

Senate Bill 301

By: Senators Tillery of the 19th, Hill of the 4th, Robertson of the 29th, Mullis of the 53rd and Miller of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 42 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding detainers, so as to revise temporary custody
3 provisions of inmates who have been charged with subsequent felony offenses while under
4 sentence and in custody of the department; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 6 of Title 42 of the Official Code of Georgia Annotated, relating to
9 general provisions regarding detainers, is amended by revising subsection (a) of Code
10 Section 42-6-5, relating to temporary custody of inmate requesting disposition of pending
11 indictment or accusation, as follows:

12 "(a) In response to the request of an inmate for final disposition of any pending indictment
13 or accusation made pursuant to Code Section 42-6-3 or pursuant to an order of a court
14 entered pursuant to subsection (a) of Code Section 24-13-60, the department ~~shall~~ may
15 offer to deliver temporary custody of the inmate to the sheriff or a deputy sheriff of the
16 county in which the indictment or accusation is pending against the inmate; and, if so, ~~The~~
17 the judge of the court in which the proceedings are pending ~~is~~ shall be authorized to ~~and~~
18 ~~shall~~ issue an ex parte order directed to the department requiring the delivery of the inmate
19 to the sheriff or a deputy sheriff of the county in which the trial is to be held."

20 **SECTION 2.**

21 All laws and parts of laws in conflict with this Act are repealed.