

Senate Bill 222

By: Senators Stone of the 23rd, Miller of the 49th, Cowser of the 46th, Dugan of the 30th, Hill of the 4th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Titles 15, 17, and 35 of the Official Code of Georgia Annotated, courts, criminal
2 procedure, and law enforcement, so as to provide for a uniform misdemeanor citation; to
3 create the Georgia Council on Criminal Justice Reform and provide for its members,
4 chairperson, other officers, committees, staff, funding, duties, powers, and sunset of such
5 commission; to provide for a definition; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by
10 repealing Code Section 15-5-21.1, relating to development and utilization of uniform
11 misdemeanor citation and complaint form, in its entirety.

12 **SECTION 2.**

13 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
14 amended by revising paragraphs (1) and (2) of subsection (a) of Code Section 17-4-23,
15 relating to procedure for arrests by citation for motor vehicle violations, issuance of warrants
16 for arrest for failure of persons charged to appear in court, and bond, as follows:

17 "(a)(1) A law enforcement officer may arrest a person accused of violating any law or
18 ordinance enacted by local law governing the operation, licensing, registration,
19 maintenance, or inspection of motor vehicles or violating paragraph (2), (3), or (5) of
20 subsection (a) of Code Section 3-3-23 by the issuance of a citation, as provided by Code
21 Section 35-3-15 or 40-13-1, provided that such offense is committed in his or her
22 presence or information constituting a basis for such arrest was received by the arresting
23 officer from a law enforcement officer observing such offense being committed, except
24 that, when such offense results in an accident, an investigating officer may issue citations
25 regardless of whether the offense occurred in the presence of a law enforcement officer.

26 (2) A law enforcement officer may arrest a person accused of any misdemeanor violation
 27 of Code Section 16-7-21, 16-8-14, 16-8-14.1, or 16-13-30 by the issuance of a citation,
 28 as provided by Code Section 35-3-15 or 40-13-1, provided that such offense is committed
 29 in his or her presence or information constituting a basis for such arrest was received by
 30 the arresting officer or an investigating officer from another law enforcement officer or
 31 other individual observing or aware of such offense being committed. When an arrest is
 32 made for such offense, prior to releasing the accused on citation, the arresting law
 33 enforcement officer shall review the accused's criminal record as such is on file with the
 34 Federal Bureau of Investigation and the Georgia Crime Information Center within the
 35 Georgia Bureau of Investigation and verify the identity of the accused through ~~ensure that~~
 36 the accused's fingerprints are obtained or some other means."

37 SECTION 3.

38 Said title is further amended by adding a new chapter to read as follows:

39 "CHAPTER 19

40 17-19-1.

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

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

53 17-19-2.

54 (a) The Governor shall appoint all 18 members of the council which shall be composed of
 55 one member of the Senate, one member of the House of Representatives, one member who
 56 shall be either a Justice of the Supreme Court or a Judge of the Court of Appeals, one
 57 superior court judge, one juvenile court judge, one district attorney, one criminal defense
 58 attorney, one sheriff, the executive counsel to the Governor or his or her designee, the

59 director of the Criminal Justice Coordinating Council or his or her designee, the
 60 commissioner of the Department of Corrections or his or her designee, the commissioner
 61 of the Department of Community Supervision or his or her designee, the commissioner of
 62 the Department of Juvenile Justice or his or her designee, the commissioner of the
 63 Department of Behavioral Health and Developmental Disabilities or his or her designee,
 64 the chairperson of the State Board of Pardons and Paroles or his or her designee, and three
 65 other members as determined by the Governor.

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

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

77 (d) The council shall be attached for administrative purposes only to the Criminal Justice
 78 Coordinating Council. The Criminal Justice Coordinating Council shall provide staff
 79 support for the council and shall use any funds specifically appropriated to the council for
 80 its work.

81 17-19-3.

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

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

87 (c) Any legislative members of the council shall receive the allowances provided for in
 88 Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the
 89 amount specified in subsection (b) of Code Section 45-7-21, as well as the mileage or
 90 transportation allowance authorized for state employees. Members of the council who are
 91 state officials, other than legislative members, or state employees shall receive no
 92 compensation for their services on the council, but they shall be reimbursed for expenses
 93 incurred by them in the performance of their duties as members of the council in the same
 94 manner as they are reimbursed for expenses in their capacities as state officials or state

95 employees. The funds necessary for the reimbursement of the expenses of state officials,
 96 other than legislative members, and state employees shall come from funds appropriated
 97 to or otherwise available to their respective departments. All other funds necessary to carry
 98 out the provisions of this chapter shall come from funds appropriated to the Senate and the
 99 House of Representatives.

100 17-19-4.

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

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

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

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

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

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

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

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

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

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

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

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

129 17-19-5.

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

132 **SECTION 4.**

133 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement, is amended
134 in Article 1 of Chapter 3, relating to general provisions regarding the Georgia Bureau of
135 Investigation, by adding a new Code section to read as follows:

136 "35-3-15.

137 The Georgia Bureau of Investigation shall develop a uniform misdemeanor citation and
138 complaint form for use by all law enforcement officials who are empowered to arrest
139 individuals for misdemeanors and local ordinance violations. Such form shall serve as the
140 citation, summons, accusation, or other instrument of prosecution of the offense or offenses
141 for which the accused is charged and as the record of the disposition of the matter by the
142 court before which the accused is brought and contain other matter as the council provides.
143 Each such form shall have a unique identifying number which shall serve as the docket
144 number for the court having jurisdiction of the accused. The Board of Public Safety shall
145 promulgate rules and regulations for each class of court for the use of such citations."

146 **SECTION 5.**

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