

Senate Bill 231

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

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-8-60 of the Official Code of Georgia Annotated, relating to
2 probation prior to adjudication of guilt, so as to prohibit first offender treatment for certain
3 crimes involving law enforcement officers; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 42-8-60 of the Official Code of Georgia Annotated, relating to probation prior
8 to adjudication of guilt, is amended by revising subsection (d) as follows:

9 "(d) The court shall not sentence a defendant under the provisions of this article who has
10 been found guilty of or entered a plea of guilty or a plea of nolo contendere for:

11 (1) A serious violent felony as such term is defined in Code Section 17-10-6.1;

12 (2) A sexual offense as such term is defined in Code Section 17-10-6.2;

13 (3) Sexual exploitation of a minor as defined in Code Section 16-12-100;

14 (4) Electronically furnishing obscene material to a minor as defined in Code Section
15 16-12-100.1; ~~or~~

16 (5) Computer pornography and child exploitation, as defined in Code Section
17 16-12-100.2; or

18 (6)(A) Any of the following offenses when such offense is committed against a law
19 enforcement officer while such officer is engaged in the performance of his or her
20 official duties:

21 (i) Aggravated assault in violation of Code Section 16-5-21;

22 (ii) Aggravated battery in violation of Code Section 16-5-24; or

23 (iii) Obstruction of a law enforcement officer in violation of subsection (b) of Code
24 Section 16-10-24, if such violation results in serious physical harm or injury to such
25 officer.

26 (B) As used in this paragraph, the term 'law enforcement officer' means:

- 27 (i) A 'peace officer' as such term is defined in paragraph (8) of Code Section 35-8-2;
28 (ii) A law enforcement officer of the United States government;
29 (iii) A person employed as a campus police officer or school security officer;
30 (iv) A conservation ranger; and
31 (v) A jail officer employed at a county or municipal jail."

32 **SECTION 2.**

33 All laws and parts of laws in conflict with this Act are repealed.