

## House Resolution 1390

By: Representatives Gordon of the 163<sup>rd</sup>, Schofield of the 60<sup>th</sup>, Holly of the 111<sup>th</sup>, Douglas of the 78<sup>th</sup>, Hutchinson of the 107<sup>th</sup>, and others

## A RESOLUTION

- 1 Creating the House Study Committee on Bail Reform; and for other purposes.
- 2 WHEREAS, the United States has long recognized that an individual is presumed innocent  
3 until proven guilty; and
- 4 WHEREAS, the Supreme Court of the United States has recognized the fundamental right  
5 to pretrial liberty for individuals awaiting trial except in carefully limited exceptional  
6 circumstances; and
- 7 WHEREAS, over the past decade, Georgia has been a shining national example for criminal  
8 justice reform; and
- 9 WHEREAS, the improvement of pretrial justice in Georgia, particularly misdemeanor bail  
10 practices, was the principal focus of the Georgia Council on Criminal Justice Reform  
11 in 2017; and
- 12 WHEREAS, research indicates that over 60 percent of incarcerated individuals in Georgia  
13 are being held in pretrial detention and thus are presumptively innocent; and
- 14 WHEREAS, roughly three out of four individuals held in pretrial detention are being held  
15 on charges of property, drug, or other nonviolent offenses, and the majority are being held  
16 on bail set at \$1,000 or less; and
- 17 WHEREAS, individuals held in pretrial detention are often at risk of losing their employment  
18 and income and may be unable to support themselves or their families and are often unable  
19 to meet their court-imposed financial obligations, while individuals released pretrial are able  
20 to maintain employment and income and are likely to adhere to their court dates and financial  
21 obligations; and

22 WHEREAS, pretrial services such as text reminders and transportation have proven very  
23 effective at ensuring court appearances; and

24 WHEREAS, pretrial detention has a criminogenic effect, in that recidivism rates are higher  
25 for those held longer in pretrial detention; and

26 WHEREAS, due to their inability to prepare their defense and engage in behaviors that are  
27 rewarded with more lenient sentences, defendants who are detained pretrial are more likely  
28 to be sentenced to jail or prison and for longer sentences than individuals who are released  
29 pretrial; and

30 WHEREAS, the use of money-based bail disproportionately affects minority communities,  
31 thereby exacerbating racial disparities in the justice system; and

32 WHEREAS, the annual cost to the State of Georgia of keeping individuals in pretrial  
33 detention is over \$400 million.

34 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

35 (1) **Creation of House study committee.** There is created the House Study Committee  
36 on Bail Reform.

37 (2) **Members and officers.** The committee shall be composed of five members of the  
38 House of Representatives to be appointed by the Speaker of the House of  
39 Representatives. The Speaker shall designate a member of the committee as chairperson  
40 of the committee.

41 (3) **Powers and duties.** The committee shall undertake a study of conditions, needs,  
42 issues, and problems mentioned above or related hereto and recommend any action or  
43 legislation which the committee deems necessary or appropriate.

44 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee  
45 may conduct such meetings at such places and at such times as it may deem necessary or  
46 convenient to enable it to exercise fully and effectively its powers, perform its duties, and  
47 accomplish the objectives and purposes of this resolution.

48 (5) **Allowances and funding.**

49 (A) Members of the committee who are members of the General Assembly shall  
50 receive the allowances provided for in Code Section 28-1-8 of the Official Code of  
51 Georgia Annotated.

52 (B) The allowances authorized by this resolution shall not be received by any members  
53 of the committee for more than five days unless additional days are authorized. Funds

54 necessary to carry out the provisions of this resolution shall come from funds  
55 appropriated to the House of Representatives.

56 **(6) Report.**

57 (A) In the event the committee adopts any specific findings or recommendations that  
58 include suggestions for proposed legislation, the chairperson shall file a report of the  
59 same prior to the date of the abolishment specified in this resolution, subject to  
60 subparagraph (C) of this paragraph.

61 (B) In the event the committee adopts a report that does not include suggestions for  
62 proposed legislation, the chairperson shall file the report, subject to subparagraph (C)  
63 of this paragraph.

64 (C) No report shall be filed unless the same has been approved prior to the date of  
65 abolishment specified in this resolution by a majority vote of a quorum of the  
66 committee. A report so approved shall be signed by the chairperson and filed with the  
67 Clerk of the House of Representatives.

68 (D) In the absence of an approved report, the chairperson may file with the Clerk of the  
69 House of Representatives a copy of the minutes of the meetings of the committee in lieu  
70 thereof.

71 **(7) Abolishment.** The committee shall stand abolished on December 1, 2020.