

House Bill 265 (AS PASSED HOUSE AND SENATE)

By: Representatives Neal of the 1st, Ralston of the 7th, Abrams of the 84th, Willard of the 49th, Golick of the 34th, and others

A BILL TO BE ENTITLED
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

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

10 CHAPTER 13

11 28-13-1.

12 The General Assembly finds and determines that:

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

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

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

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

25 28-13-2.

26 (a) There is created the 2011 Special Council on Criminal Justice Reform for Georgians
27 (hereinafter 'council') which shall consist of 13 members as follows:

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

29 (2) Three members appointed by the Governor;

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

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

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

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

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

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

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

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

52 28-13-3.

53 (a) There is created the Special Joint Committee on Georgia Criminal Justice Reform
54 (hereinafter 'joint committee') which shall consist of 18 members as follows:

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

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

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

61 (4) The chairpersons of the Senate Judiciary Committee, the Senate Public Safety
 62 Committee, the House Committee on Judiciary, and the House Committee on Judiciary,
 63 Non-civil;

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

66 (6) Three members of the Senate to be appointed by the Lieutenant Governor, someone
 67 of whom shall be a member of the minority party; and

68 (7) Three members of the House of Representatives to be appointed by the Speaker of
 69 the House of Representatives, someone of whom shall be a member of the minority party.

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

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

79 (3) If one or more bills or resolutions referred by the joint committee are passed by the
 80 House of Representatives, the measure or measures shall then be in order for
 81 consideration by the Senate and may be voted upon by the Senate.

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

85 28-13-4.

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

87 **SECTION 2.**

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

90 **SECTION 3.**

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