

House Bill 33

By: Representative Smith of the 125th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to
2 driving under the influence of alcohol, drugs, or other intoxicating substances, so as to
3 mandate incarceration for a first conviction of driving under the influence of alcohol, drugs,
4 or other intoxicating substances; to provide for a short title; to amend Code Section 42-4-7 of
5 the Official Code of Georgia Annotated, relating to maintenance of inmate records by the
6 sheriff and earned time allowances, so as to prohibit earned time allowances for a first
7 conviction of driving under the influence of alcohol, drugs, or other intoxicating substances;
8 to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Jeremy Griner Act."

12 **SECTION 2.**

13 Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to driving under
14 the influence of alcohol, drugs, or other intoxicating substances, is amended by revising
15 subparagraph (c)(1)(B) as follows:

16 "(B) A mandatory period of imprisonment of not fewer than ten 30 days nor more than
17 12 months, which period of imprisonment may, at the sole discretion of the judge, be
18 suspended, stayed, or probated, except that if the offender's alcohol concentration at the
19 time of the offense was 0.08 grams or more, the judge may suspend, stay, or probate all
20 but 24 hours of any term of imprisonment imposed under this subparagraph. The judge
21 shall probate at least a portion of such term of imprisonment in accordance with
22 subparagraph (F) of this paragraph;"

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SECTION 3.

24 Code Section 42-4-7 of the Official Code of Georgia Annotated, relating to maintenance of
 25 inmate records by the sheriff and earned time allowances, is amended by revising subsection
 26 (b) as follows:

27 "(b)(1) The sheriff, chief jailer, warden, or other officer designated by the county as
 28 custodian of inmates confined as county inmates for probation violations of felony
 29 offenses or as provided in subsection (a) of Code Section 17-10-3 may award earned time
 30 allowances to such inmates based on institutional behavior. Earned time allowances shall
 31 not be awarded which exceed one-half of the period of confinement imposed, except that
 32 the sheriff or other custodian may authorize the award of not more than four days' credit
 33 for each day on which an inmate does work on an authorized work detail; provided,
 34 however, that such increased credit for performance on a work detail shall not apply to
 35 an inmate who is incarcerated for:

36 (A) A ~~second~~ first or subsequent offense of driving under the influence under Code
 37 Section 40-6-391 within a five-year period of time, as measured from the date of any
 38 previous arrest for which a conviction was obtained or a plea of nolo contendere was
 39 accepted to the date of the current arrest for which a conviction is obtained or a plea of
 40 nolo contendere is accepted;

41 (B) A misdemeanor of a high and aggravated nature; or

42 (C) A crime committed against a family member as defined in Code Section 19-13-1.

43 (2) While an inmate sentenced to confinement as a county inmate is in custody as a
 44 county inmate, the custodian of such inmate may award an earned time allowance
 45 consistent with this subsection and subsection (b) of Code Section 17-10-4 based on the
 46 institutional behavior of such inmate while in custody as a county inmate.

47 (3) An inmate sentenced to confinement as a county inmate shall be released at the
 48 expiration of his or her sentence less the time deducted for earned time allowances."

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SECTION 4.

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