

The House Committee on Public Safety and Homeland Security offers the following substitute to SB 504:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding bonds and recognizances, so as to redefine the term
3 "bail restricted offense"; to provide for related matters; to provide for an effective date and
4 applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to
8 general provisions regarding bonds and recognizances, is amended by revising paragraph (1)
9 of subsection (a) and subsection (b) of Code Section 17-6-12, relating to unsecured judicial
10 release, requirement, and effect of failure of person charged to appear for trial, as follows:

11 "(1) 'Bail restricted offense' means the person is charged with:

12 (A) Any felony ~~An offense of:~~

13 (i) ~~Murder or felony murder, as defined in Code Section 16-5-1;~~

14 (ii) ~~Armed robbery, as defined in Code Section 16-8-41;~~

15 (iii) ~~Kidnapping, as defined in Code Section 16-5-40;~~

16 (iv) ~~Rape, as defined in Code Section 16-6-1;~~

~~(v) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of Code Section 16-6-4;~~

~~(vi) Aggravated sodomy, as defined in Code Section 16-6-2; or~~

~~(vii) Aggravated sexual battery, as defined in Code Section 16-6-22.2; or~~

~~(B) A felony offense of:~~

~~(i) Aggravated assault;~~

~~(ii) Aggravated battery;~~

~~(iii) Hijacking a motor vehicle in the first degree;~~

~~(iv) Aggravated stalking;~~

~~(v) Child molestation;~~

~~(vi) Enticing a child for indecent purposes;~~

~~(vii) Pimping;~~

~~(viii) Robbery;~~

~~(viii.1) Burglary;~~

~~(ix) Bail jumping;~~

~~(x) Escape;~~

~~(xi) Possession of a firearm or knife during the commission of or attempt to commit certain crimes;~~

~~(xii) Possession of firearms by convicted felons and first offender probationers;~~

~~(xiii) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine;~~

~~(xiv) Participating in criminal street gang activity;~~

~~(xv) Habitual violator;~~

~~(xvi) Driving under the influence of alcohol, drugs, or other intoxicating substances;~~

~~(xvii) Entering an automobile or other mobile vehicle with intent to commit theft or felony, as defined in Code Section 16-8-18; or~~

~~(xviii) Stalking; or~~

(B)(C) A misdemeanor offense of:

(i) Crimes involving family violence, as defined in Code Section 19-13-1; or

(ii) Stalking."

"(b) An elected judge, an appointed judge filling the vacancy of an elected judge, or judge sitting by designation may issue an unsecured judicial release if:

(1) Such unsecured judicial release is noted on the release order; and

(2) The person is not charged with a bail restricted offense; provided, however, that such judge may issue an unsecured judicial release for a bail restricted offense which is not a serious violent felony, as such term is defined in Code Section 17-10-6.1, if the defendant has been judicially placed into an accountability court as defined in Code Section 15-1-18."

SECTION 2.

This Act shall become effective on July 1, 2022, and shall apply to all offenses committed on or after such date. This Act shall not affect any actions taken prior to July 1, 2022.

SECTION 3.

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