirement that the parolee shall not leave this state or any definite area in this state
 1220 without the consent of the board; that the parolee shall contribute to the support of his or
 1221 her dependents to the best of the parolee's ability; that the parolee shall make reparation or
 1222 restitution for his or her crime; that the parolee shall abandon evil associates and ways; and
 1223 that the parolee shall carry out the instructions of his or her ~~parole~~ probation/parole
 1224 supervisor, and, in general, so comport himself or herself as the ~~parolee's~~ supervisor shall
 1225 determine. A violation of the terms of parole may render the parolee liable to arrest and
 1226 a return to a penal institution to serve out the term for which the parolee was sentenced.
 1227 (b) Each parolee who does not have a high school diploma or a general educational
 1228 development ~~equivalency diploma~~ (GED) diploma shall be required as a condition of
 1229 parole to obtain a high school diploma or general educational development ~~equivalency~~
 1230 ~~diploma~~ (GED) diploma or to pursue a trade at a vocational or technical school. Any such
 1231 parolee who demonstrates to the satisfaction of the board an existing ability or skill which
 1232 does in fact actually furnish the parolee a reliable, regular, and sufficient income shall not
 1233 be subject to this provision. Any parolee who is determined by the ~~Department of~~
 1234 ~~Corrections~~ department or the board to be incapable of completing such requirements shall
 1235 only be required to attempt to improve ~~their~~ his or her basic educational skills. Failure of
 1236 any parolee subject to this requirement to attend the necessary schools or courses or to
 1237 make reasonable progress toward fulfillment of such requirement shall be grounds for
 1238 revocation of parole. The board shall establish regulations regarding reasonable progress
 1239 as required by this subsection. This subsection shall apply to paroles granted on or after
 1240 July 1, 1995."

1241 **SECTION 53.**

1242 Said title is further amended by revising subsection (d) of Code Section 42-9-48, relating to
 1243 arrest of parolee or conditional release violator, as follows:

1244 "(d) Any ~~parole~~ probation/parole supervisor, when he or she has reasonable ground to
 1245 believe that a parolee or conditional releasee has violated the terms or conditions of his or
 1246 her parole or conditional release in a material respect, shall notify the board or some
 1247 member thereof; and proceedings shall thereupon be had as provided in this Code section."

1248 **SECTION 54.**

1249 Said title is further amended by revising Code Section 42-9-57, relating to the effect of parole
 1250 on probation and the board's cooperation with local agencies, as follows:

1251 "42-9-57.

1252 Nothing contained in this chapter shall be construed as repealing any power given to any
 1253 court of this state to place offenders on probation or to supervise the same nor any power
 1254 of any probation agency set up in any county of ~~the~~ this state in conjunction with the
 1255 courts. The board shall be authorized to cooperate with any such agencies, ~~except that it~~
 1256 and specifically with the Department of Probation/Parole Community Based Supervision
 1257 for purposes of supervising parolees and persons released pursuant to conditional release.
 1258 The board shall not assume or pay any financial obligations thereof. The board shall also
 1259 be authorized to cooperate with the courts for the probation of offenders in those counties
 1260 in which there is no existing probation agency, when a court so requests of other agencies
 1261 but shall share appropriately in the financial obligation of the Department of
 1262 Probation/Parole Community Based Supervision for purposes of supervision needs of the
 1263 board."

1264 **SECTION 55.**

1265 Said title is further amended by revising subsection (b) of Code Section 42-9-90, relating to
 1266 application fee required for parolee transfer consideration, as follows:

1267 "(b) The Department of ~~Corrections~~ Probation/Parole Community Based Supervision and
 1268 the State Board of Pardons and Paroles ~~are~~ shall be authorized to require any nonindigent
 1269 adult offender to pay a \$25.00 application fee when applying to transfer his or her
 1270 supervision from Georgia to any other state or territory pursuant to the provisions of
 1271 Articles 3 and 4 of this chapter."

1272 **SECTION 56.**

1273 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 1274 amended by revising subsection (l) of Code Section 16-5-21, relating to aggravated assault,
 1275 as follows:

1276 "(l) A person who knowingly commits the offense of aggravated assault upon an officer
 1277 of the court while such officer is engaged in, or on account of the performance of, his or
 1278 her official duties shall, upon conviction thereof, be punished by imprisonment for not less
 1279 than five nor more than 20 years. As used in this subsection, the term 'officer of the court'
 1280 means a judge, attorney, clerk of court, deputy clerk of court, court reporter, court
 1281 interpreter, ~~or probation officer~~ probation/parole supervisor."

1282 **SECTION 57.**

1283 Said title is further amended by revising paragraph (2) of subsection (b) of Code Section
 1284 16-6-5.1, relating to sexual assaults against persons in custody, detained, in hospitals, or
 1285 involved in psychotherapy, as follows:

1286 "(2) Is an employee or agent of any ~~probation or parole~~ probation/parole office and
 1287 engages in sexual contact with such other individual who the actor knew or should have
 1288 known is a probationer or parolee under the supervision of the same ~~probation or parole~~
 1289 probation/parole office;"

1290 **SECTION 58.**

1291 Said title is further amended by revising subsection (b) of Code Section 16-10-24, relating
 1292 to obstructing or hindering law enforcement officers, as follows:

1293 "(b) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement
 1294 officer, prison guard, correctional officer, ~~probation supervisor, parole supervisor,~~
 1295 probation/parole supervisor, or conservation ranger in the lawful discharge of his or her
 1296 official duties by offering or doing violence to the person of such officer or legally
 1297 authorized person is guilty of a felony and shall, upon conviction thereof, be punished by
 1298 imprisonment for not less than one nor more than five years."

1299 **SECTION 59.**

1300 Said title is further amended by revising subsection (a) of Code Section 16-10-33, relating
 1301 to removal or attempted removal of a weapon from a public official and punishment therefor,
 1302 as follows:

1303 "(a) It shall be unlawful for any person knowingly to remove or attempt to remove a
 1304 firearm, chemical spray, or baton from the possession of another person if:

1305 (1) The other person is lawfully acting within the course and scope of employment; and

1306 (2) The person has knowledge or reason to know that the other person is employed as:

1307 (A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;

1308 (B) A ~~probation officer~~ probation/parole supervisor, or other employee with the power
 1309 of arrest, by the Department of ~~Corrections~~ Probation/Parole Community Based
 1310 Supervision;

1311 ~~(C) A parole supervisor, or other employee with the power of arrest, by the State Board~~
 1312 ~~of Pardons and Paroles;~~

1313 ~~(D)~~(C) A jail officer or guard by a county or municipality and has the responsibility of
 1314 supervising inmates who are confined in a county or municipal jail or other detention
 1315 facility; or

1316 ~~(E)~~(D) A juvenile correctional officer by the Department of Juvenile Justice and has
 1317 the primary responsibility for the supervision and control of youth confined in such
 1318 department's programs and facilities."

1319 **SECTION 60.**

1320 Said title is further amended by revising subsection (b) of Code Section 16-10-97, relating
 1321 to intimidation or injury of grand or petit juror or court officers, as follows:

1322 "(b) As used in this Code section, the term 'any officer in or of any court' means a judge,
 1323 attorney, clerk of court, deputy clerk of court, court reporter, or ~~probation officer~~
 1324 probation/parole supervisor."

1325 **SECTION 61.**

1326 Said title is further amended by revising subsection (d) of Code Section 16-11-37, relating
 1327 to terroristic threats and acts and penalties therefor, as follows:

1328 "(d) A person who commits or attempts to commit a terroristic threat or act with the intent
 1329 to retaliate against any person for:

1330 "(1) Attending a judicial or administrative proceeding as a witness, attorney, judge, clerk
 1331 of court, deputy clerk of court, court reporter, ~~probation officer~~ probation/parole
 1332 supervisor, or party or producing any record, document, or other object in a judicial or
 1333 official proceeding; or

1334 (2) Providing to a law enforcement officer, ~~adult~~ probation/parole supervisor or juvenile
 1335 probation officer, prosecuting attorney, or judge any information relating to the
 1336 commission or possible commission of an offense under the laws of this state or of the
 1337 United States or a violation of conditions of bail, pretrial release, probation, or parole
 1338 shall be guilty of the offense of a terroristic threat or act and, upon conviction thereof, shall
 1339 be punished, for a terroristic threat, by imprisonment for not less than five nor more than
 1340 ten years or by a fine of not less than \$50,000.00, or both, and, for a terroristic act, by
 1341 imprisonment for not less than five nor more than 20 years or by a fine of not less than
 1342 \$100,000.00, or both."

1343 **SECTION 62.**

1344 Said title is further amended by revising paragraph (1) of Code Section 16-11-124, relating
 1345 to exemptions from application of the "Georgia Firearms and Weapons Act," as follows:

1346 "(1) A peace officer of any duly authorized police agency of this state or of any political
 1347 subdivision thereof, or a law enforcement officer of any department or agency of the
 1348 United States who is regularly employed and paid by the United States, this state, or any
 1349 such political subdivision, or an employee of the Department of Corrections of this state

1350 who is authorized in writing by the commissioner of corrections to transfer or possess
 1351 such firearms while in the official performance of his or her duties, or an employee of the
 1352 Department of Probation/Parole Community Based Supervision of this state who is
 1353 authorized in writing by the director of the Department of Probation/Parole Community
 1354 Based Supervision to transfer or possess such firearms while in the official performance
 1355 of his or her duties;"

1356 **SECTION 63.**

1357 Said title is further amended by revising paragraph (12) of subsection (c) of Code Section
 1358 16-11-127.1, relating to carrying weapons within school safety zones, at school functions,
 1359 or on school property, as follows:

1360 "(12) Probation/parole ~~Probation~~ supervisors employed by and under the authority of the
 1361 ~~Department of Corrections~~ Department of Probation/Parole Community Based
 1362 Supervision pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
 1363 Probation Act,' or Chapter 14 of Title 42, when specifically designated and authorized in
 1364 writing ~~by the director of the Division of Probation;~~"

1365 **SECTION 64.**

1366 Said title is further amended by revising paragraph (9) of subsection (a) and subsection (b)
 1367 of Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through
 1368 16-11-127.2, as follows:

1369 "(9) Chief ~~probation officers~~ probation/parole supervisors, ~~probation officers~~
 1370 probation/parole supervisors, intensive probation officers, and surveillance officers
 1371 employed by and under the authority of the ~~Department of Corrections~~ Department of
 1372 Probation/Parole Community Based Supervision pursuant to Article 2 of Chapter 8 of
 1373 Title 42, known as the 'State-wide Probation Act,' or Chapter 14 of Title 42, when
 1374 specifically designated and authorized in writing ~~by the director of Division of~~
 1375 Probation;"

1376 "(b) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect persons who
 1377 at the time of their retirement from service with the ~~Department of Corrections~~ were chief
 1378 probation officers, probation officers Department of Probation/Parole Community Based
 1379 Supervision were chief probation/parole supervisors, probation/parole supervisors,
 1380 intensive probation officers, or surveillance officers, when specifically designated and
 1381 authorized in writing ~~by the director of the Division of Probation."~~

1382

SECTION 65.

1383 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
 1384 amended by revising subsection (d) of Code Section 17-6-1.1, relating to electronic pretrial
 1385 release and monitoring program for defendants, as follows:

1386 "(d) A defendant ~~may~~ shall not be released to, or remain in, an electronic pretrial release
 1387 and monitoring program who has any other outstanding warrants, accusations, indictments,
 1388 holds, or incarceration orders from any other court, law enforcement agency, or ~~probation~~
 1389 ~~or parole officer~~ probation/parole supervisor that require the posting of bond or further
 1390 adjudication."

1391

SECTION 66.

1392 Said title is further amended by revising subsection (a) of Code Section 17-10-1, relating to
 1393 fixing and modification of sentences, as follows:

1394 "(a)(1) Except in cases in which life imprisonment, life without parole, or the death
 1395 penalty may be imposed, upon a verdict or plea of guilty in any case involving a
 1396 misdemeanor or felony, and after a presentence hearing, the judge fixing the sentence
 1397 shall prescribe a determinate sentence for a specific number of months or years which
 1398 shall be within the minimum and maximum sentences prescribed by law as the
 1399 punishment for the crime. The judge imposing the sentence ~~is~~ shall be granted power and
 1400 authority to suspend or probate all or any part of the entire sentence under such rules and
 1401 regulations as the judge deems proper, including service of a probated sentence in the
 1402 sentencing options system, as provided by Article 9 of Chapter 8 of Title 42, and
 1403 including the authority to revoke the suspension or probation when the defendant has
 1404 violated any of the rules and regulations prescribed by the court, even before the
 1405 probationary period has begun, subject to the conditions set out in this subsection;
 1406 provided, however, that such action shall be subject to the provisions of Code Sections
 1407 17-10-6.1 and 17-10-6.2.

1408 (2) Probation supervision shall terminate in all cases no later than two years from the
 1409 commencement of probation supervision unless specially extended or reinstated by the
 1410 sentencing court upon notice and hearing and for good cause shown; provided, however,
 1411 that in those cases involving the collection of fines, restitution, or other funds, the period
 1412 of supervision shall remain in effect for so long as any ~~such~~ obligation is outstanding, or
 1413 until termination of the sentence, whichever first occurs; and provided, further, that where
 1414 a period of post-incarceration probation is increased as a result of parole or other release
 1415 as provided in Code Section 17-10-1.4, the otherwise applicable two-year maximum shall
 1416 be increased by the amount of time for which the period of post-incarceration probation
 1417 is increased, and for those cases involving a conviction under the 'Georgia Street Gang

1418 Terrorism and Prevention Act,' the period of supervision shall remain in effect until the
 1419 termination of the sentence, but shall not exceed five years unless as otherwise provided
 1420 in this paragraph. Probation supervision shall not be required for defendants sentenced
 1421 to probation while the defendant is in the legal custody of the Department of Corrections
 1422 ~~or the State Board of Pardons and Paroles.~~

1423 (3)(A) Any part of a sentence of probation revoked for a violation other than a
 1424 subsequent commission of any felony, a violation of a special condition, or a
 1425 misdemeanor offense involving physical violence resulting in bodily injury to an
 1426 innocent victim which in the opinion of the trial court constitutes a danger to the
 1427 community or a serious infraction occurring while the defendant is assigned to an
 1428 alternative probation confinement facility shall be served in a probation detention
 1429 center, probation boot camp, diversion center, weekend lock up, or confinement in a
 1430 local jail or detention facility, or other community correctional alternatives available
 1431 to the court or provided by the Department of Corrections.

1432 (B) A parolee or probationer charged with a misdemeanor involving physical injury
 1433 or an attempt to commit physical injury or terroristic threats or with a new felony shall
 1434 not be entitled to bond pending a hearing on the revocation of his or her parole or
 1435 probation, except by order of a judge of the superior, state, or magistrate court wherein
 1436 the alleged new offense occurred after a hearing and upon determination of the
 1437 superior, state, or magistrate court that the parolee or probationer does not constitute
 1438 a threat to the community; provided, however, that this subparagraph ~~does~~ shall not
 1439 authorize state or magistrate court judges to grant bail for a person charged with any
 1440 offense listed in subsection (a) of Code Section 17-6-1.

1441 (4) In cases of imprisonment followed by probation, the sentence shall specifically
 1442 provide that the period of probation shall not begin until the defendant has completed
 1443 service of the confinement portion of the sentence or been released from confinement by
 1444 the State Board of Pardons and Paroles as provided in Code Section 17-10-1.4. With
 1445 respect to a sentence entered prior to July 1, 2012, no ~~No~~ revocation of any part of a
 1446 probated sentence shall be effective while a defendant is in the legal custody of the State
 1447 Board of Pardons and Paroles.

1448 (5)(A) Where a defendant has been sentenced to probation, the court shall retain
 1449 jurisdiction throughout the period of the probated sentence as provided for in subsection
 1450 (g) of Code Section 42-8-34. Without limiting the generality of the foregoing, the court
 1451 may shorten the period of probation on motion of the defendant or on its own motion,
 1452 if the court determines that probation is no longer necessary or appropriate for the ends
 1453 of justice, the protection of society, and the rehabilitation of the defendant. Prior to
 1454 entering any order for shortening a period of probation, the court shall afford notice to

1455 the victim or victims of all sex related offenses or violent offenses resulting in serious
 1456 bodily injury or death, and, upon request of the victim or victims so notified, shall
 1457 afford notice and an opportunity for hearing to the defendant and the prosecuting
 1458 attorney.

1459 (B) The Department of ~~Corrections~~ Probation/Parole Community Based Supervision
 1460 shall establish a form document which shall include the elements set forth in this Code
 1461 section concerning notification of victims and shall make copies of such form available
 1462 to prosecuting attorneys in ~~the~~ this state. When requested by the victim, the form
 1463 document shall be provided to the victim by the prosecuting attorney. The form shall
 1464 include the address of the ~~probation~~ probation/parole community based supervision
 1465 office having jurisdiction over the case and contain a statement that the victim must
 1466 maintain a copy of his or her address with the ~~probation~~ probation/parole community
 1467 based supervision office and must notify the office of any change of address in order
 1468 to maintain eligibility for notification by the Department of ~~Corrections~~
 1469 Probation/Parole Community Based Supervision as required in this Code section.

1470 (6)(A) Except as otherwise authorized by law, no court shall modify, suspend, probate,
 1471 or alter a previously imposed sentence so as to reduce or eliminate a period of
 1472 incarceration or probation and impose a financial payment which:

- 1473 (i) Exceeds the statutorily specified maximum fine, plus all penalties, fees,
 1474 surcharges, and restitution permitted or authorized by law; or
- 1475 (ii) Is to be made to an entity which is not authorized by law to receive fines,
 1476 penalties, fees, surcharges, or restitution.

1477 (B) The prohibitions contained in this paragraph shall apply regardless of whether a
 1478 defendant consents to the modification, suspension, probation, or alteration of such
 1479 defendant's sentence and the imposition of such payment.

1480 (C) Nothing in this paragraph shall prohibit or prevent a court from requiring, as a
 1481 condition of suspension, modification, or probation of a sentence in a criminal case
 1482 involving child abandonment, that the defendant pay all or a portion of child support
 1483 which is owed to the custodial parent of a child which is the subject of such case."

1484 **SECTION 67.**

1485 Said title is further amended by adding a new Code section to read as follows:

1486 "17-10-1.4.

1487 (a) As used in this Code section, the term 'split sentence' means any felony sentence that
 1488 includes a term of imprisonment followed by a term of probation.

1489 (b) In any case where a judge on or after July 1, 2012, sentences a defendant to a split
 1490 sentence, post-incarceration supervision of the defendant shall be conducted exclusively

1491 by the Department of Probation/Parole Community Based Supervision and not by the State
 1492 Board of Pardons and Paroles, regardless of whether the defendant has served the full
 1493 period of incarceration ordered in the sentence or has been released prior to the full period
 1494 of incarceration by parole, conditional release, or other action of the State Board of Pardons
 1495 and Paroles.

1496 (c) Any split sentence order entered on or after July 1, 2012, shall provide that the
 1497 post-incarceration period of probation ordered in the sentence shall be increased by an
 1498 amount of time equal to any amount of time by which the period of incarceration is
 1499 decreased by the State Board of Pardons and Paroles. Such increased portion of the period
 1500 of probation shall run concurrently with the period of time by which the period of
 1501 incarceration was decreased and shall commence upon the defendant's release from
 1502 incarceration. Any split sentence order entered on or after July 1, 2012, which by its terms
 1503 fails to so provide for the increased period of probation shall be deemed to so provide by
 1504 operation of law.

1505 (d) In any case where a judge on or after July 1, 2012, sentences a defendant for a felony
 1506 offense to straight probation or to an alternative probation confinement facility, supervision
 1507 of the defendant shall be conducted exclusively by the Department of Probation/Parole
 1508 Community Based Supervision and not by the state-wide probation system.

1509 (e) Nothing in this Code section shall apply to or affect any case in which a pardon is
 1510 granted by the State Board of Pardons and Paroles."

1511 **SECTION 68.**

1512 Said title is further amended by revising subsections (c) and (d) of Code Section 17-10-9.1,
 1513 relating to voluntary surrender to county jail or correctional institution and release of
 1514 defendant, as follows:

1515 "(c) When a defendant submits a request to the sentencing judge to be allowed to surrender
 1516 voluntarily to a county jail or a correctional facility, the judge may consider the request and
 1517 if, taking into the consideration the crime for which the defendant is being sentenced, the
 1518 history of the defendant, and any other factors which may aid in the decision, the judge
 1519 determines that the granting of the request will pose no threat to society, the defendant shall
 1520 be remanded to the supervision of a ~~probation officer~~ probation/parole supervisor by the
 1521 judge and ordered to surrender voluntarily to a county jail designated by the court or to a
 1522 correctional institution as thereafter designated by the Department of Corrections. The
 1523 surrender date shall be a date thereafter specified as provided in subsection (d) of this Code
 1524 section. The sentence of any defendant who is released pursuant to this Code section shall
 1525 not begin to run until such person surrenders to the facility designated by the court or by
 1526 the department, provided that such person ~~will~~ shall receive credit toward his or her

1527 sentence for time spent in confinement awaiting trial as provided in Code Section
1528 17-10-11.

1529 (d) In the event the defendant is ordered to surrender voluntarily to a county jail, the court
1530 shall designate the date on which the defendant shall surrender, which date shall not be
1531 more than 120 days after the date of conviction. When the sentencing judge issues an order
1532 requiring a defendant to surrender voluntarily to a correctional institution, the Department
1533 of Corrections shall authorize the commitment and designate the correctional institution
1534 to which the defendant shall report and the date on which the defendant is to report, which
1535 date shall not be more than 120 days after the date of conviction. Upon such designation,
1536 the department shall notify the ~~supervising probation officer~~ defendant's probation/parole
1537 supervisor who shall notify the defendant accordingly. Subsistence and transportation
1538 expenses en route to the correctional institution shall be borne by the defendant."

1539 **SECTION 69.**

1540 Said title is further amended by revising Code Section 17-14-8, relating to apportionment of
1541 payments for fines and restitution, as follows:

1542 "17-14-8.

1543 (a) In any case in which a court sentences an offender to pay restitution and a fine, if the
1544 court permits the offender to pay such restitution and fine in other than a lump sum, the
1545 clerk of any superior court of this state, ~~probation officer or parole officer~~ probation/parole
1546 supervisor, or other official who receives such partial payments shall apply not less than
1547 one-half of each payment to the restitution before paying any portion of such fine or any
1548 forfeitures, costs, fees, or surcharges provided for by law to any agency, department,
1549 commission, committee, authority, board, or bureau of state or local government.

1550 (b) The clerk of any court of this state, ~~probation officer or parole officer~~ probation/parole
1551 supervisor, or other official who receives partial payments for restitution shall pay the
1552 restitution amount to the victim as provided in the restitution order not later than the last
1553 day of each month, provided that the amount exceeds \$100.00. If the amount does not
1554 exceed \$100.00, the clerk of any court of this state, ~~probation officer or parole officer~~
1555 probation/parole supervisor, or other official may allow the amount of restitution to
1556 accumulate until such time as it exceeds \$100.00 or until the end of the next calendar
1557 quarter, whichever occurs first."

1558 **SECTION 70.**

1559 Said title is further amended by revising paragraph (5) of Code Section 17-17-3, relating to
1560 definitions in the "Crime Victims' Bill of Rights," as follows:

1561 "(5) 'Custodial authority' means a warden, sheriff, jailer, deputy sheriff, police officer,
1562 correctional officer, officer or employee of the Department of Corrections, Department
1563 of Probation/Parole Community Based Supervision, or the Department of Juvenile
1564 Justice, or any other law enforcement officer having actual custody of the accused."

1565 **SECTION 71.**

1566 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
1567 amended by revising subsection (a) of Code Section 19-7-52, relating to whom child support
1568 payments are made, as follows:

1569 "(a) The court may order that support payments be made to the mother or other interested
1570 party, the child support receiver, the prosecuting attorney, the juvenile probation officer,
1571 the probation/parole supervisor, or the clerk of court, provided that, in those cases where
1572 the action has been brought by the Department of Human Services on behalf of a child, the
1573 support payment shall be made to the Department of Human Services for distribution or
1574 to the child support receiver if the Department of Human Services so requests."

1575 **SECTION 72.**

1576 Said title is further amended by revising Code Section 19-11-21, relating to payment of
1577 support to the Department of Human Resources, as follows:

1578 "19-11-21.

1579 Payment of support pursuant to an administrative determination or a voluntary agreement
1580 shall be made to the department. In non-TANF cases, where the department deems it
1581 appropriate, it may authorize distribution of the actual payment by other individuals,
1582 agencies, or entities and utilize certification schedules reflecting such payments or
1583 distributions which the department requires, in accordance with the federal Social Security
1584 Act, as amended. Child support which is ordered by a court pursuant to a divorce decree
1585 or in any other proceeding in which the responsible parent is required to pay support for
1586 his or her child or children, whether the proceeding is civil or criminal, shall be paid by the
1587 responsible parent, the clerk of court, the juvenile probation officer, the probation/parole
1588 supervisor, the child support receiver, or a similar official who is collecting support to the
1589 department upon the department's certification that the child is a recipient of public
1590 assistance or upon the department's certification that an application has been filed with the
1591 department for enforcement of support in accordance with the provisions of the federal
1592 Social Security Act."

1593 **SECTION 73.**

1594 Said title is further amended by revising paragraph (4) of Code Section 19-13-51, relating
 1595 to definitions in the "Family Violence and Stalking Protective Order Registry Act," as
 1596 follows:

1597 "(4) 'Law enforcement officer' means any agent or officer of this state, or a political
 1598 subdivision or municipality thereof, who, as a full-time or part-time employee, is vested
 1599 either expressly by law or by virtue of public employment or service with authority to
 1600 enforce the criminal or traffic laws and whose duties include the preservation of public
 1601 order, the protection of life and property, or the prevention, detection, or investigation of
 1602 crime. Such term also includes the following: state or local officer, sheriff, deputy
 1603 sheriff, dispatcher, 9-1-1 operator, police officer, prosecuting attorney, member of the
 1604 State Board of Pardons and Paroles, and a hearing officer and parole officer of the State
 1605 Board of Pardons and Paroles, and a probation officer of the Department of Corrections
 1606 probation/parole supervisor of the Department of Probation/Parole Community Based
 1607 Supervision."

1608 **SECTION 74.**

1609 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
 1610 agencies, is amended by revising subsection (b) of Code Section 35-3-36, relating to the
 1611 duties of the state criminal justice agencies as to submission of fingerprints, photographs, and
 1612 other identifying information, as follows:

1613 "(b) It shall be the duty of all chiefs of police, sheriffs, prosecuting attorneys, courts,
 1614 judges, ~~parole and probation officers~~ probation/parole supervisors, wardens, or other
 1615 persons in charge of penal and correctional institutions in this state to furnish the center
 1616 with any other data deemed necessary by the center to carry out its responsibilities under
 1617 this article."

1618 **SECTION 75.**

1619 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 1620 amended by revising subsection (b) of Code Section 40-5-81, relating to attendance at driver
 1621 improvement programs, as follows:

1622 "(b) Whenever any person is authorized or required to attend a driver improvement clinic
 1623 or DUI Alcohol or Drug Use Risk Reduction Program as a condition of any sentence
 1624 imposed under this title or any ordinance enacted pursuant to this title or as a condition of
 1625 the retention or restoration of the person's driving privilege, such person, in complying with
 1626 such condition, shall be authorized to attend any driver improvement clinic or DUI Alcohol
 1627 or Drug Use Risk Reduction Program certified under this article; and no judicial officer,

1628 private probation officer, probation/parole supervisor, law enforcement officer, or other
 1629 officer or employee of a court or person who owns, operates, or is employed by a private
 1630 company which has contracted to provide private probation services for misdemeanor cases
 1631 shall specify, directly or indirectly, a particular driver improvement clinic or DUI Alcohol
 1632 or Drug Use Risk Reduction Program which the person may or shall attend. This Code
 1633 section shall not prohibit any judicial officer, private probation officer, probation/parole
 1634 supervisor, law enforcement officer, or other officer or employee of a court or owner,
 1635 operator, or employee of a private company which has contracted to provide probation
 1636 services for misdemeanor offenders from furnishing any person, upon request, the names
 1637 of certified driver improvement clinics or DUI Alcohol or Drug Use Risk Reduction
 1638 Programs."

1639

SECTION 76.

1640 Said title is further amended by revising subsection (d) of Code Section 40-5-83, relating to
 1641 establishment and approval of driving clinics and programs and restrictions, as follows:

1642 "(d) Notwithstanding the provisions of any law or rule or regulation which prohibits any
 1643 individual who is a probation officer or other official or employee of the probation division
 1644 of the Department of Corrections or a spouse of such individual from owning, operating,
 1645 instructing at, or being employed by a driver improvement clinic, any individual who is a
 1646 probation officer or other official or employee of the probation division of the Department
 1647 of Corrections or a spouse of such individual who owns, operates, instructs at, or is
 1648 employed by a driver improvement clinic on June 1, 1985, and who in all respects is and
 1649 remains qualified to own, operate, instruct at, or be employed by a driver improvement
 1650 clinic is shall be expressly authorized to continue on and after June 1, 1985, to engage in
 1651 such activities. Any individual who is a probation/parole supervisor or other official or
 1652 employee of the Department of Probation/Parole Community Based Supervision or a
 1653 spouse of such individual who owns, operates, instructs at, or is employed by a driver
 1654 improvement clinic on June 1, 2012, and who in all respects is and remains qualified to
 1655 own, operate, instruct at, or be employed by a driver improvement clinic shall be expressly
 1656 authorized to continue on and after June 1, 2012, to engage in such activities. No person
 1657 who owns, operates, or is employed by a private company which has contracted to provide
 1658 probation services for misdemeanor cases shall be authorized to own, operate, be an
 1659 instructor at, or be employed by a driver improvement clinic or a DUI Alcohol or Drug Use
 1660 Risk Reduction Program."

1661 **SECTION 77.**

1662 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 1663 is amended by revising subsection (c) of Code Section 43-12A-5, relating to provider not to
 1664 operate under any name deceptively similar to another business, as follows:

1665 "(c) A judicial officer, ~~probation officer~~ probation/parole supervisor, law enforcement
 1666 officer, or other officer or employee of a court or any person employed by a private
 1667 company which has contracted to provide private probation services for misdemeanor
 1668 cases, or any employee of the Department of Driver Services or the Department of
 1669 Behavioral Health and Developmental Disabilities, and any immediate family member
 1670 thereof shall be prohibited from owning, operating, being employed by, or acting as an
 1671 agent or servant for, or having a financial interest in, any provider center."

1672 **SECTION 78.**

1673 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 1674 is amended by revising subsection (e) of Code Section 45-7-9, relating to compensation for
 1675 line-of-duty injuries to full-time state employees and exceptions, as follows:

1676 "(e) Any employee of the Department of Corrections, employee of the State Board of
 1677 Pardons and Paroles, employee of the Department of Probation/Parole Community Based
 1678 Supervision, employee of the Department of Natural Resources, employee of the
 1679 Department of Revenue, or law enforcement officer who qualifies for disability allowances
 1680 pursuant to Code Section 47-2-221 shall not be entitled to any benefits provided in this
 1681 Code section."

1682 **SECTION 79.**

1683 Said title is further amended by revising paragraph (10) of Code Section 45-9-81, relating
 1684 to definitions concerning the Georgia State Indemnification Fund, as follows:

1685 "(10) 'Prison guard' means any person employed by the state or any political subdivision
 1686 thereof whose principal duties relate to the supervision and incarceration of persons
 1687 accused or convicted of the violation of the criminal laws of this state or any political
 1688 subdivision thereof. Such term shall also mean any ~~probation~~ probation/parole supervisor
 1689 ~~or parole officer~~ who is required to be certified under Chapter 8 of Title 35, the 'Georgia
 1690 Peace Officer Standards and Training Act,' and whose principal duties directly relate to
 1691 the supervision of adult probationers or adult parolees. Such term also means any person
 1692 employed by the state or any political subdivision thereof whose principal duties include
 1693 the supervision of youth who are charged with or adjudicated for an act which if
 1694 committed by adults would be considered a crime."

1695 **SECTION 80.**

1696 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
 1697 by revising Code Section 49-3-6, relating to functions of county department, as follows:

1698 "49-3-6.

1699 Subject to the rules and regulations of the Board of Human Services, the county department
 1700 shall be charged with the administration of all forms of public assistance in the county,
 1701 including home relief; indoor and outdoor care for those in need; temporary assistance for
 1702 needy families; old-age assistance; aid to the blind and otherwise disabled; the care and
 1703 treatment of dependent, neglected, delinquent, and disabled children; and such other
 1704 welfare activities as shall be delegated to it by the Department of Human Services or by the
 1705 county commissioners. The county department shall also investigate and pass upon all
 1706 applications for admission to and discharge from county institutions which provide care
 1707 and treatment for indigents. If so appointed by a court of competent jurisdiction, the
 1708 Department of Human Services or the county or district department of family and children
 1709 services shall perform under the supervision of such court the function of ~~probation officer~~
 1710 probation/parole supervisor or agent of the court in any welfare or penal matters which may
 1711 be before it."

1712 **SECTION 81.**

1713 Said title is further amended by revising paragraph (1) of subsection (i) of Code Section
 1714 49-4A-8, relating to commitment of delinquent or unruly children, as follows:

1715 "(i)(1) A child who has been committed to the department as a delinquent or unruly child
 1716 for detention in a youth development center or who has been otherwise taken into custody
 1717 and who has escaped therefrom or who has been placed under supervision and broken the
 1718 conditions thereof may be taken into custody without a warrant by a sheriff, deputy
 1719 sheriff, constable, police officer, ~~probation officer, parole officer~~ probation/parole
 1720 supervisor, or any other officer of this state authorized to serve criminal process, upon a
 1721 written request made by an employee of the department having knowledge of the escape
 1722 or of the violation of conditions of supervision. Before a child may be taken into custody
 1723 for violation of the conditions of supervision, the written request mentioned above ~~must~~
 1724 shall be reviewed by the commissioner or his or her designee. If the commissioner or his
 1725 or her designee finds that probable cause exists to believe that the child has violated his
 1726 or her conditions of supervision, he or she may issue an order directing that the child be
 1727 picked up and returned to custody."

1728 **SECTION 82.**

1729 This Act shall become effective July 1, 2012, and shall apply with respect to sentences
1730 entered on or after that date.

1731 **SECTION 83.**

1732 All laws and parts of laws in conflict with this Act are repealed.