

The Senate Committee on Judiciary offered the following substitute to SB 222:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure,
2 so as to create the Georgia Council on Criminal Justice Reform and provide for its members,
3 chairperson, other officers, committees, staff, funding, duties, powers, and sunset of such
4 commission; to provide for a definition; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
8 amended by adding a new chapter to read as follows:
9

"CHAPTER 19

10
11 17-19-1.

12 (a) There is created the Georgia Council on Criminal Justice Reform for the purpose of
13 conducting periodic comprehensive reviews of criminal laws, criminal procedure,
14 sentencing laws, adult correctional issues, juvenile justice issues, enhancement of probation
15 and parole supervision, better management of the prison population and of the population
16 in the custody of the Department of Juvenile Justice, and other issues related to criminal
17 and accountability courts. The Georgia Council on Criminal Justice Reform shall establish
18 performance measures using analysis of data collected under law to track the
19 implementation of criminal justice and juvenile justice reforms and shall propose additional
20 reforms for reducing recidivism, lowering state expenses, and maintaining an effective and
21 efficient Code that will promote public safety.

22 (b) As used in this chapter, the term 'council' means the Georgia Council on Criminal
23 Justice Reform.

24 17-19-2.

25 (a) The Governor shall appoint all 15 members of the council which shall be composed of
 26 one member of the Senate, one member of the House of Representatives, one member who
 27 shall be either a Justice of the Supreme Court or a Judge of the Court of Appeals, one
 28 superior court judge, one juvenile court judge, one district attorney, one criminal defense
 29 attorney, one sheriff, the executive counsel to the Governor or his or her designee, the
 30 director of the Criminal Justice Coordinating Council or his or her designee, the
 31 commissioner of the Department of Corrections or his or her designee, the commissioner
 32 of the Department of Community Supervision or his or her designee, the commissioner of
 33 the Department of Juvenile Justice or his or her designee, the commissioner of the
 34 Department of Behavioral Health and Developmental Disabilities or his or her designee,
 35 and one other member as determined by the Governor.

36 (b) Each member of the council shall be appointed to serve for a term of four years or until
 37 his or her successor is duly appointed, except the members of the General Assembly, who
 38 shall serve until completion of their current terms of office. A member may be appointed
 39 to succeed himself or herself on the council. If a member of the council is an elected or
 40 appointed official, the member, or his or her designee, shall be removed from the council
 41 if the member no longer serves as such elected or appointed official.

42 (c) The Governor shall designate the chairperson of the council. The council may elect
 43 other officers as it deems necessary. The chairperson of the council may designate and
 44 appoint committees from among the membership of the council, as well as appoint other
 45 persons to perform such functions as he or she may determine to be necessary as relevant
 46 to and consistent with this chapter. The chairperson shall vote only to break a tie.

47 (d) The council shall be attached for administrative purposes only to the Criminal Justice
 48 Coordinating Council. The Criminal Justice Coordinating Council shall provide staff
 49 support for the council and shall use any funds specifically appropriated to the council for
 50 its work.

51 17-19-3.

52 (a) The council may conduct meetings at such places and times as it deems necessary or
 53 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
 54 accomplish the objectives and purposes of this chapter. The council shall hold meetings
 55 at the call of the chairperson. The council shall meet not less than twice every year.

56 (b) A quorum for transacting business shall be a majority of the members of the council.

57 (c) Any legislative members of the council shall receive the allowances provided for in
 58 Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the
 59 amount specified in subsection (b) of Code Section 45-7-21, as well as the mileage or

60 transportation allowance authorized for state employees. Members of the council who are
61 state officials, other than legislative members, or state employees shall receive no
62 compensation for their services on the council, but they shall be reimbursed for expenses
63 incurred by them in the performance of their duties as members of the council in the same
64 manner as they are reimbursed for expenses in their capacities as state officials or state
65 employees. The funds necessary for the reimbursement of the expenses of state officials,
66 other than legislative members, and state employees shall come from funds appropriated
67 to or otherwise available to their respective departments. All other funds necessary to carry
68 out the provisions of this chapter shall come from funds appropriated to the Senate and the
69 House of Representatives.

70 17-19-4.

71 (a) The council shall have the following duties:

72 (1) To periodically, and at least every two years, review the conditions, needs, issues,
73 and problems related to criminal justice; issue a report on the same to the executive
74 counsel of the Governor, the Office of Planning and Budget, and the chairpersons of the
75 House Committee on Appropriations, the Senate Appropriations Committee, the House
76 Committee on Judiciary, and the Senate Judiciary Committee; and recommend any action
77 or proposed legislation which the council deems necessary or appropriate. Nothing
78 contained in the council's report shall be considered to authorize or require a change in
79 any law without action by the General Assembly;

80 (2) To evaluate and consider the best practices, experiences, and results of legislation in
81 other states with regard to children, adults, and families involved in the juvenile or
82 superior court or equivalent systems; and

83 (3) To identify and recommend whether and when any state law should be modified to
84 conform, whenever desirable, to federal legislation.

85 (b) The council shall have the power to:

86 (1) Evaluate how the laws and programs affecting the criminal justice system in this state
87 are working;

88 (2) Request and receive data from and review the records of appropriate state agencies
89 and courts to the greatest extent allowed by state and federal law;

90 (3) Accept public or private grants, devises, and bequests;

91 (4) Authorize entering into contracts or agreements through the council's chairperson as
92 are necessary or incidental to the performance of its duties;

93 (5) Establish rules and procedures for conducting the business of the council; and

94 (6) Conduct studies, hold public meetings, collect data, or take any other action the
95 council deems necessary to fulfill its responsibilities.

96 (c) The council shall be authorized to retain the services of attorneys, consultants, subject
97 matter experts, economists, budget analysts, data analysts, statisticians, and other
98 individuals or organizations as determined appropriate by the council.

99 17-19-5.

100 This chapter shall be repealed effective June 30, 2026, unless continued in effect by the
101 General Assembly prior to that date."

102 **SECTION 2.**

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