

House Bill 535

By: Representatives Smith of the 18<sup>th</sup>, Hong of the 103<sup>rd</sup>, Leverett of the 123<sup>rd</sup>, Evans of the 57<sup>th</sup>, and Miller of the 62<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 42-8-38 of the Official Code of Georgia Annotated, relating to arrest  
2 or graduated sanctions for probationers violating terms, hearing, disposition of charge, and  
3 procedure when probation revoked in county other than that of conviction, so as to provide  
4 for credit for time served regarding probation revocation sentencing; to provide for related  
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 42-8-38 of the Official Code of Georgia Annotated, relating to arrest or  
9 graduated sanctions for probationers violating terms, hearing, disposition of charge, and  
10 procedure when probation revoked in county other than that of conviction, is amended by  
11 revising subsection (c) as follows:

12 "(c) After the hearing, the court may revoke, modify, or continue the probation. If the  
13 probation is revoked, the court may order the execution of the sentence originally imposed  
14 or of any portion thereof. In such event, the time that the defendant has served under  
15 probation shall be considered as time served and shall be deducted from and considered a  
16 part of the time he or she was originally sentenced to serve. Regarding any carceral

17 sentence imposed pursuant to a revocation of probation, a person shall be given full credit  
18 for time served for each day served in confinement since the date of the commission of the  
19 violation in accordance with Code Section 17-10-11, excluding any time tolled in  
20 accordance with Code Section 42-8-36."

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.