House Bill 310 (AS PASSED HOUSE AND SENATE)
By: Representatives Powell of the 32nd, Coomer of the 14th, Nimmer of the 178th, Rogers of the 10th, Dickey of the 140th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, so as to create the Board of Community Supervision, the Department of Community Supervision, and the Governor's Office of Transition, Support, and Reentry; to provide for the responsibilities of DCS with respect to supervision of adult and certain juvenile probationers and adult parolees; to enact reforms recommended by the Georgia Council on Criminal Justice Reform; to reassign responsibilities of the Advisory Council for Probation and the County and Municipal Probation Advisory Council to the Board of Community Supervision and repeal provisions relating to such councils; to transfer responsibility of certain functions of probation and parole supervision to DCS and make corresponding changes with respect to the jurisdiction and authority of the Department of Corrections, Department of Juvenile Justice, and the State Board of Pardons and Paroles; to provide for the selection, service, and powers and duties of the commissioner and employees of DCS; to provide for rules and regulations and forms; to provide for administration; to provide for transfer of prior appropriations; to provide for transfer of personnel, equipment, and facilities; to provide for defined terms; to provide for the revocation, modification, and tolling of sentences under certain circumstances; to provide for the conditions of probation; to provide for the assessment and collection of costs of probation; to revise certain standards for private corporations, private enterprises, and private agencies that enter into written contracts for probation services; to change provisions relating to confidentiality of records; to revise certain standards for counties, municipalities, or consolidated governments who enter into written agreements to provide probation services; to provide for management of probated sentences when a defendant wants to enter an accountability court as a condition of a probation revocation; to change provisions relating to informing a defendant regarding the first offender laws; to provide for retroactive first offender treatment under certain circumstances; to provide for the filing of a petition for retroactive first offender treatment; to amend Titles 15, 16, 17, 19, 20, 21, 34, 35, 37, 40, 42, 43, 45, 48, and 49 of the Official Code of Georgia Annotated, relating to courts, crimes and offenses, criminal procedure, domestic relations, education, elections, labor and industrial relations, law enforcement.
officers and agencies, mental health, motor vehicles and traffic, penal institutions, professions and businesses, public officers and employees, revenue and taxation, and social services, respectively, so as to so as to conform provisions to the new Chapter 3 of Title 42; to provide for certain changes in the administrative organization of the Department of Corrections, Department of Juvenile Justice, and the State Board of Pardons and Paroles and provide for conforming amendments; to correct cross-references and remove obsolete or improper references; to provide for legislative findings and intent; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

BOARD OF COMMUNITY SUPERVISION, DEPARTMENT OF COMMUNITY SUPERVISION, AND GOVERNOR'S OFFICE OF TRANSITION, SUPPORT, AND REENTRY

SECTION 1-1.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising Chapter 3, which was previously reserved, as follows:

"CHAPTER 3

ARTICLE 1

Reserved.

As used in this chapter, the term:

(1) 'Board' means the Board of Community Supervision.
(2) 'Commissioner' means the commissioner of community supervision.
(3) 'Community supervision officer' means an individual employed by DCS who supervises probationers or parolees.
(4) 'DCS' means the Department of Community Supervision.
(5) 'Split sentence' means any felony sentence that includes a term of imprisonment followed by a term of probation.
(a) There is created the Board of Community Supervision which shall establish the general policy to be followed by the Department of Community Supervision and the Governor's Office of Transition, Support, and Reentry. The powers, functions, and duties of the Board of Corrections as they exist on June 30, 2015, with regard to the probation division of the Department of Corrections and supervision of probationers unless otherwise provided in this chapter are transferred to the Board of Community Supervision effective July 1, 2015. The powers, functions, and duties of the State Board of Pardons and Paroles as they exist on June 30, 2015, with regard to the supervision of parolees, unless otherwise provided in this chapter are transferred to the Board of Community Supervision effective July 1, 2015. The powers, functions, and duties of the Board of Juvenile Justice and the Department of Juvenile Justice as they exist on June 30, 2016, with regard to the probation supervision of children who have been released from restrictive custody and who were adjudicated for a Class A designated felony act or Class B designated felony act, as such terms are defined in Code Section 15-11-2, are transferred to the Board of Community Supervision effective July 1, 2016. The powers, functions, and duties of the County and Municipal Probation Advisory Council as they exist on June 30, 2015, are transferred to the Board of Community Supervision effective July 1, 2015.

(b) The board shall consist of nine members. The commissioner of corrections, commissioner of juvenile justice, chairperson and vice chairperson of the State Board of Pardons and Paroles, director of the Division of Family and Children Services of the Department of Human Services, and commissioner of behavioral health and developmental disabilities shall be members of the board and shall serve on the board so long as they remain in their appointed positions. The Governor shall appoint:

(1) A sheriff who shall serve an initial term ending June 30, 2019, each subsequent term being four years;

(2) A mayor or city manager who shall serve an initial term ending June 30, 2018, each subsequent term being four years; and

(3) A county commissioner or county manager who shall serve an initial term ending June 30, 2017, each subsequent term being four years.

(c) Vacancies in office shall be filled by appointment by the Governor in the same manner as the appointment to the position on the board which becomes vacant. An appointment to fill a vacancy, other than by expiration of a term of office, shall be for the balance of the unexpired term.

(d) Members of the board may be removed from office under the same conditions for removal from office of members of professional licensing boards provided in Code Section 43-1-17.
(e) There shall be a chairperson of the board, elected by and from the membership of the board, who shall be the presiding officer of the board.

(f) The members of the board shall receive per diem and expenses as shall be set and approved by the Office of Planning and Budget and in conformance with rates and allowances set for members of other state boards.

(g)(1) As used in this subsection, the term:

(A) 'Evidence based practices' means supervision policies, procedures, programs, and practices that scientific research demonstrates reduce recidivism among individuals who are under some form of correctional supervision.

(B) 'Recidivism' means returning to prison or jail within three years of being placed on probation or being discharged or released from a Department of Corrections or jail facility.

(2) The board shall adopt rules and regulations governing the management and treatment of probationers and parolees to ensure that evidence based practices, including the use of a risk and needs assessment and any other method the board deems appropriate, guide decisions related to managing probationers and parolees in the community. The board shall require DCS to collect and analyze data and performance outcomes relevant to the level and type of treatment given to a probationer or parolee and the outcome of the treatment on his or her recidivism and prepare an annual report regarding such information which shall be submitted to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the House Committee on State Properties and the Senate State Institutions and Property Committee.

(h) The board shall adopt rules and regulations and such rules and regulations shall be adopted, established, promulgated, amended, repealed, filed, and published in accordance with the applicable provisions and procedure as set forth in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The courts shall take judicial notice of any such rules or regulations.

(i) As used in this Code section, the term 'rules and regulations' shall have the same meaning as the word 'rule' as defined in paragraph (6) of Code Section 50-13-2.

(i) The board shall perform duties required of it by law and shall, in addition thereto, be responsible for promulgation of all rules and regulations not in conflict with this chapter that may be necessary and appropriate to the administration of DCS and the Governor's Office of Transition, Support, and Reentry, to the accomplishment of the purposes of this chapter and Chapters 8 and 9 of this title, and to the performance of the duties and functions of DCS and the Governor's Office of Transition, Support, and Reentry as set forth in this chapter and Chapters 8 and 9 of this title.
42-3-3.  
(a) There is created the Department of Community Supervision. DCS shall be the agency primarily responsible for:

(1) Supervision of all defendants who receive a felony sentence of straight probation;
(2) Supervision of all defendants who receive a split sentence;
(3) Supervision of all defendants placed on parole or other conditional release from imprisonment by the State Board of Pardons and Paroles;
(4) Supervision of juvenile offenders when such offender had been placed in restrictive custody due to an adjudication for a Class A designated felony act or Class B designated felony act, as such terms are defined in Code Section 15-11-2, and is released from such custody;
(5) Administration of laws, rules, and regulations relating to probation and parole supervision, as provided for by law;
(6) Enforcement of laws, rules, and regulations relating to probation and parole supervision, as provided for by law; and
(7) Administration of laws as provided in this chapter.

(b) DCS shall ensure that community supervision officers who supervise juvenile offenders receive the same training to work specifically with children and adolescents as is provided for Department of Juvenile Justice probation officers. DCS shall offer the same array of services to juvenile offenders as are available to offenders who are committed to the Department of Juvenile Justice who are not placed in restrictive custody. With respect to the supervision of children, DCS shall be mindful of the purpose of Chapter 11 of Title 15 as set forth in Code Section 15-11-1.

42-3-4.  
(a) There shall be a commissioner of community supervision who shall be both appointed by and serve at the pleasure of the Governor. Subject to the policies, rules, and regulations established by the board, the commissioner shall supervise, direct, account for, organize, plan, administer, and execute the functions of DCS.

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

(c) The position of commissioner shall be a separate and distinct position from any other position in state government. The duties of the commissioner shall be performed by the commissioner and not by any other officer of state government, and the commissioner shall not perform the duties of any other officer of state government.
42-3-5.

(a) The commissioner, with the approval of the board, may establish units within DCS as he or she deems proper for its administration and shall designate persons to be assistant commissioners of each unit and to exercise authority as he or she may delegate to them in writing. The commissioner shall establish a victim services unit within DCS to coordinate:

1. Payment of court ordered restitution; and
2. Victim services, including, but not limited to, payments available to victims as provided by law and assisting victims with support services.

(b) The commissioner shall have the authority to employ as many individuals as he or she deems necessary for the administration of DCS and for the discharge of the duties of his or her office. The commissioner shall issue all necessary directions, instructions, orders, and rules applicable to employees of DCS. The commissioner shall have authority, as the commissioner deems proper, to employ, assign, compensate, and discharge employees of DCS within the limitations of DCS's appropriation and the restrictions set forth by law.

(c) No employee of DCS shall be compensated for services to DCS on a commission or contingent fee basis.

(d) Neither the commissioner nor any community supervision officer or employee of DCS shall be given or receive any fee, compensation, loan, gift, or other thing of value in addition to the compensation and expense allowance provided by law for any service or pretended service either rendered or to be rendered as commissioner or as a community supervision officer or employee of DCS.

42-3-6.

(a) The commissioner, with the approval of the board, shall have the power to make and publish reasonable rules and regulations not inconsistent with this title or other laws or with the Constitution of this state or of the United States for the administration of this chapter or any law which it is his or her duty to administer.

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

(c) The commissioner may confer all powers of a police officer of this state, including, but not limited to, the power to make summary arrests for violations of any of the criminal laws of this state and the power to carry weapons, upon persons in the commissioner's employment as the commissioner deems necessary, provided that individuals so designated meet the requirements specified in all applicable laws.

(d) The commissioner or his or her designee may authorize certain persons in the commissioner's employment to assist law enforcement officers or correctional officers of
local governments in preserving order and peace when so requested by such local authorities.

(e) The following rules and regulations shall remain in full force and effect as rules and regulations of DCS until amended, repealed, or superseded by rules or regulations adopted by the board:

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

(2) All rules and regulations previously adopted by the Department of Corrections or the Board of Corrections which relate to functions transferred under this chapter from the Department of Corrections to DCS;

(3) All rules and regulations previously adopted by the State Board of Pardons and Paroles which relate to functions transferred under this chapter from the State Board of Pardons and Paroles to DCS;

(4) All rules and regulations previously adopted by the Department of Juvenile Justice or the Board of Juvenile Justice which relate to functions transferred under this chapter from the Department of Juvenile Justice to DCS; and

(5) All rules and regulations previously adopted by the County and Municipal Probation Advisory Council which relate to functions transferred under this chapter from the County and Municipal Probation Advisory Council to DCS.

42-3-7.

(a) Appropriations to the Department of Corrections, the Department of Juvenile Justice, the County and Municipal Probation Advisory Council, and the State Board of Pardons and Paroles for functions transferred to DCS pursuant to this chapter shall be transferred to DCS as provided for in Code Section 45-12-90. Personnel, equipment, and facilities previously employed by the Department of Corrections, the Department of Juvenile Justice, the County and Municipal Probation Advisory Council, and the State Board of Pardons and Paroles for functions transferred to DCS pursuant to this chapter shall likewise be transferred to DCS. Any disagreement as to any of such transfers shall be resolved by the Governor. Any individual who is employed by the Department of Corrections as a probation officer or probation supervisor or by the Board of Pardons and Paroles as a parole officer on or before July 1, 2016, and who is required by the terms of his or her employment to comply with the requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' may remain in the employment of the employing agency but shall be transferred for administrative purposes only to DCS on July 1, 2015.
(b) The enactment of this chapter and the Act by which it is enacted shall not affect or abate the status of probation, parole, a probation revocation, or a parole revocation which occurred prior to July 1, 2015.

42-3-8.

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

(1) 'Employee' means a full-time or part-time employee of DCS or an employee serving under contract with DCS.

(2) 'Employee benefit fund' means an account containing the facility's profits generated from vending services maintained by a local facility.

(3) 'Executive director of the facility' means the chief community supervision officer or such other head of a facility.

(4) 'Facility' means a community supervision office or such other similar property under the jurisdiction or operation of DCS.

(5) 'Vending services' means one or more vending machines in a location easily accessible by employees, which services may also be accessible by members of the general public, but which vending machines do not require a manager or attendant for the purpose of purchasing food or drink items. Vending services shall be for the provision of snack or food items or nonalcoholic beverages and shall not include any tobacco products or alcoholic beverages.

(b) It is the intent of the General Assembly to provide an employee benefit as set forth in this Code section, which benefit shall be of de minimis cost to the state and which shall in turn benefit the state through the retention of dedicated and experienced employees.

(c) Any other provision of the law notwithstanding, a facility is authorized to purchase vending machines or enter into vending service agreements by contract, sublease, or license for the purpose of providing vending services to each facility under the jurisdiction of the Department of Corrections. Vending services shall be provided in any facility where the operation of such vending services is capable of generating a profit for that facility. The facility's profits generated from the vending services shall be maintained by the local facility under the authority of the executive director of the facility in an interest-bearing account, and the account shall be designated the employee benefit fund.

(d) The employee benefit fund shall be administered by a committee of five representatives of the facility to be selected by the chief community supervision officer for such facility. Funds from the account may be spent as determined by a majority vote of the committee. Funds may be expended on an individual employee of the facility for the purpose of recognizing a death, birth, marriage, or prolonged illness or to provide assistance in the event of a natural disaster or devastation adversely affecting an employee
or an employee's immediate family member. Funds may also be expended on an item or activity which shall benefit all employees of the facility equally for the purposes of developing camaraderie or otherwise fostering loyalty to DCS or bringing together the employees of the facility for a meeting, training session, or similar gathering. Funds spent for an individual employee shall not exceed $250.00 per person per event, and funds expended for employee gatherings or items shall not exceed $1,000.00 per event or single item; provided, however, that events conducted for the benefit of employees of an entire institution shall not exceed $4,500.00 per event.

(e) The employee benefit fund account of each facility shall be reviewed and audited by the administrative office of the local facility and by DCS in accordance with standards and procedures established by DCS. No account shall maintain funds in excess of $5,000.00. Any funds collected which cause the fund balance to exceed $5,000.00 shall be remitted to DCS's general operating budget.

(f) Nothing in this Code section shall prohibit a facility from purchasing vending machines or providing or maintaining vending services which do not generate a profit, provided that such services are of no cost to DCS, nor shall this Code section be construed so as to prohibit a private provider of vending services from making or retaining a profit pursuant to any agreement for such services.

42-3-9.

(a) An employee leaving the service of DCS under honorable conditions who has accumulated 20 or more years of service with DCS as a community supervision officer, or 20 or more years of combined service as a parole officer with the State Board of Pardons and Paroles, a probation officer or supervisor with the Department of Corrections, and community supervision officer, shall be entitled as part of such employee's compensation to retain his or her DCS issued weapon and badge.

(b) As used in this subsection, the term 'disability' means a disability that prevents an individual from working as a community supervision officer. When a community supervision officer leaves DCS as a result of a disability arising in the line of duty, such officer shall be entitled as part of such officer's compensation to retain his or her weapon and badge in accordance with regulations promulgated by the commissioner.

(c) A community supervision officer who is killed in the line of duty shall be entitled to have his or her DCS issued badge given to a surviving family member.

(d) The board is authorized to promulgate rules and regulations for the implementation of this Code section.
ARTICLE 2

42-3-30.
The General Assembly finds that there is a need for a coordinated strategy for transition, support, and reentry of offenders in this state. The General Assembly, therefore, declares it to be the public policy of this state to provide the necessary leadership to coordinate successful offender reentry in this state, reduce recidivism, enhance public safety through collaboration among stakeholders, and assist in ensuring the appropriate and responsible use of cost savings realized by justice reforms through reinvestment in evidence based, community centered services.

42-3-31.
There is created the Governor's Office of Transition, Support, and Reentry, which is assigned to DCS for administrative purposes only, as prescribed in Code Section 50-4-3.

42-3-32.
The board is authorized to do all things and take any action necessary to accomplish the legislative intent of the creation of the Governor's Office of Transition, Support, and Reentry, including, but not limited to, the promulgation of rules and regulations relative thereto. The board is authorized to solicit and accept gifts, grants, donations, property, both real and personal, and services for the purpose of carrying out this article.

42-3-33.
(a) The powers, functions, and duties of the Board of Corrections as they exist on June 30, 2015, with regard to reentry services for the Department of Corrections are transferred to the Governor's Office of Transition, Support, and Reentry effective July 1, 2015. The powers, functions, and duties of the State Board of Pardons and Paroles as they exist on June 30, 2015, with regard to reentry services are transferred to the Governor's Office of Transition, Support, and Reentry effective July 1, 2015. The powers, functions, and duties of the Board of Juvenile Justice and the Department of Juvenile Justice as they exist on June 30, 2016, with regard to reentry services for children who have been placed in restrictive custody and who were adjudicated for a Class A designated felony act or Class B designated felony act, as such terms are defined in Code Section 15-11-2, are transferred to the Governor's Office of Transition, Support, and Reentry effective July 1, 2016.

(b) Appropriations to the Department of Corrections, the State Board of Pardons and Paroles, and the Department of Juvenile Justice for functions transferred to DCS pursuant to this article shall be transferred to the Governor's Office of Transition, Support, and
Reentry as provided for in Code Section 45-12-90. Personnel, equipment, and facilities previously employed by the Department of Corrections, the State Board of Pardons and Paroles, and the Department of Juvenile Justice for functions transferred to the Governor's Office of Transition, Support, and Reentry pursuant to this article shall likewise be transferred to Governor's Office of Transition, Support, and Reentry. Any disagreement as to any of such transfers shall be resolved by the Governor.

42-3-34.

There shall be a director of the Governor's Office of Transition, Support, and Reentry who shall be both appointed by and serve at the pleasure of the Governor. Subject to the policies, rules, and regulations established by the board for such office, the director shall supervise, direct, account for, organize, plan, administer, and execute the functions of such office. The director shall receive an annual salary to be set by the Governor which shall be his or her total compensation for services as director. The director shall be reimbursed for all actual and necessary expenses incurred by him or her in carrying out his or her official duties. The position of director shall be a separate and distinct position from any other position in state government. The duties of the director shall be performed by the director and not by any other officer of state government, and the director shall not perform the duties of any other officer of state government.

42-3-35.

(a) The director may establish units within the Governor's Office of Transition, Support, and Reentry as he or she deems proper for its administration and shall designate persons to be assistant directors of each unit and to exercise authority as he or she may delegate to them in writing as approved by the board.

(b) No person shall be compensated for services to the Governor's Office of Transition, Support, and Reentry on a commission or contingent fee basis.

(c) Neither the director nor any employee of the Governor's Office of Transition, Support, and Reentry shall be given or receive any fee, compensation, loan, gift, or other thing of value in addition to the compensation and expense allowance provided by law for any service or pretended service either rendered or to be rendered as director or employee of the Governor's Office of Transition, Support, and Reentry.

ARTICLE 3

42-3-50.

(a) As used in this article, the term:
(1) 'Agency' means any private or public agency or organization approved by the court to participate in a community service program.

(2) 'Community service' means uncompensated work by an offender with an agency for the benefit of the community pursuant to an order by a court as a condition of probation. Such term includes uncompensated service by an offender who lives in the household of a disabled person and provides aid and services to such disabled person, including, but not limited to, cooking, housecleaning, shopping, driving, bathing, and dressing.

(3) 'Community service officer' means an individual appointed by the court to place and supervise offenders sentenced to community service. Such term may mean a paid professional or a volunteer.

(b) Except as provided in subsection (c) of this Code section, it shall be unlawful for an agency or community service officer to use or allow an offender to be used for any purpose resulting in private gain to any individual.

(c) Subsection (b) of this Code section shall not apply to:

(1) Services provided by an offender to a disabled person in accordance with paragraph (1) of subsection (c) of Code Section 42-3-52;

(2) Work on private property because of a natural disaster; or

(3) An order or direction by the sentencing court.

(d) Any person who violates subsection (b) of this Code section shall be guilty of a misdemeanor.

42-3-51.

(a) Agencies desiring to participate in a community service program shall file with the court a letter of application showing:

(1) Eligibility;

(2) Number of offenders who may be placed with the agency;

(3) Work to be performed by the offender; and

(4) Provisions for supervising the offender.

(b) An agency selected for the community service program shall work offenders who are assigned to the agency by the court. If an offender violates a court order, the agency shall report such violation to the community service officer.

(c) If an agency violates any court order or provision of this article, the offender shall be removed from the agency and the agency shall no longer be eligible to participate in the community service program.

(d) No agency or community service officer shall be liable at law as a result of any of such agency's or community service officer's acts performed while participating in a community service program. This limitation of liability shall not apply to actions on the part of any
agency or community service officer which constitute gross negligence, recklessness, or
willful misconduct.

42-3-52.
(a) Community service may be considered as a condition of probation with primary
consideration given to the following categories of offenders:
(1) Traffic violations;
(2) Ordinance violations;
(3) Noninjurious or nondestructive, nonviolent misdemeanors;
(4) Noninjurious or nondestructive, nonviolent felonies; and
(5) Other offenders considered upon the discretion of the court.
(b) The court may confer with the prosecuting attorney, the offender or his or her attorney
if the offender is represented by an attorney, a community supervision officer, a community
service officer, or other interested persons to determine if the community service program
is appropriate for an offender. If community service is ordered as a condition of probation,
the court shall order:
(1) Not less than 20 hours nor more than 250 hours in cases involving traffic or
ordinance violations or misdemeanors, such service to be completed within one year; or
(2) Not less than 20 hours nor more than 500 hours in felony cases, such service to be
completed within three years.
(c) (1) Any agency may recommend to the court that certain disabled persons are in need
of a live-in attendant. The court shall confer with the prosecuting attorney, the offender
or his or her attorney if the offender is represented by an attorney, a community
supervision officer, a community service officer, or other interested persons to determine
if a community service program involving a disabled person is appropriate for an
offender. If community service as a live-in attendant for a disabled person is deemed
appropriate and if both the offender and the disabled person consent to such service, the
court may order such live-in community service as a condition of probation but for no
longer than two years.
(2) The agency shall be responsible for coordinating the provisions of the cost of food
or other necessities for the offender which the disabled person is not able to provide. The
agency, with the approval of the court, shall determine a schedule which will provide the
offender with certain free hours each week.
(3) Such live-in arrangement shall be terminated by the court upon the request of the
offender or the disabled person. Upon termination of such arrangement, the court shall
determine if the offender has met the conditions of probation.
(4) The appropriate agency shall make personal contact with the disabled person on a frequent basis to ensure the safety and welfare of the disabled person.

(d) The court may order an offender to perform community service hours in a 40 hour per week work detail in lieu of incarceration.

(e) Community service hours may be added to original court ordered hours as a disciplinary action by the court, as an additional requirement of any program in lieu of incarceration, or as part of the sentencing options system as set forth in Article 6 of this chapter.

42-3-53.

The community service officer shall place an offender sentenced to community service as a condition of probation with an appropriate agency. The agency and work schedule shall be approved by the court. If the offender is employed at the time of sentencing or if the offender becomes employed after sentencing, the community service officer shall consider the offender's work schedule and, to the extent practicable, shall schedule the community service so that it will not conflict with the offender's work schedule. This shall not be construed as requiring the community service officer to alter scheduled community service based on changes in an offender's work schedule. The community service officer shall supervise the offender for the duration of the community service sentence. Upon completion of the community service sentence, the community service officer shall prepare a written report evaluating the offender's performance which shall be used to determine if the conditions of probation have been satisfied.

42-3-54.

(a) The provisions of Article 2 of Chapter 8 of this title shall be applicable to offenders sentenced to community service as a condition of probation pursuant to this article. The provisions of Article 3 of Chapter 8 of this title shall be applicable to first offenders sentenced pursuant to this article. The provisions of Article 6 of Chapter 8 of this title shall be applicable to misdemeanor or ordinance violator offenders sentenced to community service as a condition of probation pursuant to this article.

(b) Any offender who provides live-in community service but who is later incarcerated for breaking the conditions of probation or for any other cause may be awarded good time for each day of live-in community service the same as if such offender were in prison for such number of days.
ARTICLE 4

42-3-70. DCS shall be authorized to establish and operate pretrial release and diversion programs as rehabilitative measures for persons charged with felonies for which bond is permissible under the law in the courts of this state prior to conviction; provided, however, that no such program shall be established in a county without the unanimous approval of the superior court judges, the district attorney, and the sheriff of such county. The board shall promulgate rules and regulations governing any pretrial release and diversion programs established and operated by DCS and shall grant authorization for the establishment of such programs based on the availability of sufficient staff and resources.

42-3-71. The court in which a person is charged with a felony for which bond is permissible under the law may, upon the application by the person so charged, at its discretion release the person prior to conviction and upon recognizance to the supervision of a pretrial release or diversion program established and operated by DCS after an investigation and upon recommendation of the staff of the pretrial release or diversion program. In no case, however, shall any person be so released unless after consultation with his or her attorney or an attorney made available to the person if he or she is indigent that person has voluntarily agreed to participate in the pretrial release or diversion program and knowingly and intelligently has waived his or her right to a speedy trial for the period of pretrial release or diversion.

42-3-72. DCS may contract with the various counties of this state for the services and facilities necessary to operate pretrial release and diversion programs established under this article, and both DCS and the counties are authorized to enter into such contracts as are appropriate to carry out the purpose of this article.

42-3-73. The authority to establish and operate pretrial release and diversion programs granted to DCS under this article shall not affect the authority of the Georgia Department of Labor to enter into agreements with district attorneys of the several judicial circuits of this state for the purpose of establishing and operating pretrial intervention programs in such judicial circuits.
42-3-74.
No person shall be released on his or her own recognizance or approved for a pretrial release and diversion program without first having the approval in writing of the judge of the court having jurisdiction of the case.

ARTICLE 5

42-3-90.
A county shall be authorized to establish a diversion center under the direction of the sheriff of the county in which the diversion center is located and a diversion program for the confinement of certain persons who have been found in contempt of court for violation of orders granting temporary or permanent alimony or child support and sentenced pursuant to subsection (c) of Code Section 15-1-4. While in such diversion program, the respondent shall be authorized to travel to and from his or her place of employment and to continue his or her occupation. The official in charge of the diversion program or his or her designee shall prescribe the routes, manner of travel, and periods of travel to be used by the respondent in attending to his or her occupation. If the respondent's occupation requires the respondent to travel away from his or her place of employment, the amount and conditions of such travel shall be approved by the official in charge of the diversion center or his or her designee. When the respondent is not traveling to or from his or her place of employment or engaging in his or her occupation, such person shall be confined in the diversion center during the term of the sentence. With the approval of the sheriff or his or her designee, the respondent may participate in educational or counseling programs offered at the diversion center. While participating in the diversion program, the respondent shall be liable for alimony or child support as previously ordered, including arrears, and his or her income shall be subject to the provisions of Code Sections 19-6-30 through 19-6-33 and Chapter 11 of Title 19. In addition, should any funds remain after payment of child support or alimony, the respondent may be charged and a fee payable to the county operating the diversion program to cover the costs of his or her incarceration and the administration of the diversion program which fee shall be not more than $30.00 per day or the actual per diem cost of maintaining the respondent, whichever is less, for the entire period of time the person is confined to the center and participating in the program. If the respondent fails to comply with any of the requirements imposed upon him or her in accordance with this Code section, nothing shall prevent the sentencing judge from revoking such assignment to a diversion program and providing for alternative methods of incarceration.
ARTICLE 6

42-3-110.

This article shall be known and may be cited as the 'Probation Management Act.'

42-3-111.

For purposes of this article, the term:

1. 'Chief community supervision officer' means the highest ranking field community supervision officer in each judicial circuit.

2. 'Electronic monitoring' means supervising, mapping, or tracking the location of a probationer by means including electronic surveillance, voice recognition, facial recognition, fingerprinting or biometric scan, automated kiosk, automobile ignition interlock device, or global positioning systems which may coordinate data with crime scene information.

3. 'Hearing officer' means an impartial DCS employee or representative who has been selected and appointed to hear alleged cases regarding violations of probation for administrative sanctioning.

4. 'Initial sanction' means the sanction set by the judge upon initial sentencing.

5. 'Options system day reporting center' means a state facility providing supervision of probationers which includes, but is not limited to, mandatory reporting, program participation, drug testing, community service, all special conditions of probation, and general conditions of probation as set forth in Code Section 42-8-35.

6. 'Options system probationer' means a probationer who has been sentenced to the sentencing options system.

7. 'Probation supervision' means a level of probation supervision which includes, but is not limited to, general conditions of probation as set forth in Code Section 42-8-35 and all special conditions of probation.

8. 'Residential substance abuse treatment facility' means a state correctional facility that provides inpatient treatment for alcohol and drug abuse.

9. 'Sentencing options system' means a continuum of sanctions for probationers that includes the sanctions set forth in subsection (c) of Code Section 42-3-113.

42-3-112.

(a) In addition to any other terms or conditions of probation provided for under this chapter, the sentencing judge may require that defendants who are sentenced to probation pursuant to subsection (c) of Code Section 42-8-34 be ordered to the sentencing options system.
(b) When a defendant has been ordered to the sentencing options system, the court shall retain jurisdiction throughout the period of the probated sentence as provided in subsection (g) of Code Section 42-8-34 and may modify or revoke any part of a probated sentence as provided in Code Section 42-8-34.1 and subsection (c) of Code Section 42-8-38.

(a) DCS shall be authorized to establish by rules and regulations a system of administrative sanctions as an alternative to judicial modifications or revocations for probationers who violate the terms and conditions of the sentencing options system established under this article. DCS may not, however, sanction probationers for violations of special conditions of probation or general conditions of probation for which the sentencing judge has expressed an intention that such violations be heard by the court pursuant to Code Section 42-8-34.1.

(b) DCS shall only impose restrictions which are equal to or less restrictive than the sanction cap set by the sentencing judge.

(c) The administrative sanctions which may be imposed by DCS are as follows, from most restrictive to least restrictive:

(1) Probation detention center or residential substance abuse treatment facility;
(2) Probation boot camp;
(3) DCS day reporting center;
(4) Electronic monitoring;
(5) Community service; or
(6) Probation supervision.

(d) DCS may order offenders sanctioned pursuant to paragraphs (1) through (3) of subsection (c) of this Code section to be held in the local jail until transported to a designated facility.

(a) Whenever an options system probationer is arrested on a warrant for an alleged violation of probation, an informal preliminary hearing shall be held within a reasonable time not to exceed 15 days.

(b) A preliminary hearing shall not be required when:

(1) The probationer is not under arrest on a warrant;
(2) The probationer signed a waiver of a preliminary hearing; or
(3) The administrative hearing referred to in Code Section 42-3-115 will be held within 15 days of arrest.
(a) If an options system probationer violates the conditions of probation, DCS may impose administrative sanctions as an alternative to judicial modification or revocation of probation.

(b) Upon issuance of a petition outlining the alleged probation violations, the chief community supervision officer, or his or her designee, may conduct a hearing to determine whether an options system probationer has violated a condition of probation. If the chief community supervision officer determines that the probationer has violated a condition of probation, the chief community supervision officer shall be authorized to impose sanctions consistent with paragraphs (4) through (7) of subsection (c) of Code Section 42-3-113. The failure of an options system probationer to comply with a sanction imposed by the chief community supervision officer shall constitute a violation of probation.

(c)(1) Upon issuance of a petition outlining the alleged probation violations, the hearing officer may initiate an administrative proceeding to determine whether an options system probationer has violated a condition of probation. If the hearing officer determines by a preponderance of the evidence that the probationer has violated a condition of probation, the hearing officer may impose sanctions consistent with Code Section 42-3-113.

(2) The administrative proceeding provided for under this subsection shall be commenced within 15 days but not less than 48 hours after notice of the administrative proceeding has been served on the probationer. The administrative proceeding may be conducted electronically.

(d) The failure of a probationer to comply with the sanction or sanctions imposed by the chief community supervision officer or hearing officer shall constitute a violation of probation.

(e) An options system probationer may at any time waive a hearing and voluntarily accept the sanctions proposed by DCS.

(a) The hearing officer's decision shall be final unless the options system probationer files a request for review with the senior hearing officer. A request for review must be filed within 15 days of the issuance of DCS's decision. Such request shall not stay DCS's decision. The senior hearing officer shall issue a response within seven days of receipt of the review request.

(b) The senior hearing officer's decision shall be final unless the options system probationer files an appeal in the sentencing court. Such appeal shall name the
commissioner as defendant and shall be filed within 30 days of the issuance of the decision by the senior hearing officer.

(c) This appeal shall first be reviewed by the judge upon the record. At the judge's discretion, a de novo hearing may be held on the decision. The filing of the appeal shall not stay DCS's decision.

(d) Where the sentencing judge does not act on the appeal within 30 days of the date of the filing of the appeal, DCS's decision shall be affirmed by operation of law.

42-3-117.
Nothing contained in this article shall be construed as repealing any power given to any court of this state to place offenders on probation or to provide conditions of supervision for offenders.

42-3-118.
This article shall only apply in judicial circuits where DCS has allocated certified hearing officers.

42-3-119.
This article shall be liberally construed so that its purposes may be achieved.”

PART II
ADVISORY COUNCIL FOR PROBATION
SECTION 2-1.

Said title is further amended by repealing in its entirety Article 1 of Chapter 8, relating to the Advisory Council for Probation, and designating said article as reserved.

PART III
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL
SECTION 3-1.

(a) The General Assembly finds that:

(1) The authorization for county and municipal probation offices and private probation services was enacted to provide cost savings to the state by using state probation services for felony offenders and utilizing county and municipal probation offices and private
probation entities which contract with courts for the supervision of misdemeanor and county and city ordinance offenders;

(2) In enacting such legislation, the General Assembly intended to authorize judges to use county and municipal probation offices and private probation services providers to supervise misdemeanor and county and city ordinance offenders in the same manner as the judges of the superior courts use state probation services as a means of supervising felony offenders;

(3) The General Assembly did not intend to restrict the powers of judges to impose, suspend, toll, revoke, or otherwise manage the probation of misdemeanor and county and city ordinance offenders sentenced in such courts when utilizing county and municipal probation offices and private probation services providers; and

(4) The General Assembly intended that county and municipal probation officers and private probation officers, when acting in performance of their official duties in supervising probationers in accordance with law and the orders of a court, would have the same rights, authority, and protections as state probation supervisors.

(b) It is the intention of the General Assembly to improve the use and provision of probation services by courts for misdemeanor and ordinance violations by enacting this part.

SECTION 3-2.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising Article 6 of Chapter 8, relating to agreements for probation services, as follows:

"ARTICLE 6

42-8-100.

(1) 'Board' means the Board of Community Supervision. 'Council' means the County and Municipal Probation Advisory Council created under Code Section 42-8-101.

(2) 'Private probation officer' means a probation officer an individual employed by a private corporation, private enterprise, private agency, or other private entity that provides probation services to supervise defendants placed on probation by a court for committing an ordinance violation or misdemeanor.

(3) 'Probation officer' means a person an individual employed by a governing authority of a county, municipality, or consolidated government to supervise defendants placed on probation by a county or municipal court for committing an ordinance violation or misdemeanor.
(b) Any county or municipal court which has original jurisdiction of ordinance violations or misdemeanors and in which the defendant in such a case has been found guilty upon verdict or any plea may, at a time to be determined by the court, hear and determine the question of the probation of such defendant.

(c) If it appears to the court upon a hearing of the matter that the defendant is not likely to engage in an unlawful course of conduct and that the ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court in its discretion shall impose sentence upon the defendant but may stay and suspend the execution of the sentence or any portion thereof or may place him or her on probation under the supervision and control of a probation officer for the duration of such probation, subject to the provisions of this Code section. The period of probation or suspension shall not exceed the maximum sentence of confinement which could be imposed on the defendant.

(d) The court may, in its discretion, require the payment of a fine or costs, or both, as a condition precedent to probation:

(e) The sentencing judge shall not lose jurisdiction over any person placed on probation during the term of his or her probationed sentence. The judge is empowered to revoke any or all of the probationed sentence, rescind any or all of the sentence, or, in any manner deemed advisable by the judge, modify or change the probationed sentence at any time during the period of time originally prescribed for the probationed sentence to run.

(f) If a defendant is placed on probation pursuant to this Code section by a county or municipal court other than one for the county or municipality in which he or she resides for committing any ordinance violation or misdemeanor, such defendant may, when specifically ordered by the court, have his or her probation supervision transferred to the county or municipality in which he or she resides.

42-8-101.

(a) The chief judge of any court within the county, with the approval of the governing authority of such county, is authorized to enter into written contracts with corporations, enterprises, or agencies to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation in such county. In no case shall a private probation corporation or enterprise be charged with the responsibility for supervising a felony sentence. The final contract negotiated by the chief judge with the private probation entity shall be attached to the
approval by the governing authority of the county to privatize probation services as an exhibit thereto. The termination of a contract for probation services as provided for in this subsection entered into on or after July 1, 2001, shall be initiated by the chief judge of the court which entered into the contract, and subject to approval by the governing authority of the county which entered into the contract and in accordance with the agreed upon, written provisions of such contract. The termination of a contract for probation services as provided for in this subsection in existence on July 1, 2001, and which contains no provisions relating to termination of such contract shall be initiated by the chief judge of the court which entered into the contract, and subject to approval by the governing authority of the county which entered into the contract and in accordance with the agreed upon, written provisions of such contract.

(2) The chief judge of any court within the county, with the approval of the governing authority of that county, is authorized to establish a county probation system to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in that court and placed on probation in such county.

(b)(1) The judge of the municipal court of any municipality or consolidated government of a municipality and county of this state, with the approval of the governing authority of that municipality or consolidated government, is authorized to enter into written contracts with private corporations, enterprises, or agencies to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed and on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation. The final contract negotiated by the judge with the private probation entity shall be attached to the approval by the governing authority of the municipality or consolidated government to privatize probation services as an exhibit thereto. The termination of a contract for probation services as provided for in this subsection shall be initiated by the chief judge of the court which entered into the contract and shall be subject to approval by the governing authority of the municipality or consolidated government which entered into the contract and in accordance with the agreed upon, written provisions of such contract.

(2) The judge of the municipal court of any municipality or consolidated government of a municipality and county of this state, with the approval of the governing authority of that municipality or consolidated government, is authorized to establish a probation system to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation.
system to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed and on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation.

42-8-102.

(a) Any court which has original jurisdiction of ordinance violations or misdemeanors and in which the defendant in such a case has been found guilty upon verdict or has pled guilty or nolo contendere may, at a time to be determined by the court, hear and determine the question of the probation of such defendant.

(b) If it appears to the court upon a hearing of the matter that the defendant is not likely to engage in an unlawful course of conduct and that the ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court in its discretion may place the defendant on probation under the supervision and control of a probation officer or private probation officer for all or a portion of the sentence or may impose a sentence upon the defendant but stay and suspend the execution of such sentence or any portion thereof. The period of probation or suspension shall not exceed the maximum sentence of confinement which could be imposed on the defendant; provided, however, that nothing in this chapter shall be construed to limit the ability of a court to toll a sentence as provided in this article.

(c) The court may, in its discretion, require the payment of a fine, fees, or restitution as a condition of probation. The provisions of Chapter 14 of Title 17 shall control in determining the amount of restitution. When probation supervision is required, the court may require the payment of a probation supervision fee as a condition of probation. In determining the financial obligations, other than restitution, to impose on the defendant, the court may consider:

(1) The defendant's financial resources and other assets, including whether any such asset is jointly controlled;

(2) The defendant's earnings and other income;

(3) The defendant's financial obligations, including obligations to dependents;

(4) The period of time during which the probation order will be in effect;

(5) The goal of the punishment being imposed; and

(6) Any other factor the court deems appropriate.

(d) The court may convert fines, statutory surcharges, and probation supervision fees to community service on the same basis as it allows a defendant to pay a fine through community service as set forth in subsection (d) of Code Section 17-10-1.
(e)(1) As used in this subsection, the term:

(A) 'Developmental disability' shall have the same meaning as set forth in Code Section 37-1-1.

(B) 'Indigent' means an individual who earns less than 100 percent of the federal poverty guidelines unless there is evidence that the individual has other resources that might reasonably be used without undue hardship for such individual or his or her dependents.

(C) 'Significant financial hardship' means a reasonable probability that an individual will be unable to satisfy his or her financial obligations for two or more consecutive months.

(D) 'Totally and permanently disabled' shall have the same meaning as set forth in Code Section 49-4-80.

(2) The court shall waive, modify, or convert fines, statutory surcharges, probation supervision fees, and any other moneys assessed by the court or a provider of probation services upon a determination by the court prior to or subsequent to sentencing that a defendant has a significant financial hardship or inability to pay or that there are any other extenuating factors which prohibit payment or collection; provided, however, that the imposition of sanctions for failure to pay such sums shall be within the discretion of the court through judicial process or hearings.

(3) Unless rebutted by a preponderance of the evidence that a defendant will be able to satisfy his or her financial obligations without undue hardship to the defendant or his or her dependents, a defendant shall be presumed to have a significant financial hardship if he or she:

(A) Has a developmental disability;

(B) Is totally and permanently disabled;

(C) Is indigent; or

(D) Has been released from confinement within the preceding 12 months and was incarcerated for more than 30 days before his or her release.

(f)(1) The sentencing judge shall not lose jurisdiction over any person placed on probation during the term of his or her probated sentence. As further set forth in this subsection, the judge may revoke any or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed advisable by the judge, modify or change the probated sentence, including tolling the sentence as provided in this article, at any time during the period of time originally prescribed for the probated sentence to run.

(2) Absent a waiver, the court shall not revoke a probationary sentence for failure to pay fines, statutory surcharges, or probation supervision fees without holding a hearing, inquiring into the reasons for the probationer's failure to pay, and, if a probationary
sentence is revoked, making an express written determination that the probationer has not
made sufficient bona fide efforts to pay and the probationer's failure to pay was willful
or that adequate alternative types of punishment do not exist. Should the probationer fail
to appear at such hearing, the court may, in its discretion, revoke the probated sentence.
(3) A person otherwise found eligible to have his or her probation modified or terminated
pursuant to paragraph (1) of this subsection shall not be deemed ineligible for
modification or termination of probation solely due to his or her failure to pay fines,
statutory surcharges, or probation supervision fees.
(4) At any revocation hearing, upon proof that the probationer has violated probation:
(A) For failure to report to probation or failure to pay fines, statutory surcharges, or
probation supervision fees, the court shall consider the use of alternatives to
confinement, including community service, modification of the terms of probation, or
any other alternative deemed appropriate by the court. The court shall consider whether
a failure to pay court imposed financial obligations was willful. In the event an
alternative is not warranted, the court shall revoke the balance of probation or a period
not to exceed 120 days in confinement, whichever is less; and
(B) For failure to comply with any other general provision of probation or suspension,
the court shall consider the use of alternatives to confinement, including community
service or any other alternative deemed appropriate by the court. In the event an
alternative is not warranted, the court shall revoke the balance of probation or a period
not to exceed two years in confinement, whichever is less.
(g) If a defendant is placed on probation pursuant to this Code section by a court other than
one for the county or municipality in which he or she resides for committing any ordinance
violation or misdemeanor, such defendant may, when specifically ordered by the court,
have his or her probation supervision transferred to the county or municipality in which he
or she resides.
42-8-103.
(a) As used in this Code section, the term 'pay-only probation' means a defendant has been
placed under probation supervision solely because such defendant is unable to pay the court
imposed fines and statutory surcharges when such defendant's sentence is imposed. Such
term shall not include circumstances when restitution has been imposed or other probation
services are deemed appropriate by the court.
(b) When pay-only probation is imposed, the probation supervision fees shall be capped
so as not to exceed three months of ordinary probation supervision fees notwithstanding
the number of cases for which a fine and statutory surcharge were imposed or that the
defendant was sentenced to serve consecutive sentences; provided, however, that collection
of any probation supervision fee shall terminate as soon as all court imposed fines and
statutory surcharges are paid in full.

(c) If pay-only probation is subsequently converted to a sentence that requires community
service, on petition by a probation officer or private probation officer and with the
probationer having an opportunity for a hearing, the court may reinstate probation
supervision fees as necessary to monitor the probationer's compliance with community
service obligations.

42-8-104.
(a) A court which utilizes the services of a probation officer or private probation officer
shall determine the terms and conditions of probation under this article and may provide
such terms and conditions of probation as the court deems appropriate, including, but not
limited to, providing that the probationer shall:

(1) Avoid injurious and vicious habits;
(2) Avoid persons or places of disreputable or harmful character;
(3) Report to the probation officer or private probation officer, as the case may be, as
directed;
(4) Permit the probation officer or private probation officer, as the case may be, to visit
the probationer at the probationer's home or elsewhere;
(5) Work faithfully at suitable employment insofar as may be possible;
(6) Remain within a specified location; provided, however, that the court shall not banish
a probationer to any area within this state:

(A) That does not consist of at least one entire judicial circuit as described by Code
Section 15-6-1; or
(B) In which any service or program in which the probationer must participate as a
condition of probation is not available;
(7) Make reparation or restitution to any aggrieved person for the damage or loss caused
by the probationer's offense, in an amount to be determined by the court in accordance
with the provisions of Article 1 of Chapter 14 of Title 17. Unless otherwise provided by
law, no reparation or restitution to any aggrieved person for the damage or loss caused
by the probationer's offense shall be made if the amount is in dispute unless the same has
been determined as provided in Article 1 of Chapter 14 of Title 17;
(8) Make reparation or restitution as reimbursement to a municipality or county for the
payment for medical care furnished to the person while incarcerated pursuant to the
provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local
governmental unit for the provision of medical care shall be made if the amount is in
dispute unless the same has been determined as provided in Article 1 of Chapter 14 of
Title 17;
(9) Repay the costs incurred by any municipality or county for wrongful actions by an
inmate covered under the provisions of paragraph (1) of subsection (a) of Code
Section 42-4-71;
(10) Support the probationer's legal dependents to the best of the probationer's ability;
(11) Violate no local, state, or federal laws and be of general good behavior;
(12) If permitted to move or travel to another state, agree to waive extradition from any
jurisdiction where the probationer may be found and not contest any effort by any
jurisdiction to return the probationer to this state;
(13) Submit to evaluations and testing relating to rehabilitation and participate in and
successfully complete rehabilitative programming as directed by the court, including
periodic screening for drugs and alcohol as ordered by the court and mental health
evaluations as ordered by the court. The court may assess and the probation officer or
private probation officer, as the case may be, shall be authorized to collect the costs or
a portion of the costs, as determined by the court, of such evaluations, testing,
rehabilitation programs, and screenings from the probationer;
(14) Wear a device capable of tracking the location of the probationer by means
including electronic surveillance or global positioning satellite systems. The court may
assess and the probation officer or private probation officer, as the case may be, shall
collect fees from the probationer for such monitoring at a rate not to exceed the rate set
forth in the contract between the court and the provider of services;
(15) Wear a device capable of detecting drug or alcohol use by the probationer. The
court may assess and the probation officer or private probation officer, as the case may
be, shall collect fees from the probationer for such monitoring at a rate not to exceed the
rate set forth in the contract between the court and the provider of services; and
(16) Complete a residential or nonresidential program for substance abuse or mental
health treatment as indicated by a risk and needs assessment for which the court may
assess, and the probation officer or private probation officer, as the case may be, shall be
authorized to collect the costs of or a portion of the costs, as determined by the court, of
such program from the probationer.
(b) Nothing in this Code section shall be construed as prohibiting a court in appropriate
circumstances from imposing additional special conditions of probation unless otherwise
prohibited by law.
42-8-105.

(a) It shall be the duty of a probationer, as a condition of probation, to keep his or her probation officer or private probation officer, as the case may be, informed as to his or her contact information, including residence and mailing address, telephone number, and e-mail address. The court may also require, as a condition of probation and under such terms as the court deems advisable, that the probationer keep his or her probation officer or private probation officer, as the case may be, informed as to his or her whereabouts.

(b)(1) The running of a probated sentence may be tolled upon the failure of a probationer to appear in court for a probation revocation hearing or to report as directed to his or her probation officer or private probation officer, as the case may be; either of such failures shall be evidenced by an affidavit from the probation officer or private probation officer, as the case may be, setting forth such failure and stating efforts made by such officer to contact the probationer. When the allegation is for failure to report, such affidavit shall include, at a minimum, an averment by the probation officer or private probation officer that:

(A) The probationer has failed to report to his or her probation officer or private probation officer, as the case may be, on at least two occasions;

(B) The officer has attempted to contact the probationer at least two times by telephone or e-mail at the probationer's last known telephone number or e-mail address, which information shall be listed in the affidavit;

(C) The officer has checked the local jail rosters and determined that the probationer is not incarcerated;

(D) The officer has sent a letter by first-class mail to the probationer's last known address, which shall be listed in the affidavit, advising the probationer that the officer will seek a tolling order if the probationer does not report to such officer, either by telephone or in person, within ten days of the date on which the letter was mailed; and

(E) The probationer has failed to report to the probation officer or private probation officer, as the case may be, as directed in the letter set forth in subparagraph (D) of this paragraph and ten days have passed since the date on which the letter was mailed.

(2) In the event the probationer reports to his or her probation officer or private probation officer, as the case may be, within the period prescribed in subparagraph (D) of paragraph (1) of this subsection, the probationer shall be scheduled to appear on the next available court calendar for a hearing to consider whether the probation sentence should be tolled.

(c) Upon receipt of the affidavit required by subsection (b) of this Code section, the court may, in its discretion, toll the probated sentence.

(d) The effective date of the tolling of the sentence shall be the date the court enters a tolling order and shall continue until the probationer personally reports to the probation officer.
officer or private probation officer, as the case may be, is taken into custody in this state, or is otherwise available to the court, whichever event first occurs.

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

(f) Any unpaid fines, restitution, or other moneys owed as a condition of probation shall be due when the probationer is arrested; provided, however, that if the entire balance of his or her probation is revoked, all the conditions of probation, including moneys owed, shall be negated by his or her imprisonment. If only part of the balance of the probation is revoked, the court shall determine the probationer's responsibility for the amount of the unpaid fines, restitution, and other moneys owed that shall be imposed upon his or her return to probation after release from imprisonment and may reduce arrearages under the same circumstances and conditions as set forth in subsection (f) of Code Section 42-8-102.

42-8-101.  42-8-106.

(a) There is created the County and Municipal Probation Advisory Council, to be an advisory council with respect to the provisions of this article composed of one superior court judge designated by The Council of Superior Court Judges of Georgia, one state court judge designated by The Council of State Court Judges of Georgia, one municipal court judge designated by the Council of Municipal Court Judges of Georgia, one sheriff appointed by the Governor, one probate court judge designated by The Council of Probate Court Judges of Georgia, one magistrate designated by the Council of Magistrate Court Judges, the commissioner of corrections or his or her designee one attorney who specializes in criminal defense appointed by the Governor, one public probation officer appointed by the Governor, and one private probation officer or individual with expertise in private probation services by virtue of his or her training or employment appointed by the Governor, one mayor or member of a municipal governing authority appointed by the Governor, and one county commissioner appointed by the Governor. The appointing authority shall determine the length of its appointee's term serving on such council. The advisory council shall elect a chairperson from among its membership and such other officers as it deems necessary. Members of the council appointed by the Governor shall be appointed for terms of office of four years. With the exceptions of the public probation officer, the county commissioner, the sheriff, the mayor or member of a municipal governing authority, and the commissioner of corrections, each designee or representative shall be employed in their representative capacity in a judicial circuit operating under a contract with a private corporation, enterprise, or agency as provided under Code Section 42-8-100. No person shall serve beyond the time he or she holds the office or employment by reason of which he or she was initially eligible for appointment. In the event of death,
resignation, disqualification, or removal for any reason of any member of the council; the
vacancy shall be filled in the same manner as the original appointment and any successor
shall serve for the unexpired term. Such council shall promulgate rules and regulations
regarding contracts or agreements for the provision of probation services and the conduct
of business by private entities providing probation services and county, municipal, or
consolidated governments establishing probation systems as authorized by this article.
(b) The business of the council shall be conducted in the following manner:
(1) The council shall annually elect a chairperson and a vice chairperson from among its
membership. The offices of chairperson and vice chairperson shall be filled in such a
manner that they are not held in succeeding years by representatives of the same
component (law enforcement, courts, corrections) of the criminal justice system;
(2) The council shall meet at such times and places as it shall determine necessary or
convenient to perform its duties. The council shall also meet on the call of the
chairperson or at the written request of three of its members;
(3) The council shall maintain minutes of its meetings and such other records as it deems
necessary; and
(4) The council shall adopt such rules for the transaction of its business as it shall desire
and may appoint such committees as it considers necessary to carry out its business and
duties.
(c) Members of the council shall serve without compensation but shall receive the same
expense allowance per day as that received by a member of the General Assembly for each
day such member of the council is in attendance at a meeting of such council, plus either
reimbursement for actual transportation costs while traveling by public carrier or the same
mileage allowance for use of a personal motor vehicle in connection with such attendance
as members of the General Assembly receive. Payment of such expense and travel
allowance shall be subject to availability of funds and shall be in lieu of any per diem,
allowance, or other remuneration now received by any such member for such attendance.
(d) The council is assigned to the Administrative Office of the Courts for administrative
purposes only in accordance with Code Section 50-4-3. The funds necessary to carry out
the provisions of this article shall come from funds appropriated to the Administrative
Office of the Courts or otherwise available to the council. The council is authorized to
accept and use grants of funds for the purpose of carrying out the provisions of this article.
(e) The council board shall have the following powers and duties; provided that, with
respect to promulgating the rules, regulations, and standards set forth in this subsection, the
board shall act only upon consultation with and approval by the advisory board:
(1) To promulgate rules and regulations for the administration of the council, including
rules of procedure for its internal management and control;
(2)(1) To review the uniform professional standards for private probation officers and uniform contract standards for private probation contracts established in Code Section 42-8-102 and submit a report with its recommendations to the General Assembly;

(3)(2) To promulgate rules and regulations to implement those uniform professional standards for probation officers employed by a governing authority of a county, municipality, or consolidated government that has established probation services and uniform agreement standards for the establishment of probation services by a county, municipality, or consolidated government established in Code Section 42-8-102;

(4)(3) To promulgate rules and regulations establishing a 40 hour initial orientation for newly hired private probation officers and for 20 hours per annum of continuing education for private probation officers, provided that the 40 hour initial orientation shall not be required of any person who has successfully completed a probation or parole officer basic course of training for supervision of probationers or parolees certified by the Georgia Peace Officer Standards and Training Council or any private probation officer who has been employed by a private probation corporation, enterprise, or agency for at least six months as of July 1, 1996;

(5)(4) To promulgate rules and regulations establishing a 40 hour initial orientation for probation officers employed by a county, municipality, or consolidated government that has established probation services and for 20 hours per annum of continuing education for such probation officers, provided that the 40 hour initial orientation shall not be required of any person who has successfully completed a probation or parole officer basic course of training for supervision of probationers or parolees certified by the Georgia Peace Officer Standards and Training Council or any probation officer who has been employed by a county, municipality, or consolidated government as of March 1, 2006;

(6)(5) To promulgate rules and regulations relative to compliance with the provisions of this article, and enforcement mechanisms that may include, but are not limited to, the imposition of sanctions and fines and the voiding of contracts or agreements;

(7)(6) To promulgate rules and regulations establishing registration for any private corporation, private enterprise, private agency, county, municipality, or consolidated government providing probation services under the provisions of this article, subject to the provisions of Code Section 42-8-107;

(8)(7) To produce an annual summary report. Such report shall not contain information identifying individual private corporations, nonprofit corporations, or enterprises or their contracts; and
To promulgate rules and regulations requiring criminal record checks of individuals seeking to become private probation officers registered under this Code section and establishing procedures for such criminal record checks. The Administrative Office of the Courts Department of Community Supervision on behalf of the council board shall conduct a criminal records check for individuals seeking to become probation officers as provided in Code Section 35-3-34. No applicant shall be registered who has previously been convicted of a felony. The council board shall promulgate rules and regulations regarding registration requirements, including relating to restrictions regarding misdemeanor convictions. An agency or private entity shall also be authorized to conduct a criminal history background check of a person employed as a probation officer or an applicant for a probation officer position private probation officer or individuals seeking such positions. The criminal history check may be conducted in accordance with Code Section 35-3-34 and may be based upon the submission of fingerprints of the person individual whose records are requested. The Georgia Bureau of Investigation shall submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the requesting entity or agency.

(9) To create committees from among the membership of the board as well as appoint other persons to serve in an advisory capacity to the board in implementing this article; and

(10) To promulgate rules and regulations requiring probation officers and private probation officers to be registered with the board, pay a fee for such registration, and provide for the imposition of sanctions and fines on such officers for misconduct.

42-8-102. 42-8-107.

(a) The uniform professional standards contained in this subsection shall be met by any person employed as and using the title of a private probation officer or probation officer. Any such person shall be at least 21 years of age at the time of appointment to the position of private probation officer or probation officer and must have completed a standard two-year college course or have four years of law enforcement experience; provided, however, that any person employed as a private probation officer as of July 1, 1996, and who had at least six months of experience as a private probation officer or any person employed as a probation officer by a county, municipality, or consolidated government as of March 1, 2006, shall be exempt from such college requirements. Every private probation officer shall receive an initial 40 hours of orientation upon employment and shall receive 20 hours of continuing education per annum as approved by the council board.
provided that the 40 hour initial orientation shall not be required of any person who has successfully completed a probation or parole officer basic course of training for supervision of probationers or parolees certified by the Peace Officer Standards and Training Council or any private probation officer who has been employed by a private probation corporation, enterprise, or agency for at least six months as of July 1, 1996, or any person employed as a probation officer by a county, municipality, or consolidated government as of March 1, 2006. In no event shall any person convicted of a felony be employed as a probation officer or utilize the title of private probation officer.

(b) The uniform contract standards contained in this subsection shall apply to all private probation contracts executed under the authority of Code Section 42-8-100 42-8-101. The terms of any such contract shall state, at a minimum:

1. The extent of the services to be rendered by the private corporation or enterprise providing probation supervision;
2. Any requirements for staff qualifications, to include those contained in this Code section as well as any surpassing those contained in this Code section;
3. Requirements for criminal record checks of staff in accordance with the rules and regulations established by the council board;
4. Policies and procedures for the training of staff that comply with rules and regulations promulgated by the council board;
5. Bonding of staff and liability insurance coverage;
6. Staffing levels and standards for offender supervision, including frequency and type of contacts with offenders;
7. Procedures for handling the collection of all court ordered fines, fees, and restitution;
8. Procedures for handling indigent offenders to ensure placement of such indigent offenders irrespective of the ability to pay;
9. Circumstances under which revocation of an offender's probation may be recommended;
10. Reporting and record-keeping requirements; and
11. Default and contract termination procedures.

(c) The uniform contract standards contained in this subsection shall apply to all counties, municipalities, and consolidated governments that enter into agreements with a judge to provide probation services under the authority of Code Section 42-8-100 42-8-101. The terms of any such agreement shall state at a minimum:

1. The extent of the services to be rendered by the local governing authority providing probation services;
2. Any requirements for staff qualifications, to include those contained in this Code section;
(3) Requirements for criminal record checks of staff in compliance with the rules and regulations established by the council board;

(4) Policies and procedures for the training of staff that comply with the rules and regulations established by the council board;

(5) Staffing levels and standards for offender supervision, including frequency and type of contacts with offenders;

(6) Procedures for handling the collection of all court ordered fines, fees, and restitution;

(7) Circumstances under which revocation of an offender's probation may be recommended;

(8) Reporting and record-keeping requirements; and

(9) Default and agreement termination procedures.

d) The council board shall review the uniform professional standards and uniform contract and agreement standards contained in subsections (a), (b), and (c) of this Code section and shall submit a report on its findings to the General Assembly. The council board shall submit its initial report on or before January 1, 2007 2017, and shall continue such reviews every two years thereafter. Nothing contained in such report shall be considered to authorize or require a change in the standards without action by the General Assembly having the force and effect of law. Such this report shall provide information which will allow the General Assembly to review the effectiveness of the minimum professional standards and, if necessary, to revise these such standards. This subsection shall not be interpreted to prevent the council board from making recommendations to the General Assembly prior to its required review and report.

42-8-103. 42-8-108.

(a) Any private corporation, private enterprise, or private agency contracting to provide probation services or any county, municipality or consolidated government entering into an agreement under the provisions of this article shall provide to the judge with whom the contract or agreement was made and the council board a quarterly report summarizing the number of offenders under supervision; the amount of fines, statutory surcharges, and restitution collected; the amount of fees collected and the nature of such fees, including probation supervision fees, rehabilitation programming fees, electronic monitoring fees, drug or alcohol detection device fees, substance abuse or mental health evaluation or treatment fees, and drug testing fees; the number of community service hours performed by probationers under supervision; a listing of any other service for which a probationer was required to pay to attend; the number of offenders for whom supervision or rehabilitation has been terminated and the reason for the termination; and the number of warrants issued during the quarter, in such detail as the council board may require.
Information reported pursuant to this subsection shall be annually submitted to the governing authority that entered into such contract and thereafter be subject to disclosure pursuant to Article 4 of Chapter 18 of Title 50. Local governments are encouraged to post electronic copies of the annual report on the local government's website, if such website exists.

(b) All records of any private corporation, private enterprise, or private agency contracting to provide services or of any county, municipality, or consolidated government entering into an agreement under the provisions of this article shall be open to inspection upon the request of the affected county, municipality, consolidated government, court, the Department of Audits and Accounts, an auditor appointed by the affected county, municipality, or consolidated government, Department of Corrections, Department of Community Supervision, State Board of Pardons and Paroles, or the council or its designee board.

(a) No private corporation, private enterprise, or private agency contracting to provide probation services under the provisions of this article nor any employees of such entities shall engage in any other employment, business, or activity which interferes or conflicts with the duties and responsibilities under contracts authorized in this article.

(b) No private corporation, private enterprise, or private agency contracting to provide probation services under the provisions of this article nor its employees shall have personal or business dealings, including the lending of money, with probationers under their supervision.

(c)(1) No private corporation, private enterprise, or private agency contracting to provide probation services under the provisions of this article nor any employees of such entities, shall own, operate, have any financial interest in, be an instructor at, or be employed by any private entity which provides drug or alcohol education services or offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the Department of Driver Services.

(2) No private corporation, private enterprise, or private agency contracting to provide probation services under the provisions of this article nor any employees of such entities shall specify, directly or indirectly, a particular DUI Alcohol or Drug Use Risk Reduction Program which a probationer may or shall attend. This paragraph shall not prohibit furnishing any probationer, upon request, with the names of certified DUI Alcohol or Drug Use Risk Reduction Programs. Any person violating this paragraph shall be guilty of a misdemeanor.
1250 42-8-105. 42-8-109.1.
1251 (a) No county, municipality, or consolidated government probation officer or other
1252 probation office employee shall engage in any other employment, business, or activity
1253 which interferes or conflicts with the officer's or employee's duties and responsibilities
1254 under agreements authorized in this article.
1255 (b) No county, municipality, or consolidated government probation officer or other
1256 probation office employee shall have personal or business dealings, including the lending
1257 of money, with probationers under the supervision of such probation office.
1258 (c)(1) No county, municipality, or consolidated government probation office employee shall own, operate, have any financial interest in, be an
1259 instructor at, or be employed by any private entity which provides drug or alcohol
1260 education services or offers a DUI Alcohol or Drug Use Risk Reduction Program
1261 certified by the Department of Driver Services.
1262 (2) No county, municipality, or consolidated government that provides probation
1263 services through agreement under the provisions of this article nor any employees of such
1264 shall specify, directly or indirectly, a particular DUI Alcohol or Drug Use Risk Reduction
1265 Program which a probationer may or shall attend. This paragraph shall not prohibit
1266 furnishing any probationer, upon request, with the names of certified DUI Alcohol or
1267 Drug Use Risk Reduction Programs. Any person violating this paragraph shall be guilty
1268 of a misdemeanor.

1270 42-8-106. 42-8-109.2.
1271 (a) Except as provided in subsection (a) of Code Section 42-8-108 and subsection (b) of
1272 this Code section, all reports, files, records, and papers of whatever kind relative to the
1273 supervision of probationers by a private corporation, private enterprise, or private agency
1274 contracting under the provisions of this article or by a county, municipality, or consolidated
1275 government providing probation services under this article are declared to be confidential
1276 and shall be available only to the affected county, municipality, or consolidated
1277 government, or an auditor appointed by such county, municipality, or consolidated
1278 government, the judge handling a particular case, the Department of Audits and Accounts,
1279 Department of Corrections, Department of Community Supervision, State Board of
1280 Pardons and Paroles, or the council or its designee board.
1281 (b)(1) Any probationer under supervision under this article shall:
1282 (A) Be provided with a written receipt and a balance statement each time he or she
1283 makes a payment;
1284 (B) Be permitted, upon written request, to have a copy of correspondence, payment
1285 records, and reporting history from his or her probation file, one time, and thereafter,
he or she shall be required to pay a fee as set by the board; provided, however, that the
board shall promulgate rules and regulations clarifying what confidential information
may be withheld from such disclosure; and
(C) Be permitted, upon written request to the board, to have a copy of the supervision
case notes from his or her probation file when the commissioner of community
supervision authorizes the release of such information in a written order; provided,
however, that the board shall promulgate rules and regulations clarifying what
confidential information may be withheld from such disclosure.
(2) When a probationer claims that information is being improperly withheld from his
or her file, the probationer may file a motion with the sentencing court seeking an in
camera inspection of such file. The probationer shall serve such motion on the
prosecuting attorney and probation officer or private probation officer as appropriate.
(3) The following shall be subject to disclosure pursuant to Article 4 of Chapter 18 of
Title 50:
(A) The board's rules and regulations regarding contracts or agreements for the
provision of probation services;
(B) The board's rules and regulations regarding the conduct of business by private
entities providing probation services as authorized by this article;
(C) The board's rules and regulations regarding county, municipal, or consolidated
governments establishing probation systems as authorized by this article; and
(D) The rules, regulations, operating procedures, and guidelines of any private
corporation, private enterprise, or private agency providing probation services under the
provisions of this article.
(b)(c) In the event of a transfer of the supervision of a probationer from a private
corporation, private enterprise, or private agency or county, municipality, or consolidated
government providing probation services under this article to the Department of
Corrections Community Supervision, the Department of Corrections Community
Supervision shall have access to any relevant reports, files, records, and papers of the
transferring entity. All reports, files, records, and papers of whatever kind relative to the
supervision of probationers by private corporations, private enterprises, or private agencies
under contracts authorized by this article or by a county, municipality, or consolidated
government providing probation services under this article shall not be subject to process
of subpoena.

42-8-107. 42-8-109.3.
(a)(1) All private corporations, private enterprises, and private agencies contracting or
offering to contract for probation services shall register with the council board before
entering into any contract to provide services. Any private corporation, private enterprise, or private agency registered with the County and Municipal Probation Advisory Council on or before June 30, 2015, shall be deemed registered with the board; provided, however, that the board shall be authorized to review such contract and shall be responsible for subsequent renewals or changes to such contract. The information included in such registration shall include the name of the corporation, enterprise, or agency, its principal business address and telephone number, the name of its agent for communication, and other information in such detail as the council board may require. No registration fee shall be required.

(2) Any private corporation, private enterprise, or private agency required to register under the provisions of paragraph (1) of this subsection which fails or refuses to do so shall be subject to revocation of any existing contracts, in addition to any other fines or sanctions imposed by the council board.

(b)(1) All counties, municipalities, and consolidated governments agreeing or offering to agree to establish a probation system shall register with the council board before entering into an agreement with the court to provide services. Any county, municipality, or consolidated government that has a probation system registered with the County and Municipal Probation Advisory Council on or before June 30, 2015, shall be deemed registered with the board; provided, however, that the board shall be authorized to review such systems and shall be responsible for subsequent renewals or changes to such systems. The information included in such registration shall include the name of the county, municipality, or consolidated government, the principal business address and telephone number, a contact name for communication with the council board, and other information in such detail as the council board may require. No registration fee shall be required.

(2) Any county, municipality, or consolidated government required to register under the provisions of paragraph (1) of this subsection which fails or refuses to do so shall be subject to revocation of existing agreements, in addition to any other sanctions imposed by the council board.

42-8-108. 42-8-109.4.

(a) The probation providers standards contained in this Code section shall be met by private corporations, private enterprises, or private agencies that enter into written contracts for probation services under the authority of Code Section 42-8-100 on or after July 1, 2006. Any private corporation, private enterprise, or private agency which fails to meet the standards established in this subsection shall not be eligible to provide probation services in this state. All private corporations,
private enterprises, or private agencies that enter into written contracts for probation services under the authority of Code Section 42-8-100 on or after July 1, 2006, shall:

(1) Register with the board;
(2) Meet all requirements as outlined in subsection (b) of Code Section 42-8-102, relating to uniform contract standards;
(3) Not own or control any finance business or lending institution which makes loans to probationers under its supervision for the payment of probation fees or fines; and
(4) Employ at least one person who is responsible for the direct supervision of private probation officers employed by the corporation, enterprise, or agency and who shall have at least five years' experience in corrections, parole, or probation services.

(b) The standards contained in this subsection shall be met by all counties, municipalities, or consolidated governments entering into written agreements to provide probation services to any court under the authority of Code Section 42-8-100 on or after July 1, 2006. Any county, municipality, or consolidated government which fails to meet the standards established in this subsection on or after July 1, 2006, shall not be eligible to provide probation services. All counties, municipalities, or consolidated governments which enter into written agreements to provide probation services under the authority of Code Section 42-8-100 on or after July 1, 2006, shall:

(1) Register with the council board;
(2) Meet the requirements of subsection (c) of Code Section 42-8-102; and
(3) Employ at least one person who is responsible for the direct supervision of probation officers employed by the governing authority and who shall have at least five years' experience in corrections, parole, or probation services; provided, however, that the five-year experience requirement shall not apply to any such supervisor employed by a county, municipality, or consolidated government which was engaged in the provision of probation services on April 15, 2006.

42-8-109.5.
Whenever a probationer is under supervision by a community supervision officer, as such term is defined in Code Section 42-3-1, and sentenced to misdemeanor probation, the court shall determine whether the continuing supervision shall be performed by a community supervision officer, private probation officer, or probation officer."
PART IV
STATE-WIDE PROBATION SYSTEM
SECTION 4-1.

Said title is further amended by revising Article 2 of Chapter 8, relating to the state-wide probation system, as follows:

"ARTICLE 2

42-8-20. This article shall be known and may be cited as the 'State-wide Probation Act.'

42-8-21. Reserved.

As used in this article, the term:

(1) 'DCS' means the Department of Community Supervision.

(2) 'Officer' means a community supervision officer as defined in Code Section 42-3-1.

42-8-22. There is created a state-wide probation system for felony offenders to be administered by the Department of Corrections. The probation system shall not be administered as part of the duties and activities of the State Board of Pardons and Paroles DCS. Separate files and records shall be kept with relation to the system.

42-8-23. (a) As used in this Code section, the term 'chief probation officer' means the highest ranking field probation officer in each judicial circuit who does not have direct supervision of the probationer who is the subject of the hearing.

(b) DCS The department shall administer the supervision of felony probationers.

(c) If graduated sanctions have been made a condition of probation by the court and if a probationer violates the conditions of his or her probation, other than for the commission of a new offense, the department DCS may impose graduated sanctions as an alternative to judicial modification or revocation of probation, provided that such graduated sanctions are approved by a chief probation officer.

(d) The failure of a probationer to comply with the graduated sanction or sanctions imposed by the department DCS shall constitute a violation of probation.
(e) A probationer may at any time voluntarily accept the graduated sanctions proposed by the department DCS.

(f)(1) DCS's decision shall be final unless the probationer files an appeal in the sentencing court. Such appeal shall be filed within 30 days of the issuance of the decision by the department DCS.

(2) Such appeal shall first be reviewed by the judge sentencing court upon the record. At the judge's discretion, a de novo hearing may be held on the decision. The filing of the appeal shall not stay the department's DCS's decision.

(3) When the sentencing judge court does not act on the appeal within 30 days of the date of the filing of the appeal, the department's DCS's decision shall be affirmed by operation of law.

(g) Nothing contained in this Code section shall alter the relationship between judges and probation supervisors officers prescribed in this article nor be construed as repealing any power given to any court of this state to place offenders on probation or to supervise offenders.

42-8-24.

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

(b) It shall be the duty of the department DCS to supervise and direct the work of the probation supervisors officers provided for in Code Section 42-8-25 and to keep accurate files and records on all probation cases, split sentence cases, parole cases, persons released pursuant to Code Section 17-10-1, and persons on probation under supervision. It shall be the duty of the board Board of Community Supervision to promulgate rules and regulations necessary to effectuate the purposes of this chapter.

42-8-25.

DCS The department shall employ probation supervisors. The department officers. DCS may assign one supervisor officer to each judicial circuit in this state or, for purposes of assignment, may consolidate two or more judicial circuits and assign one supervisor officer thereto. In the event the department DCS determines that more than one supervisor officer is needed for a particular circuit, an additional supervisor or additional supervisors officers may be assigned to the circuit. DCS The department is authorized to direct any probation supervisor officer to assist any other probation supervisor officer wherever assigned. In the event that more than one supervisor officer is assigned to the same office or to the same division within a particular judicial circuit, the department DCS shall designate one of the supervisors officers to be in charge.
(a)(1) In order for a person to hold the office of probation supervisor, he or she must be an officer, he or she must be at least 21 years of age at the time of appointment and must have completed a standard two-year college course. Provided that any person who is employed as a probation supervisor on or before July 1, 1972, shall not be required to meet the educational requirements specified in this Code section, nor shall he or she be prejudiced in any way for not possessing the requirements. The qualifications provided in this Code section are the minimum qualifications, and the department DCS is authorized to prescribe such additional and higher educational qualifications from time to time as it deems desirable, but not to exceed a four-year standard college course.

(2) After January 1, 2016, in order for a person to be an officer, he or she shall complete the basic course of training for supervision of probations and parolees certified by the Peace Officer Standards and Training Council; provided, however, that such requirement shall be waived if such person is a certified peace officer.

(b) The compensation of the probation supervisors officers shall be set pursuant to the rules of the State Personnel Board. Officers Probation supervisors shall also be allowed travel and other expenses as are other state employees.

(c)(1) No supervisor officer shall engage in any other employment, business, or activities which interfere or conflict with his or her duties and responsibilities as probation supervisor an officer.

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

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

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

42-8-27.  
An officer The probation supervisor shall supervise and counsel probationers and parolees in the judicial circuit to which he or she is assigned. Each supervisor officer shall perform the duties prescribed in this chapter and such other duties as are prescribed by the department DCS and shall make and keep such any records and files and make such reports as are required of him or her by DCS, the State Board of Pardons and Paroles, or a court.

42-8-28.  
Officers Probation supervisors shall be assigned among the respective judicial circuits based generally on the relative number of persons on probation and parole in each circuit.

42-8-29.  
(a) It shall be the duty of the probation supervisor each officer to investigate all cases referred to him or her by the court and to make his findings and report thereon in writing to the court with his a recommendation. The superior court may require, before imposition of sentence, a presentence investigation and written report in each felony case in which the defendant has entered a plea of guilty or nolo contendere or has been convicted.  
(b) An officer The probation supervisor shall cause to be delivered to each person placed on probation under his or her supervision a certified copy of the terms of probation and any change or modification thereof and shall cause the person to be instructed regarding the same. An officer He shall keep informed concerning the conduct, habits, associates, employment, recreation, and whereabouts of the probationer or parolee by visits, by requiring reports, or in other ways. He shall make such reports in writing or otherwise as the court may require. He An officer shall use all practicable and proper methods to aid and encourage persons on probation or parole and to bring about improvements in their conduct and condition. He shall keep records on each probationer referred to him.

42-8-29.1.  
(a) When a convicted person is committed to an institution under the jurisdiction of the Department of Corrections, any presentence or post-sentence investigation or psychological evaluation compiled by a probation supervisor or other probation official an
officer shall be forwarded to any division or office designated by the commissioner of corrections. Accompanying this such document or evaluation shall be the case history form and the criminal history sheets from the Federal Bureau of Investigation or the Georgia Crime Information Center, if available, unless any such information has previously been sent to the department Department of Corrections pursuant to Code Section 42-5-50. A copy of these same such documents shall be made available for the State Board of Pardons and Paroles. A copy of one or more of these such documents, based on need, may be forwarded to another institution to which the defendant may be committed.

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

42-8-30.

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

42-8-31.

No probation supervisor officer shall collect or disburse any funds whatsoever, except by written order of the court; and it shall be the duty of the supervisor officer to transmit a copy of the such order to the department DCS not later than 15 days after it has been issued by the court. Every supervisor officer who collects or disburses any funds whatsoever shall faithfully keep the records of accounts as are required by the department DCS, which records shall be subject to inspection by the department DCS at any time. In every instance where when a bank account is required, it shall be kept in the name of the State Probation Office Department of Community Supervision.
42-8-32. No probation supervisor officer shall be directed to collect any funds other than funds directed to be paid as the result of a criminal proceeding.

42-8-33. (a) DCS The department shall make periodic audits of each probation supervisor officer who, by virtue of his officer's duties, has any moneys, fines, court costs, property, or other funds coming into his officer's control or possession or being disbursed by him. The department such officer. DCS shall keep a permanent record of the audit of each probation supervisor's officer's accounts on file. It shall be the duty of the employee of the department DCS conducting the audit to notify the department DCS in writing of any discrepancy of an illegal nature that might result in prosecution. DCS The department shall have the right to interview and make inquiry of certain selected payors or recipients of funds, as it may choose, without notifying the probation supervisor officer, to carry out the purposes of the audit. The employee who conducts the audit shall be required to give bond in such amount as may be set by the department DCS, in the same manner and for the same purposes as provided under Code Section 42-8-26 for the bonds of probation supervisors officers. The bond shall bind the employee and his employee's surety in the performance of his employee's duties.

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

42-8-34. (a) Any court of this state which has original jurisdiction of criminal actions, except juvenile courts, municipal courts; and probate courts, in which the defendant in a criminal case has been found guilty upon verdict or plea or has been sentenced upon a plea of nolo contendere, except for an offense punishable by death or life imprisonment, may, at a time to be determined by the court, hear and determine the question of the probation of such defendant.

(b) Prior to the sentencing hearing, the court may refer the case to the probation supervisor an officer of the circuit in which the court is located for investigation and recommendation. The court, upon such reference, shall direct the supervisor an officer to make an investigation and to report to the court, in writing at a specified time, upon the circumstances of the offense and the criminal record, social history, and present condition of the defendant, together with the supervisor's officer's recommendation; and it shall be the duty of the supervisor such officer to carry out the directive of the court.
(c) Subject to the provisions of subsection (a) of Code Section 17-10-1 and subsection (f) of Code Section 17-10-3, if it appears to the court upon a hearing of the matter that the defendant is not likely to engage in a criminal course of conduct and that the ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court in its discretion shall impose sentence upon the defendant but may stay and suspend the execution of the sentence or any portion thereof or may place him or her on probation under the supervision and control of the probation supervisor officer for the duration of such probation the sentence. The period of probation or suspension shall not exceed the maximum sentence of confinement which could be imposed on the defendant.

(d)(1) In every case that a court of this state or any other state sentences a defendant to probation or any pretrial release or diversion program under the supervision of the department DCS, in addition to any fine or order of restitution imposed by the court, there shall be imposed a probate fee as a condition of probation, release, or diversion in the amount equivalent to $23.00 per each month under supervision, and in addition, a one-time fee of $50.00 where if such defendant was convicted of any felony. The probation fee may be waived or amended after administrative process by the department DCS and approval of the court, or upon determination by the court, as to the undue hardship, inability to pay, or any other extenuating factors which prohibit collection of the fee; provided, however, that the imposition of sanctions for failure to pay fees shall be within the discretion of the court through judicial process or hearings. Probation fees shall be waived on probationers incarcerated or detained in a departmental Department of Corrections or other confinement facility which prohibits employment for wages. All probation fees collected by the department DCS shall be paid into the general fund of the state treasury, except as provided in subsection (f) of Code Section 17-15-13, relating to sums to be paid into the Georgia Crime Victims Emergency Fund. Any fees collected by the court under this paragraph shall be remitted not later than the last day of the month after such fee is collected to the Georgia Superior Court Clerks' Cooperative Authority for deposit into the general fund of the state treasury.

(2) In addition to any other provision of law, any person convicted of a violation of Code Section 40-6-391 or subsection (b) of Code Section 16-13-2 who is sentenced to probation or a suspended sentence by a municipal, magistrate, probate, recorder's, mayor's, state, or superior court shall also be required by the court to pay a one-time fee of $25.00. The clerk of court, or if there is no clerk the person designated to collect fines, fees, and forfeitures for such court, shall collect such fee and remit the same not later than the last day of the month after such fee is collected to the Georgia Superior Court Clerks' Cooperative Authority for deposit into the general fund of the state treasury.
(3) In addition to any fine, fee, restitution, or other amount ordered, the sentencing court may also impose as a condition of probation for felony criminal defendants sentenced to a day reporting center an additional charge, not to exceed $10.00 per day for each day such defendant is required to report to a day reporting center; provided, however, that no fee shall be imposed or collected if the defendant is unemployed or has been found indigent by the sentencing court. The charges required by this paragraph shall be paid by the probationer directly to the Department of Community Supervision (DCS). Funds collected by the Department of Community Supervision (DCS) pursuant to this subsection shall only be used by the Department of Community Supervision (DCS) in the maintenance and operation of the day reporting center program.

(e) The court may, in its discretion, require the payment of a fine or costs, or both, as a condition precedent to probation.

(f) During the interval between the conviction or plea and the hearing to determine the question of probation, the court may, in its discretion, either order the confinement of the defendant without bond or may permit his or her release on bond, which bond shall be conditioned on his appearance at the hearing and shall be subject to the same rules as govern appearance bonds. Any time served in confinement shall be considered a part of the sentence of the defendant.

(g) The sentencing judge shall not lose jurisdiction over any person placed on probation during the term of the person's probated sentence. The judge is empowered to revoke any or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed advisable by the judge, modify or change the probated sentence, including ordering the probationer into the sentencing options system, as provided in Article 9 of Chapter 3 of Title 6, of Chapter 3 of this title, at any time during the period of time prescribed for the probated sentence to run. In addition, when the judge is considering revoking a probated sentence in order to require the defendant to enter a drug court division, mental health court division, or veterans court division and the length of the original sentence is insufficient to authorize such revocation, the defendant may voluntarily agree to an extension of his or her original sentence within the maximum sentence allowed by law, notwithstanding subsection (f) of Code Section 17-10-1. Such extension shall be for a period not to exceed three years, and upon completion of such specific court division program, the court may modify the terms of probation in accordance with subparagraph (a)(5)(A) of Code Section 17-10-1.

(h) Notwithstanding any provision of this Code or any rule or regulation to the contrary, if a defendant is placed on probation in a county of a judicial circuit other than the one in which the defendant resides for committing any misdemeanor offense, such defendant may, when specifically ordered by the court, have his probation supervision transferred to the judicial circuit of the county in which the defendant resides.
For the purposes of this Code section, the term 'special condition of probation or suspension of the sentence' means a condition of a probated or suspended sentence which:

(1) Is expressly imposed as part of the sentence in addition to general conditions of probation and court ordered fines and fees; and

(2) Is identified in writing in the sentence as a condition the violation of which authorizes the court to revoke the probation or suspension and require the defendant to serve up to the balance of the sentence in confinement.

A court may not revoke any part of any probated or suspended sentence unless the defendant admits the violation as alleged or unless the evidence produced at the revocation hearing establishes by a preponderance of the evidence the violation or violations alleged.

At any revocation hearing, upon proof that the defendant has violated any general provision of probation or suspension other than by commission of a new felony offense, the court shall consider the use of alternatives to include community service, intensive probation, diversion centers, probation detention centers, special alternative incarceration, or any other alternative to confinement deemed appropriate by the court or as provided by the state or county. In the event the court determines that the defendant does not meet the criteria for said such alternatives, the court may revoke the balance of probation or not more than two years in confinement, whichever is less.

If the violation of probation or suspension alleged and proven by a preponderance of the evidence or the defendant's admission is the commission of a felony offense, the court may revoke no more than the lesser of the balance of probation or the maximum time of the sentence authorized to be imposed for the felony offense constituting the violation of the probation. For purposes of this Code section, the term 'felony offense' means:

(1) A felony offense;

(2) A misdemeanor offense committed in another state on or after July 1, 2010, the elements of which are proven by a preponderance of evidence showing that such offense would constitute a felony if the act had been committed in this state; or

(3) A misdemeanor offense committed in another state on or after July 1, 2010, that is admitted to by the defendant who also admits that such offense would be a felony if the act had been committed in this state.

If the violation of probation or suspension alleged and proven by a preponderance of the evidence or the defendant's admission is the violation of a special condition of probation or suspension of the sentence, the court may revoke the probation or suspension of the sentence and require the defendant to serve the balance or portion of the balance of the original sentence in confinement.
(f) The payment of restitution or reparation, costs, or fines ordered by the court may be payable in one lump sum or in periodic payments, as determined by the court after consideration of all the facts and circumstances of the case and of the defendant's ability to pay. Such payments shall, in the discretion of the sentencing judge, be made either to the clerk of the sentencing court or, if the sentencing court is a probate court, state court, or superior court, to the probation DCS office serving said such court.

(g) In no event shall an offender be supervised on probation for more than a total of two years for any one offense or series of offenses arising out of the same transaction, whether before or after confinement, except as provided by paragraph (2) of subsection (a) of Code Section 17-10-1 and subsection (g) of Code Section 42-8-34.

42-8-34.2.

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

(b) This Code section provides the state with remedies in addition to all other remedies provided for by law; and nothing in this Code section shall preclude the use of any other or additional remedy in any case.

(c) No clerk of any court shall be authorized to require any deposit of cost or any other filing or service fee as a condition to the filing of a garnishment action or other action or proceeding authorized under this Code section. In any such action or proceeding, however, the clerk of the court in which the action is filed shall deduct and retain all proper court costs from any funds paid into the treasury of the court, prior to any other disbursement of such funds so paid into court.

42-8-35.

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

(1) Avoid injurious and vicious habits;
1738  (2) Avoid persons or places of disreputable or harmful character;
1739  (3) Report to the probation supervisor officer as directed;
1740  (4) Permit the supervisor officer to visit the probationer at the probationer's home or elsewhere;
1741  (5) Work faithfully at suitable employment insofar as may be possible;
1742  (6) Remain within a specified location; provided, however, that the court shall not banish a probationer to any area within the this state:
1743      (A) That does not consist of at least one entire judicial circuit as described by Code Section 15-6-1; or
1744      (B) In which any service or program in which the probationer must participate as a condition of probation is not available;
1745  (7) Make reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense, in an amount to be determined by the court. Unless otherwise provided by law, no reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense shall be made if the amount is in dispute unless the same has been adjudicated;
1746  (8) Make reparation or restitution as reimbursement to a municipality or county for the payment for medical care furnished the person while incarcerated pursuant to the provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local governmental unit for the provision of medical care shall be made if the amount is in dispute unless the same has been adjudicated;
1747  (9) Repay the costs incurred by any municipality or county for wrongful actions by an inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section 42-4-71;
1748  (10) Support the probationer's legal dependents to the best of the probationer's ability;
1749  (11) Violate no local, state, or federal laws and be of general good behavior;
1750  (12) If permitted to move or travel to another state, agree to waive extradition from any jurisdiction where the probationer may be found and not contest any effort by any jurisdiction to return the probationer to this state;
1751  (13) Submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the department DCS;
1752  (14) Wear a device capable of tracking the location of the probationer by means including electronic surveillance or global positioning satellite systems. DCS The department shall assess and collect fees from the probationer for such monitoring at levels set by regulation by the department of the Board of Community Supervision;
1753  (15) Complete a residential or nonresidential program for substance abuse or mental health treatment as indicated by a risk and needs assessment;

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(16) Agree to the imposition of graduated sanctions when, in the discretion of the probation supervisor, the probationer's behavior warrants a graduated sanction; and

(17) Pay for the cost of drug screening. DCS The Department of Corrections shall assess and collect fees from the probationer for such screening at levels set by regulation of the Department of Corrections Board of Community Supervision.

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

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

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

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

(4) Prohibited from seeking election to a local board of education.

(c) The supervision provided for under subsection (b) of this Code section shall be conducted by a probation officer, law enforcement officer, or computer information technology specialist working under the supervision of a probation officer or law enforcement agency.

42-8-35.1. (a) Notwithstanding In addition to any other terms or conditions of probation provided for under this chapter, the trial judge which may be imposed, a court may provide that probationers sentenced for felony offenses committed on or after July 1, 1993, to a period of time of not less than one year on probation as a condition of probation must satisfactorily complete a program of confinement in a 'special alternative incarceration—probation boot camp' unit of the Department of Corrections for a period of 120 days computed from the time of initial confinement in the unit; provided,
however, the Department of Corrections may release the defendant upon service of 90 days in recognition of excellent behavior.

(b) Before a court may place this condition upon the sentence, an initial investigation shall be completed by the probation officer which indicates that the probationer is qualified for such treatment in that the individual does not appear to be physically or mentally disabled in a way that would prevent him or her from strenuous physical activity, that the individual has no obvious contagious diseases, that the individual is not less than 17 years of age nor more than 30 years of age at the time of sentencing, and that the Department of Corrections has granted provisional approval of the placement of the individual in the ‘special alternative incarceration—probation boot camp’ unit.

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

(d) At any time during the individual's confinement in the unit, but at least five days prior to his or her expected date of release, the Department of Corrections shall certify to the trial court as to whether the individual has satisfactorily completed the condition of probation provided in subsection (a) of this Code section.

(e) Upon the receipt of a satisfactory report of performance in the program from the Department of Corrections, the trial court shall release the individual from confinement in the ‘special alternative incarceration—probation boot camp’ unit. However, the receipt of an unsatisfactory report shall be grounds for revocation of the probated sentence as would any other violation of a condition or term of probation.

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

42-8-35.2.
(a) Notwithstanding any other provisions of law, the court, when imposing a sentence of imprisonment after a conviction of a violation of subsection (b) or (d) of Code Section 16-13-30 or after a conviction of a violation of Code Section 16-13-31, shall impose a special term of probation of three years in addition to such term of imprisonment; provided, however, that upon a second or subsequent conviction of a violation of the provisions of such Code sections as stated in this subsection, the special term of probation shall be six years in addition to any term of imprisonment.

(b) A special term of probation imposed under this Code section may be revoked if the terms and conditions of probation are violated. In such circumstances the original term of imprisonment shall be increased by the period of the special term of probation and the resulting new term of imprisonment shall not be diminished by the time which was spent on special probation. A person whose special term of probation has been revoked may be required to serve all or part of the remainder of the new term of imprisonment. A special term of probation provided for in this Code section shall be in addition to, and not in lieu of, any other probation provided for by law and shall be supervised in the same manner as other probations as provided in this chapter.

(c) Upon written application by the probationer to the trial court, the court may, in its discretion, suspend the balance of any special term of probation, provided that at least one-half of such special term of probation has been completed and all fines associated with the original sentence have been paid and all other terms of the original sentence and the terms of the special probation have been met by the probationer.

42-8-35.3.
Notwithstanding any other terms or conditions of probation which may be imposed, a court sentencing a defendant to probation for a violation of Code Section 16-5-90 or 16-5-91 may impose one or more of the following conditions on such probation:

1) Prohibit the defendant from engaging in conduct in violation of Code Section 16-5-90 or 16-5-91;

2) Require the defendant to undergo a mental health evaluation and, if it is determined by the court from the results of such evaluation that the defendant is in need of treatment.
or counseling, require the defendant to undergo mental health treatment or counseling by
a court approved mental health professional, mental health facility, or facility of the
Department of Behavioral Health and Developmental Disabilities. Unless the defendant
is indigent, the cost of any such treatment shall be borne by the defendant; or

(3) Prohibit the defendant from entering or remaining present at the victim's school,
place of employment, or other specified places at times when the victim is present.

42-8-35.4.
(a) Notwithstanding In addition to any other terms and conditions of probation provided
in this article, the trial judge which may be imposed, a court may require that a
defendant convicted of a felony and sentenced to a period of not less than one year on
probation or a defendant who has been previously sentenced to probation for a forcible
misdemeanor as defined in paragraph (7) of Code Section 16-1-3 or a misdemeanor of a
high and aggravated nature and has violated probation or other probation alternatives and
is subsequently sentenced to a period of not less than one year on probation shall complete
satisfactorily, as a condition of that such probation, a program of confinement, not to
exceed 180 days, in a probation detention center. Probationers so sentenced shall be
required to serve the period of confinement, not to exceed 180 days, specified in the court
order.

(b) The court shall determine that the defendant is at least 17 years of age at the time of
sentencing.

(c) During the period of confinement, the Department Department of Corrections may
transfer the probationer to other facilities in order to provide needed physical and mental
health care or for other reasons essential to the care and supervision of the probationer or
as necessary for the effective administration and management of its facilities.

42-8-35.5.
(a) Notwithstanding In addition to any other terms and conditions of probation provided
in this article, the trial judge which may be imposed, a court may require that probationers
sentenced to a period of not less than one year on probation shall satisfactorily complete,
as a condition of that such probation, a program in a probation diversion center.
Probationers so sentenced will shall be required to serve a period of confinement as
specified in the court order, which confinement period shall be computed from the date of
initial confinement in the diversion center.

(b) The court shall determine that the defendant is at least 17 years of age at the time of
sentencing, is capable both physically and mentally of maintaining paid employment in the
community, and does not unnecessarily jeopardize the safety of the community.
(c) The Department of Corrections may assess and collect room and board fees from diversion center program participants at a level set by the Department of Corrections.

42-8-35.6.

(a) Notwithstanding any other terms or conditions of probation which may be imposed, a court sentencing a defendant to probation for an offense involving family violence as such term is defined in Code Section 19-13-10 shall require as a condition of probation that the defendant participate in a family violence intervention program certified pursuant to Article 1A of Chapter 13 of Title 19, unless the court determines and states on the record why participation in such a program is not appropriate.

(b) A court, in addition to imposing any penalty provided by law, when revoking a defendant's probation for an offense involving family violence as defined by Code Section 19-13-10, or when imposing a protective order against family violence, shall order the defendant to participate in a family violence intervention program certified pursuant to Article 1A of Chapter 13 of Title 19, unless the court determines and states on the record why participation in such program is not appropriate.

(c) The State Board of Pardons and Paroles, for a violation of parole for an offense involving family violence as defined by Code Section 19-13-10, shall require the conditional releasee to participate in a family violence intervention program certified pursuant to Article 1A of Chapter 13 of Title 19, unless the State Board of Pardons and Paroles determines why participation in such program is not appropriate.

(d) Unless the defendant is indigent, the cost of the family violence intervention program as provided by this Code section shall be borne by the defendant. If the defendant is indigent, then the cost of the program shall be determined by a sliding scale based upon the defendant's ability to pay.

42-8-35.7.

Unless the court or State Board of Pardons and Paroles has ordered more frequent such screenings, it shall be the duty of each probation supervisor to administer or have administered a drug and alcohol screening not less than once every 60 days to any person who is placed on probation and who, as a condition of such probation, is required to undergo regular, random drug and alcohol screenings, provided that the drug and alcohol screenings required by this Code section shall be performed only to the extent that necessary funds therefor are appropriated in the state budget drug and alcohol screenings shall be administered in accordance with DCS rules and regulations.
It shall be the duty of a probationer, as a condition of probation, to keep his or her probation supervisor informed as to his or her residence. Upon the recommendation of the probation supervisor, the court may also require, as a condition of probation and under such terms as the court deems advisable, that the probationer keep the probation supervisor informed as to his or her whereabouts.

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

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

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

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

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

(b) Any unpaid fines, restitution, or any other moneys owed as a condition of probation shall be due when the probationer is arrested; but, if the entire balance of his or her probation is revoked, all the conditions of probation, including moneys owed, shall be negated by his or her imprisonment. If only part of the balance of the probation is revoked, the probationer shall still be responsible for the full amount of the unpaid fines, restitution, and other moneys upon his or her return to probation after release from imprisonment.

(42-8-37.

(a) Upon the termination of the probated portion of a sentence, the probationer shall be released from probation and shall not be liable to sentence for the crime for which probation was allowed; provided, however, that the foregoing shall not be construed to prohibit the conviction and sentencing of the probationer for the subsequent commission
of the same or a similar offense or for the subsequent continuation of the offense for which
he or she was previously sentenced.
(b) The court may at any time cause the probationer to appear before it to be admonished
or commended and, when satisfied that its action would be for the best interests of
justice and the welfare of society, may discharge the probationer from further supervision.
(c) The case of each person receiving a probated sentence of more than two years shall be
reviewed by the probation supervisor or officer responsible for that case after service of
two years on probation, and a written report of the probationer's progress shall be submitted
to the sentencing court along with the supervisor's officer's recommendation as to early
termination. Each such case shall be reviewed and a written report submitted annually
thereafter until the termination, expiration, or other disposition of the case.

42-8-38.
(a) Whenever, within the period of probation, a probation supervisor or officer believes
that a probationer under his or her supervision has violated the terms of probation
in a material respect, if graduated sanctions have been made a condition of probation by
the court, the probation supervisor or officer may impose graduated sanctions as set forth in
Code Section 42-8-23 to address the specific conduct leading to such violation or, if the
circumstances warrant, may arrest the probationer without warrant, wherever found, and
return the probationer to the court granting the probation or, if under supervision in a
county or judicial circuit other than that of conviction, to a court of equivalent original
criminal jurisdiction within the county wherein the probationer resides for purposes of
supervision. Any officer authorized by law to issue warrants may issue a warrant for the
arrest of the probationer upon the affidavit of one having knowledge of the alleged
violation, returnable forthwith before the court in which revocation proceedings are being
brought.
(b) The court, upon the probationer being brought before it, may commit the probationer or release the probationer with or without bail to await further hearing, or
it may dismiss the charge. If the charge is not dismissed at this time, the court shall give
the probationer an opportunity to be heard fully at the earliest possible date on his or her
own behalf, in person or by counsel, provided that, if the revocation proceeding is in a
court other than the court of the original criminal conviction, the sentencing court shall be
given ten days' written notice prior to a hearing on the merits.
(c) After the hearing, the court may revoke, modify, or continue the probation. If the
probation is revoked, the court may order the execution of the sentence originally imposed
or of any portion thereof. In such event, the time that the defendant has served under
probation shall be considered as time served and shall be deducted from and considered a part of the time he or she was originally sentenced to serve.

(d) In cases where the probation is revoked in a county other than the county of original conviction, the clerk of court in the county revoking probation may record the order of revocation in the judge's minute docket minutes of the court, which recordation shall constitute sufficient permanent record of the proceedings in that such court. The clerk shall send one copy copies of the order revoking probation to the department DCS and the Department of Corrections to serve as a temporary commitment and shall send the original order revoking probation and all other papers pertaining thereto to the county of original conviction to be filed with the original records. The clerk of court of the county of original conviction shall then issue a formal commitment to the department Department of Corrections.

42-8-39.

In all criminal cases in which the defendant is found guilty or in which a plea of guilty or of nolo contendere is entered and in which the trial judge court after imposing sentence further provides that the execution of the sentence shall be suspended, such provision shall not have the effect of placing the defendant on probation as provided in this article.

42-8-40.

(a) Except as provided in subsection (b) of this Code section, all All reports, files, records, and papers information of whatever kind relative to the state-wide probation system supervision of probationers and parolees are declared to be confidential and shall be available only to the probation system officials, and to the judge handling a particular case: They, the Board of Community Supervision, DCS, the Department of Corrections, the Department of Juvenile Justice, and the State Board of Pardons and Paroles, as appropriate. Such reports, files, records, and information shall not be subject to process of subpoena: However, the commissioner provided, however, that the commissioner of community supervision may by written order declassify any such records.

(b) Supervision records of the State Board of Pardons and Paroles may be made available to officials employed with the state-wide probation system, provided that the same shall remain confidential and not available to any other person or subject to subpoena unless declassified by the State Board of Pardons and Paroles.

42-8-41.

All state and local departments, agencies, boards, bureaus, commissions, and committees shall cooperate with the probation officials officers.
42-8-42.

The department may provide office space and clerical help wherever needed. The counties of this state shall cooperate in this respect and, wherever possible, shall furnish office space if needed.

42-8-43.

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

42-8-43.1.

(a) This Code section shall apply to county probation systems of all counties of this state having a population of 400,000 or more according to the United States decennial census of 1980 or any future such census, any provision of Code Section 42-8-43 to the contrary notwithstanding. The department shall participate in the cost of the county probation systems subject to this Code section for fiscal years 1982-83 and 1983-84. The department shall compute the state cost per probationer on a state-wide basis for each of the aforesaid fiscal years pursuant to the formula used by the Office of Planning and Budget to determine the state cost for probation for budgetary purposes. For each of the aforesaid fiscal years, the department shall pay to the governing authority of each county maintaining a county probation system subject to this Code section the percentage shown below of the state-wide cost per probationer for each probationer being supervised under the respective county probation system as of the first day of each of said fiscal years:

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

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

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

to the supervision, control, and direction of the department.

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

d) When an employee of a county probation system of any county of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census becomes an employee of the department pursuant to subsection (c) of this Code section at the same or a greater salary, the change in employment shall not constitute involuntary separation from service or termination of employment within the meaning of any local retirement or pension system of which the employee was a member at the time of such change in employment, and the change in employment shall not entitle the employee to begin receiving any retirement or pension benefit whatsoever under any such local retirement or pension system:

42-8-43.2:

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

(b) The county probation system of any such county shall become a part of the state-wide probation system provided for by this article effective July 1, 1988, and shall be fully funded from state funds as part of the state-wide probation system beginning with fiscal year 1988-89. The employees of such county probation system, at their option, shall become employees of the department on the date said county system becomes a part of the state-wide probation system and, on or after said date, said employees shall be subject to the salary schedules and other personnel policies of the department, except that the salaries of such employees shall not be reduced as a result of becoming employees of the department.

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

(d) No leave time accrued by an employee of a county probation system shall be transferred when the employee becomes a state employee. Any leave time accrued by an employee of such county probation system shall be satisfied as a debt owed to the employee by the county.
(a) This Code section shall apply to county probation systems, including state court adult
probation systems, of each county having a population of 250,000 or more according to the
United States decennial census of 1980 or any future such census, any provision of Code
Section 42-8-43 to the contrary notwithstanding. The department shall participate in the
cost of the county probation systems subject to this Code section for fiscal year 1988-89.
For said fiscal year, the department shall pay to the governing authority of each county
maintaining a county probation system subject to this Code section $10 of the annual
county probation system budget as of the first day of said fiscal year. The funds necessary
to participate in the cost of county probation systems under this subsection shall come from
funds appropriated to the department for the purposes of providing state participation in the
cost of county probation systems. The payments to counties provided for in this subsection
shall be made, or pursuant to the order of, the department in single lump sum payment
for fiscal year 1988-89, with the payment being made by May 1, 1989. As a condition
necessary for a county to qualify for department participation in the cost of the county's
probation system, the county shall cause to be made an independent audit of the financial
affairs and transactions of all funds and activities of the county probation system and agree
to be responsible for any discrepancies, obligations, debts, or liabilities of such county
probation system which may exist prior to the department's participation in the cost of the
county's probation system. As a further condition necessary for a county to qualify for
department participation in the cost of the county's probation system, the employees of
such county probation systems shall be subject to the supervision, control, and direction
of the department:

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

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

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

42-8-43.

This article shall be liberally construed so that its purposes may be achieved."

PART V
CONFORMING REFERENCES

SECTION 5-1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
subsection (c) of Code Section 15-1-4, relating to the extent of contempt power, as follows:
"(c) When a person who is gainfully employed violates an order of the court granting
temporary or permanent alimony or child support and the judge finds the person in
contempt of court, the sentencing judge may sentence the respondent to a term of
confined in a diversion center and participation in a diversion program if such a
program has been established by a county pursuant to the provisions of Article 8 3 of
Chapter 8 3 of Title 42."

SECTION 5-2.

Said title is further amended by revising paragraphs (3) and (7) of subsection (a) of Code
Section 15-1-15, relating to drug court divisions, as follows:
"(3) Each drug court division shall establish a planning group to develop a work plan.
The planning group shall include the judges, prosecuting attorneys, public defenders,
probation community supervision officers, and persons having expertise in the field of
substance abuse. The work plan shall address the operational, coordination, resource,
information management, and evaluation needs of the drug court division. The work plan
shall include drug court division policies and practices related to implementing the
standards and practices developed pursuant to paragraph (4) of this subsection. The work
plan shall ensure a risk and needs assessment is used to identify the likelihood of
recidivating and identify the needs that, when met, reduce recidivism. The work plan
shall ensure that drug court division eligibility shall be focused on moderate-risk and
high-risk offenders as determined by a risk and needs assessment. The drug court
division shall combine judicial supervision, treatment of drug court division participants, and drug testing."

*(7) The court instituting the drug court division may request probation community supervision officers and other employees of the court to perform duties for the drug court division. Such employees shall perform duties as directed by the judges of the drug court division."

SECTION 5-3.

Said title is further amended by revising paragraph (3) of subsection (b) of Code Section 15-1-16, relating to mental health court divisions, as follows:

"(3) Each mental health court division shall establish a planning group to develop a written work plan. The planning group shall include judges, prosecuting attorneys, sheriffs or their designees, public defenders, probation community supervision officers, and persons having expertise in the field of mental health. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the mental health court division. The work plan shall include mental health court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (4) of this subsection. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan shall ensure that mental health court division eligibility shall be focused on moderate-risk and high-risk offenders as determined by a risk and needs assessment. The mental health court division shall combine judicial supervision, treatment of mental health court division participants, and drug and mental health testing. Defendants charged with murder, murder in the second degree, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation, or child molestation shall not be eligible for entry into the mental health court division, except in the case of a separate court supervised reentry program designed to more closely monitor mentally ill offenders returning to the community after having served a term of incarceration. Any such court supervised community reentry program for mentally ill offenders shall be subject to the work plan as provided for in this paragraph."
their designees, public defenders, probation officers, and persons having expertise in services available to veterans. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the veterans court division. The work plan shall include veterans court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (4) of this subsection. The veterans court division shall combine judicial supervision, treatment of veterans court division participants, and drug and mental health testing. The work plan shall include eligibility criteria for the veterans court division. Defendants charged with murder, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation, or child molestation shall not be eligible for entry into the veterans court division, except in the case of a separate court supervised reentry program designed to more closely monitor veterans returning to the community after having served a term of incarceration. Any such court supervised community reentry program for mentally ill offenders shall be subject to the work plan as provided for in this paragraph.

SECTION 5-5.

Said title is further amended by revising subsection (i) of Code Section 15-6-77, relating to superior court fees, as follows:

(i) No fees shall be charged for the following:

(1) Recording discharge certificates of veterans, as provided in Code Section 15-6-78;

(2) Filing a petition as provided in Code Section 42-8-66;

(3) Recording and certifying documents in connection with admission to practice law;

and

(4) Costs associated with the filing of criminal charges by an alleged victim of a violation of Code Section 16-5-90, 16-5-91, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1, 16-6-22.1, or 16-6-22.2 or an alleged victim of any domestic violence offense or for the issuance or service of a warrant, protective order, or witness subpoena arising from the violation of Code Section 16-5-90, 16-5-91, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1, 16-6-22.1, or 16-6-22.2 or the incident of domestic violence.

SECTION 5-6.

Said title is further amended by revising subsection (a) of Code Section 15-5-81, relating to the advisory council to the Georgia Courts Automation Commission, as follows:

(a) There shall be an advisory council to the Georgia Courts Automation Commission. The advisory council shall consist of: the director of the Georgia Bureau of Investigation or the director's designee, the commissioner of corrections or the commissioner's designee,
the commissioner of community supervision or the commissioner's designee, the
commissioner of public safety or the commissioner's designee, the chairman chairperson
of the State Board of Pardons and Paroles or the chairman's chairperson's designee, the
director of the Administrative Office of the Courts or the director's designee, the director
of the Criminal Justice Coordinating Council or the director's designee, the director of the
Governor's Office for Children and Families or the director's designee, and the executive
director of the Georgia Technology Authority or the executive director's designee."

SECTION 5-7.

Said title is further amended by revising subsection (a) of Code Section 15-6-30, relating to
travel expenses for judges of the superior courts, as follows:

"(a) The judges of the superior courts of this state shall be entitled to receive, in addition
to the compensation provided by law, reimbursement of travel expenses incurred when
such a judge attends any court in his or her judicial circuit other than the court in the county
of the residence of the judge or when the judge is required to be in any county in his or her
circuit other than the county of his or her residence in the discharge of any judicial duty or
function, required by law, pertaining to the superior court of such county. Judges and
senior judges of the superior courts shall also be entitled to receive reimbursement under
this Code section of travel expenses incurred when any such judge is designated to preside
in the place of an absent Justice of the Supreme Court or attends a meeting of a judicial
administrative district, The Council of Superior Court Judges of Georgia, the Judicial
Council of Georgia, the Advisory Council for Probation, the Board of Community
Supervision, the Judicial Qualifications Commission, or any committee or subcommittee
of any such body, or when any such judge attends a meeting with the personnel of any state
department or other state agency when such meeting is held to carry out a public purpose;
provided, however, that any expenses for which reimbursement is received under this
subsection shall not be eligible for reimbursement under Code Section 15-6-32."

SECTION 5-8.

Said title is further amended by adding a new paragraph to Code Section 15-11-2, relating
to definitions regarding general provisions of the Juvenile Code, to read as follows:

"(13.1) 'Community supervision officer' means an individual employed by the
Department of Community Supervision who supervises probationers who were
adjudicated for committing a Class A designated felony act or Class B designated felony
act, placed in restrictive custody, and released from such custody."
SECTION 5-9.

Said title is further amended by revising subsections (b) and (c) of Code Section 15-11-58, relating to the Council of Juvenile Court Judges, role, and director, as follows:

"(b) The Council of Juvenile Court Judges:

(1) Shall meet at stated times to be fixed by it or on call of the chairperson;
(2) May establish general policies for the conduct of courts exercising jurisdiction over children;
(3) May promulgate uniform rules and forms governing procedures and practices of the courts;
(4) Shall publish in print or electronically an annual report of the work of the courts exercising jurisdiction over children, which shall include statistical and other data on the courts' work and services, research studies the council may make of the problems of children and families dealt with by the courts, and any recommendations for legislation; and
(5) Shall be authorized to inspect and copy records of the courts, law enforcement agencies, the department, the Department of Community Supervision, and DJJ for the purpose of compiling statistical data on children.

(c) Subject to the approval of the Council of Juvenile Court Judges, the presiding judge of the council shall appoint a chief administrative and executive officer for the council who shall have the title of director of the Council of Juvenile Court Judges. Under the general supervision of the presiding judge of the council and within the policies established by the council, the director shall:

(1) Provide consultation to the courts regarding the administration of court services and the recruitment and training of personnel;
(2) Make recommendations to the council for improvement in court services;
(3) With the approval of the presiding judge, appoint consultants and necessary clerical personnel to perform the duties assigned to the council and the director;
(4) Collect necessary statistics and prepare an annual report of the work of the courts;
(5) Promulgate in cooperation with DJJ standard procedures for coordinating DJJ, the Department of Community Supervision, and county juvenile probation services throughout this state; and
(6) Perform such other duties as the presiding judge of the council shall specify."

SECTION 5-10.

Said title is further amended by revising Code Section 15-11-67, relating to duties of probation officers, as follows:
"15-11-67.

(a) A county juvenile probation officer or DJJ staff member serving as a juvenile probation officer or community supervision officer, as appropriate:

(1) Shall make investigations, reports, and recommendations to the court as directed by this chapter;

(2) Shall supervise and assist a child placed on probation or under the protective supervision or care of such probation officer by order of the court or other authority of law;

(3) May, unless otherwise ordered by the court, determine if a child should be placed on unsupervised probation and, if so, place a child on unsupervised probation;

(4) Shall make appropriate referrals to other private or public agencies of the community if such assistance appears to be needed or desirable;

(5) May take into custody and detain a child who is under the supervision or care of such probation officer if the probation such officer has reasonable cause to believe that such child's health or safety or that of another is in imminent danger or that such child may abscond or be removed from the jurisdiction of the court, or when so ordered by the court pursuant to this chapter;

(6) May not conduct accusatory proceedings against a child who is or may be under such probation officer's care or supervision;

(7) Shall perform all other functions designated by this chapter or by order of the court pursuant to this chapter. Any of the functions specified in this Code section may be performed in another state if authorized by the court located in this state and permitted by the laws of the other state; and

(8) Other laws to the contrary notwithstanding, no probation such officer shall be liable for the acts of a child not detained or taken into custody when, in the judgment of such officer, such detention or custody is not warranted.

(b) Notwithstanding subsection (a) of this Code section, DJJ, as the employer, shall maintain sole authority over the duties and responsibilities of all DJJ staff members serving as probation officers and the Department of Community Supervision shall maintain sole authority over the duties and responsibilities of all of such department's staff serving as community supervision officers."

SECTION 5-11.

Said title is further amended by revising subparagraph (F) of paragraph (5) of Code Section 15-11-471, relating to definitions, as follows:

"(F) Electronic monitoring, as such term is defined in Code Section 42-3-111."
SECTION 5-12.
Said title is further amended by revising Code Section 15-11-473, relating to conduct of
delinquency proceedings by prosecuting attorney and access to information, as follows:
15-11-473.
(a) A prosecuting attorney shall conduct delinquency proceedings on behalf of the state.
(b) Except as provided in Article 9 of this chapter, in any delinquency proceeding, the
prosecuting attorney shall be entitled to complete access to all court files, probation files,
hearing transcripts, delinquency reports, and any other juvenile court records. It shall be
the duty of the clerk, probation and intake officer, probation officers of the juvenile court,
community supervision officers, and DJJ to assist a prosecuting attorney in obtaining any
requested items.

SECTION 5-13.
Said title is further amended by revising subsection (h) of Code Section 15-11-506, relating
to detention hearing and time limitations, as follows:
(h) If an alleged delinquent child cannot be returned to the custody of his or her parent,
guardian, or legal custodian, a probation officer or community supervision officer, as
applicable, shall provide referrals for services as soon as possible to enable such child's
parent, guardian, or legal custodian to obtain any assistance that may be needed to
effectively provide the care and control necessary for such child to return home.

SECTION 5-14.
Said title is further amended by revising subsection (b) of Code Section 15-11-562, relating
to transfer criteria and probation officer written report contents regarding an alleged
delinquent child, as follows:
(b) A probation officer, or community supervision officer, as applicable, shall prepare a
written report developing fully all available information relevant to the transfer criteria.
Such officer shall submit such report to the parties and the court as soon as practicable but not later than 24 hours before the scheduled hearing. The child subject to
transfer and the prosecuting attorney shall have the right to review such report and
cross-examine the individual making such report.

SECTION 5-15.
Said title is further amended by revising paragraphs (2) and (3) of subsection (a) of Code
Section 15-11-601, relating to disposition of a delinquent act, as follows:
(2) An order requiring such child and his or her parent, guardian, or legal custodian to
participate in counseling or in counsel and advice. Such counseling and counsel and
advice may be provided by the court, court personnel, probation officers, community supervision officers, professional counselors or social workers, psychologists, physicians, physician assistants, qualified volunteers, or appropriate public, private, or volunteer agencies and shall be designed to assist in deterring future delinquent acts or other conduct or conditions which would be harmful to such child or society;

(3) An order placing such child on probation under conditions and limitations the court prescribes which may include the probation management program. The court may place such child on probation under the supervision of:

(A) A probation officer of the court or the court of another state or a community supervision officer;

(B) Any public agency authorized by law to receive and provide care for such child;

or

(C) Any community rehabilitation center if its chief executive officer has acknowledged in writing its willingness to accept the responsibility for the supervision of such child;”

SECTION 5-16.

Said title is further amended by revising subsection (b) of Code Section 15-11-710, relating to exchange of information, as follows:

“(b) Governmental entities and state, county, municipal, or consolidated government departments, boards, or agencies shall exchange with each other all information not held as confidential pursuant to federal law and relating to a child which may aid a governmental entity in the assessment, treatment, intervention, or rehabilitation of a child, notwithstanding Code Section 15-1-15, 15-11-40, 15-11-105, 15-11-170, 15-11-264, 15-11-541, 15-11-542, 15-11-603, 15-11-708, 15-11-709, 15-11-744, 20-2-751.2, 20-14-40, 24-12-10, 24-12-11, 24-12-20, 26-4-5, 26-4-80, 26-5-17, 31-5-5, 31-33-6, 37-1-53, 37-2-9.1, 42-5-36, 42-8-40, 42-8-106, 42-8-109.2, 49-5-40, 49-5-41, 49-5-41.1, 49-5-44, 49-5-45, 49-5-183, 49-5-184, 49-5-185, or 49-5-186, in order to serve the best interests of such child. Information which is shared pursuant to this subsection shall not be utilized to assist in the prosecution of a child in juvenile, superior, or state court or utilized to the detriment of such child.”

SECTION 5-17.

Said title is further amended by revising subsection (a) of Code Section 15-11-705, relating to child in need of services records and penalty for disclosure, as follows:

“(a) Notwithstanding other provisions of this article, the court records of proceedings under Article 5 of this chapter shall be withheld from public inspection but shall be open to

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inspection by juvenile probation and parole officers, community supervision officers, a
child who is a party in a proceeding, his or her parent, guardian, or legal custodian, such
child's attorney, and others entrusted with the supervision of such child. Additional access
to court records may be granted by court order."

SECTION 5-18.
Said title is further amended by revising subsection (f) of Code Section 15-12-40.1, relating
to the state-wide master jury list, driver's license information, list of registered voters, and
random list of persons to comprise venire, as follows:
“(f) On and after July 1, 2015, upon request by the council, the Department of Community
Supervision and, on and after July 1, 2014, upon request by the council, the Department
of Corrections, the Georgia Crime Information Center division of the Georgia Bureau of
Investigation, and the State Board of Pardons and Paroles shall provide to the council,
without cost, a list of the names of all persons who have been convicted of a felony in state
or federal court if the person has not had his or her civil rights restored. In addition to the
convicted person's full name, the data shall include the person's address, including the
county of residence and ZIP Code, date of birth, gender, and race if available. Such data
shall be in electronic format as required by the council.”

SECTION 5-19.
Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
amended by revising subsection (m) of Code Section 16-5-21, relating to aggravated assault,
as follows:
“(m) A person who knowingly commits the offense of aggravated assault upon an officer
of the court while such officer is engaged in, or on account of the performance of, his or
her official duties shall, upon conviction thereof, be punished by imprisonment for not less
than five nor more than 20 years. As used in this subsection, the term 'officer of the court'
means a judge, attorney, clerk of court, deputy clerk of court, court reporter, court
interpreter, or probation officer, community supervision officer, county or Department of
Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article
6 of Chapter 8 of Title 42.”

SECTION 5-20.
Said title is further amended by revising paragraph (2) of subsection (b) of Code Section
16-6-5.1, relating to sexual assault by persons with supervisory or disciplinary authority,
sexual assault by practitioner of psychotherapy against patient, consent not a defense, and
penalty upon conviction for sexual assault, as follows:

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(2) Is an employee or agent of any probation or parole office, county juvenile probation office, Department of Juvenile Justice juvenile probation office, or probation office under Article 6 of Chapter 8 of Title 42 and engages in sexual contact with such other individual who the actor knew or should have known is a probationer or parolee under the supervision of the same probation or parole office;"

SECTION 5-21.

Said title is further amended by revising subsection (a) of Code Section 16-6-25, relating to harboring, concealing, or withholding information concerning a sexual offender and penalties, as follows:

"(a) As used in this Code section, the term 'law enforcement unit' means any agency, organ, or department of this state, or a subdivision or municipality thereof, whose primary functions include the enforcement of criminal or traffic laws; the preservation of public order; the protection of life and property; or the prevention, detection, or investigation of crime. Such term shall also include the Department of Corrections, the Department of Community Supervision, and the State Board of Pardons and Paroles."

SECTION 5-22.

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

"(b) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement officer, prison guard, correctional officer, probation supervisor, parole supervisor community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or conservation ranger in the lawful discharge of his or her official duties by offering or doing violence to the person of such officer or legally authorized person is guilty of a felony and shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years."

SECTION 5-23.

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

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

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

(2) The person has knowledge or reason to know that the other person is employed as:
(A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;
(B) A probation officer, or other employee with the power of arrest, by the Department of Corrections;
(C) A parole supervisor, or other employee with the power of arrest, by the State Board of Pardons and Paroles;
(D) A community supervision officer or other employee with the power of arrest by the Department of Community Supervision;
(E) A jail officer or guard by a county or municipality and has the responsibility of supervising inmates who are confined in a county or municipal jail or other detention facility; or
(F) A juvenile correctional officer by the Department of Juvenile Justice and has the primary responsibility for the supervision and control of youth confined in such department's programs and facilities."

SECTION 5-24.

Said title is further amended by revising subsection (b) of Code Section 16-10-34, relating to the use of laser devices against law enforcement officers, as follows:
“(b) It shall be unlawful for any person to knowingly and intentionally project upon a law enforcement officer any laser device without such officer's permission if:
(1) The law enforcement officer is lawfully acting within the course and scope of employment; and
(2) The person has knowledge or reason to know that the law enforcement officer is employed as:
(A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;
(B) A probation officer, or other employee with the power of arrest, by the Department of Corrections;
(C) A parole supervisor, or other employee with the power of arrest, by the State Board of Pardons and Paroles;
(D) A community supervision officer or other employee with the power of arrest by the Department of Community Supervision;
(E) A jail officer or guard by a county or municipality and has the responsibility of supervising inmates who are confined in a county or municipal jail or other detention facility; or
(F) A juvenile correctional officer or juvenile probation officer by the Department of Juvenile Justice and has the primary responsibility for the supervision and control of youth confined in such department's programs and facilities.”
SECTION 5-25.

Said title is further amended by revising subsection (b) of Code Section 16-10-97, relating to intimidation or injury of juror, court officer, or law enforcement officer, as follows:

“(b) As used in this Code section, the term 'any officer in or of any court' means a judge, attorney, clerk of court, deputy clerk of court, court reporter, or probation officer, community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42.”

SECTION 5-26.

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

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

(1) Attending a judicial or administrative proceeding as a witness, attorney, judge, clerk of court, deputy clerk of court, court reporter, community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or party or producing any record, document, or other object in a judicial or official proceeding; or

(2) Providing to a law enforcement officer, juvenile probation officer, community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, prosecuting attorney, or judge any information relating to the commission or possible commission of an offense under the laws of this state or of the United States or a violation of conditions of bail, pretrial release, probation, or parole shall be guilty of the offense of a terroristic threat or act and, upon conviction thereof, shall be punished, for a terroristic threat, by imprisonment for not less than five nor more than ten years or by a fine of not less than $50,000.00, or both, and, for a terroristic act, by imprisonment for not less than five nor more than 20 years or by a fine of not less than $100,000.00, or both.”

SECTION 5-27.

Said title is further amended by revising paragraphs (5) and (12) of subsection (c) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school, as follows:

“(5) The following persons, when acting in the performance of their official duties or when en route to or from their official duties:
(A) A peace officer as defined by Code Section 35-8-2;
(B) A law enforcement officer of the United States government;
(C) A prosecuting attorney of this state or of the United States;
(D) An employee of the Georgia Department of Corrections or a correctional facility operated by a political subdivision of this state or the United States who is authorized by the head of such department or correctional agency or facility to carry a firearm;
(E) An employee of the Department of Community Supervision who is authorized by the commissioner of community supervision to carry a firearm;
(F) A person employed as a campus police officer or school security officer who is authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
(G) Medical examiners, coroners, and their investigators who are employed by the state or any political subdivision thereof;"

"(12) Community supervision officers, probation supervisors employed by and under the authority of the Department of Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide Probation Act,' Community Supervision when specifically designated and authorized in writing by the director of the Division of Probation commissioner of community supervision;"

SECTION 5-28.

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

"(9) Community supervision Chief probation officers, probation officers, intensive probation officers, and surveillance officers employed by and under the authority of the Department of Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide Probation Act,' Community Supervision when specifically designated and authorized in writing by the director of Division of Probation commissioner of community supervision;"

"(b) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect persons who at the time of their retirement from service with the Department of Corrections Community Supervision were chief probation officers, probation officers, intensive probation officers, or surveillance community supervision officers, when specifically designated and authorized in writing by the director of the Division of Probation commissioner of community supervision."
SECTION 5-29.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising subsection (d) and paragraph (1) of subsection (h) of Code Section 17-6-1.1, relating to electronic pretrial release and monitoring program for defendants, requirements, procedures, and fees, as follows:

"(d) A defendant may not be released to, or remain in, an electronic pretrial release and monitoring program who has any other outstanding warrants, accusations, indictments, holds, or incarceration orders from any other court, law enforcement agency, community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42 that require the posting of bond or further adjudication."

"(h)(1) As an additional condition of electronic pretrial release and monitoring, a defendant authorized to participate in such program by the court shall pay a reasonable, nonrefundable fee for program enrollment, equipment use, and monitoring to the provider of such program. If a bonding company, bonding agent, or probation service provider is the provider, the fees earned in the capacity of being such a provider shall be in addition to the fees allowed in Code Sections 17-6-30, 42-8-34, and 42-8-100, 42-8-102."

SECTION 5-30.

Said title is further amended by revising paragraphs (2), (5), and (7) of subsection (a) and subsection (d) of Code Section 17-10-1, relating to fixing of sentence, suspension or probation of sentence, change in sentence, eligibility for parole, prohibited modifications, and exceptions, as follows:

"(2) Active probation supervision shall terminate in all cases no later than two years from the commencement of active probation supervision unless specially extended or reinstated by the sentencing court upon notice and hearing and for good cause shown; provided, however, that in those cases involving the collection of fines, restitution, or other funds, the period of active probation supervision shall remain in effect for so long as any such obligation is outstanding, or until termination of the sentence, whichever first occurs, and for those cases involving a conviction under Chapter 15 of Title 16, the 'Georgia Street Gang Terrorism and Prevention Act,' the period of active probation supervision shall remain in effect until the termination of the sentence, but shall not exceed five years unless as otherwise provided in this paragraph. Supervision Active probation supervision shall not be required for defendants sentenced to probation while the defendant is in the legal custody of the Department of Corrections or the State Board of Pardons and Paroles."
(A) When a defendant has been sentenced to probation, the court shall retain jurisdiction throughout the period of the probated sentence as provided for in subsection (g) of Code Section 42-8-34. Without limiting the generality of the foregoing, the court may shorten the period of active probation supervision or unsupervised probation on motion of the defendant or on its own motion, or upon the request of a probation supervisor community supervision officer, if the court determines that probation is no longer necessary or appropriate for the ends of justice, the protection of society, and the rehabilitation of the defendant. Prior to entering any order for shortening a period of probation, the court shall afford notice to the victim or victims of all sex related offenses or violent offenses resulting in serious bodily injury or death and, upon request of the victim or victims so notified, shall afford notice and an opportunity for hearing to the defendant and the prosecuting attorney.

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

(7) As used in this subsection, the term:

(A) 'Active probation supervision' means the period of a probated sentence in which a probationer actively reports to his or her probation supervisor community supervision officer or is otherwise under the direct supervision of a probation supervisor community supervision officer.

(B) 'Unsupervised probation' means the period of a probated sentence that follows active probation supervision in which:

(i) All of the conditions and limitations imposed by the court remain intact;

(ii) A probationer may have reduced reporting requirements; and

(iii) A probation supervisor community supervision officer shall not actively supervise such probationer.

(d) In any case involving a misdemeanor or a felony in which the defendant has been punished in whole or in part by a fine, the sentencing judge shall be authorized to allow the defendant to satisfy such fine through community service as defined in paragraph (2) of Code Section 42-8-70 42-3-50. One hour of community service shall equal the dollar
amount of one hour of paid labor at the minimum wage under the federal Fair Labor Standards Act of 1938, as now or hereafter amended, unless otherwise specified by the sentencing judge. A defendant shall be required to serve the number of hours in community service which equals the number derived by dividing the amount of the fine by the federal minimum hourly wage or by the amount specified by the sentencing judge. Prior to or subsequent to sentencing, a defendant may request the court that all or any portion of a fine may be satisfied under this subsection.

SECTION 5-31.

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

“17-10-1.4.
(a) As used in this Code section, the term 'split sentence' means any felony sentence that includes a term of imprisonment followed by a term of probation.
(b) In any case where a judge on or after July 1, 2015, sentences a defendant to a split sentence, post-incarceration supervision of the defendant shall be conducted exclusively by the Department of Community Supervision and not by the State Board of Pardons and Paroles, regardless of whether the defendant has served the full period of incarceration ordered in the sentence or has been released prior to the full period of incarceration by parole, conditional release, or other action of the State Board of Pardons and Paroles.”

SECTION 5-32.

Said title is further amended by revising subsection (f) of Code Section 17-10-3, relating to punishment for misdemeanors generally, as follows:

“(f) The Department of Corrections shall lack jurisdiction to supervise misdemeanor offenders, except when the sentence is made concurrent to a probated felony sentence or as provided in Code Section 42-8-109.5. Except as provided in this subsection, the Department of Corrections shall lack jurisdiction to confine misdemeanor offenders.”

SECTION 5-33.

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

“(c) When a defendant submits a request to the sentencing judge to be allowed to surrender voluntarily to a county jail or a correctional facility, the judge may consider the request and if, taking into the consideration the crime for which the defendant is being sentenced, the history of the defendant, and any other factors which may aid in the decision, the judge
determines that the granting of the request will pose no threat to society, the defendant shall be remanded to the supervision of a probation officer community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42 by the judge and ordered to surrender voluntarily to a county jail designated by the court or to a correctional institution as thereafter designated by the Department of Corrections. The surrender date shall be a date thereafter specified as provided in subsection (d) of this Code section. The sentence of any defendant who is released pursuant to this Code section shall not begin to run until such person surrenders to the facility designated by the court or by the department, provided that such person will shall receive credit toward his or her sentence for time spent in confinement awaiting trial as provided in Code Section 17-10-11.

(d) In the event the defendant is ordered to surrender voluntarily to a county jail, the court shall designate the date on which the defendant shall surrender, which date shall not be more than 120 days after the date of conviction. When the sentencing judge issues an order requiring a defendant to surrender voluntarily to a correctional institution, the Department of Corrections shall authorize the commitment and designate the correctional institution to which the defendant shall report and the date on which the defendant is to report, which date shall not be more than 120 days after the date of conviction. Upon such designation, the department shall notify the supervising probation officer community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, as applicable, who shall notify the defendant accordingly. Subsistence and transportation expenses en route to the correctional institution shall be borne by the defendant."

Said title is further amended by revising subsections (a) through (c) of Code Section 17-12-51, relating to repayment of attorney's fees as condition of probation, as follows:

“(a) When a defendant who is represented by a public defender, who is paid in part or in whole by a county, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted, the court may impose as a condition of probation repayment of all or a portion of the cost for providing legal representation and other expenses of the defense if the payment does not impose a financial hardship upon the defendant or the defendant's dependent or dependents. The defendant shall make the payment through the probation department community supervision officer to the county.

(b) When a defendant who is represented by a public defender, who is paid in part or in whole by a municipality, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted, the court may impose as a condition of probation repayment of all or
a portion of the cost for providing legal representation and other expenses of the defense
if the payment does not impose a financial hardship upon the defendant or the defendant's
dependent or dependents. The defendant shall make the payment through the probation
department community supervision officer to the municipality.

(c) If a defendant who is represented by a public defender, who is paid for entirely by the
state, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted, the
court may impose as a condition of probation repayment of all or a portion of the cost
for providing legal representation and other costs of the defense if the payment does not
impose a financial hardship upon such defendant or such defendant's dependent or
dependents. Such defendant shall make such payment through the probation department
community supervision officer to the Georgia Public Defender Standards Council for
payment to the general fund of the state treasury."

SECTION 5-35.
Said title is further amended by revising paragraph (4) of Code Section 17-14-2, relating to
definitions relative to restitution, as follows:

"(4) 'Ordering authority' means:
(A) A court of competent jurisdiction;
(B) The State Board of Pardons and Paroles;
(C) The Department of Corrections;
(D) The Department of Juvenile Justice; or
(E) The Department of Community Supervision; or
(F) Any combination thereof, as is required by the context."

SECTION 5-36.
Said title is further amended by revising Code Section 17-14-8, relating to apportionment of
payments for fines and restitution and payment to victims, as follows:

"17-14-8.
(a) In any case in which a court sentences an offender to pay restitution and a fine, if the
court permits the offender to pay such restitution and fine in other than a lump sum, the
clerk of any superior court of this state, probation officer or parole officer community
supervision officer, county or Department of Juvenile Justice juvenile probation officer,
probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or other official
who receives such partial payments shall apply not less than one-half of each payment to
the restitution before paying any portion of such fine or any forfeitures, costs, fees, or
surcharges provided for by law to any agency, department, commission, committee,
authority, board, or bureau of state or local government.
(b) The clerk of any court of this state, probation officer or parole officer community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or other official who receives partial payments for restitution shall pay the restitution amount to the victim as provided in the restitution order not later than the last day of each month, provided that the amount exceeds $100.00. If the amount does not exceed $100.00, the clerk of any court of this state, probation officer or parole officer community supervision officer, county or Department of Juvenile Justice juvenile probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or other official may allow the amount of restitution to accumulate until such time as it exceeds $100.00 or until the end of the next calendar quarter, whichever occurs first."

SECTION 5-37.
Said title is further amended by revising subsection (c) of Code Section 17-14-14, relating to restitution payments, wage assignments, review of compliance, and interest, as follows: "(c) Until such time as the restitution has been paid or the sentence has been completed, the clerk of court or the probation officer or parole officer community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42 assigned to the case, whoever is responsible for collecting restitution, shall review the case not less frequently than twice yearly to ensure that restitution is being paid as ordered. If the restitution was ordered to be made within a specific period of time, the case shall be reviewed at the end of the specific period of time to determine if the restitution has been paid in full. The final review shall be conducted before the sentence or probationary or parole period expires. If it is determined at any review that restitution is not being paid as ordered, a written report of the violation shall be filed with the court on a form prescribed by the Council of Superior Court Clerks of Georgia." 

SECTION 5-38.
Said title is further amended by revising Code Section 17-14-16, relating to provision of copies of restitution orders to the Department of Corrections or the Department of Juvenile Justice on remand of sentence, as follows: "17-14-16.
If an offender who is ordered to pay restitution under this article is remanded to the jurisdiction of the Department of Corrections or the Department of Juvenile Justice, the court shall provide transmit a copy of the restitution order to such department and to the
Department of Community Supervision when the offender is remanded to such department’s jurisdiction order is issued.’

SECTION 5-39.
Said title is further amended by revising subsections (e) and (f) of Code Section 17-15-13, relating to debt to state created, payment as condition of probation or parole, and payment into fund, as follows:

“(e) Payments authorized or required under this Code section shall be paid into the fund. The board shall coordinate the development of policies and procedures for the State Board of Pardons and Paroles, the Department of Community Supervision, and the Administrative Office of the Courts to assure that restitution programs are administered in an effective manner to increase payments into the fund.

(f) In every case where an individual is serving under active probation supervision and paying a supervision fee, $9.00 per month shall be added to any supervision fee collected by any entity authorized to collect such fees and shall be paid into the fund. This subsection shall apply to probationers supervised under either Code Section 42-8-20 or 42-8-100 by community supervision officers or private probation officers or probation officers pursuant to Article 6 of Chapter 8 of Title 42. The probation supervising entity shall collect and forward the $9.00 fee to the board by the end of each month.”

SECTION 5-40.
Said title is further amended by revising paragraph (5) of Code Section 17-17-3, relating to definitions regarding the "Crime Victims' Bill of Rights," as follows:

"(5) 'Custodial authority' means a warden, sheriff, jailer, deputy sheriff, police officer, correctional officer, officer or employee of the Department of Corrections or the Department of Juvenile Justice, community supervision officer or employee of the Department of Community Supervision, or any other law enforcement officer having actual custody of the accused.”

SECTION 5-41.
Said title is further amended by revising paragraph (2) of subsection (c) of Code Section 17-17-8, relating to notification by prosecuting attorney of legal procedures and of victim's rights in relation thereto and victims seeking restitution, as follows:

"(2) The prosecuting attorney shall transmit the information collected in paragraph (1) of this subsection to the Department of Corrections, Department of Community Supervision, Department of Juvenile Justice, or the State Board of Pardons and Paroles, as applicable, if an order of restitution is entered.”
SECTION 5-42.

Said title is further amended by revising subsection (a) of Code Section 17-17-14, relating to victim required to provide current address and phone number to notifying parties, as follows:

“(a) It is the right and responsibility of the victim who desires notification under this chapter or under any other notification statute to keep the following informed of the victim's current address and phone number:

1. The investigating law enforcement agency;
2. The prosecuting attorney, until final disposition or completion of the appellate and post-conviction process, whichever occurs later;
3. As directed by the prosecuting attorney, the sheriff if the accused is in the sheriff's custody for pretrial, trial, or post-conviction proceedings; the Department of Corrections if the accused is in the custody of the state; or any county correctional facility if the defendant is sentenced to serve time in a facility which is not a state facility; and
4. The Department of Community Supervision; and
5. The State Board of Pardons and Paroles.”

SECTION 5-43.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by revising subsection (a) of Code Section 19-7-52, relating to whom support payments made and enforcement and modification of orders, as follows:

“(a) The court may order that support payments be made to the mother or other interested party, the child support receiver, the prosecuting attorney, the probation community supervision officer, or the clerk of court, provided that, in those cases where the action has been brought by the Department of Human Services on behalf of a child, the support payment shall be made to the Department of Human Services for distribution or to the child support receiver if the Department of Human Services so requests.”

SECTION 5-44.

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

“19-11-21. Payment of support pursuant to an administrative determination or a voluntary agreement shall be made to the department. In non-TANF cases, where the department deems it appropriate, it may authorize distribution of the actual payment by other individuals, agencies, or entities and utilize certification schedules reflecting such payments or distributions which the department requires, in accordance with the federal Social Security
Act, as amended. Child support which is ordered by a court pursuant to a divorce decree
or in any other proceeding in which the responsible parent is required to pay support for
his or her child or children, whether the proceeding is civil or criminal, shall be paid by the
responsible parent, the clerk of court, the juvenile probation officer, the community
supervision officer, the child support receiver, or a similar official who is collecting support
to the department upon the department's certification that the child is a recipient of public
assistance or upon the department's certification that an application has been filed with the
department for enforcement of support in accordance with the provisions of the federal
Social Security Act."

SECTION 5-45.

Said title is further amended by revising Code Section 19-11-67, relating to transmittal of
payments to court of initiating state and certified statement of payments made by respondent
relative to child support, as follows:

"19-11-67.

A court of this state, when acting as a responding state, shall have the following duties,
which may be carried out through the probation department of community supervision
office, juvenile probation office, or probation office under the authority of Article 6 of
Chapter 8 of Title 42 for the court:

(1) Upon the receipt of a payment made by the respondent pursuant to any order of the
court or otherwise, to transmit the same forthwith to the court of the initiating state; and
(2) Upon request, to furnish to the court of the initiating state a certified statement of all
payments made by the respondent."

SECTION 5-46.

Said title is further amended by revising Code Section 19-13-10, relating to definitions
relative to family violence intervention, as follows:

"19-13-10.

As used in this article, the term:

(1) 'Commission' means the State Commission on Family Violence.
(2) 'Commissioner' means the commissioner of corrections community supervision.
(3) 'Department' means the Department of Corrections Community Supervision.
(4) 'Family or household members' means past or present spouses, persons who are
parents of the same child, or other persons living or formerly living in the same
household.
(5) 'Family violence' means the commission of the offenses of battery, simple battery,  
simple assault, assault, stalking, criminal damage to property, or criminal trespass  
between family or household members.

(6) 'Family violence intervention program' or 'program' means any program that is  
certified by the Department of Corrections Community Supervision pursuant to Code  
Section 19-13-14 and designed to rehabilitate family violence offenders. The term  
includes shall include, but is shall not be limited to, batterer intervention programs, anger  
management programs, anger counseling, family problem resolution, and violence  
therapy."

SECTION 5-47.

Said title is further amended by revising Code Section 19-13-31, relating to creation of the  
State Commission on Family Violence, comprehensive state plan for ending family violence,  
and establishment of community task forces, as follows:

"19-13-31. There is created a State Commission on Family Violence which shall be responsible for  
developing a comprehensive state plan for ending family violence. This plan shall include  
the initiation, coordination, and oversight of the implementation of family violence laws  
and the establishment in each judicial circuit of a Community Task Force on Family  
Violence. These task forces shall be supported by and work in collaboration with the state  
commission. The commission shall be assigned for administrative purposes only, as set  
out in Code Section 50-4-3, to the Department of Corrections Community Supervision."

SECTION 5-48.

Said title is further amended by revising subsection (a) of Code Section 19-13-32, relating  
to membership, terms, filling of vacancies, and officers regarding the State Commission on  
Family Violence, as follows:

“(a) The State Commission on Family Violence shall consist of 37 members:

(1) Three ex officio members shall be the director of the Division of Family and Children  
Services of the Department of Human Services, the director of Women's Health Services  
in the Department of Public Health, and the Attorney General;

(2) Three members shall be members of the House of Representatives and shall be  
appointed by the Speaker of the House of Representatives;

(3) Three members shall be members of the Senate and shall be appointed by the  
President of the Senate;

(4) The remaining members shall be appointed by the Governor as follows:

(A) One judge from each judicial administrative district;
(B) Three advocates for battered women recommended by groups which have addressed the problem of family violence;
(C) One person with expertise and interest regarding family violence involving persons who are 60 years of age or older;
(D) One person with expertise and interest regarding family violence involving children; and
(E) One representative from each of the following:
   (i) The Administrative Office of the Courts;
   (ii) The Georgia Peace Officer Standards and Training Council;
   (iii) The Georgia Association of Chiefs of Police;
   (iv) The District Attorneys Association of Georgia;
   (v) The State Board of Pardons and Paroles;
   (vi) The probation system Department of Community Supervision;
   (vii) The Georgia Sheriffs' Association;
   (viii) The Criminal Justice Coordinating Council;
   (ix) The Solicitors Association of Georgia;
   (x) The legal aid community;
   (xi) The academic community;
   (xii) Men Stopping Violence; and
   (xiii) A former victim of domestic violence."

SECTION 5-49.

Said title is further amended by revising subsection (a) of Code Section 19-13-34, relating to powers and duties of the State Commission on Family Violence, as follows:

(a) The commission shall have the following duties:

(1) To study and evaluate the needs, priorities, programs, policies, and accessibility of services relating to family violence throughout the state;
(2) To evaluate and monitor the adequacy and effectiveness of existing family violence laws, including the response of the present civil and criminal legal systems;
(3) To initiate and coordinate the development of family violence legislation, as necessary;
(4) To monitor the implementation and enforcement of laws, regulations, and protocols concerning family violence;
(5) To make recommendations for education and training to ensure that all citizens and service providers, including but not limited to members of the judiciary, law enforcement personnel, and prosecuting attorneys, are aware of needs relating to family violence and of services available;
(6) To develop models for community task forces on family violence;

(7) To provide training and continuing education on the dynamics of family violence to members of the commission where appropriate and necessary;

(8) To report annually to the General Assembly during its existence; and

(9) To develop standards to be utilized by the Department of Corrections Community Supervision in the certification and regulation of family violence intervention programs.

SECTION 5-50.

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

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

SECTION 5-51.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising Code Section 20-2-699, relating to disposition of children taken into custody, as follows:

"20-2-699. Any person assuming temporary custody of a child pursuant to Code Section 20-2-698 shall immediately deliver the child either to the parent, guardian, or other person having control or charge of the child or to the school from which the child is absent, or if the child is found to have been adjudged a delinquent child or a child in need of services, the person shall cause the child to be brought before the juvenile probation officer or community supervision officer of the county having jurisdiction over such child."

SECTION 5-52.

Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by revising subsection (a) of Code Section 21-2-231, relating to lists of persons convicted of
felonies, persons identified as noncitizens, persons declared mentally incompetent, and deceased persons provided to Secretary of State and Council of Superior Court Clerks, removal of names from list of electors, obtain information about persons who died, timing, and list of inactive voters provided to Council of Superior Court Clerks, as follows:

“(a) Unless otherwise notified by the Secretary of State, the Georgia Crime Information Center shall, on or before the tenth day of each month, prepare and transmit to the Secretary of State and The Council of Superior Court Clerks of Georgia a complete list of all persons, including dates of birth, social security numbers, and other information as prescribed by the Secretary of State or The Council of Superior Court Clerks of Georgia, who were convicted of a felony in this state since the preceding reporting period. The Secretary of State or The Council of Superior Court Clerks of Georgia may, by agreement with the commissioner of corrections and the commissioner of community supervision, obtain criminal information relating to the conviction, sentencing, and completion of sentencing requirements of felonies. Additionally, the Secretary of State and The Council of Superior Court Clerks of Georgia shall be authorized to obtain such criminal information relating to Georgia electors convicted of a felony in another state, if such information is available.”

SECTION 5-53.

Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, is amended by revising paragraph (2) of Code Section 34-9-1, relating to definitions for workers' compensation, as follows:

“(2) 'Employee' means every person in the service of another under any contract of hire or apprenticeship, written or implied, except a person whose employment is not in the usual course of the trade, business, occupation, or profession of the employer; and, except as otherwise provided in this chapter, minors are included even though working in violation of any child labor law or other similar statute; provided, however, that nothing contained in this chapter shall be construed as repealing or altering any such law or statute. Any reference to any employee who has been injured shall, if the employee dies, include such employee's legal representatives, dependents, and other persons to whom compensation may be payable pursuant to this chapter. All firefighters, law enforcement personnel, and personnel of emergency management or civil defense agencies, emergency medical services, and rescue organizations whose compensation is paid by the state or any county or municipality, regardless of the method of appointment, and all full-time county employees and employees of elected salaried county officials are specifically included in this definition. There shall also be included within such term any volunteer firefighter of any county or municipality of this state, but only for services rendered in
such capacity which are not prohibited by Code Section 38-3-36 and only if the
governing authority of the county or municipality for which such services are rendered
shall provide by appropriate resolution for inclusion of such volunteer firefighters; any
volunteer law enforcement personnel of any county or municipality of this state who are
certified by the Georgia Peace Officer Standards and Training Council, for volunteer law
enforcement services rendered in such capacity which are not prohibited by Code Section
38-3-36 and only if the governing authority of the county or municipality for which such
services are rendered shall provide by appropriate resolution for inclusion of such
volunteer law enforcement personnel; any person who is a volunteer member or worker
of an emergency management or civil defense organization, emergency medical service,
or rescue organization, whether governmental or not, of any county or municipality of
this state for volunteer services, which are not prohibited by Code Section 38-3-36,
rendered in such capacity and only if the governing authority of the county or
municipality for which such services are rendered shall provide by appropriate resolution
for inclusion of such volunteer members or workers; and any person certified by the
Department of Public Health or the Georgia Composite Medical Board and registered
with any county or municipality of this state as a medical first responder for any
volunteer first responder services rendered in such capacity, which are not prohibited by
Code Section 38-3-36 and only if the governing authority of the county or municipality
for which such services are rendered shall provide by appropriate resolution for inclusion
of such responders. The various elected county officers and elected members of the
governing authority of an individual county shall also be included in this definition, if the
governing authority of said such county shall provide therefor by appropriate resolution.
For the purposes of workers' compensation coverage, employees of county and district
health agencies established under Chapter 3 of Title 31 are deemed and shall be
considered employees of the State of Georgia and employees of community service
boards established under Chapter 2 of Title 37 shall be considered to be employees of the
state. For the purpose of workers' compensation coverage, members of the Georgia
National Guard and the State Defense Force serving on state active duty pursuant to an
order by the Governor are deemed and shall be considered to be employees of this state.
A person shall be an independent contractor and not an employee if such person has a
written contract as an independent contractor and if such person buys a product and
resells it, receiving no other compensation, or provides an agricultural service or such
person otherwise qualifies as an independent contractor. Notwithstanding the foregoing
provisions of this paragraph, any officer of a corporation may elect to be exempt from
coverage under this chapter by filing written certification of such election with the insurer
or, if there is no insurer, the State Board of Workers' Compensation as provided in Code
Section 34-9-2.1. For purposes of this chapter, an owner-operator as such term is defined in Code Section 40-2-87 shall be deemed to be an independent contractor. Inmates or persons participating in a work release program, community service program, or similar program as part of the punishment for violation of a municipal ordinance pursuant to Code Section 36-32-5 or a county ordinance or a state law shall not be deemed to be an employee while participating in work or training or while going to and from the work site or training site, unless such inmate or person is employed for private gain in violation of Code Section 42-1-5 or Code Section 42-4-70 or unless the municipality or county had voluntarily established a policy, on or before January 1, 1993, to provide workers' compensation benefits to such individuals. Individuals who are parties to a franchise agreement as set out by the Federal Trade Commission franchise disclosure rule, 16 C.F.R. 436.1 through 436.11, shall not be deemed employees for purposes of this chapter.

SECTION 5-54.
Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended by revising subsections (b) and (g) of Code Section 35-3-36, relating to duties of state criminal justice agencies as to submission of fingerprints, photographs, and other identifying data to the Georgia Crime Information Center and responsibility for accuracy, as follows:

"(b) It shall be the duty of all chiefs of police, sheriffs, prosecuting attorneys, courts, judges, parole and probation officers, community supervision officers, county or department of Juvenile Justice, juvenile probation officers, probation officers serving pursuant to Article 6 of Chapter 8 of Title 42, wardens, or other persons in charge of penal and correctional institutions in this state to furnish the center with any other data deemed necessary by the center to carry out its responsibilities under this article."

"(g) All persons in charge of law enforcement agencies, all clerks of court, all municipal judges where they have no clerks, all magistrates, and all persons in charge of state and county probation and parole, community supervision, juvenile probation, or Article 6 of Chapter 8 of Title 42 probation offices shall supply the center with the information described in Code Section 35-3-33 on the basis of the forms and instructions to be supplied by the center."

SECTION 5-55.
Said title is further amended by revising subsection (a) of Code Section 35-6A-3, relating to membership, vacancies, and membership not bar to holding public office relative to the Criminal Justice Coordinating Council, as follows:
(a) The Criminal Justice Coordinating Council shall consist of 24 members and shall be composed as follows:

1. The chairperson of the Georgia Peace Officer Standards and Training Council, the director of homeland security, the chairperson of the Judicial Council of Georgia, the chairperson of the Prosecuting Attorneys' Council of the State of Georgia, the commissioner of corrections, the chairperson of the Board of Corrections, the commissioner of community supervision, the chairperson of the Board of Community Supervision, the vice chairperson of the Board of Public Safety, the chairperson of the State Board of Pardons and Paroles, the State School Superintendent, the commissioner of community affairs, the president of the Council of Juvenile Court Judges, the chairperson of the Georgia Public Defender Standards Council, the chairperson of the Governor's Office for Children and Families, and the commissioner of juvenile justice or their designees shall be ex officio members of the council, as full voting members of the council by reason of their office; and

2. Ten members shall be appointed by the Governor for terms of four years, their initial appointments, however, being four for four-year terms, two for three-year terms, and four for two-year terms. Appointments shall be made so that there are always on the council the following persons: one county sheriff, one chief of police, one mayor, one county commissioner, one superior court judge, four individuals who shall be, by virtue of their training or experience, knowledgeable in the operations of the criminal justice system of this state, and one individual who shall be, by virtue of his or her training and experience, knowledgeable in the operations of the entire spectrum of crime victim assistance programs delivering services to victims of crime. No person shall serve beyond the time he or she holds the office or employment by reason of which he or she was initially eligible for appointment.

SECTION 5-56.

Said title is further amended by revising paragraphs (7) and (8) of Code Section 35-8-2, relating to definitions relative to the employment and training of peace officers, as follows:

"(7) 'Law enforcement unit' means:

(A) Any agency, organ, or department of this state, a subdivision or municipality thereof, or a railroad whose primary functions include the enforcement of criminal or traffic laws, the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime;

(B) The Office of Permits and Enforcement of the Department of Transportation, the Department of Juvenile Justice and its institutions and facilities for the purpose of personnel who are authorized to exercise the power of arrest and who are employed or
appointed by such department or institutions, and the office or section in the
Department of Juvenile Justice in which persons are assigned who have been
designated by the commissioner to investigate and apprehend delinquent children and
any child with a pending juvenile court case alleging the child to be a child in need of
services; and

(C) The Department of Corrections, the Department of Community Supervision, the
State Board of Pardons and Paroles, municipal correctional institutions employing 300
or more correctional officers, and county correctional institutions for the purpose of
personnel who are authorized to exercise the power of arrest and who are employed or
appointed by said such department, board, or institutions.

(8) 'Peace officer' means, for purposes of this chapter only:

(A) An agent, operative, or officer of this state, a subdivision or municipality thereof,
or a railroad who, as an employee for hire or as a volunteer, is vested either expressly
by law or by virtue of public employment or service with authority to enforce the
criminal or traffic laws through the power of arrest and whose duties include the
preservation of public order, the protection of life and property, and the prevention,
detection, or investigation of crime;

(B) An enforcement officer who is employed by the Department of Transportation in
its Office of Permits and Enforcement and any person employed by the Department of
Juvenile Justice who is designated by the commissioner to investigate and apprehend
delinquent children and any child with a pending juvenile court case alleging the child
to be a child in need of services;

(B.1) Personnel who are authorized to exercise the power of arrest, who are employed
or appointed by the Department of Juvenile Justice, and whose full-time duties include
the preservation of public order, the protection of life and property, the detection of
crime, the supervision of delinquent children in the department's institutions, facilities,
or programs, or the supervision of delinquent children under intensive supervision in
the community;

(C) Personnel who are authorized to exercise the power of arrest and who are
employed or appointed by the Department of Corrections, the Department of
Community Supervision, the State Board of Pardons and Paroles, municipal
correctional institutions employing 300 or more correctional officers, county probation
systems, and county correctional institutions; and

(D) An administrative investigator who is an agent, operative, investigator, or officer
of this state whose duties include the prevention, detection, and investigation of
violations of law and the enforcement of administrative, regulatory, licensing, or
certification requirements of his or her respective employing agency.
Law enforcement support personnel are not peace officers within the meaning of this chapter, but they may be certified upon voluntarily complying with the certification provisions of this chapter."

SECTION 5-57.

Said title is further amended by revising subsections (a) and (b) of Code Section 35-8-3, relating to establishment of the Georgia Peace Officer Standards and Training Council, membership, organization, and administrative assignment to the Department of Public Safety, as follows:

(a) The Georgia Peace Officer Standards and Training Council is established. The council shall consist of 49 voting members and five advisory members.

(b) The voting members shall consist of:

(1) An appointee of the Governor who is not the Attorney General, the commissioner of public safety or his or her designee, the director of investigation of the Georgia Bureau of Investigation or his or her designee, the president of the Georgia Association of Chiefs of Police or his or her designee, the president of the Georgia Sheriffs Association or his or her designee, the president of the Georgia Municipal Association or his or her designee, the president of the Association County Commissioners of Georgia or his or her designee, the president of the Peace Officers' Association of Georgia or his or her designee, the commissioner of corrections or his or her designee, the commissioner of community supervision or his or her designee, the chairperson of the State Board of Pardons and Paroles or his or her designee, and the president of the Georgia Prison Wardens Association or his or her designee, who shall be ex officio members of the council;

(2) Six members who shall be appointed by the Governor for terms of four years, their initial appointments, however, being two for four-year terms, two for three-year terms, and two for two-year terms. Appointments shall be made so that there are always on the council the following persons who are appointed by the Governor: one chief of police; two municipal police officers other than a chief of police; one county sheriff; one city manager or mayor; and one county commissioner. No person shall serve beyond the time he or she holds the office or employment by reason of which he or she was initially eligible for appointment. Vacancies shall be filled in the same manner as the original appointment and successors shall serve for the unexpired term. Any member may be appointed for additional terms; and

(3) Two members who are peace officers and who shall be appointed by the Governor for terms of four years. Neither person shall serve beyond the time he or she is actively
employed or serves as a peace officer. Vacancies shall be filled in the same manner as
the original appointment and successors shall serve for the unexpired term.”

SECTION 5-58.

Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by
revising subsection (a) of Code Section 37-2-4, relating to the Behavioral Health
Coordinating Council, membership, meetings, and obligations, as follows:

“(a) There is created the Behavioral Health Coordinating Council. The council shall
consist of the commissioner of behavioral health and developmental disabilities; the
commissioner of community health; the commissioner of public health; the commissioner
of human services; the commissioner of juvenile justice; the commissioner of corrections;
the commissioner of community supervision; the commissioner of community affairs; the
Commissioner of Labor; the State School Superintendent; the chairperson of the State
Board of Pardons and Paroles; the ombudsman appointed pursuant to Code Section
37-2-32; an adult consumer of public behavioral health services, appointed by the
Governor; a family member of a consumer of public behavioral health services, appointed
by the Governor; a parent of a child receiving public behavioral health services, appointed
by the Governor; a member of the House of Representatives, appointed by the Speaker of
the House of Representatives; and a member of the Senate, appointed by the Lieutenant
Governor.”

SECTION 5-59.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
amended by revising subsection (c) of Code Section 40-5-64, relating to limited driving
permits for certain offenders, as follows:

“(c) **Standards for approval.** The department shall issue a limited driving permit if the
application indicates that refusal to issue such permit would cause extreme hardship to the
applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the
purposes of this Code section, 'extreme hardship' means that the applicant cannot
reasonably obtain other transportation, and therefore the applicant would be prohibited
from:

1. Going to his or her place of employment;
2. Receiving scheduled medical care or obtaining prescription drugs;
3. Attending a college or school at which he or she is regularly enrolled as a student;
4. Attending regularly scheduled sessions or meetings of support organizations for
   persons who have addiction or abuse problems related to alcohol or other drugs, which
   organizations are recognized by the commissioner;
(5) Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by the commissioner;

(6) Attending court, reporting to a probation office or officer, community supervision, juvenile probation, or Article 6 of Chapter 8 of Title 42 probation office or reporting to a community supervision officer, county or Department of Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title 42 or performing community service; or

(7) Transporting an immediate family member who does not hold a valid driver's license for work, medical care, or prescriptions or to school.”

SECTION 5-60.

Said title is further amended by revising subsection (b) of Code Section 40-5-81, relating to program optional and certification and approval of courses relative to defensive driving courses or alcohol or drug programs, as follows:

“(b) Whenever any person is authorized or required to attend a driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program as a condition of any sentence imposed under this title or any ordinance enacted pursuant to this title or as a condition of the retention or restoration of the person's driving privilege, such person, in complying with such condition, shall be authorized to attend any driver improvement clinic approved under this article or DUI Alcohol or Drug Use Risk Reduction Program certified under this article; and no judicial officer, probation community supervision officer, law enforcement officer, or other officer or employee of a court or person who owns, operates, or is employed by a private company which has contracted to provide private probation services for misdemeanor cases shall specify, directly or indirectly, a particular driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program which the person may or shall attend. This Code section shall not prohibit any judicial officer, probation community supervision officer, law enforcement officer, or other officer or employee of a court or owner, operator, or employee of a private company which has contracted to provide probation services for misdemeanor offenders from furnishing any person, upon request, the names of approved driver improvement clinics or certified DUI Alcohol or Drug Use Risk Reduction Programs.”

SECTION 5-61.

Said title is further amended by revising subsection (d) of Code Section 40-5-83, relating to establishment and approval of driver improvement clinics and programs, out-of-state
certificates of completion, instructor licenses, fees, operation of clinics by employees of
probation division, and submission of fingerprints by applicants, as follows:

"(d) Notwithstanding the provisions of any law or rule or regulation which prohibits any
individual who is a probation officer or other official or employee of the probation
division of the Department of Corrections on or before June, 30, 2015, or a spouse of such
individual from owning, operating, instructing at, or being employed by a driver
improvement clinic, any individual who is a probation officer or other official or
employee of the probation division of the Department of Corrections on or before June 30,
2015, or a spouse of such individual who owns, operates, instructs at, or is employed by
a driver improvement clinic on June 1, 1985, and who in all respects is and remains shall
remain qualified to own, operate, instruct at, or be employed by a driver improvement
clinic is expressly authorized to continue on and after June 1, 1985, and to engage in such
activities. Any individual who is an employee of the Department of Community
Supervision or a spouse of such individual who owns, operates, instructs at, or is employed
by a driver improvement clinic on July 1, 2015, and who in all respects is and remains
qualified to own, operate, instruct at, or be employed by a driver improvement clinic shall
be expressly authorized to continue on and after June 1, 2015, to engage in such activities.
No person who owns, operates, or is employed by a private company which has contracted
to provide probation services for misdemeanor cases shall be authorized to own, operate,
be an instructor at, or be employed by a driver improvement clinic or a DUI Alcohol or
Drug Use Risk Reduction Program."

SECTION 5-62.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
by revising subparagraph (F) of paragraph (6) of Code Section 42-1-1, relating to definitions,
as follows:

"(F) Electronic monitoring, as such term is defined in Code Section 42-8-151; 42-3-111;
and"

SECTION 5-63.

Said title is further amended by revising Code Section 42-1-10, relating to preliminary urine
screen drug tests, as follows:

"42-1-10.
(a) Any probation officer, parole officer, or other community supervision officer of the
Department of Community Supervision or official or employee of the Department of
Corrections who supervises any person covered under the provisions of paragraphs (1)
through (7) of this subsection shall be exempt from the provisions of Chapter 22 of Title
31 for the limited purposes of administering a preliminary urine screen drug test to any
person who is:
(1) Incarcerated;
(2) Released as a condition of probation for a felony or misdemeanor;
(3) Released as a condition of conditional release;
(4) Released as a condition of parole;
(5) Released as a condition of provisional release;
(6) Released as a condition of pretrial release; or
(7) Released as a condition of control release.
(b) The Department of Corrections, Department of Community Supervision, and the State
Board of Pardons and Paroles shall develop a procedure for the performance of preliminary
urine screen drug tests in accordance with the manufacturer's standards for certification.
Community supervision officers of the Department of Community Supervision or
Probation officers, parole officers, or other officials or employees of the Department of
Corrections who are supervisors of any person covered under paragraphs (1) through (7)
of subsection (a) of this Code section shall be authorized to perform preliminary urine
screen drug tests in accordance with such procedure. Such procedure shall include
instructions as to a confirmatory test by a licensed clinical laboratory where necessary."

SECTION 5-64.
Said title is further amended by revising subsection (c) of Code Section 42-1-11, relating to
notification of crime victim of impending release of offender from imprisonment, as follows:
"(c) The notice given to a victim of a crime against a person or sexual offense must
include the conditions governing the offender's release or transfer and either the identity
of the corrections agent or the county community supervision officer who will be
supervising the offender's release or a means to identify the agency that will be supervising
the offender's release. The custodial authority complies with this Code section upon
mailing the notice of impending release to the victim at the address which the victim has
most recently provided to the custodial authority in writing."

SECTION 5-65.
Said title is further amended by revising paragraph (2) of subsection (a) and adding a new
subsection to Code Section 42-1-12, relating to the State Sexual Offender Registry, to read
as follows:
"(2) 'Appropriate official' means:
(A) With respect to a sexual offender who is sentenced to probation without any
sentence of incarceration in the state prison system or who is sentenced pursuant to
Article 3 of Chapter 8 of this title, relating to first offenders, the Division of Probation of the Department of Corrections; Department of Community Supervision;

(B) With respect to a sexual offender who is sentenced to a period of incarceration in a prison under the jurisdiction of the Department of Corrections and who is subsequently released from prison or placed on probation, the commissioner of corrections or his or her designee;

(C) With respect to a sexual offender who is placed on parole, the chairperson of the State Board of Pardons and Paroles or his or her designee; and

(D) With respect to a sexual offender who is placed on probation through a private probation agency, the director of the private probation agency or his or her designee.

“(c.1) The Department of Community Supervision shall keep all records of sexual offenders in a secure facility in accordance with Code Sections 15-1-10, 15-6-62, and 15-6-62.1 until official proof of death of a registered sexual offender; thereafter, the records shall be destroyed.”

SECTION 5-66.
Said title is further amended by revising Code Section 42-1-14, relating to risk assessment classification, classification as "sexually dangerous predator,” and electronic monitoring, as follows:

“42-1-14. (a)(1) The board shall determine the likelihood that a sexual offender will engage in another crime against a victim who is a minor or a dangerous sexual offense. The board shall make such determination for any sexual offender convicted on or after July 1, 2006, of a criminal offense against a victim who is a minor or a dangerous sexual offense and for any sexual offender incarcerated on July 1, 2006, but convicted prior to July 1, 2006, of a criminal offense against a victim who is a minor. Any sexual offender who changes residence from another state or territory of the United States or any other place to this state and who is not already designated under Georgia law as a sexually dangerous predator, sexual predator, or sexually violent predator shall have his or her required registration information forwarded by the sheriff of his or her county of registration to the board for the purpose of risk assessment classification. The board shall also make such determination upon the request of a superior court judge for purposes of considering a petition to be released from registration restrictions or residency or employment restrictions as provided for in Code Section 42-1-19.

(2) A sexual offender shall be placed into Level I risk assessment classification, Level II risk assessment classification, or sexually dangerous predator classification based upon the board's assessment criteria and information obtained and reviewed by the board. The
sexual offender may provide the board with information, including, but not limited to, psychological evaluations, sexual history polygraph information, treatment history, and personal, social, educational, and work history, and may agree to submit to a psychosexual evaluation or sexual history polygraph conducted by the board. If the sexual offender has undergone treatment or supervision through the Department of Corrections or the Department of Community Supervision, such treatment records shall also be submitted to the board for evaluation. The prosecuting attorney shall provide the board with any information available to assist the board in rendering an opinion, including, but not limited to, criminal history and records related to previous criminal history. The board shall utilize the Georgia Bureau of Investigation to assist it in obtaining information relative to its evaluation of sexual offenders and the Georgia Bureau of Investigation shall provide the board with information as requested by the board. The board shall be authorized to obtain information from supervision records of the State Board of Pardons and Paroles regarding such sexual offender, but such records shall remain confidential state secrets in accordance with Code Section 42-9-53 and shall not be made available to any other person or entity or be subject to subpoena unless declassified by the State Board of Pardons and Paroles. The clerk of court shall send a copy of the sexual offender's conviction to the board and notify the board that a sexual offender's evaluation will need to be performed. The board shall render its recommendation for risk assessment classification within:

(A) Sixty days of receipt of a request for an evaluation if the sexual offender is being sentenced pursuant to subsection (c) of Code Section 17-10-6.2;
(B) Six months prior to the sexual offender's proposed release from confinement if the offender is incarcerated;
(C) Sixty days of receipt of the required registration information from the sheriff when the sexual offender changes residence from another state or territory of the United States or any other place to this state and is not already classified;
(D) Sixty days if the sexual offender is sentenced to a probated or suspended sentence; and
(E) Ninety days if such classification is requested by the court pursuant to a petition filed under Code Section 42-1-19.

(3) The board shall notify the sex offender by first-class mail of its determination of risk assessment classification and shall send a copy of such classification to the Georgia Bureau of Investigation, the Department of Corrections, the Department of Community Supervision, the sheriff of the county where the sexual offender is registered, and the sentencing court, if applicable.
(b) If the board determines that a sexual offender should be classified as a Level II risk assessment classification or as a sexually dangerous predator, the sexual offender may petition the board to reevaluate his or her classification. To file a petition for reevaluation, the sexual offender shall be required to submit his or her written petition for reevaluation to the board within 30 days from the date of the letter notifying the sexual offender of his or her classification. The sexual offender shall have 60 days from the date of the notification letter to submit information as provided in subsection (a) of this Code section in support of the sexual offender's petition for reevaluation. If the sexual offender fails to submit the petition or supporting documents within the time limits provided, the classification shall be final. The board shall notify the sexual offender by first-class mail of its decision on the petition for reevaluation of risk assessment classification and shall send a copy of such notification to the Georgia Bureau of Investigation, the Department of Corrections, the Department of Community Supervision, the sheriff of the county where the sexual offender is registered, and the sentencing court, if applicable.

(c) A sexual offender who is classified by the board as a Level II risk assessment classification or as a sexually dangerous predator may file a petition for judicial review of his or her classification within 30 days of the date of the notification letter or, if the sexual offender has requested reevaluation pursuant to subsection (b) of this Code section, within 30 days of the date of the letter denying the petition for reevaluation. The petition for judicial review shall name the board as defendant, and the petition shall be filed in the superior court of the county where the offices of the board are located. Within 30 days after service of the appeal on the board, the board shall submit a summary of its findings to the court and mail a copy, by first-class mail, to the sexual offender. The findings of the board shall be considered prima-facie evidence of the classification. The court shall also consider any relevant evidence submitted, and such evidence and documentation shall be mailed to the parties as well as submitted to the court. The court may hold a hearing to determine the issue of classification. The court may uphold the classification of the board, or, if the court finds by a preponderance of the evidence that the sexual offender is not placed in the appropriate classification level, the court shall place the sexual offender in the appropriate risk assessment classification. The court's determination shall be forwarded by the clerk of the court to the board, the sexual offender, the Georgia Bureau of Investigation, and the sheriff of the county where the sexual offender is registered.

(d) Any individual who was classified as a sexually violent predator prior to July 1, 2006, shall be classified as a sexually dangerous predator on and after July 1, 2006.

(e) Any sexually dangerous predator shall be required to wear an electronic monitoring system that shall have, at a minimum:
(1) The capacity to locate and record the location of a sexually dangerous predator by a 
link to a global positioning satellite system;
(2) The capacity to timely report or record a sexually dangerous predator's presence near 
or within a crime scene or in a prohibited area or the sexually dangerous predator's 
departure from specific geographic locations; and
(3) An alarm that is automatically activated and broadcasts the sexually dangerous 
predator's location if the global positioning satellite monitor is removed or tampered with 
by anyone other than a law enforcement official designated to maintain and remove or 
replace the equipment.

Such electronic monitoring system shall be worn by a sexually dangerous predator for the 
remainder of his or her natural life. The sexually dangerous predator shall pay the cost of 
such system to the Department of Corrections Community Service if the sexually 
dangerous predator is on probation; to the State Board of Pardons and Paroles if the 
sexually dangerous predator is on parole; under probation or parole supervision and to the 
sheriff after the sexually dangerous predator completes his or her term of probation and 
parole or if the sexually dangerous predator has moved to this state from another state, 
territory, or country. The electronic monitoring system shall be placed upon the sexually 
dangerous predator prior to his or her release from confinement. If the sexual offender is 
not in custody, within 72 hours of the decision classifying the sexual offender as a sexually 
dangerous predator in accordance with subsection (b) of this Code section, the sexually 
dangerous predator shall report to the sheriff of the county of his or her residence for 
purposes of having the electronic monitoring system placed on the sexually dangerous 
predator.

(f) In addition to the requirements of registration for all sexual offenders, a sexually 
dangerous predator shall report to the sheriff of the county where such predator resides six 
months following his or her birth month and update or verify his or her required 
registration information."

SECTION 5-67.

Said title is further amended by revising subsection (f) of Code Section 42-1-19, relating to 
petition for release from registration requirements, as follows:

"(f) The court may issue an order releasing the individual from registration requirements 
or residency or employment restrictions, in whole or part, if the court finds by a 
preponderance of the evidence that the individual does not pose a substantial risk of 
perpetrating any future dangerous sexual offense. The court may release an individual 
from such requirements or restrictions for a specific period of time. The court shall send 
a copy of any order releasing an individual from any requirements or restrictions to the
sheriff and the district attorney of the jurisdiction where the petition is filed, to the sheriff of the county where the individual resides, to the Department of Corrections, to the Department of Community Supervision, and to the Georgia Bureau of Investigation."

SECTION 5-68.

Said title is further amended by revising subsection (c) of Code Section 42-2-11, relating to powers and duties of the Board of Corrections and adoption of rules and regulations, as follows:

"(c) (1) The board shall adopt rules governing the assignment, housing, working, feeding, clothing, treatment, discipline, rehabilitation, training, and hospitalization of all inmates coming under its custody.

(2) (A) As used in this paragraph, the term:

(i) 'Evidence based practices' means supervision policies, procedures, programs, and practices that scientific research demonstrates reduce recidivism among individuals who are under some form of correctional supervision.

(ii) 'Recidivism' means returning to prison or jail within three years of being placed on probation or being discharged or released from a department or jail facility.

(B) The board shall adopt rules and regulations governing the management and treatment of inmates and probationers coming under its custody to ensure that evidence based practices, including the use of a risk and needs assessment and any other method the board deems appropriate, guide decisions related to preparing inmates for release into the community and managing probationers in the community. The board shall require the department to collect and analyze data and performance outcomes relevant to the level and type of treatment given to an inmate or probationer and the outcome of the treatment on his or her recidivism and prepare an annual report regarding such information which shall be submitted to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the House Committee on State Properties and the Senate State Institutions and Property Committee."

SECTION 5-69.

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

"(3) 'Executive director of the facility' means the warden, superintendent, chief probation official, or such other head of a facility.
(4) 'Facility' means a prison, institution, detention center, diversion center, probation office, or such other similar property under the jurisdiction or operation of the department."

SECTION 5-70.
Said title is further amended by revising paragraph (3) of Code Section 42-4-50, relating to definitions relative to medical services for inmates, as follows:

"(3) 'Inmate' means a person who is detained in a detention facility by reason of being charged with or convicted of a felony, a misdemeanor, or a municipal offense. Such term does not include any sentenced inmate who is the responsibility of the State Department of Corrections."  

SECTION 5-71.
Said title is further amended by revising paragraph (5) of subsection (a) of Code Section 42-5-50, relating to transmittal of information on convicted persons, as follows:

"(5) A copy of the sentencing information report is required in all jurisdictions with an options system day reporting center certified by the Department of Community Supervision. The failure to provide the sentencing information report shall not cause an increase in the 15 day time period for the department to assign the inmate to a correctional institution as set forth in subsection (b) of this Code section."  

SECTION 5-72.
Said title is further amended by repealing in its entirety Article 4 of Chapter 8, relating to participation of probationers in community service programs, and designating said article as reserved.

SECTION 5-73.
Said title is further amended by revising subsections (c) and (d) of Code Section 42-8-112, relating to timing for issuance of ignition interlock device limited driving permit, documentation required, and reporting requirement, as follows:

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

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

(2) Any person whose ignition interlock device limited driving permit was revoked on or before July 1, 2004, for failure to report or failure to receive a satisfactory report may make a written request for a hearing and remit to the Department of Driver Services a payment of $250.00 for the cost of the hearing. Within 30 days after receiving a written request for a hearing and a payment of $250.00, the Department of Driver Services shall hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing shall be recorded.

(3) If the hearing officer determines that the person failed to report to the ignition interlock provider for any of the reasons specified in this paragraph, the Department of Driver Services shall issue a new ignition interlock device limited driving permit that shall be valid for a period of one year to such person. Such reasons shall be for providential cause and shall include, but not be limited to, the following:

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

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

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

SECTION 5-74.

Said title is further amended by revising Code Section 42-8-61, relating to the defendant being informed of the terms of the article at the time a sentence is imposed, as follows:

"42-8-61.

When a defendant is represented by an attorney, his or her attorney shall be responsible for informing the defendant as to his or her eligibility for sentencing as a first offender. When a defendant is pro se, the court shall inquire as to the defendant's interest in entering a plea pursuant to the terms of this article. If the defendant expresses a desire to be sentenced as a first offender, the court shall ask the prosecuting attorney or probation official if the defendant is eligible for sentencing as a first offender. When imposing a sentence, the court shall ensure that, if a defendant is sentenced as a first offender, he or she is made aware of the consequences of entering a first offender plea pursuant to the terms of this article. The defendant shall be informed of the terms of this article at the time of imposition of sentence."

SECTION 5-75.

Said title is further amended by revising Code Section 42-8-66, relating to applicability, as follows:

"42-8-66.

The provisions of this article shall not apply to any person who is convicted of a serious violent felony as defined in subsection (a) of Code Section 17-10-6.1.

(a) An individual who qualified for sentencing pursuant to this article but who was not informed of his or her eligibility for first offender treatment may, with the consent of the prosecuting attorney, petition the superior court in the county in which he or she was convicted for discharge and exoneration pursuant to this article.

(b) The court shall hold a hearing on the petition if requested by the petitioner or prosecuting attorney or desired by the court.

(c) In considering a petition pursuant to this Code section, the court may consider any:

(1) Evidence introduced by the petitioner;

(2) Evidence introduced by the prosecuting attorney; and

(3) Other relevant evidence.
(d) The court may issue an order retroactively granting first offender treatment and discharge the defendant pursuant to this article if the court finds by a preponderance of the evidence that the defendant was eligible for sentencing under the terms of this article at the time he or she was originally sentenced and the ends of justice and the welfare of society are served by granting such petition.

(e) The court shall send a copy of any order issued pursuant to this Code section to the petitioner, the prosecuting attorney, and the Georgia Bureau of Investigation. The Georgia Bureau of Investigation shall modify its records accordingly.

(f) This Code section shall not apply to a sentence that may be modified pursuant to subsection (f) of Code Section 17-10-1."

SECTION 5-76.

Said title is further amended by revising subsection (a) of Code Section 42-8-114, relating to specifying provider for ignition interlock device, as follows:

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

SECTION 5-77.

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

"42-8-116.

The providers certified by the Department of Driver Services shall design and adopt pursuant to regulations of the such department a warning label which shall be affixed to each ignition interlock device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is guilty of a misdemeanor and may be subject to civil liability."
SECTION 5-78.  
Said title is further amended by repealing in its entirety Article 5 of Chapter 8, relating to pretrial release and diversion programs, and designating said article as reserved.

SECTION 5-79.  
Said title is further amended by repealing in its entirety Article 8 of Chapter 8, relating to diversion center and program.

SECTION 5-80.  
Said title is further amended by repealing in its entirety Article 9 of Chapter 8, relating to probation management.

SECTION 5-81.  
Said title is further amended by revising Code Section 42-9-3, relating to "board" defined, as follows:

"42-9-3.  
As used in this chapter, the term 'board':

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

(2) 'Community supervision officer' means a person who supervises probationers or parolees for the department.

(3) 'Department' means the Department of Community Supervision.

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

SECTION 5-82.  
Said title is further amended by revising Code Section 42-9-9, relating to the State Board of Pardons and Paroles employees and retention of badges and weapons, as follows:

"42-9-9.  
(a) The board may appoint such clerical, stenographic, supervisory, and expert assistants and may establish such qualifications for its employees as it deems necessary. In its discretion, the board may discharge such employees.

(b) A certified parole officer leaving the service of the board under honorable conditions who has accumulated 20 or more years of service with the board as a certified parole officer shall be entitled as part of such employee's compensation to retain his or her board issued badge. A certified parole officer employed with the board who is killed in the line of duty shall be entitled to have his or her board issued badge given to a surviving family member. Where a certified parole officer leaves the service of the board due to a disability
that arose in the line of duty and such disability prevents the parole officer from further 
serving as a peace officer, then such disabled parole officer shall be entitled to retain his 
or her board issued badge regardless of the officer's number of years of service with the 
board:
(c) An employee leaving the service of the board under honorable conditions who has 
accumulated 20 or more years of service with the board as a certified officer shall be 
entitled as part of such employee's compensation to retain his or her board issued weapon.
(d) The board is authorized to promulgate rules and regulations for the implementation of 
this Code section:"

SECTION 5-83.
Said title is further amended by revising Code Section 42-9-20, relating to general duties of 
the State Board of Pardons and Paroles, as follows:
"42-9-20. (a) In all cases in which the chairman chairperson of the board or any other member 
designated by the board has suspended the execution of a death sentence to enable the full 
board to consider and pass on same, it shall be mandatory that the board act within a period 
not exceeding 90 days from the date of the suspension order. In the cases which the board 
has power to consider, the board shall be charged with the duty of determining which 
inmates serving sentences imposed by a court of this state may be released on pardon or 
parole and fixing the time and conditions thereof. The board shall also be charged with the 
duty of supervising all persons placed on parole; of determining violations thereof; of parole 
and of taking action with reference thereto; of and making such investigations as may be 
necessary; and of aiding parolees or probationers in securing employment. It shall be the 
duty of the board personally to study the cases of those inmates whom the board has power 
to consider so as to determine their ultimate fitness for such relief as the board has power 
to grant. The board by an affirmative vote of a majority of its members shall have the 
power to commute a sentence of death to one of life imprisonment. 

(b) The board shall provide The Council of Superior Court Clerks of Georgia the data set 
forth in Code Section 15-12-40.1, without charge and in the electronic format requested."
(a) The board shall have the function and responsibility of supervising all persons placed on parole or other conditional release by the board.

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

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

SECTION 5-85.

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

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

SECTION 5-86.

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

"(d)(1) Any person who is paroled shall be released on such terms and conditions as the board shall prescribe. The board shall diligently see that no peonage is allowed in the guise of parole relationship or supervision. The parolee shall remain in the legal custody
of the board until the expiration of the maximum term specified in his or her sentence or until he or she is pardoned by the board.

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

SECTION 5-87.

Said title is further amended by revising Code Section 42-9-44, relating to specification of terms and conditions of parole; adoption of general and special rules, violation of parole, and certain parolees to obtain high school diploma or general educational development (GED) diploma, as follows:

42-9-44. (a) The board, upon placing a person on parole, shall specify in writing the terms and conditions thereof. A certified copy of the conditions shall be given to the parolee. Thereafter, a copy shall be sent to the clerk of the court in which the person was convicted. The board shall adopt general rules concerning the terms and conditions of parole and concerning what shall constitute a violation thereof and shall make special rules to govern particular cases. The rules, both general and special, may include, among other things, a requirement that the parolee shall not leave this state or any definite area in this state without the consent of the board; that the parolee shall contribute to the support of his or her dependents to the best of the parolee's ability; that the parolee shall make reparation or restitution for his or her crime; that the parolee shall abandon evil associates and ways; and that the parolee shall carry out the instructions of his or her parole supervisor, community supervision officer, and, in general, so comport himself or herself as the parolee's supervisor officer shall determine. A violation of the terms of parole may render the parolee liable to arrest and a return to a penal institution to serve out the term for which the parolee was sentenced.

(b) Each parolee who does not have a high school diploma or a general educational development equivalency diploma (GED) diploma shall be required as a condition of parole to obtain a high school diploma or general educational development equivalency
diploma (GED) diploma or to pursue a trade at a vocational or technical school. Any such parolee who demonstrates to the satisfaction of the board an existing ability or skill which does in fact actually furnish the parolee a reliable, regular, and sufficient income shall not be subject to this provision. Any parolee who is determined by the Department of Corrections department or the board to be incapable of completing such requirements shall only be required to attempt to improve their his or her basic educational skills. Failure of any parolee subject to this requirement to attend the necessary schools or courses or to make reasonable progress toward fulfillment of such requirement shall be grounds for revocation of parole. The board shall establish regulations regarding reasonable progress as required by this subsection. This subsection shall apply to paroles granted on or after July 1, 1995.

SECTION 5-88.

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

(c) All officers authorized to serve criminal process, all peace officers of this state, and all employees of the board department whom the board commissioner of community supervision specifically designates in writing shall be authorized to execute the warrant.

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

SECTION 5-89.

Said title is further amended by revising subsection (b) of Code Section 42-9-53, relating to preservation of documents, classification of information and documents, divulgence of confidential state secrets, and conduct of hearings, as follows:

(b)(1) All information, both oral and written, received by the members of the board in the performance of their duties under this chapter and all records, papers, and documents coming into their possession by reason of the performance of their duties under this chapter shall be classified as confidential state secrets until declassified by the board; provided, however, that the board shall be authorized to disclose to an alleged violator of parole or conditional release the evidence introduced against him or her at a final hearing on the matter of revocation of parole or conditional release; provided, further, that the board.
(2) The department may make supervision records of the board available to probation officials employed with the Department of Corrections and the Sexual Offender Registration Review Board, provided that the same shall remain confidential and not available to any other person or subject to subpoena unless declassified by the board commissioner of community supervision.

SECTION 5-90.

Said title is further amended by revising Code Section 42-9-57, relating to effect of chapter on probation power of courts and cooperation by board with local agencies, as follows:

"42-9-57. Nothing contained in this chapter shall be construed as repealing any power given to any court of this state to place offenders on probation or to supervise the same nor any power of any probation agency set up in any county of the state in conjunction with the courts provide for terms of offender supervision. The board shall be authorized to cooperate with any such agencies the department, except that it shall not assume or pay any financial obligations thereof. The board shall also be authorized to cooperate with the courts for the probation of offenders in those counties in which there is no existing probation agency; when a court so requests."

SECTION 5-91.

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

"(b) The Department of Corrections department and the State Board of Pardons and Paroles are shall be authorized to require any nonindigent adult offender to pay a $25.00 application fee when applying to transfer his or her supervision from Georgia to any other state or territory pursuant to the provisions of Articles 3 and 4 of this chapter."

SECTION 5-92.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by revising subsection (c) of Code Section 43-12A-5, relating to provider not to operate under any name deceptively similar to another, franchising or licensing to another licensed provider, and restrictions on certain individuals having stake in provider center, as follows:

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

SECTION 5-93.
Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
is amended by revising subsection (e) of Code Section 45-7-9, relating to compensation for
line-of-duty injuries of full-time state employees and exceptions, as follows:
“(e) Any employee of the Department of Corrections, employee of the Department of
Community Supervision, employee of the State Board of Pardons and Paroles, employee
of the Department of Natural Resources, employee of the Department of Revenue, or law
enforcement officer who qualifies for disability allowances pursuant to Code Section
47-2-221 shall not be entitled to any benefits provided in this Code section.”

SECTION 5-94.
Said title is further amended by revising subsection (a) of Code Section 45-7-21, relating to
expense allowance and travel cost reimbursement for members of certain boards and
commissions, as follows:
“(a) Each member of the boards and commissions enumerated in this Code section shall
receive the same expense allowance per day as that received by a member of the General
Assembly for each day such member of a board or commission is in attendance at a
meeting of such board or commission, plus reimbursement for actual transportation costs
while traveling by public carrier or the legal mileage rate for the use of a personal
automobile in connection with such attendance. The expense allowance and
reimbursement provided for in this Code section shall be paid in lieu of any per diem,
allowance, or other remuneration now received by any such member for such attendance.
The existing law relative to any limitation on the number of meeting days and remuneration
for service on committees or subcommittees of any such board or commission shall remain
in effect. The boards and commissions to which this Code section shall be applicable are
as follows:
(1) State Board of Education;
(2) Board of Regents of the University System of Georgia;
(2.1) Board of Community Supervision;
(3) Board of Corrections;
(4) Board of Economic Development;
(5) Board of Natural Resources;
(6) State Transportation Board;
(7) Dental Education Board;
(8) Georgia Student Finance Commission;
(9) Veterans Service Board;
(10) Georgia Agricultural Exposition Authority;
(11) Georgia Board for Physician Workforce;
(12) Georgia Music Hall of Fame Authority;
(13) Georgia Sports Hall of Fame Authority;
(14) Georgia Rail Passenger Authority;
(15) Georgia Tobacco Community Development Board;
(16) State Board of the Technical College System of Georgia;
(17) Civil War Commission; and
(18) The delegation from the State of Georgia to the Southern Dairy Compact Commission."

SECTION 5-95.

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

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

SECTION 5-96.

Said title is further amended by revising Code Section 45-9-83, relating to the creation of the Georgia State Indemnification Commission, composition, assignment to Department of Administrative Services for administrative purposes, and meetings, as follows:

"45-9-83. There is created the Georgia State Indemnification Commission which shall be composed of the Governor, the executive director of the Peace Officer Standards and Training Council, the executive director of the Georgia Firefighter Standards and Training Council, the commissioner of public safety, the commissioner of transportation, the commissioner
of corrections, the commissioner of community supervision, the commissioner of public health, one law enforcement officer who shall be a member of the Peace Officers' Association of Georgia appointed by the Governor from a list of five candidates provided by such organization, and one firefighter who shall be a member of the Georgia State Firemen's Association appointed by the Governor from a list of five candidates provided by such organization. The Governor shall be the chairperson of the commission, and the commission shall be assigned to the department for administrative purposes. The commission shall meet at least semiannually upon the call of the Governor."

SECTION 5-97.

Said title is further amended by revising paragraph (7) of Code Section 45-9-101, relating to definitions relative to the temporary disability compensation program, as follows:

"(7) 'Law enforcement officer' means any agent or officer of this state, or a political subdivision or municipality thereof, who, as a full-time or part-time employee, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws and whose duties include the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime. Such term also includes the employees designated by the commissioner of community supervision who have the duty to supervise children adjudicated for a Class A designated felony act or Class B designated felony act after release from restrictive custody, as such terms are defined in Code Section 15-11-2, and the commissioner of juvenile justice pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8 who have the duty to investigate and apprehend delinquent children, or the supervision of delinquent children under intensive supervision in the community, and any child with a pending juvenile court case alleging the child to be a child in need of services who has escaped from a facility under the jurisdiction of the Department of Juvenile Justice or who has broken the conditions of supervision. Such term also includes members of the Georgia National Guard, the composition of which is set forth in Code Section 38-2-3, who have been called into active state service by the Governor."

SECTION 5-98.

Said title is further amended by revising Code Section 45-18-7, relating to retiring employees, spouses, and dependents and eligibility of employees of state-wide probation system to continue coverage upon retirement from local retirement system, as follows:

"45-18-7.

(1) The contract or contracts shall provide for health insurance for retiring state employees and their spouses and dependent children, as defined by the regulations of the board, on
such terms as the board may deem appropriate; and the board may authorize the inclusion in the plan of the employees and retiring employees of state authorities covered by the Employees' Retirement System of Georgia and their spouses and dependent children, as defined by the regulations of the board. Any state authority participating in the plan shall be required to pay the same rate of contribution paid by the state. The board shall adopt regulations prescribing the conditions under which an employee or retiring employee may elect to participate in or withdraw from the plan.

(b) Employees of the state-wide probation system administered by the Department of Corrections who were employees of a county probation system of a county having a population of 800,000 or more according to the United States decennial census of 2000 or any future such census and who were members of a local retirement system and had ten or more years of creditable service under the local retirement system at the time the county probation system became a part of the state-wide probation system shall be eligible to continue coverage under the health insurance plan for the state employees upon retirement from a local retirement system by paying a premium set by the board. Such retired persons shall be eligible to enroll their spouses and eligible dependents in accordance with the regulations of the board. Such retirees shall be treated in the same manner as other retirees eligible to continue coverage under the Employees' Retirement System of Georgia. The board may promulgate and adopt rules and regulations governing continuance and discontinuance of coverage for such retired persons and their spouses and eligible dependents."

SECTION 5-99.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising paragraph (1) of Code Section 48-7-161, relating to definitions, as follows:

"(1) 'Claimant agency' means and includes, in the order of priority set forth below:

(A) The Department of Human Services and the Department of Behavioral Health and Developmental Disabilities with respect to collection of debts under Article 1 of Chapter 11 of Title 19, Code Section 49-4-15, and Chapter 9 of Title 37;

(B) The Georgia Student Finance Authority with respect to the collection of debts arising under Part 3 of Article 7 of Chapter 3 of Title 20;

(C) The Georgia Higher Education Assistance Corporation with respect to the collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20;

(D) The Georgia Board for Physician Workforce with respect to the collection of debts arising under Part 6 of Article 7 of Chapter 3 of Title 20;
(E) The Department of Labor with respect to the collection of debts arising under Code
Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the
exception of Code Sections 34-8-158 through 34-8-161; provided, however, that the
Department of Labor establishes that the debtor has been afforded required due process
rights by such Department of Labor with respect to the debt and all reasonable
collection efforts have been exhausted;

(F) The Department of Corrections Community Supervision with respect to probation
fees arising under Code Section 42-8-34 and restitution or reparation ordered by a court
as a part of the sentence imposed on a person convicted of a crime who is in the legal
custody of the Department of Corrections or the Department of Community
Supervision; and

(G) The State Board of Pardons and Paroles with respect to restitution imposed on a
person convicted of a crime and subject to the jurisdiction of the board; and

(H) The Department of Juvenile Justice with respect to restitution imposed on a
juvenile for a delinquent act which would constitute a crime if committed by an adult."

SECTION 5-100.

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

"49-3-6.

Subject to the rules and regulations of the Board of Human Services, the county department
shall be charged with the administration of all forms of public assistance in the county,
including home relief; indoor and outdoor care for those in need; temporary assistance for
needy families; old-age assistance; aid to the blind and otherwise disabled; the care and
treatment of dependent, neglected, delinquent, and disabled children; and such other
welfare activities as shall be delegated to it by the Department of Human Services or by the
county commissioners. The county department shall also investigate and pass upon all
applications for admission to and discharge from county institutions which provide care
and treatment for indigents. If so appointed by a court of competent jurisdiction, the
Department of Human Services or the county or district department of family and children
services shall perform under the supervision of such court the function of juvenile
probation officer or agent of the court in any welfare or penal matters which may be before
it."
SECTION 5-101.

Said title is further amended by revising subsection (c) of Code Section 49-4A-8, relating to commitment of delinquent children, procedure, cost, return of mentally ill or developmentally disabled children, escapees, discharge, evidence of commitment, records, and restitution, as follows:

"(c) When a court commits a delinquent child to the department, the court shall at once electronically submit a certified copy of the order of commitment to the department, and the court, the juvenile probation officer, the community supervision officer, the prosecuting and police authorities, the school authorities, and other public officials shall make available to the department all pertinent information in their possession pertaining to the case, including, but not limited to, any predisposition investigation report as set forth in Code Section 15-11-590 and any risk assessment. Such reports shall, if the department so requests, be made upon forms furnished by the department or according to an outline provided by the department."

SECTION 5-102.

Said title is further amended by revising subsection (c) of Code Section 49-4A-11, relating to aiding or encouraging child to escape and hindering apprehension of child, as follows:

"(c) Any person who shall knowingly hinder the apprehension of any child under the supervision of the Department of Community Supervision or the lawful control or custody of the department who has been placed by the department in one of its institutions or facilities and who has escaped therefrom or who has been placed under supervision and is alleged to have broken the conditions thereof shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years."

PART VI

EFFECTIVE DATE,
APPLICABILITY, AND REPEALER

SECTION 6-1.

This Act shall become effective July 1, 2015, and shall apply to sentences entered on or after such date.

SECTION 6-2.

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