

House Bill 239 (AS PASSED HOUSE AND SENATE)

By: Representatives Lunsford of the 85th, Post 2, Westmoreland of the 86th, Campbell of the 39th, Keen of the 146th, and Maddox of the 59th, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-4-7 of the Official Code of Georgia Annotated, relating to inmate
2 records and earned time allowances in county correctional facilities, so as to change
3 provisions relating to earned time allowances; to increase the maximum amount of earned
4 time which may be awarded when an inmate does work on an authorized work detail; to
5 provide exceptions; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 42-4-7 of the Official Code of Georgia Annotated, relating to inmate records
10 and earned time allowances in county correctional facilities, is amended by striking
11 subsection (b) and inserting in its place a new subsection to read as follows:

12 "(b)(1) The sheriff, chief jailer, warden, or other officer designated by the county as
13 custodian of inmates confined as county inmates for probation violations of felony
14 offenses or as provided in subsection (a) of Code Section 17-10-3 may award earned time
15 allowances to such inmates based on institutional behavior. Earned time allowances shall
16 not be awarded which exceed one-half of the period of confinement imposed, except that
17 the sheriff or other custodian may authorize the award of not more than four days' credit
18 for each day on which an inmate does work on an authorized work detail; provided,
19 however, that such increased credit for performance on a work detail shall not apply to
20 an inmate who is incarcerated for:

21 (A) A second or subsequent offense of driving under the influence under Code Section
22 40-6-391 within a five-year period of time, as measured from the date of any previous
23 arrest for which a conviction was obtained or a plea of nolo contendere was accepted
24 to the date of the current arrest for which a conviction is obtained or a plea of nolo
25 contendere is accepted;

26 (B) A misdemeanor of a high and aggravated nature; or

(C) A crime committed against a family member as defined in Code Section 19-13-1.

(2) While an inmate sentenced to confinement as a county inmate is in custody as a county inmate, the custodian of such inmate may award an earned time allowance consistent with this subsection and subsection (b) of Code Section 17-10-4 based on the institutional behavior of such inmate while in custody as a county inmate.

(3) An inmate sentenced to confinement as a county inmate shall be released at the expiration of his or her sentence less the time deducted for earned time allowances."

SECTION 2.

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