

House Bill 65

By: Representative Powell of the 29th

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions,
2 so as to create the Department of Probation/Parole Community Based Supervision; to provide
3 for the responsibilities of the department with respect to supervision of probationers and
4 parolees; to transfer responsibility of certain functions of probation and parole supervision to
5 the department; to provide for the selection, service, and powers and duties of the director and
6 employees of the department; to provide for rules and regulations and forms; to provide for
7 administration; to authorize appropriation of funds; to provide for transfer of prior
8 appropriations; to provide for transfer of personnel, equipment, and facilities; to amend
9 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to
10 correct cross-references; to amend Title 17 of the Official Code of Georgia Annotated,
11 relating to criminal procedure, so as to change provisions relating to imposition and service
12 of split sentences; to provide for sentencing orders and their terms and effect; to provide that
13 where a person is sentenced to a term of imprisonment followed by a period of probation and
14 the person is paroled or released prior to service of the full period of imprisonment, the
15 person shall be subject to an increased period of probation and probation supervision but shall
16 not be subject to supervision by the State Board of Pardons and Paroles; to make
17 corresponding changes with respect to the jurisdiction and authority of the State Board of
18 Pardons and Paroles; to amend Titles 19, 40, and 45 of the Official Code of Georgia
19 Annotated, relating to domestic relations, motor vehicles and traffic, and public officers and
20 employees, respectively, so as to provide for certain changes in the administrative organization
21 of the Department of Corrections and the State Board of Pardons and Paroles and to provide
22 for conforming amendments; to provide for related matters; to provide for an effective date
23 and applicability; to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 (b) The director shall receive an annual salary to be set by the Governor which shall be his
2 or her total compensation for services as director. The director shall be reimbursed for all
3 actual and necessary expenses incurred by him or her in carrying out his or her official
4 duties.

5 (c) The duties of the department shall be performed by that department and not by any other
6 agency of state government, and the department shall not perform the duties of any other
7 agency of state government. The position of director of the department shall be a separate
8 and distinct position from any other position in state government. The duties of the director
9 shall be performed by the director and not by any other officer of state government, and the
10 director shall not perform the duties of any other officer of state government.

11 42-14-4.

12 (a) The director shall establish units within the department as he or she deems proper for its
13 administration and shall designate persons to be assistant directors of each unit and to
14 exercise authority as he or she may delegate to them in writing.

15 (b) The director shall have the authority to employ as many persons as he or she deems
16 necessary for the administration of the department and for the discharge of the duties of his
17 or her office. The director shall issue all necessary directions, instructions, orders, and rules
18 applicable to employees of the department. The director shall have authority, as the director
19 deems proper, to employ, assign, compensate, and discharge employees of the department
20 within the limitations of the department's appropriation and the restrictions set forth by law.

21 (c) All employees of the department shall be compensated upon a fixed salary basis, and no
22 person shall be compensated for services to the department on a commission or contingent
23 fee basis.

24 (d) Neither the director nor any officer or employee of the department shall be given or
25 receive any fee, compensation, loan, gift, or other thing of value in addition to the
26 compensation and expense allowance provided by law for any service or pretended service
27 either rendered or to be rendered as director or as an officer or employee of the department.

28 42-14-5.

29 (a) The director shall have the power to make and publish reasonable rules and regulations
30 not inconsistent with this title or other laws or with the Constitution of this state or of the
31 United States for the administration of this chapter or any law which it is his or her duty to
32 administer.

33 (b) The director may prescribe forms as he or she deems necessary for the administration
34 and enforcement of this chapter and Chapters 8 and 9 of this title or any law which it is his
35 or her duty to administer.

1 (c) The following rules and regulations shall remain of full force and effect as rules and
 2 regulations of the department until amended, repealed, or superseded by rules or regulations
 3 adopted by the director of the department:

4 (1) All rules and regulations previously adopted by the Advisory Council for Probation
 5 which relate to functions transferred under this chapter from the state-wide probation
 6 system to the department;

7 (2) All rules and regulations previously adopted by corrections which relate to functions
 8 transferred under this chapter from corrections to the department; and

9 (3) All rules and regulations previously adopted by the board which relate to functions
 10 transferred under this chapter from the board to the department.

11 42-14-6.

12 (a) Appropriations to corrections and the board for functions transferred to the department
 13 pursuant to this chapter may be transferred to the department as provided for in Code Section
 14 45-12-90. Personnel, equipment, and facilities previously employed by corrections and the
 15 board for transferred functions shall likewise be transferred to the department. Any
 16 disagreement as to any of the transfers shall be resolved by the Governor.

17 (b) The enactment of this chapter and the Act by which it is enacted shall not affect or abate
 18 the status of a probation revocation or parole revocation which occurred prior to July 1,
 19 2007."

20 SECTION 2.

21 Said title is further amended by revising Code Section 42-1-10, relating to preliminary urine
 22 screen drug tests, as follows:

23 "42-1-10.

24 (a) Any probation/parole supervisor, probation officer, ~~parole officer~~, or other official or
 25 employee of the Department of Corrections or the Department of Probation/Parole
 26 Community Based Supervision who supervises any person covered under the provisions of
 27 paragraphs (1) through (7) of this subsection shall be exempt from the provisions of Chapter
 28 22 of Title 31 for the limited purposes of administering a preliminary urine screen drug test
 29 to any person who is:

30 (1) Incarcerated;

31 (2) Released as a condition of probation for a felony or misdemeanor;

32 (3) Released as a condition of conditional release;

33 (4) Released as a condition of parole;

34 (5) Released as a condition of provisional release;

35 (6) Released as a condition of pretrial release; or

1 (7) Released as a condition of control release.

2 (b) The Department of Corrections, the Department of Probation/Parole Community Based
 3 Supervision, and the State Board of Pardons and Paroles shall develop a procedure for the
 4 performance of preliminary urine screen drug tests in accordance with the manufacturer's
 5 standards for certification. Probation officers, ~~parole officers~~ probation/ parole supervisors,
 6 or other officials or employees of the Department of Corrections or the Department of
 7 Probation/Parole Community Based Supervision who are supervisors of any person covered
 8 under paragraphs (1) through (7) of subsection (a) of this Code section shall be authorized
 9 to perform preliminary urine screen drug tests in accordance with such procedure. Such
 10 procedure shall include instructions as to a confirmatory test by a licensed clinical
 11 laboratory where necessary."

12 SECTION 3.

13 Said title is further amended by revising Code Section 42-8-2, relating to the Advisory Council
 14 for Probation's duties and responsibilities, as follows:

15 "42-8-2.

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

17 (1) 'Board' means the Board of Corrections.

18 (2) 'Corrections' means the Department of Corrections.

19 (3) 'Department' means the Department of Probation/Parole Community Based
 20 Supervision.

21 (b) The Advisory Council for Probation shall meet, consult, and advise with the Board of
 22 Corrections board, the department, and the Department of Corrections corrections on
 23 questions and matters of mutual concern and interest relative to policy, personnel, and budget
 24 which pertain to probationary activities, powers, duties, and responsibilities of the board, and
 25 the department, and corrections. The advisory council shall institute such studies and surveys
 26 and shall make such recommendations to the board, corrections, and the department as the
 27 council deems wise and necessary and which, in the opinion of the council, will improve the
 28 effectiveness and efficiency of probation services rendered throughout the state. No change
 29 in existing policy of the board, corrections, or the department relative to probation, if the
 30 magnitude of the change will result in a significant impact upon state-wide probationary
 31 services, or any such new policy, shall be instituted by the board, corrections, or the
 32 department without opportunity being afforded to the advisory council to advise and consult
 33 with the board, corrections, or the department on the proposed changes. However, the
 34 recommendations of the advisory council shall be advisory only and shall not bind the board,
 35 corrections, or the department. The board, corrections, the department, and the council shall

1 meet periodically throughout each year for the purpose of improving the administration,
2 efficiency, and effectiveness of probation services."

3 **SECTION 4.**

4 Said title is further amended by revising Code Section 42-8-21, relating to definitions in the
5 "State-wide Probation Act," as follows:

6 "42-8-21.

7 As used in this article, the term:

8 (1) 'Board' means the Board of Corrections.

9 (2) 'Commissioner' means the commissioner of corrections.

10 (3) 'Corrections' means the Department of Corrections.

11 ~~(3)~~(4) 'Department' means the Department of ~~Corrections~~ Probation/Parole Community
12 Based Supervision.

13 (5) 'Split sentence' means any felony sentence that includes a term of imprisonment
14 followed by a term of probation."

15 **SECTION 5.**

16 Said title is further amended by revising Code Section 42-8-22, relating to creation and
17 administration of the state-wide probation system, as follows:

18 "42-8-22.

19 There is created a state-wide probation system for felony offenders to be administered by
20 the Department of ~~Corrections~~ Probation/Parole Community Based Supervision. The
21 probation system shall not be administered as part of the duties and activities of the State
22 Board of Pardons and Paroles; but with respect to a split sentence imposed on or after July
23 1, 2007, the department shall have jurisdiction over any increased period of probation
24 resulting from a release of the defendant by the State Board of Pardons and Paroles as
25 provided for in Code Section 17-10-1.3. Separate files and records shall be kept with
26 relation to the system."

27 **SECTION 6.**

28 Said title is further amended by revising Code Section 42-8-24, relating to the general duties
29 of the department and rules and regulations, as follows:

30 "42-8-24.

31 It shall be the duty of the department to supervise and direct the work of the probation/parole
32 supervisors provided for in Code Section 42-8-25 and to keep accurate files and records on
33 all probation cases, split sentence cases, parole cases, persons released pursuant to Code
34 Section 17-10-1, and persons ~~on probation~~ under supervision. It shall be the duty of the

1 board to promulgate rules and regulations necessary to effectuate the purposes of this
2 chapter."

3 **SECTION 7.**

4 Said title is further amended by revising Code Section 42-8-25, relating to the employment
5 of probation supervisors and assignment to circuits, as follows:

6 "42-8-25.

7 The department shall employ probation/parole supervisors. The department may assign one
8 supervisor to each judicial circuit in this state or, for purposes of assignment, may
9 consolidate two or more judicial circuits and assign one supervisor thereto. In the event the
10 department determines that more than one supervisor is needed for a particular circuit, an
11 additional supervisor or additional supervisors may be assigned to the circuit. The
12 department is authorized to direct any probation/parole supervisor to assist any other
13 probation/parole supervisor wherever assigned. In the event that more than one supervisor
14 is assigned to the same office or to the same division within a particular judicial circuit, the
15 department shall designate one of the supervisors to be in charge."

16 **SECTION 8.**

17 Said title is further amended by revising Code Section 42-8-26, relating to the qualifications
18 of probation supervisors, compensation, expenses, conflicts of interest, and bonds, as follows:

19 "42-8-26.

20 (a) In order for a person to hold the office of probation/parole supervisor, he or she must
21 be at least 21 years of age at the time of appointment and must have completed a standard
22 two-year college course, provided that any person who is employed as a probation supervisor
23 on or before July 1, 1972, shall not be required to meet the educational requirements
24 specified in this Code section, nor shall he or she be prejudiced in any way for not
25 possessing the requirements. The qualifications provided in this Code section are the
26 minimum qualifications, and the department is authorized to prescribe such additional and
27 higher educational qualifications from time to time as it deems desirable; but not to exceed
28 a four-year standard college course.

29 (b) The compensation of the probation/parole supervisors shall be set by the State Personnel
30 Board and the State Merit System of Personnel Administration. Probation/parole
31 supervisors shall also be allowed travel and other expenses as are other state employees.

32 (c)(1) No supervisor shall engage in any other employment, business, or activities which
33 interfere or conflict with his or her duties and responsibilities as probation/parole
34 supervisor.

1 (2) No supervisor shall own, operate, have any financial interest in, be an instructor at, or
 2 be employed by any private entity which provides drug or alcohol education services or
 3 offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the Department
 4 of Driver Services.

5 (3) No supervisor shall specify, directly or indirectly, a particular DUI Alcohol or Drug
 6 Use Risk Reduction Program which a probationer may or shall attend. This paragraph shall
 7 not prohibit any supervisor from furnishing any probationer, upon request, the names of
 8 certified DUI Alcohol or Drug Use Risk Reduction Programs. Any supervisor violating
 9 this paragraph shall be guilty of a misdemeanor.

10 (d) Each probation/parole supervisor shall give bond in such amount as may be fixed by the
 11 department payable to the department for the use of the person or persons damaged by his
 12 or her misfeasance or malfeasance and conditioned on the faithful performance of his or her
 13 duties. The cost of the bond shall be paid by the department; provided, however, that the bond
 14 may be procured, either by the department or by the Department of Administrative Services,
 15 under a master policy or on a group blanket coverage basis, where only the number of
 16 positions in each judicial circuit and the amount of coverage for each position are listed in
 17 a schedule attached to the bond; and in such case each individual shall be fully bonded and
 18 bound as principal, together with the surety, by virtue of his or her holding the position or
 19 performing the duties of probation/parole supervisor in the circuit or circuits, and his or her
 20 individual signature shall not be necessary for such bond to be valid in accordance with all
 21 the laws of this state. The bond or bonds shall be made payable to the department."

22 SECTION 9.

23 Said title is further amended by revising Code Section 42-8-27, relating to the duties of
 24 probation supervisors, as follows:

25 "42-8-27.

26 The probation/parole supervisor shall supervise and counsel probationers in the judicial
 27 circuit to which he or she is assigned. Each supervisor shall perform the duties prescribed
 28 in this chapter and ~~such~~ other duties as are prescribed by the department and shall keep ~~such~~
 29 records and files and make ~~such~~ any reports as are required of him or her."

30 SECTION 10.

31 Said title is further amended by revising Code Section 42-8-28, relating to the assignment of
 32 probation supervisors among the judicial circuits, as follows:

33 "42-8-28.

34 Probation/parole supervisors shall be assigned among the respective judicial circuits based
 35 generally on the relative number of persons on probation and parole in each circuit."

1 (b) The prison or institution receiving these documents shall maintain the confidentiality of
 2 the documents and the information contained therein and shall not send them or release them
 3 or reveal them to any other person, institution, or agency without the express consent of the
 4 ~~probation~~ unit which originated or accumulated the documents."

5 SECTION 13.

6 Said title is further amended by revising Code Section 42-8-30, relating to supervision of
 7 juvenile offenders by probation supervisors, as follows:

8 "42-8-30.

9 In the counties where no juvenile probation system exists, juvenile offenders, upon direction
 10 of the court, shall be supervised by probation/parole supervisors. Other than in this respect,
 11 nothing in this article shall be construed to change or modify any law relative to probation
 12 as administered by any juvenile court in this state."

13 SECTION 14.

14 Said title is further amended by revising Code Section 42-8-31, relating to collection and
 15 disbursement of funds by probation supervisors, record keeping, and bank accounts, as follows:

16 "42-8-31.

17 No probation/parole supervisor shall collect or disburse any funds whatsoever, except by
 18 written order of the court; and it shall be the duty of the supervisor to transmit a copy of the
 19 order to the department not later than 15 days after it has been issued by the court. Every
 20 supervisor who collects or disburses any funds whatsoever shall faithfully keep the records
 21 of accounts as are required by the department, which records shall be subject to inspection
 22 by the department at any time. In every instance where a bank account is required, it shall be
 23 kept in the name of the 'State Probation Office.'"

24 SECTION 15.

25 Said title is further amended by revising Code Section 42-8-32, relating to funds which may
 26 be collected by probation supervisors, as follows:

27 "42-8-32.

28 No probation/parole supervisor shall be directed to collect any funds other than funds
 29 directed to be paid as the result of a criminal proceeding."

30 SECTION 16.

31 Said title is further amended by revising Code Section 42-8-33, relating to auditing probation
 32 supervisors' accounts and restrictions on refunding overpayments of fines, restitution, or
 33 moneys owed, as follows:

1 "42-8-33.

2 (a) The department shall make periodic audits of each probation/parole supervisor who, by
 3 virtue of ~~his~~ the supervisor's duties, has any moneys, fines, court costs, property, or other
 4 funds coming into ~~his~~ the supervisor's control or possession or being disbursed by ~~him~~ the
 5 supervisor. The department shall keep a permanent record of the audit of each
 6 probation/parole supervisor's accounts on file. It shall be the duty of the employee of the
 7 department conducting the audit to notify the department in writing of any discrepancy of an
 8 illegal nature that might result in prosecution. The department shall have the right to
 9 interview and make inquiry of certain selected payors or recipients of funds, as it may
 10 choose, without notifying the probation/parole supervisor, to carry out the purposes of the
 11 audit. The employee who conducts the audit shall be required to give bond in such amount
 12 as may be set by the department, in the same manner and for the same purposes as provided
 13 under Code Section 42-8-26 for the bonds of probation/parole supervisors. The bond shall
 14 bind the employee and ~~his~~ the surety in the performance of ~~his~~ the employee's duties.

15 (b) Any overpayment of fines, restitutions, or other moneys owed as a condition of
 16 probation shall not be refunded to the probationer if the amount of ~~such~~ the overpayment is
 17 less than \$5.00."

18 SECTION 17.

19 Said title is further amended by revising subsections (b), (c), and (d) of Code Section 42-8-34,
 20 relating to probation hearings, as follows:

21 "(b) Prior to the hearing, the court may refer the case to the probation/parole supervisor of
 22 the circuit in which the court is located for investigation and recommendation. The court,
 23 upon such reference, shall direct the supervisor to make an investigation and to report to the
 24 court, in writing at a specified time, upon the circumstances of the offense and the criminal
 25 record, social history, and present condition of the defendant, together with the supervisor's
 26 recommendation; and it shall be the duty of the supervisor to carry out the directive of the
 27 court.

28 (c) Subject to the provisions of subsection (a) of Code Section 17-10-1 and subsection (f)
 29 of Code Section 17-10-3, if it appears to the court upon a hearing of the matter that the
 30 defendant is not likely to engage in a criminal course of conduct and that the ends of justice
 31 and the welfare of society do not require that the defendant shall presently suffer the penalty
 32 imposed by law, the court in its discretion shall impose sentence upon the defendant but may
 33 stay and suspend the execution of the sentence or any portion thereof or may place ~~him~~ the
 34 defendant on probation under the supervision and control of the probation/parole supervisor
 35 for the duration of ~~such probation~~ the sentence. The period of probation or suspension shall
 36 not exceed the maximum sentence of confinement which could be imposed on the defendant.

1 (d)(1) In every case that a court of this state or any other state sentences a defendant to
 2 probation or any pretrial release or diversion program under the supervision of ~~the~~
 3 ~~department~~ corrections, in addition to any fine or order of restitution imposed by the court,
 4 there shall be imposed a probation fee as a condition of probation, release, or diversion in
 5 the amount equivalent to \$23.00 per each month under supervision, and in addition, a
 6 one-time fee of \$50.00 where such defendant was convicted of any felony. The probation
 7 fee may be waived or amended after administrative process by ~~the department~~ corrections
 8 and approval of the court, or upon determination by the court, as to the undue hardship,
 9 inability to pay, or any other extenuating factors which prohibit collection of the fee;
 10 provided, however, that the imposition of sanctions for failure to pay fees shall be within
 11 the discretion of the court through judicial process or hearings. Probation fees shall be
 12 waived on probationers incarcerated or detained in a ~~departmental~~ corrections or other
 13 confinement facility which prohibits employment for wages. All probation fees collected
 14 by the department shall be paid into the general fund of the state treasury, except as
 15 provided in subsection (f) of Code Section 17-15-13, relating to sums to be paid into the
 16 Georgia Crime Victims Emergency Fund. Any fees collected by the court under this
 17 paragraph shall be remitted not later than the last day of the month after such fee is
 18 collected to the Georgia Superior Court Clerks' Cooperative Authority for deposit into the
 19 general fund of the state treasury.

20 (2) In addition to any other provision of law, any person convicted of a violation of Code
 21 Section 40-6-391 or subsection (b) of Code Section 16-13-2 who is sentenced to
 22 probation or a suspended sentence by a municipal, magistrate, probate, recorder's, mayor's,
 23 state, or superior court shall also be required by the court to pay a one-time fee of \$25.00.
 24 The clerk of court, or if there is no clerk the person designated to collect fines, fees, and
 25 forfeitures for such court, shall collect such fee and remit the same not later than the last
 26 day of the month after such fee is collected to the Georgia Superior Court Clerks'
 27 Cooperative Authority for deposit into the general fund of the state treasury."

28 SECTION 18.

29 Said title is further amended by revising subsection (a) of Code Section 42-8-34.2, relating
 30 to a defendant's delinquent payment of fines, costs, or restitution or reparation and costs of
 31 garnishment, as follows:

32 "(a) In the event that a defendant is delinquent in the payment of fines, costs, or restitution
 33 or reparation, as was ordered by the court as a condition of probation, the defendant's
 34 probation/parole supervisor ~~officer~~ is authorized, but not required, to execute a sworn
 35 affidavit wherein the amount of arrearage is set out. In addition, the affidavit shall contain
 36 a succinct statement as to what efforts the department has made in trying to collect the

1 delinquent amount. The affidavit shall then be submitted to the sentencing court for approval.
 2 Upon signature and approval of the court, said arrearage shall then be collectable through
 3 issuance of a writ of fieri facias by the clerk of the sentencing court; and the department may
 4 enforce such collection through any judicial or other process or procedure which may be
 5 used by the holder of a writ of execution arising from a civil action."

6 **SECTION 19.**

7 Said title is further amended by revising subsection (a) of Code Section 42-8-35, relating to
 8 terms and conditions of probation, as follows:

9 "(a) The court shall determine the terms and conditions of probation and may provide that
 10 the probationer shall:

- 11 (1) Avoid injurious and vicious habits;
- 12 (2) Avoid persons or places of disreputable or harmful character;
- 13 (3) Report to the probation/parole supervisor as directed;
- 14 (4) Permit the supervisor to visit the probationer at the probationer's home or elsewhere;
- 15 (5) Work faithfully at suitable employment insofar as may be possible;
- 16 (6) Remain within a specified location; provided, however, that the court shall not banish
 17 a probationer to any area within the state:
- 18 (A) That does not consist of at least one entire judicial circuit as described by Code
 19 Section 15-6-1; or
- 20 (B) In which any service or program in which the probationer must participate as a
 21 condition of probation is not available;
- 22 (7) Make reparation or restitution to any aggrieved person for the damage or loss caused
 23 by the probationer's offense, in an amount to be determined by the court. Unless otherwise
 24 provided by law, no reparation or restitution to any aggrieved person for the damage or loss
 25 caused by the probationer's offense shall be made if the amount is in dispute unless the
 26 same has been adjudicated;
- 27 (8) Make reparation or restitution as reimbursement to a municipality or county for the
 28 payment for medical care furnished the person while incarcerated pursuant to the
 29 provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local
 30 governmental unit for the provision of medical care shall be made if the amount is in
 31 dispute unless the same has been adjudicated;
- 32 (9) Repay the costs incurred by any municipality or county for wrongful actions by an
 33 inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section
 34 42-4-71;
- 35 (10) Support the probationer's legal dependents to the best of the probationer's ability;
- 36 (11) Violate no local, state, or federal laws and be of general good behavior;

1 (12) If permitted to move or travel to another state, agree to waive extradition from any
 2 jurisdiction where the probationer may be found and not contest any effort by any
 3 jurisdiction to return the probationer to this state; and

4 (13) Submit to evaluations and testing relating to rehabilitation and participate in and
 5 successfully complete rehabilitative programming as directed by the department."

6 **SECTION 20.**

7 Said title is further amended by revising Code Section 42-8-35.1, relating to special alternative
 8 incarceration, as follows:

9 "42-8-35.1.

10 (a) In addition to any other terms or conditions of probation provided for under this chapter,
 11 the trial judge may provide that probationers sentenced for felony offenses committed on
 12 or after July 1, 1993, to a period of time of not less than one year on probation as a condition
 13 of probation must satisfactorily complete a program of confinement in a 'special alternative
 14 incarceration—probation boot camp' unit of ~~the department~~ corrections for a period of 120
 15 days computed from the time of initial confinement in the unit; provided, however, ~~the~~
 16 ~~department~~ that corrections may release the defendant upon service of 90 days in recognition
 17 of excellent behavior.

18 (b) Before a court can place this condition upon the sentence, an initial investigation ~~will~~
 19 shall be completed by the ~~probation officer~~ probation/parole supervisor which will indicate
 20 that the probationer is qualified for such treatment in that the individual does not appear to
 21 be physically or mentally disabled in a way that would prevent him or her from strenuous
 22 physical activity, that the individual has no obvious contagious diseases, that the individual
 23 is not less than 17 years of age nor more than 30 years of age at the time of sentencing, and
 24 that ~~the department~~ corrections has granted provisional approval of the placement of the
 25 individual in the 'special alternative incarceration—probation boot camp' unit.

26 (c) In every case where an individual is sentenced under the terms of this Code section, the
 27 sentencing court shall, within its probation order, direct ~~the department~~ corrections to
 28 arrange with the sheriff's office in the county of incarceration to have the individual
 29 delivered to a designated unit of ~~the department~~ corrections within a specific date not more
 30 than 15 days after the issuance of such probation order by the court.

31 (d) At any time during the individual's confinement in the unit, but at least five days prior to
 32 his or her expected date of release, ~~the department~~ corrections will certify to the trial court
 33 as to whether the individual has satisfactorily completed this condition of probation.

34 (e) Upon the receipt of a satisfactory report of performance in the program from ~~the~~
 35 ~~department~~ corrections, the trial court shall release the individual from confinement in the
 36 'special alternative incarceration—probation boot camp' unit. However, the receipt of an

1 unsatisfactory report will be grounds for revocation of the probated sentence as would any
2 other violation of a condition or term of probation.

3 (f) The satisfactory report of performance in the program from ~~the department~~ corrections
4 shall, in addition to the other requirements specified in this Code section, require
5 participation of the individual confined in the unit in such adult education courses necessary
6 to attain the equivalency of a grade five competency level as established by the State Board
7 of Education for elementary schools. Those individuals who are mentally disabled as
8 determined by initial testing are exempt from mandatory participation. After the individual
9 is released from the unit, it shall be a special condition of probation that the individual
10 participate in an education program in the community until grade five level competency is
11 achieved or active probation supervision terminates. It shall be the duty of ~~the department~~
12 corrections to certify to the trial court that such individual has satisfactorily completed this
13 condition of probation while on active probation supervision. The receipt of an
14 unsatisfactory report may be grounds for revocation of the probated sentence as would any
15 other violation of a condition or term of probation. Under certain circumstances, the
16 probationer may be exempt from this requirement if it is determined by the probation/parole
17 supervisor ~~officer~~ that community education resources are inaccessible to the probationer."

18 SECTION 21.

19 Said title is further amended by revising subsection (c) of Code Section 42-8-35.4, relating
20 to confinement in probation detention centers, as follows:

21 "(c) During the period of confinement, ~~the department~~ corrections may transfer the
22 probationer to other facilities in order to provide needed physical and mental health care or
23 for other reasons essential to the care and supervision of the probationer or as necessary for
24 the effective administration and management of its facilities."

25 SECTION 22.

26 Said title is further amended by revising subsection (c) of Code Section 42-8-35.5, relating
27 to confinement in probation diversion centers, as follows:

28 "(c) ~~The department~~ Corrections may assess and collect room and board fees from diversion
29 center program participants at a level set by ~~the department~~ corrections."

30 SECTION 23.

31 Said title is further amended by revising subsection (a) of Code Section 42-8-36, relating to
32 a probationer's duties, as follows:

33 "(a)(1) Any other provision of this article to the contrary notwithstanding, it shall be the
34 duty of a probationer, as a condition of probation, to keep his or her probation/parole

1 supervisor informed as to his or her residence. Upon the recommendation of the
 2 probation/parole supervisor, the court may also require, as a condition of probation and
 3 under ~~such~~ any terms as the court deems advisable, that the probationer keep the
 4 probation/parole supervisor informed as to ~~his~~ the probationer's whereabouts. The failure
 5 of a probationer to report to his or her probation/parole supervisor as directed or a return
 6 of non est inventus or other return to a warrant, for the violation of the terms and
 7 conditions of probation, that the probationer cannot be found in the county that appears
 8 from the records of the probation/parole supervisor to be the probationer's county of
 9 residence shall automatically suspend the running of the probated sentence until the
 10 probationer shall personally report to the probation/parole supervisor, is taken into custody
 11 in this state, or is otherwise available to the court; and such period of time shall not be
 12 included in computing creditable time served on probation or as any part of the time that
 13 the probationer was sentenced to serve. The effective date of the tolling of the sentence
 14 shall be the date that the ~~officer~~ probation/parole supervisor returns the warrant showing
 15 non est inventus. Any officer authorized by law to issue or serve warrants may return the
 16 warrant for the absconded probationer showing non est inventus.

17 (2) In addition to the provisions of paragraph (1) of this subsection, if the probation/parole
 18 supervisor submits an affidavit to the court stating that a probationer has absconded and
 19 cannot be found, the running of the probated sentence shall be suspended effective on the
 20 date such affidavit is submitted to the court and continuing until the probationer shall
 21 personally report to the probation/parole supervisor, is taken into custody in this state, or
 22 is otherwise available to the court."

23 SECTION 24.

24 Said title is further amended by revising subsection (b) of Code Section 42-8-37, relating to
 25 terminating and reviewing probation cases, as follows:

26 "(b) Upon the request of the chief judge of the court from which ~~said~~ a person was
 27 sentenced, the case of each person receiving a probated sentence of more than two years
 28 shall be reviewed by the probation/parole supervisor responsible for that case after service
 29 of two years on probation, and a written report of the probationer's progress shall be
 30 submitted to the sentencing court along with the supervisor's recommendation as to early
 31 termination. Upon the request of the chief judge of the court from which said person was
 32 sentenced, each such case shall be reviewed and a written report submitted annually
 33 thereafter, or more often if required, until the termination, expiration, or other disposition
 34 of the case."

35 SECTION 25.

1 Said title is further amended by revising subsections (a) and (d) of Code Section 42-8-38,
2 relating to the procedures in probation revocation matters, as follows:

3 "(a) Whenever, within the period of probation, a probation/parole supervisor believes that
4 a probationer under his or her supervision has violated ~~his~~ the terms of probation in a
5 material respect, ~~he~~ the probation/parole supervisor may arrest the probationer without
6 warrant, wherever found, and return ~~him~~ the probationer to the court granting the probation
7 or, if under supervision in a county or judicial circuit other than that of conviction, to a court
8 of equivalent original criminal jurisdiction within the county wherein the probationer resides
9 for purposes of supervision. Any officer authorized by law to issue warrants may issue a
10 warrant for the arrest of the probationer upon the affidavit of one having knowledge of the
11 alleged violation, returnable forthwith before the court in which revocation proceedings are
12 being brought."

13 "(d) In cases where the probation is revoked in a county other than the county of original
14 conviction, the clerk of court in the county revoking probation may record the order of
15 revocation in the judge's minute docket, which recordation shall constitute sufficient
16 permanent record of the proceedings in that court. The clerk shall send one copy of the
17 order revoking probation to ~~the department~~ corrections to serve as a temporary commitment
18 and shall send the original order revoking probation and all other papers pertaining thereto
19 to the county of original conviction to be filed with the original records. The clerk of court
20 of the county of original conviction shall then issue a formal commitment to ~~the department~~
21 corrections."

22 **SECTION 26.**

23 Said title is further amended by revising Code Section 42-8-42, relating to the provision of
24 office space and clerical help by the Department of Corrections and counties, as follows:

25 "42-8-42.

26 ~~The department~~ Corrections may provide office space and clerical help wherever needed.
27 The counties of this state shall cooperate in this respect and, wherever possible, shall furnish
28 office space if needed."

29 **SECTION 27.**

30 Said title is further amended by revising subsections (b) and (c) of Code Section 42-8-72,
31 relating to community service as a condition of probation, as follows:

32 "(b) The judge may confer with the prosecutor, defense attorney, probation/parole
33 supervisor, community service officer, or other interested persons to determine if the
34 community service program is appropriate for an offender. If community service is ordered
35 as a condition of probation, the court shall order:

1 (1) Not less than 20 hours nor more than 250 hours in cases involving traffic or ordinance
2 violations or misdemeanors, said service to be completed within one year; or

3 (2) Not less than 20 hours nor more than 500 hours in felony cases, said service to be
4 completed within three years.

5 (c)(1) Any agency may recommend to the court that certain disabled persons are in need
6 of a live-in attendant. The judge shall confer with the prosecutor, defense attorney,
7 probation/parole supervisor, community service officer, or other interested persons to
8 determine if a community service program involving a disabled person is appropriate for
9 an offender. If community service as a live-in attendant for a disabled person is deemed
10 appropriate and if both the offender and the disabled person consent to such service, the
11 court may order such live-in community service as a condition of probation but for no
12 longer than two years.

13 (2) The agency shall be responsible for coordinating the provisions of the cost of food or
14 other necessities for the offender which the disabled person is not able to provide. The
15 agency, with the approval of the court, shall determine a schedule which will provide the
16 offender with certain free hours each week.

17 (3) Such live-in arrangement shall be terminated by the court upon the request of the
18 offender or the disabled person. Upon termination of such an arrangement, the court shall
19 determine if the offender has met the conditions of probation.

20 (4) The appropriate agency shall make personal contact with the disabled person on a
21 frequent basis to ensure the safety and welfare of the disabled person."

22 SECTION 28.

23 Said title is further amended by revising subsection (b) of Code Section 42-8-111, relating to
24 court ordered installation of ignition interlock devices, as follows:

25 "(b) Any resident of this state who is ordered to use an ignition interlock device, as a
26 condition of probation, shall complete the DUI Alcohol or Drug Use Risk Reduction
27 Program and submit to the court or ~~probation department~~ Department of Probation/Parole
28 Community Based Supervision a certificate of completion of the DUI Alcohol or Drug Use
29 Risk Reduction Program and certification of installation of a certified ignition interlock
30 device to the extent required by subsection (a) of this Code section."

31 SECTION 29.

32 Said title is further amended by revising subsection (a) of Code Section 42-8-114, relating to
33 specifying providers for ignition interlock devices, as follows:

34 "(a) No judicial officer, probation officer, probation/parole supervisor, law enforcement
35 officer, or other officer or employee of a court; person who owns, operates, or is employed

1 by a private company which has contracted to provide private probation services for
 2 misdemeanor cases; or professional bondsman or agent or employee thereof shall specify,
 3 directly or indirectly, a particular provider center which the person may or shall utilize when
 4 use of an ignition interlock device is required. This subsection shall not prohibit any judicial
 5 officer, probation officer, probation/parole supervisor, law enforcement officer, or other
 6 officer or employee of a court; owner, operator, or employee of a private company which
 7 has contracted to provide probation services for misdemeanor cases; or professional
 8 bondsman or agent or employee thereof from furnishing any person, upon request, the names
 9 of certified provider centers."

10 SECTION 30.

11 Said title is further amended by revising Code Section 42-8-116, relating to warning labels for
 12 ignition interlock devices, as follows:

13 "42-8-116.

14 The providers certified by the Department of Driver Services shall design and adopt pursuant
 15 to regulations of the ~~department~~ Department of Driver Services a warning label which shall
 16 be affixed to each ignition interlock device upon installation. The label shall contain a
 17 warning that any person tampering, circumventing, or otherwise misusing the device is guilty
 18 of a misdemeanor and may be subject to civil liability."

19 SECTION 31.

20 Said title is further amended by revising Code Section 42-9-3, relating to definitions related
 21 to the State Board of Pardons and Paroles, as follows:

22 "42-9-3.

23 As used in this chapter, the term:

24 (1) 'Board' ~~'board'~~ means the State Board of Pardons and Paroles.

25 (2) 'Department' means the Department of Probation/Parole Community Based
 26 Supervision.

27 (3) 'Split sentence' means any felony sentence that includes a term of imprisonment
 28 followed by a term of probation."

29 SECTION 32.

30 Said title is further amended by revising Code Section 42-9-20, relating to general powers and
 31 duties of the State Board of Pardons and Paroles, as follows:

32 "42-9-20.

33 (a) In all cases in which the chairman of the board or any other member designated by the
 34 board has suspended the execution of a death sentence to enable the full board to consider

1 and pass on same, it shall be mandatory that the board act within a period not exceeding 90
 2 days from the date of the suspension order. In the cases which the board has power to
 3 consider, the board shall be charged with the duty of determining which inmates serving
 4 sentences imposed by a court of this state may be released on pardon or parole and fixing the
 5 time and conditions thereof. The board shall also be charged with the duty of supervising all
 6 persons placed on parole, of determining violations thereof and of taking action with
 7 reference thereto, of making ~~such~~ investigations as may be necessary, and of aiding parolees
 8 or probationers in securing employment. It shall be the duty of the board personally to study
 9 the cases of those inmates whom the board has power to consider so as to determine their
 10 ultimate fitness for ~~such~~ relief as the board has power to grant. The board by an affirmative
 11 vote of a majority of its members shall have the power to commute a sentence of death to
 12 one of life imprisonment.

13 (b) With respect to inmates sentenced under split sentences entered on or after July 1, 2007,
 14 and all persons paroled or otherwise released by the board prior to completion of his or her
 15 sentence on or after July 1, 2007, the board shall have no duty to supervise inmates who have
 16 been paroled or otherwise released prior to completion of their sentence of confinement.
 17 Supervision of inmates paroled, released, or released from split sentence confinement shall
 18 be through an increase in their period of probation, as provided in Code Section 17-10-1.3.
 19 Any reference elsewhere in this chapter to duties of the board with respect to supervision of
 20 parolees and other persons released from confinement shall not include inmates released
 21 from confinement on or after July 1, 2007."

22 SECTION 33.

23 Said title is further amended by revising Code Section 42-9-21, relating to supervision of
 24 persons placed on parole or other conditional release, as follows:

25 "42-9-21.

26 (a) The board shall have the function and responsibility of supervising all persons placed on
 27 parole or other conditional release by the board prior to July 1, 2007. On and after July 1,
 28 2007, the department shall have the function and responsibility of supervising all persons
 29 placed on parole or other conditional release by the board.

30 (b) The board ~~is~~ and the department are authorized to maintain and operate or to enter into
 31 memoranda of agreement or other written documents evidencing contracts with other state
 32 agencies, persons, or any other entities for transitional or intermediate or other services or
 33 for programs deemed by the board or the department to be necessary for parolees or others
 34 conditionally released from imprisonment by order of the board and to require as a condition
 35 of relief that the offender pay directly to the provider a reasonable fee for said services or
 36 programs.

1 (c) In all cases where restitution is applicable, the board or department shall collect during
 2 the parole period those sums determined to be owed to the victim."

3 **SECTION 34.**

4 Said title is further amended by revising subsection (d) of Code Section 42-9-42, relating to
 5 procedure for granting relief from sentence, conditions, and violations of parole, as follows:

6 "(d)(1) Any person who is paroled shall be released on ~~such~~ the terms and conditions as
 7 the board shall prescribe. The board shall diligently see that no peonage is allowed in the
 8 guise of parole relationship ~~or supervision~~. The parolee shall remain in the legal custody
 9 of the board until the expiration of the maximum term specified in ~~his~~ the parolee's
 10 sentence or until ~~he~~ the parolee is pardoned by the board and shall be supervised during this
 11 period of time by the department.

12 (2) The board may require the payment of a parole supervision fee of at least \$10.00 per
 13 month as a condition of parole or other conditional release. The monthly amount shall be
 14 set by rule of the board and shall be uniform state wide. The board may require or the
 15 parolee or person under conditional release may request that up to 24 months of the
 16 supervision fee be paid in advance of the time to be spent on parole or conditional release.
 17 In such cases, any advance payments are nonreimbursable in the event of parole or
 18 conditional release revocation or if parole or conditional release is otherwise terminated
 19 prior to the expiration of the sentence being served on parole or conditional release. ~~Such~~
 20 The fees shall be collected by ~~the board to~~ a probation/parole supervisor and shall be paid
 21 into the general fund of the state treasury."

22 **SECTION 35.**

23 Said title is further amended by revising Code Section 42-9-44, relating to terms and
 24 conditions of parole and violation of parole, as follows:

25 "42-9-44.

26 (a) The board, upon placing a person on parole, shall specify in writing the terms and
 27 conditions thereof. A certified copy of the conditions shall be given to the parolee.
 28 Thereafter, a copy shall be sent to the clerk of the court in which the person was convicted.
 29 The board shall adopt general rules concerning the terms and conditions of parole and
 30 concerning what shall constitute a violation thereof and shall make special rules to govern
 31 particular cases. The rules, both general and special, may include, among other things, a
 32 requirement that the parolee shall not leave this state or any definite area in this state without
 33 the consent of the board; that the parolee shall contribute to the support of his or her
 34 dependents to the best of the parolee's ability; that the parolee shall make reparation or
 35 restitution for his or her crime; that the parolee shall abandon evil associates and ways; and

1 that the parolee shall carry out the instructions of his or her probation/parole supervisor, and,
 2 in general, so comport himself or herself as the ~~parolee's~~ supervisor shall determine. A
 3 violation of the terms of parole may render the parolee liable to arrest and a return to a penal
 4 institution to serve out the term for which the parolee was sentenced.

5 (b) Each parolee who does not have a high school diploma or a general educational
 6 development equivalency diploma (GED) shall be required as a condition of parole to obtain
 7 a high school diploma or general educational development equivalency diploma (GED) or
 8 to pursue a trade at a ~~vocational or technical school~~ college. Any such parolee who
 9 demonstrates to the satisfaction of the board an existing ability or skill which does in fact
 10 actually furnish the parolee a reliable, regular, and sufficient income shall not be subject to
 11 this provision. Any parolee who is determined by the ~~Department of Corrections~~ department
 12 or the board to be incapable of completing such requirements shall only be required to
 13 attempt to improve ~~their~~ his or her basic educational skills. Failure of any parolee subject
 14 to this requirement to attend the necessary schools or courses or to make reasonable
 15 progress toward fulfillment of such requirement shall be grounds for revocation of parole.
 16 The board shall establish regulations regarding reasonable progress as required by this
 17 subsection. This subsection shall apply to paroles granted on or after July 1, 1995."

18 SECTION 36.

19 Said title is further amended by revising subsection (d) of Code Section 42-9-48, relating to
 20 arrest of parolee or conditional release violator, as follows:

21 "(d) Any probation/parole supervisor, when he or she has reasonable ground to believe that
 22 a parolee or conditional releasee has violated the terms or conditions of his or her parole or
 23 conditional release in a material respect, shall notify the board or some member thereof; and
 24 proceedings shall thereupon be had as provided in this Code section."

25 SECTION 37.

26 Said title is further amended by revising Code Section 42-9-57, relating to the effect of parole
 27 on probation and the board's cooperation with local agencies, as follows:

28 "42-9-57.

29 Nothing contained in this chapter shall be construed as repealing any power given to any
 30 court of this state to place offenders on probation or to supervise the same nor any power
 31 of any probation agency set up in any county of ~~the~~ this state in conjunction with the courts.
 32 The board shall be authorized to cooperate with any such agencies; ~~except that it~~ and
 33 specifically with the department for purposes of supervising parolees and persons released
 34 pursuant to conditional release. The board shall not assume or pay any financial obligations
 35 thereof. ~~The board shall also be authorized to cooperate with the courts for the probation of~~

1 ~~offenders in those counties in which there is no existing probation agency, when a court so~~
 2 ~~requests~~ of other agencies but shall share appropriately in the financial obligation of the
 3 department for purposes of supervision needs of the board."

4 **SECTION 38.**

5 Said title is further amended by revising subsection (b) of Code Section 42-9-90, relating to
 6 application fee required for parolee transfer consideration, as follows:

7 "(b) The ~~Department of Corrections~~ department and the ~~State Board of Pardons and Paroles~~
 8 board are authorized to require any nonindigent ~~adult~~ offender to pay a \$25.00 application
 9 fee when applying to transfer his or her supervision from Georgia to any other state or
 10 territory pursuant to the provisions of Articles 3 and 4 of this chapter."

11 **SECTION 39.**

12 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 13 amended by revising subsection (b) of Code Section 16-6-5.1, relating to sexual assaults
 14 against persons in custody, detained, in hospitals, or involved in psychotherapy, as follows:

15 "(b) A probation/parole supervisor or ~~parole~~ probation officer or other custodian or
 16 supervisor of another person referred to in this Code section commits sexual assault when
 17 he or she engages in sexual contact with another person who is a probationer or parolee under
 18 the supervision of said probation/parole supervisor or ~~parole~~ probation officer or who is in
 19 the custody of law or who is enrolled in a school or who is detained in or is a patient in a
 20 hospital or other institution and such actor has supervisory or disciplinary authority over
 21 such other person. A person convicted of sexual assault shall be punished by imprisonment
 22 for not less than ten nor more than 30 years; provided, however, that any person convicted
 23 of the offense of sexual assault under this subsection of a child under the age of 14 years
 24 shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person
 25 convicted under this subsection of the offense of sexual assault shall, in addition, be subject
 26 to the sentencing and punishment provisions of Code Section 17-10-6.2."

27 **SECTION 40.**

28 Said title is further amended by revising subsection (b) of Code Section 16-10-24, relating to
 29 obstructing or hindering law enforcement officers, as follows:

30 "(b) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement
 31 officer, prison guard, correctional officer, probation/parole supervisor, ~~parole supervisor,~~
 32 or conservation ranger in the lawful discharge of his or her official duties by offering or
 33 doing violence to the person of such officer or legally authorized person is guilty of a felony

1 and shall, upon conviction thereof, be punished by imprisonment for not less than one nor
2 more than five years."

3 **SECTION 41.**

4 Said title is further amended by revising subsection (a) of Code Section 16-10-33, relating to
5 removal or attempted removal of a weapon from a public official and punishment therefor, as
6 follows:

7 "(a) It shall be unlawful for any person knowingly to remove or attempt to remove a firearm,
8 chemical spray, or baton from the possession of another person if:

9 (1) The other person is lawfully acting within the course and scope of employment; and

10 (2) The person has knowledge or reason to know that the other person is employed as:

11 (A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;

12 (B) A probation officer, or other employee with the power of arrest, by the Department
13 of ~~Corrections~~ Probation/Parole Community Based Supervision;

14 (C) A probation/parole supervisor, or other employee with the power of arrest, by the
15 ~~State Board of Pardons and Paroles~~ Department of Probation/Parole Community Based
16 Supervision;

17 (D) A jail officer or guard by a county or municipality and has the responsibility of
18 supervising inmates who are confined in a county or municipal jail or other detention
19 facility; or

20 (E) A juvenile correctional officer by the Department of Juvenile Justice and has the
21 primary responsibility for the supervision and control of youth confined in such
22 department's programs and facilities."

23 **SECTION 42.**

24 Said title is further amended by revising subsection (d) of Code Section 16-11-37, relating to
25 terroristic threats and acts and penalties therefor, as follows:

26 "(d) A person who commits or attempts to commit a terroristic threat or act with the intent
27 to retaliate against any person for:

28 (1) Attending a judicial or administrative proceeding as a witness, attorney, judge, or party
29 or producing any record, document, or other object in a judicial or official proceeding; or

30 (2) Providing to a law enforcement officer, adult probation/parole supervisor or juvenile
31 probation officer, prosecuting attorney, or judge any information relating to the
32 commission or possible commission of an offense under the laws of this state or of the
33 United States or a violation of conditions of bail, pretrial release, probation, or parole

34 shall be guilty of the offense of a terroristic threat or act and, upon conviction thereof, shall
35 be punished, for a terroristic threat, by imprisonment for not less than five nor more than ten

1 years or by a fine of not less than \$50,000.00, or both, and, for a terroristic act, by
 2 imprisonment for not less than five nor more than 20 years or by a fine of not less than
 3 \$100,000.00, or both."

4 **SECTION 43.**

5 Said title is further amended by revising paragraph (1) of Code Section 16-11-124, relating to
 6 exemptions from application of the "Georgia Firearms and Weapons Act," as follows:

7 "(1) A peace officer of any duly authorized police agency of this state or of any political
 8 subdivision thereof, or a law enforcement officer of any department or agency of the
 9 United States who is regularly employed and paid by the United States, this state, or any
 10 such political subdivision, ~~or~~ an employee of the Department of Corrections of this state
 11 who is authorized in writing by the commissioner of corrections to transfer or possess
 12 such firearms while in the official performance of his or her duties, or an employee of the
 13 Department of Probation/Parole Community Based Supervision of this state who is
 14 authorized in writing by the director of the Department of Probation/Parole Community
 15 Based Supervision to transfer or possess such firearms while in the official performance
 16 of his or her duties;".

17 **SECTION 44.**

18 Said title is further amended by revising paragraph (12) of subsection (c) of Code Section
 19 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or
 20 on school property, as follows:

21 "(12) Probation supervisors employed by and under the authority of the Department of
 22 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
 23 Probation Act,' when specifically designated and authorized in writing by the director of
 24 the Division of Probation or an employee of the Department of Probation/Parole
 25 Community Based Supervision of this state who is authorized in writing by the director of
 26 the Department of Probation/Parole Community Based Supervision to transfer or possess
 27 such firearms while in the official performance of his or her duties;".

28 **SECTION 45.**

29 Said title is further amended by revising subsections (a) and (b) of Code Section 16-11-130,
 30 relating to certain exemptions concerning carrying weapons, as follows:

31 "(a) Code Sections 16-11-126 through 16-11-128 shall not apply to or affect any of the
 32 following persons if such persons are employed in the offices listed below or when
 33 authorized by federal or state law, regulations, or order:

- 1 (1) Peace officers, as such term is defined in paragraph (11) of Code Section 16-1-3, and
 2 retired peace officers so long as they remain certified whether employed by the state or
 3 a political subdivision of the state or another state or a political subdivision of another state
 4 but only if such other state provides a similar privilege for the peace officers of this state;
- 5 (2) Wardens, superintendents, and keepers of correctional institutions, jails, or other
 6 institutions for the detention of persons accused or convicted of an offense;
- 7 (3) Persons in the military service of the state or of the United States;
- 8 (4) Persons employed in fulfilling defense contracts with the government of the United
 9 States or agencies thereof when possession of the weapon is necessary for manufacture,
 10 transport, installation, and testing under the requirements of such contract;
- 11 (5) District attorneys, investigators employed by and assigned to a district attorney's
 12 office, assistant district attorneys, attorneys employed by the Prosecuting Attorneys'
 13 Council of Georgia, and any retired district attorney, assistant district attorney, or district
 14 attorneys investigator if such retired employee is receiving benefits under Title 47 or is
 15 retired in good standing and receiving benefits from a county or municipal retirement
 16 system;
- 17 (6) State court solicitors-general; investigators employed by and assigned to a state court
 18 solicitor-general's office; assistant state court solicitors-general; the corresponding
 19 personnel of any city court expressly continued in existence as a city court pursuant to
 20 Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the
 21 corresponding personnel of any civil court expressly continued as a civil court pursuant to
 22 said provision of the Constitution;
- 23 (7) Those employees of the State Board of Pardons and Paroles when specifically
 24 designated and authorized in writing by the members of the State Board of Pardons and
 25 Paroles to carry a weapon and those employees of the Department of Probation/Parole
 26 Community Based Supervision of this state who are authorized in writing by the director
 27 of the Department of Probation/Parole Community Based Supervision to transfer or
 28 possess such firearms while in the official performance of their duties;
- 29 (8) The Attorney General and those members of his or her staff whom he or she
 30 specifically authorizes in writing to carry a weapon;
- 31 (9) Chief probation officers, probation officers, intensive probation officers, and
 32 surveillance officers employed by and under the authority of the Department of
 33 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
 34 Probation Act,' when specifically designated and authorized in writing by the director of
 35 Division of Probation;
- 36 (10) Public safety directors of municipal corporations;

1 (11) Explosive ordnance disposal technicians, as such term is defined by Code Section
 2 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle animals
 3 trained to detect explosives, while in the performance of their duties;

4 (12) State and federal trial and appellate judges, full-time and permanent part-time judges
 5 of municipal and city courts, and former state trial and appellate judges retired from their
 6 respective offices under state retirement;

7 (13) United States Attorneys and Assistant United States Attorneys;

8 (14) County medical examiners and coroners and their sworn officers employed by county
 9 government; and

10 (15) Clerks of the superior courts.

11 (b) Code Sections 16-11-126 through 16-11-128 shall not apply to or affect persons who
 12 at the time of their retirement from service with the Department of Corrections were chief
 13 probation officers, probation officers, intensive probation officers, or surveillance officers,
 14 when specifically designated and authorized in writing by the director of Division of
 15 Probation or were probation/parole supervisors of the Department of Probation/Parole
 16 Community Based Supervision of this state when specifically designated and authorized in
 17 writing by the director of the Department of Probation/Parole Community Based
 18 Supervision."

19 SECTION 46.

20 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended
 21 by revising subsection (a) of Code Section 17-10-1, relating to fixing and modification of
 22 sentences, as follows:

23 "(a)(1) Except in cases in which life imprisonment, life without parole, or the death penalty
 24 may be imposed, upon a verdict or plea of guilty in any case involving a misdemeanor or
 25 felony, and after a presentence hearing, the judge fixing the sentence shall prescribe a
 26 determinate sentence for a specific number of months or years which shall be within the
 27 minimum and maximum sentences prescribed by law as the punishment for the crime. The
 28 judge imposing the sentence is granted power and authority to suspend or probate all or any
 29 part of the entire sentence under such rules and regulations as the judge deems proper,
 30 including service of a probated sentence in the sentencing options system, as provided by
 31 Article 9 of Chapter 8 of Title 42, and including the authority to revoke the suspension or
 32 probation when the defendant has violated any of the rules and regulations prescribed by
 33 the court, even before the probationary period has begun, subject to the conditions set out
 34 in this subsection; provided, however, that such action shall be subject to the provisions of
 35 Code Sections 17-10-6.1 and 17-10-6.2.

1 (2) Probation supervision shall terminate in all cases no later than two years from the
 2 commencement of probation supervision unless specially extended or reinstated by the
 3 sentencing court upon notice and hearing and for good cause shown; provided, however,
 4 that, in those cases involving the collection of fines, restitution, or other funds, the period
 5 of supervision shall remain in effect for so long as any ~~such~~ obligation is outstanding, or
 6 until termination of the sentence, whichever first occurs; and provided, further, that, where
 7 a period of postincarceration probation is increased as a result of parole or other release
 8 as provided in Code Section 17-10-1.3, the otherwise applicable two-year maximum shall
 9 be increased by the amount of time for which the period of postincarceration probation is
 10 increased. Probation supervision shall not be required for defendants sentenced to
 11 probation while the defendant is in the legal custody of the Department of Corrections ~~or~~
 12 ~~the State Board of Pardons and Paroles.~~

13 (3)(A) Any part of a sentence of probation revoked for a violation other than a
 14 subsequent commission of any felony, a violation of a special condition, or a
 15 misdemeanor offense involving physical violence resulting in bodily injury to an innocent
 16 victim which in the opinion of the trial court constitutes a danger to the community or
 17 a serious infraction occurring while the defendant is assigned to an alternative probation
 18 confinement facility shall be served in a probation detention center, probation boot camp,
 19 diversion center, weekend lock up, or confinement in a local jail or detention facility, or
 20 other community correctional alternatives available to the court or provided by the
 21 Department of Corrections.

22 (B) A parolee or probationer charged with a misdemeanor involving physical injury or
 23 an attempt to commit physical injury or terroristic threats or with a new felony shall not
 24 be entitled to bond pending a hearing on the revocation of his or her parole or probation,
 25 except by order of a judge of the superior, state, or magistrate court wherein the alleged
 26 new offense occurred after a hearing and upon determination of the superior, state, or
 27 magistrate court that the parolee or probationer does not constitute a threat to the
 28 community; provided, however, that this subparagraph does not authorize state or
 29 magistrate court judges to grant bail for a person charged with any offense listed in
 30 subsection (a) of Code Section 17-6-1.

31 (4) In cases of imprisonment followed by probation, the sentence shall specifically
 32 provide that the period of probation shall not begin until the defendant has completed
 33 service of the confinement portion of the sentence or been released from confinement by
 34 the State Board of Pardons and Paroles as provided in Code Section 17-10-1.3. ~~No~~ With
 35 respect to a sentence entered prior to July 1, 2007, no revocation of any part of a probated
 36 sentence shall be effective while a defendant is in the legal custody of the State Board of
 37 Pardons and Paroles.

1 (5)(A) Where a defendant has been sentenced to probation, the court shall retain
 2 jurisdiction throughout the period of the probated sentence as provided for in subsection
 3 (g) of Code Section 42-8-34. Without limiting the generality of the foregoing, the court
 4 may shorten the period of probation on motion of the defendant or on its own motion, if
 5 the court determines that probation is no longer necessary or appropriate for the ends of
 6 justice, the protection of society, and the rehabilitation of the defendant. Prior to
 7 entering any order for shortening a period of probation, the court shall afford notice to
 8 the victim or victims of all sex related offenses or violent offenses resulting in serious
 9 bodily injury or death, and, upon request of the victim or victims so notified, shall afford
 10 notice and an opportunity for hearing to the defendant and the prosecuting attorney.

11 (B) The Department of ~~Corrections~~ Probation/Parole Community Based Supervision
 12 shall establish a form document which shall include the elements set forth in this Code
 13 section concerning notification of victims and shall make copies of such form available
 14 to prosecuting attorneys in the state. When requested by the victim, the form document
 15 shall be provided to the victim by the prosecuting attorney. The form shall include the
 16 address of the probation/parole community based supervision office having jurisdiction
 17 over the case and contain a statement that the victim must maintain a copy of his or her
 18 address with the probation/parole community based supervision office and must notify
 19 the office of any change of address in order to maintain eligibility for notification by the
 20 Department of ~~Corrections~~ Probation/Parole Community Based Supervision as required
 21 in this Code section.

22 (6)(A) Except as otherwise authorized by law, no court shall modify, suspend, probate,
 23 or alter a previously imposed sentence so as to reduce or eliminate a period of
 24 incarceration or probation and impose a financial payment which:

25 (i) Exceeds the statutorily specified maximum fine, plus all penalties, fees, surcharges,
 26 and restitution permitted or authorized by law; or

27 (ii) Is to be made to an entity which is not authorized by law to receive fines, penalties,
 28 fees, surcharges, or restitution.

29 (B) The prohibitions contained in this paragraph shall apply regardless of whether a
 30 defendant consents to the modification, suspension, probation, or alteration of such
 31 defendant's sentence and the imposition of such payment.

32 (C) Nothing in this paragraph shall prohibit or prevent a court from requiring, as a
 33 condition of suspension, modification, or probation of a sentence in a criminal case
 34 involving child abandonment, that the defendant pay all or a portion of child support
 35 which is owed to the custodial parent of a child which is the subject of such case."

36 **SECTION 47.**

1 Said title is further amended by adding immediately after Code Section 17-10-1.2, relating to
2 oral victim impact statements, a new Code Section 17-10-1.3 to read as follows:

3 "17-10-1.3.

4 (a) As used in this Code section, the term 'split sentence' means any felony sentence that
5 includes a term of imprisonment followed by a term of probation.

6 (b) In any case where a judge on or after July 1, 2007, sentences a defendant to a split
7 sentence, postincarceration supervision of the defendant shall be conducted exclusively by
8 the Department of Probation/Parole Community Based Supervision and not by the State
9 Board of Pardons and Paroles, regardless of whether the defendant has served the full period
10 of incarceration ordered in the sentence or has been released prior to the full period of
11 incarceration by parole, conditional release, or other action of the State Board of Pardons
12 and Paroles.

13 (c) Any split sentence order entered on or after July 1, 2007, shall provide that the
14 postincarceration period of probation ordered in the sentence shall be increased by an
15 amount of time equal to any amount of time by which the period of incarceration is
16 decreased by the State Board of Pardons and Paroles. Such increased portion of the period
17 of probation shall run concurrently with the period of time by which the period of
18 incarceration was decreased and shall commence upon the defendant's release from
19 incarceration. Any split sentence order entered on or after July 1, 2007, which by its terms
20 fails to so provide for the increased period of probation shall be deemed to so provide by
21 operation of law.

22 (d) In any case where a judge on or after July 1, 2007, sentences a defendant for a felony
23 offense to straight probation or to an alternative probation confinement facility, supervision
24 of the defendant shall be conducted exclusively by the Department of Probation/Parole
25 Community Based Supervision and not by the state-wide probation system.

26 (e) Nothing in this Code section shall apply to or affect any case in which a pardon is granted
27 by the State Board of Pardons and Paroles."

28 **SECTION 48.**

29 Said title is further amended by revising subsection (a) of Code Section 17-10-6, relating to
30 sentence review for sentences of imprisonment exceeding 12 years, as follows:

31 "(a) In any case, except cases in which the death penalty is imposed or cases involving a
32 serious violent felony as defined in subsection (a) of Code Section 17-10-6.1, in which a
33 sentence of 12 or more years, or several consecutive sentences which total 12 or more
34 years, has been fixed and imposed by a judge, without a jury, the defendant shall have the right
35 to have the sentence or sentences reviewed by a panel of three superior court judges to
36 determine whether the sentence or sentences so imposed are excessively harsh.

1 Consideration shall be given in the review to the nature of the crime for which the defendant
 2 has been convicted and to the defendant's prior criminal record. Any defendant seeking a
 3 review of such sentence or sentences shall make application therefor within 30 days of the
 4 date on which the sentence was imposed by a judge of the superior court or after the
 5 remittitur from the Court of Appeals or Supreme Court affirming the conviction is made the
 6 judgment of the sentencing court, whichever occurs last. The application shall be filed with
 7 the clerk of the superior court in which the sentence was imposed. Upon the filing of an
 8 application the clerk shall transmit the same to the three-judge panel created under this Code
 9 section within ten days of the date on which the application was filed. For such service, the
 10 clerk shall receive the fees prescribed in Code Section 15-6-77 from the funds of the
 11 county, except where the clerk is on a salary. It shall be the duty of the judge imposing the
 12 sentence and any ~~probation officer~~ probation/parole supervisor to transmit, within ten days
 13 of the filing of an application for review of a sentence, a copy of any presentence or
 14 postsentence report prepared by the ~~probation officer~~ probation/parole supervisor, including
 15 the record of the defendant, to the three-judge panel."

16 SECTION 49.

17 Said title is further amended by revising subsections (c) and (d) of Code Section 17-10-9.1,
 18 relating to voluntary surrender to county jail or correctional institution and release of
 19 defendant, as follows:

20 "(c) When a defendant submits a request to the sentencing judge to be allowed to surrender
 21 voluntarily to a county jail or a correctional facility, the judge may consider the request and
 22 if, taking into the consideration the crime for which the defendant is being sentenced, the
 23 history of the defendant, and any other factors which may aid in the decision, the judge
 24 determines that the granting of the request will pose no threat to society, the defendant shall
 25 be remanded to the supervision of a ~~probation officer~~ probation/parole supervisor by the
 26 judge and ordered to surrender voluntarily to a county jail designated by the court or to a
 27 correctional institution as thereafter designated by the Department of Corrections. The
 28 surrender date shall be a date thereafter specified as provided in subsection (d) of this Code
 29 section. The sentence of any defendant who is released pursuant to this Code section shall
 30 not begin to run until such person surrenders to the facility designated by the court or by the
 31 department, provided that such person will receive credit toward his or her sentence for time
 32 spent in confinement awaiting trial as provided in Code Section 17-10-11.

33 (d) In the event the defendant is ordered to surrender voluntarily to a county jail, the court
 34 shall designate the date on which the defendant shall surrender, which date shall not be more
 35 than 120 days after the date of conviction. When the sentencing judge issues an order
 36 requiring a defendant to surrender voluntarily to a correctional institution, the Department

1 of Corrections shall authorize the commitment and designate the correctional institution to
 2 which the defendant shall report and the date on which the defendant is to report, which date
 3 shall not be more than 120 days after the date of conviction. Upon such designation, the
 4 department shall notify the ~~supervising probation officer~~ defendant's probation/parole
 5 supervisor who shall notify the defendant accordingly. Subsistence and transportation
 6 expenses en route to the correctional institution shall be borne by the defendant."

7 SECTION 50.

8 Said title is further amended by revising Code Section 17-14-8, relating to apportionment of
 9 payments for fines and restitution, as follows:

10 "17-14-8.

11 (a) In any case in which a court sentences an offender to pay restitution and a fine, if the
 12 court permits the offender to pay such restitution and fine in other than a lump sum, the clerk
 13 of any superior court of this state, probation officer or ~~parole officer~~ probation/parole
 14 supervisor, or other official who receives such partial payments shall apply not less than
 15 one-half of each payment to the restitution before paying any portion of such fine or any
 16 forfeitures, costs, fees, or surcharges provided for by law to any agency, department,
 17 commission, committee, authority, board, or bureau of state or local government.

18 (b) The clerk of any court of this state, probation officer or ~~parole officer~~ probation/parole
 19 supervisor, or other official who receives partial payments for restitution shall pay the
 20 restitution amount to the victim as provided in the restitution order not later than the last day
 21 of each month, provided that the amount exceeds \$100.00. If the amount does not exceed
 22 \$100.00, the clerk of any court of this state, probation officer or ~~parole officer~~
 23 probation/parole supervisor, or other official may allow the amount of restitution to
 24 accumulate until such time as it exceeds \$100.00 or until the end of the next calendar
 25 quarter, whichever occurs first."

26 SECTION 51.

27 Said title is further amended by revising subsection (c) of Code Section 17-14-14, relating to
 28 restitution payments, as follows:

29 "(c) Until such time as the restitution has been paid or the sentence has been completed, the
 30 clerk of court or the probation officer or ~~parole officer~~ probation/parole supervisor assigned
 31 to the case, whoever is responsible for collecting restitution, shall review the case not less
 32 frequently than twice yearly to ensure that restitution is being paid as ordered. If the
 33 restitution was ordered to be made within a specific period of time, the case shall be
 34 reviewed at the end of the specific period of time to determine if the restitution has been
 35 paid in full. The final review shall be conducted before the sentence or probationary or

1 parole period expires. If it is determined at any review that restitution is not being paid as
 2 ordered, a written report of the violation shall be filed with the court on a form prescribed
 3 by the Council of Superior Court Clerks of Georgia."

4 **SECTION 52.**

5 Said title is further amended by revising paragraph (5) of Code Section 17-17-3, relating to
 6 definitions in the "Crime Victims' Bill of Rights," as follows:

7 "(5) 'Custodial authority' means a warden, sheriff, jailer, deputy sheriff, police officer,
 8 correctional officer, officer or employee of the Department of Corrections, Department
 9 of Probation/Parole Community Based Supervision, or the Department of Juvenile Justice,
 10 or any other law enforcement officer having actual custody of the accused."

11 **SECTION 53.**

12 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended
 13 by revising subsection (a) of Code Section 19-7-52, relating to whom child support payments
 14 are made, as follows:

15 "(a) The court may order that support payments be made to the mother or other interested
 16 party, the child support receiver, the prosecuting attorney, the probation officer, the
 17 probation/parole supervisor, or the clerk of court, provided that, in those cases where the
 18 action has been brought by the Department of Human Resources on behalf of a child, the
 19 support payment shall be made to the Department of Human Resources for distribution or
 20 to the child support receiver if the Department of Human Resources so requests."

21 **SECTION 54.**

22 Said title is further amended by revising Code Section 19-11-21, relating to payment of
 23 support to the Department of Human Resources, as follows:

24 "19-11-21.

25 Payment of support pursuant to an administrative determination or a voluntary agreement
 26 shall be made to the department. In non-TANF cases, where the department deems it
 27 appropriate, it may authorize distribution of the actual payment by other individuals,
 28 agencies, or entities and utilize certification schedules reflecting such payments or
 29 distributions which the department requires, in accordance with the federal Social Security
 30 Act, as amended. Child support which is ordered by a court pursuant to a divorce decree or
 31 in any other proceeding in which the responsible parent is required to pay support for his or
 32 her child or children, whether the proceeding is civil or criminal, shall be paid by the
 33 responsible parent, the clerk of court, the probation officer, the probation/parole supervisor,
 34 the child support receiver, or a similar official who is collecting support to the department

1 upon the department's certification that the child is a recipient of public assistance or upon
 2 the department's certification that an application has been filed with the department for
 3 enforcement of support in accordance with the provisions of the federal Social Security Act."

4 SECTION 55.

5 Said title is further amended by revising paragraph (4) of Code Section 19-13-51, relating to
 6 definitions in the "Family Violence and Stalking Protective Order Registry Act," as follows:

7 "(4) 'Law enforcement officer' means any agent or officer of this state, or a political
 8 subdivision or municipality thereof, who, as a full-time or part-time employee, is vested
 9 either expressly by law or by virtue of public employment or service with authority to
 10 enforce the criminal or traffic laws and whose duties include the preservation of public
 11 order, the protection of life and property, or the prevention, detection, or investigation of
 12 crime. Such term also includes the following: state or local officer, sheriff, deputy sheriff,
 13 dispatcher, 9-1-1 operator, police officer, prosecuting attorney, member of the State Board
 14 of Pardons and Paroles, and a hearing officer ~~and parole officer~~ or probation/parole
 15 supervisor of the ~~State Board of Pardons and Paroles,~~ and a probation officer of the
 16 ~~Department of Corrections~~ Probation/Parole Community Based Supervision."

17 SECTION 56.

18 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 19 amended by revising subsection (b) of Code Section 40-5-81, relating to attendance at driver
 20 improvement programs, as follows:

21 "(b) Whenever any person is authorized or required to attend a driver improvement clinic or
 22 DUI Alcohol or Drug Use Risk Reduction Program as a condition of any sentence imposed
 23 under this title or any ordinance enacted pursuant to this title or as a condition of the
 24 retention or restoration of the person's driving privilege, such person, in complying with
 25 such condition, shall be authorized to attend any driver improvement clinic or DUI Alcohol
 26 or Drug Use Risk Reduction Program certified under this article; and no judicial officer,
 27 probation officer, probation/parole supervisor, law enforcement officer, or other officer or
 28 employee of a court or person who owns, operates, or is employed by a private company
 29 which has contracted to provide private probation services for misdemeanor cases shall
 30 specify, directly or indirectly, a particular driver improvement clinic or DUI Alcohol or Drug
 31 Use Risk Reduction Program which the person may or shall attend. This Code section shall
 32 not prohibit any judicial officer, probation officer, probation/parole supervisor, law
 33 enforcement officer, or other officer or employee of a court or owner, operator, or
 34 employee of a private company which has contracted to provide probation services for

1 misdemeanor offenders from furnishing any person, upon request, the names of certified
2 driver improvement clinics or DUI Alcohol or Drug Use Risk Reduction Programs."

3 **SECTION 57.**

4 Said title is further amended by revising subsection (d) of Code Section 40-5-83, relating to
5 establishment and approval of driving clinics and programs and restrictions, as follows:

6 "(d) Notwithstanding the provisions of any law or rule or regulation which prohibits any
7 individual who is a probation officer or other official or employee of the probation division
8 of the Department of Corrections or a spouse of such individual from owning, operating,
9 instructing at, or being employed by a driver improvement clinic, any individual who is a
10 probation officer or other official or employee of the probation division of the Department
11 of Corrections or a spouse of such individual who owns, operates, instructs at, or is
12 employed by a driver improvement clinic on June 1, 1985, and who in all respects is and
13 remains qualified to own, operate, instruct at, or be employed by a driver improvement clinic
14 is expressly authorized to continue on and after June 1, 1985, to engage in such activities.
15 Any individual who is a probation/parole supervisor or other official or employee of the
16 Department of Probation/Parole Community Based Supervision or a spouse of such
17 individual who owns, operates, instructs at, or is employed by a driver improvement clinic
18 on June 1, 2007, and who in all respects is and remains qualified to own, operate, instruct at,
19 or be employed by a driver improvement clinic is expressly authorized to continue on and
20 after June 1, 2007, to engage in such activities. No person who owns, operates, or is
21 employed by a private company which has contracted to provide probation services for
22 misdemeanor cases shall be authorized to own, operate, be an instructor at, or be employed
23 by a driver improvement clinic or a DUI Alcohol or Drug Use Risk Reduction Program."

24 **SECTION 58.**

25 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
26 is amended by revising subsection (e) of Code Section 45-7-9, relating to compensation for
27 line-of-duty injuries to full-time state employees and exceptions, as follows:

28 "(e) Any employee of the Department of Corrections, employee of the State Board of
29 Pardons and Paroles, employee of the Department of Probation/Parole Community Based
30 Supervision, employee of the Department of Natural Resources, employee of the
31 Department of Revenue, or law enforcement officer who qualifies for disability allowances
32 pursuant to Code Section 47-2-221 shall not be entitled to any benefits provided in this Code
33 section."

34 **SECTION 59.**

1 Said title is further amended by revising paragraph (8) of Code Section 45-9-81, relating to
2 definitions concerning the Georgia State Indemnification Fund, as follows:

3 "(8) 'Prison guard' means any person employed by the state or any political subdivision
4 thereof whose principal duties relate to the supervision and incarceration of persons
5 accused or convicted of the violation of the criminal laws of this state or any political
6 subdivision thereof. Such term shall also mean any probation/parole supervisor or parole
7 officer who is required to be certified under Chapter 8 of Title 35, the 'Georgia Peace
8 Officer Standards and Training Act,' and whose principal duties directly relate to the
9 supervision of adult probationers or adult parolees. Such term also means any person
10 employed by the state or any political subdivision thereof whose principal duties include
11 the supervision of youth who are charged with or adjudicated for an act which if committed
12 by adults would be considered a crime."

13 **SECTION 60.**

14 This Act shall become effective July 1, 2007, and shall apply with respect to sentences entered
15 on or after that date.

16 **SECTION 61.**

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