

Senate Bill 63

By: Senators Robertson of the 29th, Gooch of the 51st, Brass of the 28th, Anavitarte of the 31st, Kennedy of the 18th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds
2 and recognizances, so as to provide for setting of bonds and schedules of bails; to provide
3 for release of individuals on bail for misdemeanors; to limit unsecured judicial releases; to
4 revise surety liability; to provide for return of compensation by surety to principal; to change
5 the fee for continuing education programs for bail recovery agents; to revise when forfeiture
6 of bonds occurs; to revise procedures relating to execution hearings; to revise procedures for
7 judgments on forfeitures and remission of bond funds; to revise definitions; to amend Code
8 Section 17-10-6.1 of the Official Code of Georgia Annotated, relating to punishment for
9 serious violent offenders and authorization for reduction in mandatory minimum sentencing,
10 so as to identify domestic terrorism as a serious violent felony; to provide for related matters;
11 to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and
15 recognizances, is amended in Code Section 17-6-1, relating to when offenses bailable,

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16 procedure, schedule of bails, and appeal bonds, by revising paragraph (4) of subsection (e),
17 paragraph (1) of subsection (f), and subsection (i) as follows:

18 "(4) A bond set for any offense by an elected judge, an appointed judge ~~filling the~~
19 ~~vacancy of an elected judge~~, or a judge sitting by designation that purports a dollar
20 amount shall be executed in the full-face amount of such bond through secured means as
21 provided for in Code Section 17-6-4 or 17-6-50 or shall be executed by use of property
22 as approved by the sheriff in the county where the offense was committed."

23 "(f)(1) Except as provided in subsection (a) of this Code section or as otherwise provided
24 in this subsection, the judge of any court of inquiry may by written order establish a
25 schedule of bails, inclusive of offenses that are violations of local ordinances, and unless
26 otherwise ordered by the judge of any court, an accused shall be released from custody
27 upon posting bail as fixed in the schedule; provided, however, that no bail schedule, local
28 standing order, official policy, or local ordinance shall mandate releasing an accused on
29 unsecured judicial release as defined in Code Section 17-6-12 prior to the accused
30 appearing before a judge of any court of inquiry. Nothing in this paragraph shall prohibit
31 unsecured judicial release for any person charged under Code Section 3-3-23.1 or
32 charged under any provision of local or state law not providing for a sentence of
33 confinement in a penal institution or state, county, or local jail."

34 "(i) As used in this Code section, the term 'bail' shall only include the release of a person
35 on an unsecured judicial release, except as limited by Code Section 17-6-12 by the use of
36 secured means as provided in Code Sections 17-6-4 and 17-6-5, professional bondsmen as
37 provided in Code Section 17-6-50, or property as approved by the sheriff in the county
38 where the offense was committed."

39

SECTION 2.

40 Said chapter is further amended in Code Section 17-6-2, relating to acceptance of bail in
 41 misdemeanor cases and posting driver's license as collateral for bail, by revising subsection
 42 (b) as follows:

43 "(b) In all other misdemeanor cases, sheriffs and constables shall accept bail in such
 44 ~~reasonable~~ sufficient amount as may be just and fair for any person or persons charged with
 45 a misdemeanor, provided that the sureties tendered and offered on the bond ~~are~~ shall only
 46 include the release of a person by the use of secured means as provided in Code
 47 Sections 17-6-4 and 17-6-5, professional bondsmen as provided in Code Section 17-6-50,
 48 or property as approved by the sheriff in the county where the offense was committed."

49

SECTION 3.

50 Said chapter is further amended by revising Code Section 17-6-12, relating to unsecured
 51 judicial release, requirement, and effect of failure of person charged to appear for trial, as
 52 follows:

53 "17-6-12.

54 (a) As used in this Code section, the term:

55 (1) 'Bail restricted offense' means the person is charged with an offense of:

56 ~~(A) An offense of:~~

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

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

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

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

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

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

- 65 ~~(vii)(G)~~ Aggravated sexual battery, as defined in Code Section 16-6-22.2;
- 66 ~~(B) A felony offense of:~~
- 67 ~~(i)(H)~~ Aggravated assault;
- 68 ~~(ii)(I)~~ Aggravated battery;
- 69 ~~(iii)(J)~~ Hijacking a motor vehicle in the first degree;
- 70 ~~(iv)(K)~~ Aggravated stalking;
- 71 ~~(v)(L)~~ Child molestation;
- 72 ~~(vi)(M)~~ Enticing a child for indecent purposes;
- 73 ~~(vii)(N)~~ Pimping;
- 74 ~~(viii)(O)~~ Robbery;
- 75 ~~(viii.1)(P)~~ Burglary;
- 76 ~~(ix)(Q)~~ Bail jumping;
- 77 ~~(x)(R)~~ Escape;
- 78 ~~(xi)(S)~~ Possession of a firearm or knife during the commission of or attempt to commit
- 79 certain crimes;
- 80 ~~(xii)(T)~~ Possession of firearms by convicted felons and first offender probationers;
- 81 ~~(xiii)(U)~~ Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine;
- 82 ~~(xiv)(V)~~ Participating in criminal street gang activity;
- 83 ~~(xv)(W)~~ Habitual violator;
- 84 ~~(xvi)(X)~~ Driving under the influence of alcohol, drugs, or other intoxicating
- 85 substances;
- 86 ~~(xvii)(Y)~~ Entering an automobile or other mobile vehicle with intent to commit theft
- 87 or felony, as defined in Code Section 16-8-18; ~~or~~
- 88 ~~(xviii)(Z)~~ Stalking; ~~or~~
- 89 ~~(C) A misdemeanor offense of:~~
- 90 ~~(i)(AA)~~ Crimes involving family violence, as defined in Code Section 19-13-1; ~~or~~
- 91 ~~(ii) Stalking.~~

- 92 (BB) Reckless stunt driving, as described in Code Section 40-6-390.1;
93 (CC) Promoting or organizing an exhibition of drag races or laying drags, as described
94 in Code Section 16-11-43.1;
95 (DD) Laying drags, as defined in Code Section 40-6-251;
96 (EE) Reckless driving, as described in Code Section 40-6-390;
97 (FF) Fleeing or attempting to elude a police officer, as described in Code
98 Section 40-6-395;
99 (GG) Obstruction of a law enforcement officer, as described in Code Section 16-10-29;
100 (HH) Criminal trespass, as described in Code Section 16-7-21;
101 (II) Theft by taking, as described in Code Section 16-8-2;
102 (JJ) Theft by deception, as described in Code Section 16-8-3;
103 (KK) Theft by extortion, as described in Code Section 16-8-16;
104 (LL) Destruction, removal, concealment, encumbrance, or transfer of property subject
105 to security interest, as described in Code Section 16-9-51;
106 (MM) Bribery, as described in Code Section 16-10-2;
107 (NN) Purchase, possession, manufacture, distribution, or sale of controlled substances
108 or marijuana, as described in Code Section 16-13-30;
109 (OO) Forgery, as described in Code Section 16-9-1;
110 (PP) Exploitation and intimidation of disabled adults, elder persons, and residents or
111 obstruction of an investigation, as described in Code Section 16-5-102;
112 (QQ) Battery, as described in Code Section 16-5-23.1;
113 (RR) Voluntary manslaughter, as described in Code Section 16-5-2;
114 (SS) Cruelty to animals, as described in Code Section 16-12-4;
115 (TT) Violation of oath by a public officer, as described in Code Section 16-10-1;
116 (UU) Financial transaction card fraud, as described in Code Section 16-9-33;
117 (VV) Financial transaction card theft, as described in Code Section 16-9-31;
118 (WW) Identity fraud, as described in Code Section 16-9-121;

- 119 (XX) Racketeering and conspiracy, as described in Code Section 16-14-4;
 120 (YY) Trafficking of persons for labor or sexual servitude, as described in Code
 121 Section 16-5-46;
 122 (ZZ) Second or Subsequent Offense of Failure to appear, as described in Code Section
 123 40-13-63;
 124 (AAA) Domestic terrorism, as described in Code Section 16-11-221;
 125 (BBB) Riot, as described in Code Section 16-11-30;
 126 (CCC) Inciting to riot, as described in Code Section 16-11-31;
 127 (DDD) Affray, as described in Code Section 16-11-32;
 128 (EEE) Unlawful assembly, as described in Code Section 16-11-33;
 129 (FFF) Terroristic threat or act, as described in Code Section 16-11-37; or
 130 (GGG) Possession of tools for commission of a crime, as described in Code Section
 131 16-7-20.
- 132 (2) 'Unsecured judicial release' means any release that does not purport a dollar amount
 133 through secured means as provided for in Code Section 17-6-4 or 17-6-50 or property as
 134 approved by the sheriff in the county where the offense was committed and that is:
- 135 (A) On a person's own recognizance; or
 136 (B) For the purpose of entering a pretrial release program, a pretrial release and
 137 diversion program as provided for in Article 4 of Chapter 3 of Title 42, or a pretrial
 138 intervention and diversion program as provided for in Article 4 of Chapter 18 of
 139 Title 15, or pursuant to Uniform Superior Court Rule 27.
- 140 (b) An elected judge, an appointed judge ~~filling the vacancy of an elected judge~~, or a judge
 141 sitting by designation may issue an unsecured judicial release if:
- 142 ~~(1) Such such~~ unsecured judicial release is noted on the release order; ~~and~~
 143 ~~(2) The person is not charged with a bail restricted offense.~~
- 144 (c) Except as provided in subsection (b) of this Code section and in addition to other laws
 145 regarding the release of an accused person, the judge of any court having jurisdiction over

146 a person charged with committing an offense against the criminal laws of this state shall
147 have authority, in his or her sound discretion and in appropriate cases, to authorize the
148 release of the person on an unsecured judicial release only.

149 (d) Upon the failure of a person released on an unsecured judicial release to appear for
150 trial, if the release is not otherwise conditioned by the court, absent a finding of sufficient
151 excuse to appear, the court shall summarily issue an order for his or her arrest which shall
152 be enforced as in cases of forfeited bonds.

153 (e) No person charged with a bail restricted offense shall be eligible for release by any
154 judge on an unsecured judicial release. Such persons charged with a bail restricted offense
155 shall only be eligible for release through the use of secured means as provided in Code
156 Sections 17-6-4 and 17-6-5, professional bondsmen as provided in Code Section 17-6-50,
157 or property as approved by the sheriff in the county where the offense was committed.

158 (f) No person sentenced pursuant to subsection (b) or (c) of Code Section 17-10-7 shall be
159 eligible for release by any judge on an unsecured judicial release. Such persons shall only
160 be eligible for release through the use of secured means as provided in Code Sections
161 17-6-4 and 17-6-5, professional bondsmen as provided in Code Section 17-6-50, or
162 property as approved by the sheriff in the county where the offense was committed.

163 (g) Any person arrested for any offense who has previously been convicted for any felony
164 within the preceding seven years shall not be eligible for release by any judge on an
165 unsecured judicial release. Such person shall only be eligible for release through the use
166 of secured means as provided in Code Sections 17-6-4 and 17-6-5, professional bondsmen
167 as provided in Code Section 17-6-50, or property as approved by the sheriff in the county
168 where the offense was committed."

169

SECTION 4.

170 Said chapter is further amended in Code Section 17-6-31, relating to surrender of principal
 171 by surety, forfeiture of bond, and death of principal, by revising subsections (a), (d), and (e)
 172 as follows:

173 "(a) When the court is not in session, a surety on a bond may surrender the surety's
 174 principal to the sheriff or to the responsible law enforcement officer of the jurisdiction in
 175 which the case is pending in order to be released from liability. If the sheriff or the
 176 responsible law enforcement officer of the jurisdiction refuses such surrender, the surety
 177 shall be released from liability."

178 "(d)(1) Furthermore, the surety shall be released from liability if, prior to entry of
 179 judgment, there is:

- 180 (A) A deferred sentence;
- 181 (B) A presentence investigation;
- 182 (C) ~~A court ordered~~ Entry into a pretrial intervention and diversion program;
- 183 (D) ~~A court ordered~~ Entry into an educational and rehabilitation program;
- 184 (E) A fine;
- 185 (F) A dead docket; ~~or~~
- 186 (G) Death of the principal;
- 187 (H) Participation in an accountability court; or
- 188 (I) Entry into a pretrial release program.

189 (2) Furthermore, the surety ~~may~~ shall be released from liability at the discretion of the
 190 court if:

- 191 ~~(A) The~~ the principal used a false name when he or she was bound over and committed
 192 to jail or a correctional institution and was subsequently released from such facility
 193 unless the surety knew or ~~should have known~~ had reason to know that the principal
 194 used a false name; ~~and~~

195 ~~(B) The surety shows to the satisfaction of the court that he or she acted with due~~
 196 ~~diligence and used all practical means to secure the attendance of the principal before~~
 197 ~~the court.~~

198 (e) If the prosecuting attorney does not try the charges against a defendant within a period
 199 of two years in the case of felonies and one year in the case of misdemeanors after the date
 200 of posting bond, ~~then judgment rendered after such period may not be enforced against the~~
 201 ~~surety on the bond and the surety shall thereafter be relieved of liability on the bond. This~~
 202 ~~subsection shall not apply where the prosecuting attorney's failure to try the charges is due~~
 203 ~~to the fault of the principal."~~

204

SECTION 5.

205 Said chapter is further amended in Code Section 17-6-54, relating to no further compensation
 206 after becoming surety, when sum received to be returned to defendant, and right to surrender
 207 defendant and to keep sum paid when defendant forfeits, by revising subsection (a) as
 208 follows:

209 "(a) No professional bondsman or his or her agents or employees who receive
 210 compensation for becoming the surety on a criminal bond shall thereafter receive any other
 211 sum in the case. If the surety surrenders a defendant into the custody of the court, the
 212 sheriff, or another law enforcement officer in the jurisdiction where the bond was made
 213 before final disposition of the case, the surety is required to return to the principal the
 214 compensation received for signing the bond as surety if such surrender of the defendant is
 215 for reasons other than:

- 216 (1) The defendant's arrest for a crime other than a traffic violation or ~~misdemeanor~~ local
 217 ordinance violation;
- 218 (2) The defendant's cosigner attests in writing the desire to be released from the bond;
- 219 (3) The defendant fails to provide to ~~the court and~~ the surety the defendant's change of
 220 address;

- 221 (4) The defendant fails to pay any fee due to the surety after being notified ~~by certified~~
222 ~~mail or statutory overnight delivery~~ that the same is past due;
- 223 (5) The defendant fails to notify ~~the court and~~ the surety upon leaving the jurisdiction of
224 the court; or
- 225 (6) The defendant provides false information to the surety."

226 **SECTION 6.**

227 Said chapter is further amended in Code Section 17-6-56.1, relating to continuing education
228 programs for bail recovery agents, fee, annual requirement, and certificate of completion, by
229 revising subsection (b) as follows:

230 "(b) The fee for continuing education programs for bail recovery agents shall not exceed
231 ~~\$125.00~~ \$250.00 annually."

232 **SECTION 7.**

233 Said chapter is further amended in Code Section 17-6-70, relating to when forfeiture occurs,
234 by revising subsection (b) as follows:

235 "(b) An appearance bond shall not be forfeited unless the clerk of the court gave the surety
236 at least 72 hours' written notice, exclusive of Saturdays, Sundays, and legal holidays, before
237 the time of the required appearance of the principal. Notice shall not be necessary if the
238 time for appearance is within 72 hours from the time of arrest, provided the time for
239 appearance is stated on the bond; ~~or where the principal is given actual notice in open~~
240 ~~court.~~"

241 **SECTION 8.**

242 Said chapter is further amended by revising Code Section 17-6-71, relating to execution
243 hearing on failure of principal to appear, as follows:

244 "17-6-71.

245 (a) ~~The judge shall, at the end of the court day, upon the failure of the principal to appear,~~
246 ~~forfeit the bond, issue a bench warrant for the principal's arrest, and order an execution~~
247 ~~hearing not sooner than 120 days but not later than 150 days after such failure to appear.~~
248 ~~Notice of the execution hearing shall be served by the clerk of the court in which the bond~~
249 ~~forfeiture occurred within ten days of such failure to appear by certified mail or by~~
250 ~~electronic means as provided in Code Section 17-6-50 to the surety at the address listed on~~
251 ~~the bond or by personal service to the surety within ten days of such failure to appear at its~~
252 ~~home office or to its designated registered agent. Service shall be considered complete~~
253 ~~upon the mailing of such certified notice. Such ten-day notice shall be adhered to strictly.~~
254 ~~If notice of the execution hearing is not served as specified in this subsection, the surety~~
255 ~~shall be relieved of liability on the appearance bond~~ The judge shall, at the end of the court
256 day, upon the failure of the principal to appear, forfeit the bond and issue a bench warrant
257 for the principal's arrest. If the forfeiture and bench warrant are not issued and signed
258 within three business days of the failure to appear, the surety shall be relieved of liability
259 on the appearance bond. Upon forfeiting the bond, the judge shall order an execution
260 hearing not sooner than 150 days but not later than 180 days after such failure to appear.
261 If the execution hearing is not ordered as specified in this subsection, the surety shall be
262 relieved of liability on the appearance bond. Notice of the execution hearing and a copy
263 of the bench warrant shall be served by the clerk of the court in which the bond forfeiture
264 occurred within ten days of such failure to appear by certified mail, return receipt
265 requested, or by electronic means as provided in Code Section 17-6-50 to the surety at the
266 address listed on the bond or by personal service to the surety within ten days of such
267 failure to appear at its home office or to its designated registered agent. Service shall be
268 considered complete upon the mailing of such certified notice. Such ten-day notice shall
269 be adhered to strictly. If notice of the execution hearing and bench warrant are not served
270 as specified in this subsection, the surety shall be relieved of liability on the appearance
271 bond.

272 (b) If at the execution hearing it is determined that judgment should be entered, the judge
 273 shall so order and a writ of fieri facias shall be filed in the office of the clerk of the court
 274 where such judgment is entered. Notice of the judgment shall be served by the clerk of the
 275 court in which entry of judgment occurred within ten days of such entry by certified mail,
 276 return receipt requested, or by electronic means as provided in Code Section 17-6-50 to the
 277 surety at the address listed on the bond or by personal service to the surety within ten days
 278 of such entry of judgment at its home office or to its designated registered agent. Service
 279 shall be considered complete upon the mailing of such certified notice. Such ten-day notice
 280 shall be adhered to strictly. If the notice of the judgment is not served in the time frame as
 281 specified in this subsection, the surety shall be relieved of liability on the appearance bond,
 282 the judgment shall be marked satisfied, and the writ of fieri facias shall be canceled. The
 283 provisions of this subsection shall apply to all bail bonds, whether returnable to superior
 284 court, state court, probate court, magistrate court, or municipal court."

285

SECTION 9.

286 Said chapter is further amended in Code Section 17-6-72, relating to conditions not
 287 warranting forfeiture of bond for failure to appear and remission of forfeiture, by revising
 288 subsections (b), (c), (d), and (e) as follows:

289 "(b) No judgment shall be rendered on a forfeiture of any appearance bond if ~~it is shown~~
 290 ~~to the satisfaction of the court that~~ the principal on the bond was prevented from attending
 291 because he or she was detained by reason of arrest, sentence, or confinement in a penal
 292 institution or jail in the State of Georgia, or so detained in another jurisdiction, or because
 293 he or she was involuntarily confined or detained pursuant to court order in a mental
 294 institution in the State of Georgia or in another jurisdiction. ~~An official written~~ Written
 295 notice of the holding institution in which the principal is being detained or confined shall
 296 be considered proof of the principal's detention or confinement. ~~Such notice may be sent~~
 297 ~~from the holding institution by mail or e-mail or delivered by hand or by facsimile~~

298 ~~machine~~. Upon the presentation of such written notice to the clerk of the proper court, the
299 prosecuting attorney, and the sheriff or other law enforcement officer having jurisdiction
300 over the case, along with a letter of intent to pay all costs of returning the principal to the
301 jurisdiction of the court, such notice and letter shall serve as the surety's request for a
302 detainer or hold to be placed on the principal. Should there be a failure to place a detainer
303 or hold within ten business days of the surety's service of a detainer or hold request, and
304 after such presentation of such notice and letter of intent to pay costs, the surety shall then
305 be relieved of the liability for the appearance bond without further order of the court.

306 (c) No judgment shall be rendered on a forfeiture of any appearance bond if ~~it is shown to~~
307 ~~the satisfaction of the court that~~ prior to the entry of the judgment on the forfeiture the
308 principal on the bond is in the custody of the sheriff or other responsible law enforcement
309 agency. ~~An official written~~ Written notice of the holding institution in which the principal
310 is being detained or confined shall be considered proof of the principal's detention or
311 confinement. ~~Such notice may be sent from the holding institution by mail or e-mail or~~
312 ~~delivered by hand or by facsimile machine~~. Upon presentation of such written notice to the
313 clerk of the proper court, the prosecuting attorney, and the sheriff or other law enforcement
314 officer having jurisdiction over the case along with a letter of intent to pay all costs of
315 returning the principal to the jurisdiction of the court, such notice and letter shall serve as
316 the surety's request for a detainer or hold to be placed against the principal. Should there
317 be a failure to place a detainer or hold within ten business days of the surety's service of
318 a detainer or hold request, and after presentation of such notice and letter of intent to pay
319 costs, the surety shall then be relieved of the liability for the appearance bond without
320 further order of the court."

321 "(d) In cases in which subsection (e) of this Code section is not applicable, the court shall
322 order remission under the following conditions:

323 (1) Provided the bond amount has been paid within ~~120~~ 150 days after entry of the
324 judgment ~~and the delay has not prevented prosecution of the principal and upon~~

325 application filed within ~~120~~ 150 days from the payment of judgment with prior notice to
326 the prosecuting attorney of such application, said court shall direct remission of 95
327 percent of the bond amount remitted to the surety if the principal is produced,
328 surrendered, or otherwise appears before the court that has jurisdiction of the bond or if
329 the surety provides proof of the principal's incarceration or confinement in another
330 jurisdiction, proof of the principal's death, or proof that surrender of the principal was
331 denied by the sheriff or other responsible law enforcement officer within such ~~120~~ 150
332 day period following payment of the judgment;

333 (2) Provided the bond amount has been paid within ~~120~~ 150 days after the entry of
334 judgment and ~~the delay has not prevented prosecution of the principal, should the surety,~~
335 ~~within two years of the principal's failure to appear, locate the principal in the custody of~~
336 ~~the sheriff in the jurisdiction where the bond was made or in another jurisdiction causing~~
337 ~~the return of the principal to the jurisdiction where the bond was made, apprehend,~~
338 ~~surrender, or produce the principal, if the apprehension or surrender of the principal is~~
339 ~~substantially procured or caused by the surety, or if the location of the principal by the~~
340 ~~surety causes the adjudication of the principal in the jurisdiction in which the bond was~~
341 ~~made, the surety shall be entitled to a refund of 50 percent of the bond amount. The~~
342 ~~application for 50 percent remission shall be filed no later than 30 days following the~~
343 ~~expiration of the two-year period following the date of judgment~~ upon application filed
344 within 60 days following the expiration of the two-year period following the date of
345 judgment with prior notice to the prosecuting attorney of such application, said court shall
346 direct remission of 50 percent of the bond amount remitted to the surety if the principal
347 is produced, surrendered, or otherwise appears before the court that has jurisdiction of the
348 bond or if the surety provides proof of the principal's incarceration or confinement in
349 another jurisdiction, proof of the principal's death, or proof that surrender of principal was
350 denied by the sheriff or other responsible law enforcement officer within such two-year
351 period following payment of the judgment; or

352 (3) ~~Remission~~ One hundred percent remission shall be granted upon condition of the
353 payment of court costs and of the expenses of returning the principal to the jurisdiction
354 by the surety.

355 (e)(1) If, within ~~120~~ 150 days from entry of the judgment, the surety surrenders the
356 principal to the sheriff or responsible law enforcement officer, or said surrender has been
357 denied by the sheriff or responsible law enforcement officer, or the surety locates the
358 principal in custody in another jurisdiction, the surety shall only be required to pay costs
359 and 5 percent of the face amount of the bond, which amount includes all surcharges. If
360 it is shown to the satisfaction of the court, by the presentation of competent evidence
361 from the sheriff or the holding institution, that said surrender has been made or denied or
362 that the principal is in custody in another jurisdiction or that said surrender has been made
363 and that 5 percent of the face amount of the bond and all costs have been tendered to the
364 sheriff, the court shall direct that the judgment be marked satisfied and that the writ of
365 fieri facias be canceled.

366 (2)(A) The court shall direct that the judgment be marked satisfied and that the writ of
367 fieri facias be canceled, if within ~~120~~ 150 days from entry of the judgment, the surety:

368 (i) Tenders an amount equal to 5 percent of the face amount of the bond and all costs
369 to the sheriff; and

370 (ii) Provides, in writing, the court and the prosecuting attorney for the court that has
371 jurisdiction of the bond with competent evidence giving probable cause to believe that
372 the principal is located in another jurisdiction within the United States and states that
373 it will provide for the reasonable remuneration for the rendition of the principal, as
374 estimated by the sheriff; and

375 (B) The prosecuting attorney for the court that has jurisdiction of the bond:

376 (i) Declines, in writing, to authorize or facilitate extradition; or

377 (ii) Within ten business days of the notice provided pursuant to division (2)(A)(ii) of
378 this subsection, fails to enter the appropriate extradition approval code into the

379 computerized files maintained by the Federal Bureau of Investigation National Crime
380 Information Center, thereby indicating an unwillingness to extradite the principal."

381 **SECTION 10.**

382 Code Section 17-10-6.1 of the Official Code of Georgia Annotated, relating to punishment
383 for serious violent offenders and authorization for reduction in mandatory minimum
384 sentencing, is amended by revising subsection (a) as follows:

385 "(a) As used in this Code section, the term 'serious violent felony' means:

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

387 (2) Armed robbery, as defined in Code Section 16-8-41;

388 (3) Kidnapping, as defined in Code Section 16-5-40;

389 (4) Rape, as defined in Code Section 16-6-1;

390 (5) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4,
391 unless subject to the provisions of paragraph (2) of subsection (d) of Code Section
392 16-6-4;

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

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

395 (8) Domestic terrorism, as defined in Code Section 16-11-220."

396 **SECTION 11.**

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