

Senate Bill 461

By: Senators McKoon of the 29th, Jeffares of the 17th and Unterman of the 45th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 17-10-1 of the Official Code of Georgia Annotated, relating to the
2 fixing of sentence, suspension or probation of sentence, change in sentence, eligibility for
3 parole, prohibited modifications, and exceptions, so as to provide that any convicted person
4 who is sentenced to probation shall have such probated sentence demarcated on his or her
5 driver's license for the length of his or her sentence; to provide for procedure; to amend
6 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
7 so as to provide for license suspension under certain circumstances; to provide for related
8 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Code Section 17-10-1, relating to the fixing of sentence, suspension or probation of sentence,
12 change in sentence, eligibility for parole, prohibited modifications, and exceptions, is
13 amended by adding a new subsection to read as follows:

14 "(h)(1) Any person sentenced to probation for a felony offense who has a valid driver's
15 license, permit, or identification card shall submit his or her driver's license, permit, or
16 identification card to the Department of Driver Services within 20 days of the date that
17 the court imposes the probation sentence, or in cases where probation shall follow
18 incarceration, within 60 days of having been released from incarceration, in order to have
19 a replacement driver's license, permit, or identification card issued.

20 (2) The replacement driver's license, permit, or identification card shall be issued with
21 a demarcation indicating that such person is serving a probated felony sentence.

22 (3) Failure to submit a license, permit, or identification card as required by this
23 paragraph, shall result in a suspension pursuant to Code Section 40-5-57.4.

24 (4) In the event that the driver's license, permit, or identification card of a person serving
25 a felony probation sentence is lost, or for any other reason surrender is impossible, a

26 sworn affidavit indicating his or her inability to surrender the same shall be submitted to
 27 the department.

28 (5) The court imposing such sentence shall notify such person of the provisions of this
 29 subsection and shall forward a copy of such person's driver's license, permit, or
 30 identification card to the Department of Driver Services in the same manner and within
 31 the same time as provided in Code Section 40-5-53.

32 (6) This subsection shall not apply to a person sentenced as a first offender pursuant to
 33 Article 3 of Chapter 8 of Title 42."

34 **SECTION 2.**

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

38 "40-5-39.

39 (a) Any person who has been sentenced to probation for a felony shall be subject to the
 40 demarcation of his or her driver's license, permit, or identification card during any period
 41 of probation pursuant to subsection (h) of Code Section 17-10-1 and shall be issued a
 42 replacement driver's license, permit, or identification card bearing such demarcation upon
 43 paying a fee of \$25.00. Such license, permit, or identification card shall be issued for the
 44 remaining period for which the original license, permit, or identification card was issued.

45 (b) Renewals of a license, permit, or identification card bearing the probation demarcation
 46 shall contain such demarcation for so long as the person remains on probation. If the
 47 person's probation expires or is otherwise completed, or his or her probated sentence is
 48 overturned before the expiration of the license, permit, or identification card, the person
 49 may be issued a replacement license, permit, or identification card without such
 50 demarcation upon receipt of documentation thereof satisfactory to the department and
 51 payment of a fee of \$25.00.

52 (c) In the event such person's driver's license is suspended, revoked, cancelled, or
 53 otherwise withdrawn as a result of the conviction for which he or she is sentenced to a
 54 period of probation or for any other reason, including withdrawals in effect prior to such
 55 person being sentenced to such probation, any permit or identification card issued to such
 56 person during the period of such withdrawal shall include the probation demarcation.

57 (d) The probation demarcation required by this Code section shall be located and designed
 58 in a manner determined by the department."

59 **SECTION 3.**

60 Said chapter is further amended by adding a new Code section to Article 3, relating to
61 cancellation, suspension, and revocation of drivers' licenses, to read as follows:

62 "40-5-74.1.

63 (a) Any person who is sentenced to a period of probation as part of any felony sentence
64 who fails to surrender his or her driver's license, permit, or identification card or submit a
65 lost license affidavit in accordance with subsection (h) of Code Section 17-10-1 and Code
66 Section 40-5-39 shall have his or her license suspended until he or she surrenders such
67 license, permit, or identification card, or submits such affidavit.

68 (b) Upon receipt of such license, permit, identification card, or lost license affidavit and
69 a reinstatement fee of \$60.00, or \$50.00 if paid by mail, the department may issue a
70 replacement license, permit, or identification card to such person bearing the probation
71 demarcation."

72 **SECTION 4.**

73 This Act shall become effective on January 1, 2013, and shall apply to offenses occurring on
74 or after such date.

75 **SECTION 5.**

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